

**Check against delivery**



**Statement by H.E. Ambassador Andreas D. Mavroyiannis,  
Permanent Representative of Cyprus,  
to the Third Committee at the 61<sup>st</sup> Session of the General Assembly,  
on Agenda Item 67 (b):**

***“Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms”***

**New York, 27 October 2006**

Thank you Mr. Chairman,

First of all, I would like to take this opportunity to congratulate you and the other distinguished members of the Bureau on your election. We are confident that under your skillful guidance this committee will reach a successful conclusion. Please be assured of my delegation's full support and cooperation towards this end.

Mr. Chairman,

At a time when the protection of human rights and the rule of law are widely recognized as the indispensable foundations of sustainable democracy, massive violations and widespread human rights abuses continue to haunt a good number of societies making the need for immediate action more imperative than ever.

It is promising that the international community, with the United Nations at the forefront, has acknowledged the inextricable link between human rights, rule of law, and sustainable development and has placed them, all together, at the top of its agenda. The Cyprus Government warmly welcomes the introduction of a human rights-based approach in the work of all UN agencies and programmes. It is beyond doubt that only a human rights-based approach can yield equitable and sustainable results in creating circumstances conducive to long-standing peace, stability and development.

We also welcome the establishment of the Human Rights Council and hope that while it will preserve the positive legacy, will avoid the deficiencies of the Commission and will effectively contribute to improving the implementation of and promotion of respect of human rights worldwide.

Mr. Chairman,

Cyprus fully subscribes to the statement delivered by the distinguished Representative of Finland on behalf of the European Union. I would like therefore to confine these remarks to human rights concerns deriving from the continuing division of my country, as a result of the Turkish invasion of 1974 and the subsequent military occupation of 37% of Cyprus' territory. The denial of fundamental human rights of the refugees, of the relatives of missing persons and of the enclaved persons, the destruction of the religious and cultural heritage in the occupied part of Cyprus, the attacks to the freedom of the press by the occupation regime and other violations directed against both Greek and Turkish Cypriots are only a few examples of a rather gloomy picture resulting from the occupation.

The Government of Cyprus remains fully committed to all efforts aiming at a better implementation of human rights obligations internationally as well as at the national level. It also works hard to ensure equal opportunities and promotion of the rights of all its citizens and it thus regrets the fact that, due to the existing division, it is not in a position to apply its policies to the whole of its territory or to fully respond to its conventional obligations. It continues, however, undeterred, to implement Human Rights policies of very high standards aiming at all Cypriots equally.

The Report of the Secretary General on "The question of Human Rights in Cyprus" (E/CN.4.2006/31) prepared by the Office of the United Nations High Commissioner for Human Rights, which has been submitted to the Human Rights Council pursuant to *Decision 2005/103* of the Commission on Human Rights, provides an overview of the Human Rights situation in Cyprus, regarding the implementation of the Commission's previous resolutions on Cyprus {4 (XXXI)/ 13/12/1975, 4(XXXII)/ 27/2/1976, 17 (XXXIV)/ 73/1978, 1987/50 – 11/3/1987.} These resolutions, on which action continues to remain operative, call for "*full restoration of all human rights to the population of Cyprus, and in particular to the refugees*", express alarm at "*changes in the demographic structure of Cyprus*" with the continuing influx of settlers, call for the "*accounting for missing persons in Cyprus without any further delay*" and also call for the "*restoration and respect of the human rights ... of all Cypriots, including the freedom of movement and the right to property*".

Also, the European Court of Human Rights in its judgment of 10/5/2001, in the case *Cyprus V. Turkey*, held that there were massive and grave violations of 14 of the Articles of the European Convention on Human Rights as concerns the missing persons and their relatives, the home and property rights of displaced persons and the living conditions of Greek-Cypriots in the Karpasia peninsula. The judgement, stressed that the violations entailed Turkey's responsibility under the Convention, given that Turkey exercises overall effective control over the occupied part of Cyprus and is, therefore, responsible for all the acts committed either by her own troops or by its subordinate local administration.

