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Rapport annuel du Haut-Commissaire des Nations Unies aux droits de l'homme et rapports du Haut-Commissariat et du Secrétaire général

Note verbale datée du 25 mars 2011, adressée au Haut-Commissariat des Nations Unies aux droits de l'homme par la Mission permanente de la Turquie auprès de l'Office des Nations Unies à Genève

La Mission permanente de la République turque auprès de l'Office des Nations Unies à Genève et des autres organisations internationales en Suisse présente ses compliments au Haut-Commissariat des Nations Unies aux droits de l'homme et a l'honneur de transmettre ci-joint copie de la lettre de S. E. M. Hüseyin Özgürün, Ministre des affaires étrangères de la République turque de Chypre-Nord, qui présente les vues des Chypriotes turcs au sujet de la lettre que le Représentant permanent de l'Administration chypriote grecque a adressée au Président du Conseil des droits de l'homme le 18 janvier 2011 (A/HRC/16/G/5) et qui est diffusée au titre du point 2 de l'ordre du jour.

La Mission permanente de la République turque demande que le texte de la présente note verbale et de son annexe* soit distribué en tant que document de la seizième session du Conseil des droits de l'homme.

* Reproduit tel quel dans l'annexe, dans la langue originale seulement.

Annexe

Excellency,

I have the honour to refer to the letter of the Permanent Representative of the Greek Cypriot Administration to the United Nations Office at Geneva, dated 18 January 2011, and circulated under Agenda Item 2 at the sixteenth session of the Council and to bring to your kind attention the following considerations.

At the outset, I wish to stress that the allegations in the said letter reflect neither the realities of the case in point nor the general facts regarding the exercise of freedom of religion in North Cyprus. Every individual living within the territory of the Turkish Republic of Northern Cyprus (TRNC) enjoys the freedoms of religion, thought and conscience and all members of the faiths of Islam, Christianity and Judaism as well as followers of other beliefs can individually or collectively practice their religions freely. These principles are explicitly present in the Constitution of the Turkish Republic of Northern Cyprus in Article 23, testimony to the fact that the TRNC is a democratic and secular state where the rule of law prevails and the Constitution safeguards the rights and freedoms of all the people, regardless of their citizenship, religious affiliation or ethnic origin.

Moreover, the unfounded allegations against Turkey and the repeated reference to a so-called "occupation regime" in the said letter constitute a blatant distortion of the realities in Cyprus. The TRNC is under the exclusive control and authority of the Turkish Cypriot government and relevant authorities are responsible for its policies and governing regulations. There are no enclaved people in North Cyprus. The Greek Cypriots who chose to stay in North Cyprus after the 1975 Population Exchange Agreement mainly live in the Karpaz region and enjoy all the same rights and freedoms as the TRNC citizens. All the Greek Cypriots who opted to cross to South Cyprus over the years have been exclusively interviewed by UNFICYP, which confirmed that the transfer was voluntary. In spite of these recorded realities, the Greek Cypriot administration chooses to exploit the Greek Cypriot residents in the TRNC as a propaganda tool for slandering Turkish Cypriot authorities and Turkey.

It is a regularly reported fact by relevant international bodies that Greek Cypriots living in North Cyprus can freely exercise their religious duties and have been conducting religious services freely on their holy days. As a matter of fact, the Turkish Cypriot authorities have been sensitive to the rights of Greek Cypriots residing in the TRNC and this policy has culminated in the closure of the cluster the *Cyprus v. Turkey* judgment related to the living conditions of the Greek Cypriots living in the TRNC, including the freedom of religion. It is most striking, in this respect, that the Greek Cypriot representative refers to the relevant part of the *Cyprus v. Turkey* judgment, but fails to mention that the Ministers' Deputies responsible for the supervision of the execution of the judgments of the European Court of Human Rights, at their 992nd meeting on 4 April 2007, adopted Interim resolution CM/ResDH(2007)25 and decided to close the examination of the relevant part of the judgment after being convinced that the relevant freedoms of the Greek Cypriots, including their freedom of religion, have been fully respected.

