

UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/1377
24 June 1966

ORIGINAL: ENGLISH

LETTER DATED 24 JUNE 1966 FROM THE PERMANENT REPRESENTATIVE
OF TURKEY ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to forward herewith the text of a message addressed to Your Excellency by Dr. Fazıl Küçük, Vice-President of Cyprus, stating the views of the Turkish-Cypriot leadership on the action taken by the Turkish judges following the recent repressive measures taken against the Turkish Community by the Greek-Cypriot Administration, together with the copies of the letter of resignation of Chief Justice Mr. Zekia and the joint letter of the Turkish judges submitted to the Vice-President.

I would be grateful if Your Excellency would have this message and its annexes circulated as a document of the Security Council.

Please accept, etc.

(Signed) Orhan ERALP
Ambassador
Permanent Representative of Turkey
to the United Nations

Nicosia, 22 June 1966

Your Excellency,

With reference to paragraphs 151-155 of Your Excellency's report dated 10 June 1966 (S/7350) in which you express the hope that Turkish-Cypriot judges "will find it possible to resume their duties in the near future", I beg to inform you that all Turkish judges at a meeting they held yesterday decided unanimously that it would not be in the interest of justice to resume work in Greek sectors. In arriving at this decision they held the view that they have already been placed in an embarrassing position by continuing to hold their judicial offices under an unconstitutional "Law" and that it would not be right for them to continue to try and administer justice any longer in direct contravention of the judicial guarantees provided to the Turkish Community under the Constitution and contrary to the very principles of justice and the rule of law and in violation of the solemn oaths which they took on their appointment to uphold the Constitution.

Copies of letters to this effect have been addressed to me by Turkish judges and have been forwarded to your Special Representative in Cyprus for transmission to Your Excellency.

As I declared in my public statement of 16 June, I share your concern in this matter and join in your hope that Turkish-Cypriot judges will find it possible to resume their duties. I am sure, however, that this is largely dependent upon the Greek side showing willingness to restore constitutional order, at least in so far as administration of justice is concerned which must be kept above any political consideration, and to reactivate judicial service for the Turkish Community as well which has been deprived of such service for over two years.

I shall be grateful if this communication may be circulated as a Security Council document.

Please accept, Your Excellency, the assurances of my highest consideration.

Dr. F. Kılıçık
Vice-President of the Republic
of Cyprus

Copy of the letter of resignation of Mr. Justice Zekia
addressed to the Vice-President

Nicosia, 17 June 1966

Your Excellency,

Owing to present circumstances and exercising the right given to me under article 153 of the Constitution, I submit my resignation to Your Excellency from the post I hold in the High Court of Justice. My resignation will take effect on the expiration of the leave due to me prior to retirement.

Yours respectfully,

(Signed) M. ZEKIA

His Excellency the Vice-President,
Nicosia, Cyprus.

/...

Copy of the letter by the Turkish judges addressed
to the Vice-President

Nicosia, 17 June 1966

Your Excellency,

We beg leave to inform Your Excellency that all Turkish-Cypriot judges held a meeting today to consider paragraphs 151-155 of the United Nations Secretary-General's report of 10 June 1966, and in particular the observations made in paragraph 155 thereof. In order not to leave any room for misunderstanding, we have decided to submit this letter to you and to reiterate the views which we had already expressed in our letter to you of 10 June 1966.

It will be recalled that when the Courts of Justice Law, 1960, was amended by the Administration of Justice (miscellaneous provisions) Law, 1964 (to which reference is made in paragraph 152 of the above-mentioned report), Your Excellency addressed an appeal to the President of the Republic on 28 September 1964, after consultations with all Turkish judges, in which you stated the following which reflected the views of us all.

"The Turkish judges, who have already been placed in an embarrassing position by continuing to hold their judicial offices under an unconstitutional law, will, now that the summer recess has come to an end, find themselves in the impossible position of having to administer justice in direct contravention of the judicial guarantees afforded to the Turkish Community by the Constitution and contrary to the very principles of justice and the rule of law in violation of the solemn oaths which they took on their appointment to uphold the Constitution.

"I must emphasize that if this appeal is not met with the spirit in which it is made and positive steps are not taken to ensure that justice is again administered in accordance with the Constitution, Turkish judges, particularly those who have been appointed by the President and the Vice-President jointly, may find it contrary to their oath, conscience and sense of justice to prolong this unconstitutional state of affairs indefinitely."

It will be recalled that attention was drawn by the Secretary-General to these misgivings of Turkish judges in paragraph 101 of his report No. S/6102 dated 12 December 1964, which stated that Turkish judges had agreed to perform "their judicial functions under the new law, subject, however, to certain reservations of principles".

The imposition of a blockade on the Turkish sector of Nicosia on the night of 1 June 1966, and the subsequent refusal of the Greek Police to allow Turkish judges to proceed to and remain in their courts on the morning of 2 June 1966, constituted only a culminating factor in an already existing anomalous situation which any judge could not be expected to accept indefinitely. The subsequent explanation given by the President of the Republic in a statement which he made on 14 June 1966, that the whole matter was due to a misunderstanding, does not really remedy the basic situation.

Consequently, with the utmost respect to the observations which His Excellency the Secretary-General made in paragraph 155 of his report of 10 June 1966, we regret that for the reasons explained and quoted above, we feel unable, in the best interest of justice, to resume work under the prevailing circumstances.

Please accept, Your Excellency, the assurances of our highest consideration.

(Signed) Mehmet Necati MUNIR
Vedat DERVISH
Ulfe EMIN
Ahmet IZZET
Ozer BEHA
Sakir Sirkli ILKAY
Orhan ZIHNI
R. Regip MALYALI