In addition, the recent Reports of the Office of the United Nations High Commissioner on the Study to the Truth (*E/CN.4.2006/91*) and of the Special Rapporteur of the Sub Commission on the principles on housing and property restitution for refugees and displaced persons (*E/CN.4/Sub.2/2005/17 and Add. 1*), have made references to the Human Rights situation as regards missing persons and the right of return respectively. The principles emanate from international human rights statutes, multilateral treaties and resolutions of the Security Council, representing universally accepted human rights standards, such as the right to home, the right to adequate housing, the right to property, the right to private life and the right to non-discrimination. The Pinheiro Principles envisaging the right to return to one's home and the restoration of his/ her property, as a means of conflict resolution, peace-building and restorative justice are of utmost importance since one third of our population are refugees forcefully driven away from their homes and properties by the invading forces. The right to restoration of property cannot be substituted by compensation and the displaced owner's right to his property supersedes the right of any third party acquiring an interest in the property.

Given the existence of these principles, to which humanity subscribes, it is particularly disturbing when an occupying power not only denies the refugees the right to return, but exploits their property offering it for sale to foreigners, aiming ultimately to the impediment of the settlement of the conflict in accordance with the principles of human rights through a process of permanent deprivation of the human rights of the lawful owners and of ethnic cleansing. Indeed the unlawful exploitation of properties belonging to Greek Cypriot refugees in the occupied part of the Republic of Cyprus continues unabated.

Related to this issue, is the implantation of settlers in the occupied territories by the occupying power. The transfer by an occupying power of its population to the area it occupies is considered a grave breach of the Geneva Conventions, and a war crime as stipulated also in the Rome Statute of the International Criminal Court.

In respect to the question of the ascertainment of the fate of missing persons, which is another tragic result of the foreign aggression and military occupation, we have recently witnessed some encouraging developments. However, the renewed activity of the Committee of Missing Persons does not release Turkey of its responsibility and obligation "*to envisage the necessary measures, further to its contribution to the work of CMP, so that the effective investigation required by the Court's judgment can be conducted as soon as possible*", as stressed in the Interim Resolution of the Committee of Ministers of the Council of Europe of 7 June 2005 and recalled by Secretary General in his Report.

Freedom of the press and the right to free expression continue to be under attack in the occupied areas while a policy of harassment pursued by the Turkish forces against media and journalists aims at keeping the island under Turkey's military and political hegemony. As the Committee to Protect Journalist stated in a September 2006 report "Turkish authorities have heavily restricted the press in northern Cyprus recently".

Mr. Chairman,

All possible means and measures possible must be taken as a matter of urgency in order to alleviate the plight of the people of Cyprus resulting from the invasion and occupation. However we need to always bear in mind that no remedy to the persistent violations of human rights in Cyprus can be really effective and definitive without termination of the forcible division of the island, imposed along ethnic lines and in full contradiction both to the island's traditionally multi-ethnic character and to the will of the Cypriot people. Moreover, no settlement can be achieved without the withdrawal of all foreign troops. Full conformity with individual human rights standards must be an integral element of any comprehensive, functional and sustainable solution to the Cyprus issue. Treating human rights as a trade-off for the achievement of other goals would dramatically undermine any problem-solving strategy; for lessons learned from past experience reveal that respect for human dignity is not only a moral imperative but also the only guarantee for the effectiveness and ultimate success of any solution.

The Government of Cyprus stands ready and does its utmost to create the right conditions for the resumption of meaningful negotiations in the framework of the good offices mission of the Secretary-General for a viable settlement of the Cyprus problem. To this end, I would like to emphasize that good and careful preparation of any negotiating process through discussions at the technical level is a *sine qua non* before full-fledged negotiations can take place. It was indeed agreed that bicomunal discussions at the technical level would commence to address substantive aspects of the Cyprus problem, as well as issues that affect the everyday life of all Cypriots as long as the status quo persists, a process that would be complemented by parallel confidence-building. In this respect, we are willing to discuss Human Rights Issues from the beginning of the process.

The principles of the settlement and the modalities of the process have been agreed on 8<sup>th</sup> of July 2006 during the visit to Cyprus by the Under-Secretary General of political Affairs Mr. Ibrahim Gambari and this agreement has to be fully implemented without further delay.

Thank you.