As for the allegations of the Greek Cypriot representative regarding 25 December 2010, I wish to note that, according to the agreed *modus operandi*, for services which coincide with weekdays other than Sundays and for services which involve collective participation from South Cyprus, notification in the form of a written application is required in advance. This is mainly necessitated for allowing the local authorities to take the appropriate logistic measures in order to facilitate such services. The Greek Cypriot

residents in the Karpaz area did not make an application for Christmas services to be held on 25 December 2010, in spite of the fact that according to the “*modus operandi*”, which is well-known to the Greek Cypriots living in the TRNC, it fell within the category requiring prior notification.

Accordingly, on 25 December 2010, the Turkish Cypriot local authorities warned the Greek Cypriot community regarding the lack of application for collective services but neither the priest nor the community were forced out of the church, nor was the church sealed. On the contrary, all present individuals freely exercised their religious duties at the Ayios Sinesios Church while our authorities did not enter the premises. Moreover, contrary to the allegations in the aforementioned letter, no request was made to conduct a Christmas service at the nearby village of Sipahi (Ayia Triada). The only application regarding this Church was for a service to be conducted on 6 January 2011 and the request was duly facilitated.

It is, therefore, our considered opinion that the events of 25 December 2010 are being deliberately misrepresented by the Greek Cypriot administration as a tool for its long lasting defamation campaign against the Turkish Cypriot side and Turkey. In fact, the Greek Cypriot administration has recently been escalating its policy of provocation and creating artificial incidents of potential crisis with a view to altering the agenda of the international community vis-à-vis the solution of the Cyprus issue. As the Turkish Cypriot side, we believe that it is the prime responsibility of both sides to refrain from any actions which bear the danger of jeopardizing the spirit of ongoing full-fledged negotiations and, on our part, we are showing the necessary goodwill to that end.

We are witnessing with disappointment, however, that the Greek Cypriot side opts to help create and use every opportunity to promote its systematic defamation campaign against Turkey and the Turkish Cypriot side at international platforms. It should be stressed, in this context, that the unfounded Greek Cypriot allegations concentrate on issues which are under discussion at the negotiating table, or are referred to the bi-communal technical committees especially designed to solve day-to-day issues and to take up subjects of special concern. This ill-advised approach can only help damage the efforts directed towards reaching a comprehensive settlement in the near future. Moreover, this negative stance which is clearly aimed at misleading the international community for political expediency, further deepens our existing doubts regarding their readiness to share a common future with the Turkish Cypriot people on the basis of a partnership state.

In spite of the foregoing, our government has recently revised the aforementioned application procedure for collective services as a further gesture of goodwill. According to the revised procedure currently in effect; Greek Cypriots living in the TRNC can hold religious services on any day of the week at the churches situated in their areas of residence without any need for prior application and the minimum number of days required to make an application for services which require prior notification, has been reduced to ten working days.

Before I conclude, I wish to give you a few examples demonstrating the total disregard of the Greek Cypriot authorities to the religious rights and freedoms of the Turkish Cypriot people. The Turkish Cypriots living in South Cyprus, who are estimated to be over 250, are allowed access to worship at only *two* mosques in South Cyprus, namely Hala Sultan Tekke Mosque in Larnaca and Koprulu Mosque in Limassol. Moreover, the Greek Cypriot administration does not allow the designation of Turkish Cypriot Imams by our religious authorities to the mosques situated in South Cyprus, despite the fact that two Greek Cypriot priests serving in North Cyprus have been designated by the Greek Cypriot authorities with our agreement. Our citizens are allowed limited access to the Hala Sultan Mosque in South Cyprus on the basis of their origin. According to the Greek Cypriot administration, the Turkish Cypriots who are born in Turkey do not have the right to visit

the Hala Sultan Mosque which is one of the most important religious sites of the Islamic faith. This amounts to nothing but a gross violation of human rights as well as racial discrimination.

We, hope and trust, that the foregoing will duly be taken into account by the Human Rights Council in the interest of reflecting the realities on the island and preventing the exploitation of this distinguished humanitarian platform for political purposes by the Greek Cypriot administration. I should be grateful if the text of the present letter could be circulated as a document of the Human Rights Council.

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

(signed) Hüseyin Özgürün
Minister of Foreign Affairs
