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LETTER DATED 14 JULY 1964 FROM THE PERMANENT REPRESENTATIVE OF TURKEY  
ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to submit enclosed the text of a telegram, addressed to  
Your Excellency by Dr. Fazıl Küçük, Vice-President of Cyprus.

I will be obliged to Your Excellency if you will be kind enough to have the  
text of this telegram circulated as a document of the Security Council.

I avail myself of this opportunity, etc.

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

1. The Greeks in Cyprus have destroyed yet another pillar of the Constitution by abolishing the Supreme Constitutional Court and by introducing such drastic changes in the Administration of Justice as to destroy the existing judicial system and to replace it by an entirely new and unconstitutional one with the sinister object of depriving the Turks of the judicial safeguards given to them by the Zurich and London Agreements and the Constitution. The main aspects in which the judicial system has been upset and in which the relevant basic articles of the Constitution have been violated are the following:

(a) The offices of the neutral President of the Supreme Constitutional Court and the High Court of Justice have been eliminated and thus the Turks have been deprived of the safeguards whereby the neutral presidents had a deciding vote in cases where there was a divergence of opinion between the Greek and Turkish members of these courts.

(b) The vital constitutional provisions under which the Turks and the Greeks had to be tried by judges belonging to the same communities as that of the accused and, in civil actions where the parties belong to the same community, the judge trying their case had to be a judge belonging to the same community as the parties, have been done away with.

2. It is very significant that the new Administration of Justice Law is not only deceptive but contains such loathsome characteristics as to make it repulsive and unacceptable to any law-abiding and self-respecting person. In this respect, particular mention may be made of the following three matters:

(a) Under sections 2 and 15 of the new Law, it is provided that in the case of any conflict between that law and the Constitution and any other law, the provisions of the former shall prevail. In this way, article 179 of the Constitution which lays down that the Constitution is the supreme law of the country is flagrantly violated.

(b) By the provision in the law that the office of any judge who refuses to exercise his duties automatically becomes vacant puts the judges in the embarrassing position of either having to perform their duties in contravention of the Constitution and their oaths of allegiance to the Constitution or of making them liable to dismissal. In other words, Turkish judges are being compelled to act against the Constitution.

(c) The law has been so presented by the Greek side as to make it appear ostensibly that it is not directed against the Turks. While paying lip service to the fact that the President of the new High Court will be a Turk because of his seniority and that there will be two Turks to three Greeks in the new Court, the hard truth that the Turks have now been deprived of equality of vote on the High Court of Justice has been glossed over.

3. As you are well aware, the Cyprus Constitution is based on the Zurich and London Agreements, the provisions of which constituted the basic articles of the Constitution. The basic articles can only be changed or replaced with the agreement of the Guaranteeing Powers who are the signatories of these international agreements. All the provisions of the Constitution which are violated by the new Administration of Justice Law are the basic articles of the Constitution. There is no doubt that this action of the Greeks is another flagrant violation of the Security Council resolution of 4 March, inasmuch as it prejudices and obstructs the work of the United Nations mediator in his task of finding an agreed solution to which specific reference is made in the resolution.

Dr. F. KÜÇÜK  
Vice-President  
of Cyprus

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