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КОМИССИЯ ПО ПРАВАМ ЧЕЛОВЕКА

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Пункт 9 а) повестки дня

ВОПРОС О НАРУШЕНИИ ПРАВ ЧЕЛОВЕКА И ОСНОВНЫХ СВОБОД
В ЛЮБОЙ ЧАСТИ МИРА, ВКЛЮЧАЯ:

ВОПРОС О ПРАВАХ ЧЕЛОВЕКА НА КИПРЕ

Письмо Постоянного представителя Турции при Отделении Организации
Объединенных Наций в Женеве от 18 апреля 2001 года на имя Верховного
комиссара Организации Объединенных Наций по правам человека

Настоящим имею честь препроводить письмо министра иностранных дел и обороны Турецкой Республики Северного Кипра Его Превосходительства г-на Тахсина Эртугрулогу от 9 апреля 2001 года на Ваше имя.

Буду признателен за распространение этого письма* в качестве официального документа пятьдесят седьмой сессии Комиссии по правам человека по пункту 9 а) повестки дня.

Подпись:

Мурат СУНГАР
Посол
Постоянный представитель

* Воспроизводится в полученном виде, только на том языке, на котором оно было представлено.

Annex



TURKISH REPUBLIC OF NORTHERN CYPRUS
MINISTRY OF FOREIGN AFFAIRS AND DEFENCE
(Lefkoşa via Mersin-10, Turkey)

9 April 2001

Madame High Commissioner,

I have the honour to refer to the letter dated 2 January 2001 addressed to you by the Greek Cypriot representative in Geneva, Mr. Alexandros Vikis, in connection with the arrest and detention by the Turkish Cypriot police of Greek Cypriot national Mr. Fanicos Tsiakoumas (E/CN.4/2001/129 of 20 February 2001). We regret the fact that a purely criminal legal matter has been typically internationalised by the Greek Cypriot administration for political gain.

I wish to stress, at the outset, that there is no "occupation" in Cyprus as alleged by the Greek Cypriot representative, but a lawful presence based on international treaties. Turkey's intervention in Cyprus was undertaken in accordance with her rights and obligations under the Treaty of Guarantee of 1960 and the Turkish forces are in Cyprus with the full consent of the Turkish Cypriot people who, by exercising their inherent right to self-determination, established the Turkish Republic of Northern Cyprus (TRNC) in November 1983, twenty years after having been left stateless by the Greek Cypriots. It should be understood that the presence of the Turkish forces in Northern Cyprus, particularly in the absence of a comprehensive agreement, is a vital security requirement for the Turkish Cypriot people. It serves as a deterrent against the repetition of Greek-Greek Cypriot aggression against the Turkish Cypriots as occurred during the 1963-1974 period, which is well documented in the relevant reports of the UN Secretary-General as well as those of the international news media (see Annex).

H.E. Ms. Mary Robinson
United Nations High Commissioner
for Human Rights
Office of the United Nations High Commissioner
for Human Rights
Geneva

There is no question of the Government of the Republic of Turkey exercising jurisdiction in the TRNC, which has its own democratically elected Government, exercising full and exclusive authority and jurisdiction over the territory and people of the State. Turkey, therefore, cannot be held accountable for the policies and/or actions of the legitimate authorities of the TRNC. May I recall that UN-sponsored talks have always been held between the two equal parties in Cyprus aimed at reconciliation and based on partnership. Turkey and Greece, as the two "motherlands", or anybody else for that matter, have never been a party to the talks process.

With regard to the ruling of the European Court of Human Rights concerning the case of Loizidou vs. Turkey, the Turkish Cypriot party has repeatedly stressed that reciprocal property claims of both sides are one of the "core issues" and can only be addressed and settled between the two parties within the context of an overall agreement. It should be recalled that one of the parameters agreed upon during past phases of the UN-sponsored talks was that, in the particular circumstances of Cyprus, the only realistic and humane way to resolve this issue was, and still is, through a global exchange of properties and/or compensation. This is a logical consequence of the voluntary population exchange Agreement of 2 August 1975, subsequently, implemented through UNFICYP, the UN Peacekeeping Force in Cyprus. The Turkish Cypriot party has done its share on this issue and proposed the establishment of a joint property claims commission with a view to resolving this issue on the basis of the said principle. However, the Greek Cypriot party chose to reject this constructive proposal.

The ruling ignores the fact that the two sides in Cyprus are separated by a "green line" since 1963 and by a cease-fire arrangement since 1974, monitored by the UN. It further disregards the reality of the voluntary regrouping of the Turkish Cypriot and Greek Cypriot populations under the above-mentioned voluntary exchange of populations Agreement. Furthermore, the ruling disregards the fact that a buffer zone, under the control of the UN Peacekeeping Force in Cyprus, has been established between the respective territories of the TRNC and the Greek Cypriot administration.

As for the case of Mr. Panicos Tsiakourmas, he was neither abducted nor subjected to ill-treatment, but lawfully arrested by the TRNC police. On 12 December 2000, Mr. Tsiakourmas was arrested by the Narcotics Department of the Turkish Cypriot police near the village of Beyanmudu in TRNC territory on suspicion of dealing in narcotics. Over a kilo of cannabis was found in his possession and Mr. Tsiakourmas was subsequently brought before the Lefkoşa District Court on the same day, which ordered his detention. UN officials in Cyprus were duly informed about the incident

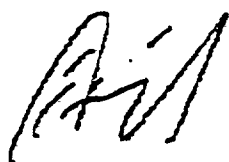
and the detainee has been examined by an UNFICYP doctor who found his medical condition fully satisfactory. Mr. Tsiakourmas continues to be under the care and supervision of a Turkish Cypriot specialist, namely Dr. Hasan Say, and is visited regularly by an UNFICYP physician, as well as a family doctor.

In accordance with the legal procedure, Tsiakourmas had been detained at the Lefkoşa Central Prison until his preliminary inquiry began at the Gazi Mağusa District Court on 8 February 2001. On 15 February, the Court committed the case to the Assize Court and his case came before the Gazi Mağusa Assize Court on 21 February where it is currently continuing.

Mr. Tsiakourmas has been, and is being, treated with full care and respect to the due process of law. He has retained a team of lawyers, including a Turkish Cypriot lawyer, Mr. Mehmet Aziz, who have full access to him, and Mr. Tsiakourmas benefits from all his legal rights, including full medical care and visits by his family. Greek Cypriot allegations aimed at politicising this case which is still under trial, are unfounded and constitute an unwarranted interference with the due process of law in a democratic country with an independent judiciary. For your Excellency's information, these facts are confirmed, among others, in the annual reports of the US Department of State on human rights practices in Cyprus, which most currently (2000) states that "democratic principles are generally respected" and that "the judiciary is independent of executive and military influence" in Northern Cyprus.

I am confident that, in the interest of fairness and impartiality, this communication will be brought to the attention of all to whom the above-mentioned letter of the Greek Cypriot representative has been circulated.

Please accept, Madame High Commissioner, the assurances of my highest consideration.



Tahsin Erteğül
Minister of Foreign Affairs
and Defence