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Universal periodic review

Letter dated 21 December 2009 from the Permanent Representative of Cyprus to the United Nations Office at Geneva addressed to the President of the Human Rights Council

In accordance with the instructions received from my Government, I wish to respond to the erroneous and historically distorted account of the Cyprus problem given by Turkey during the review of the Republic of Cyprus by the Working Group on the Universal Periodic Review on 30 November 2009.

At the outset, I should reiterate that the remarks made by Turkey were not relevant to the universal periodic review exercise, since they were purely political in nature, factually incorrect and did not comply with the basis of the review as stipulated by the Human Rights Council in its resolution 5/1, and in President's statement 8/PRST/1 on the modalities and practices for the universal periodic review process, which states that questions and/or issues should conform to the basis of the review, as identified by the Council in paragraph 1 of the annex to its resolution 5/1, and shall be raised in a manner that is consistent with the principles and objectives of the universal periodic review.

Bearing in mind the well-known Turkish political stance on Cyprus, it is more than obvious that Turkey decided to participate in the intergovernmental process of the review of Cyprus for the sole and deliberate purpose of questioning the very existence of the State under review; Turkey's calculated goal was to include its own political position and subjective interpretation of the Cyprus problem in the universal periodic review report on Cyprus.

The purely political arguments presented by Turkey were totally subjective in that they were detached from historical realities and lacked any valid legal basis. In fact, the United Nations has established its position towards Cyprus from the early years of the establishment of the Republic of Cyprus when, following the regrettable events of 1963, the Security Council unanimously adopted resolution 186 (1964), in which, inter alia, it affirmed the sovereignty of the Republic of Cyprus and the legitimacy of its Government, and called "upon all Member States, in conformity with their obligations under the Charter of the United Nations, to refrain from any action or threat of action to worsen the situation in the sovereign Republic of Cyprus or to endanger international peace".

Subsequently, and in particular following the illegal Turkish military invasion and occupation of one third of the territory of the Republic of Cyprus in 1974, the international community has over the years reiterated, through several General Assembly and Security

Council resolutions, its demand upon all States to respect the sovereignty, independence, territorial integrity, and unity of the Republic of Cyprus”, and for the “speedy withdrawal of all foreign armed forces and foreign military presence and personnel from the island.

It is regrettable that Turkey, which today holds a non-permanent seat on the Security Council, consistently continues to ignore the position of the United Nations towards the Republic of Cyprus and the Cyprus issue, refuses to comply with relevant United Nations resolutions, and insists on pursuing a policy of legitimizing the status quo that it has imposed on Cyprus through the use of military might. It is all the more discouraging that Turkey prefers to ignore that the sovereignty, independence, territorial integrity and unity of the Republic of Cyprus and the legitimacy of its Government are also embodied in the Treaty of Accession of the Republic of Cyprus to the European Union, and in relevant judgements of the European Court of Human Rights.

Turkey’s total disregard for international law and the position of the United Nations on Cyprus was most clearly demonstrated in 1983, when it promoted – in order to consolidate the illegal division of the island – the unilateral declaration of the so-called “Turkish Republic of Northern Cyprus”, which was immediately and explicitly condemned by the international community through Security Council resolutions 541 (1983) and 550 (1984). The Security Council declared this action as legally invalid, called for its withdrawal, and being “gravely concerned about the further secessionist acts in the occupied part of the Republic of Cyprus”, condemned “all secessionist actions, including the purported exchange of Ambassadors between Turkey and the Turkish Cypriot leadership”, and called upon all States “not to recognize the purported state of the “Turkish Republic of Northern Cyprus” set up by secessionist acts” and called upon them “not to facilitate or in any way assist the aforesaid secessionist entity”.

Regretfully, Turkey never complied with these resolutions, which is well reflected in, inter alia, its practice of frequently circulating letters of the so-called officials of the purported State of the “TRNC” in the main organs of the United Nations. In spite of the fact that, at the sixth session of the Working Group on the Universal Periodic Review, Turkey deliberately chose not to refer to the so-called “TRNC”, the rationale of its statement was still based on allegations that are inconsistent with the letter and spirit of all relevant Security Council resolutions. Its claims that there exist in Cyprus two “peoples”, that the Government of the Republic of Cyprus does not legally represent the whole of the island, and that the State member of the United Nations under review ceased to exist in 1963 are nothing else but the familiar Turkish allegations used in justification of a long-term policy of geographical segregation of the two Cypriot communities and of the eventual division of Cyprus into two ethnically cleansed parts.

By its decision to politicize the universal periodic review mechanism, Turkey demonstrated that it cannot understand that the members of the two communities in Cyprus have grown mature, through the assessment of their past painful history, and that they now wish to leave the past behind and build a better future in a bizonal, bicommunal federal Cyprus with a single sovereignty, a single international personality, a single citizenship and political equality, as defined in the relevant Security Council resolutions. Turkey’s greatest contribution to the achievement of that goal would have been the withdrawal from Cyprus of 43,000 heavily armed Turkish troops.

I should be grateful if you could arrange for the text of the present letter to be circulated as a document of the Human Rights Council under agenda item 6.

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