

DEC 20 1979



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/C.3/34/15
10 December 1979

ORIGINAL: ENGLISH

Thirty-fourth session
THIRD COMMITTEE
Agenda item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Letter dated 4 December 1979 from the Permanent Representative of
Turkey to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a letter dated 4 December 1979 addressed to you by Mr. Nail Atalay, the representative of the Turkish Federated State of Cyprus.

I should be grateful if this letter were circulated as a document of the General Assembly during the consideration of agenda item 12 by the Third Committee.

(Signed) Orhan ERALP
Ambassador
Permanent Representative

ANNEX

Letter dated 4 December 1979 from the representative of the Turkish
Federated State of Cyprus addressed to the Secretary-General

I would like to refer to the letter of the representative of the Greek Cypriot Administration, Mr. Andreas Mavrommatis (30 November 1979, A/C.3/34/13) and to the presentation of Mr. Michael Sherifis on the question of missing persons in the Third Committee.

Unfortunately, however, we have witnessed once again that what is a humanitarian issue for the Turkish Cypriots is a political one for the Greek Cypriots. Indeed, it is simply due to the fact that the Greek Cypriot side has chosen to politicize and exploit this issue for their narrow-minded propaganda purposes that it still remains unresolved and is being prolonged at the expense of the families concerned. It is a well-known fact that the formation of the committee within the framework of General Assembly resolution 32/128 was prevented by the Greek side.

Furthermore, significant omissions were made by the representative of the Greek Cypriot Administration with regard to the role of the third member of the proposed Missing Persons Committee, and the Committee's functioning. No mention is made of the fact that the International Committee of the Red Cross (ICRC), when consulted, refused to take part in any voting, this confirming the Turkish Cypriot side's position that all decisions should be taken by consensus. Nor is there any mention of the fact that the legal advice sought from the United Nations in this respect states that in the absence of the explicit consent of both sides, the General Assembly cannot confer upon the Secretary-General or, for that matter, upon his representative, the role of a compulsory arbitrator, that there is no precedent for conferring such a role upon the Secretary-General in absence of the consent of both parties, and finally that established international practice in the matter of settlement of dispute attaches primacy to the consent of the parties. In any case, as agreed at the summit meeting of 19 May 1979, H.E. Rauf R. Denktas, the President of the Turkish Federated State of Cyprus, had transmitted Your Excellency's new proposals in that respect to the Prime Minister of the Turkish Federated State of Cyprus in writing, on 21 May 1979. The Council of Ministers, after studying carefully the new proposals, decided to insist on the formation of the Committee in accordance with General Assembly resolution 32/128 of 16 December 1977. Moreover, the Turkish Cypriot Committee of the Relatives of the Missing Persons holds the same opinion. Below is the text of the statement of Dr. Oğuz Veli Beidoğlu, Head of this Committee, which he made on 19 July 1979 in reply to a previous statement made by Bishop Christophoros, his Greek Cypriot counterpart, for Your Excellency's information:

"Those who have withheld information from us on the fate of the missing Turkish Cypriots for 16 years can have no reason, other than propaganda, to clamour about the matter. We are also awaiting the formation of the (Missing Persons) Committee with the participation of International Committee of the Red Cross.

"We would like to remind all concerned that those who murdered hundreds of Turkish Cypriots in 1974 and buried them in mass graves, have not yet disclosed the names of the Greek and Turkish Cypriots they killed in the coup of 1974.

"Three years have passed since Papatsestos' disclosure that he was forced at gunpoint to bury in mass graves truckloads of people who had been killed during the coup. Even the names of these unfortunate victims have not yet been disclosed.

"The burial grounds of our brothers who were taken from Taşkent (Tokhni), Tatlı Su (Mari), Terazı (Zyyi) and were shot outside of Limassol have not been disclosed.

"It is a crying shame from the point of view of international public opinion, that the tragic fate of the missing people has been made the subject and means of propaganda by the Greek Cypriot leaders. We protest this inhuman attitude.

"As the relatives of the missing Turkish Cypriots, we would like to reiterate that we are not against the solution of this humanitarian problem by a committee formed with the participation of a Red Cross representative, which would first of all deal with the missing Turkish Cypriots of the 1963-1968 period; we are, however, against the demand of the Greek Cypriot side, that a representative of the United Nations Secretary-General should participate in the committee instead of a Red Cross representative, since this would inevitably politicize the committee, and be exploited by the Greek Cypriot side for propaganda purposes.

"It is a known fact that International Committee of the Red Cross, after investigating the missing persons issue in the years 1974-1975 in a committee composed of Turkish and Greek Cypriots, has

(a) confirmed that all Greek prisoners of war who were taken to Turkey have been returned to the Greek Cypriot side;

(b) determined that many of the Greek Cypriots listed as missing are in fact in the Greek Cypriot zones;

(c) closed the files of many missing persons and informed the parties concerned about the result; and

(d) returned the files of some 30 outstanding cases to the then interlocutors - Messrs. Denktas and Clerides - and closed its office in Nicosia.

"The reason for the Greek Cypriot side's refusal of Red Cross participation in the committee, is the realization that they cannot use this organization as a means of furthering their hideous, inhuman policies.

"We would like to make these facts known to the world public opinion.

"The Greek Cypriot leaders have no right or authority to exploit the suffering of people.

"We urge the Turkish Federated State Government not to accept any formula other than the resolution of the Third Committee adopted unanimously in 1977, and insist that the investigation of the matter should, as mutually agreed before, be done in a chronological way."

As Your Excellency is well aware and as I have indicated in my letter of 13 December 1978 (A/33/499-S/12967), the Turkish Cypriot side has always stressed its readiness for the formation of a committee with the participation of the International Committee of the Red Cross to investigate the issue within the framework of resolution 32/128 adopted without a vote by the General Assembly on 16 December 1977, avoiding further delay.

I should be grateful if this letter were circulated as a document of the General Assembly during the consideration of agenda item 12 by the Third Committee.

(Signed) Nail ATALAY
Representative of the
Turkish Federated State of Cyprus
