



General Assembly

Distr.: General
22 February 2013

English only

Human Rights Council

Twenty-second session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt

Addendum

**Mission to Cyprus: comments by the State on the report of the Special
Rapporteur***

* Reproduced in the annex as received.

Annex

Comments of the Republic of Cyprus on the report of the Special Rapporteur on freedom of religion or belief, Mr. Heiner Bielefeldt, following his mission to Cyprus (29 March- 05 April 2012)

1. The Government of the Republic of Cyprus expresses its appreciation for the mission of the Special Rapporteur on the freedom of religion or belief to Cyprus and for the comprehensive consideration of religious freedom on the island. The Republic of Cyprus also reaffirms its willingness to continue cooperating with all special procedures to which it reaffirms its standing invitation. It also reaffirms its commitment to the protection of the universal human right of the freedom of religious and that it will take into careful consideration the Report and the recommendations of the UN Special Rapporteur on the freedom of religion or belief following his mission to Cyprus from 29 March to 5 April 2012.

2. From the outset it should be underlined that the continued destruction of more than 550 Christian places of worship and numerous cemeteries, as well as the ongoing violations of the fundamental human right of religious freedom of the enclaved and displaced people in the occupied areas of the Republic of Cyprus, are imputable to the Republic of Turkey. The European Court of Human Rights (ECHR) in numerous decisions, including the Judgement on the 4th Interstate Application of Cyprus v. Turkey (May 10 2001), underlined that Turkey has “effective overall control over northern Cyprus”. The Judgement also underlined that violations of human rights by her soldiers, or officials, or by the subordinate local administration are imputable to Turkey. Moreover, the UN Security Council in Resolution 550 (1984) refers to the “occupied part of the Republic of Cyprus”. This responsibility is also evident for the more than 50 places of worship which are located within military camps and zones of the Turkish army and the fenced-off city of Famagusta which are totally inaccessible. It is also pertinent to recall that the UN Security Council in Resolutions 541 (1983) and 550 (1984) deplored “the purported secession of part of the Republic of Cyprus”, declared it legally invalid and called for its withdrawal. Moreover, it called upon all States to respect the sovereignty, independence and territorial integrity of the Republic of Cyprus and to not recognize any Cypriot state other than the Republic of Cyprus.

3. In view of the above, it is regrettable that the Report does not include any direct references to the responsibilities of Turkey. Consequently, repeated references of the Report and the recommendations thereof to the “de facto authorities in the northern part of the island” should clearly refer to the Government of Turkey which, as stated by the European Court of Human Rights, has “effective control over northern Cyprus”, and from which redress should be requested.

Illegal Colonization in the occupied areas of the Republic of Cyprus

4. Regarding the references in paragraphs 55, 56 and 77 of the Report, the Government of the Republic of Cyprus reaffirms its full respect to the pilgrimages, including those of the Turkish Cypriots, to the Hala Sultan Tekke. The crossing of the pilgrimages by buses

through the crossing points is facilitated by the Government of the Republic of Cyprus. All legal residents of the Republic of Cyprus are able to visit the site with their private vehicles. Moreover, all individuals, including citizens of Turkey, are welcome to practice their religion in the Muslim places of worship in the Government controlled areas provided that they have entered the Republic from the legal points of entry.

5. Having reaffirmed our firm adherence to religious freedom, it should also be stressed that paragraphs 56 and 77 of the Report misrepresent and downgrade the issue of the illegal colonization in the occupied areas of Cyprus to a “citizenship issue”. It is, therefore, important to recall that under international law, transfers by an occupying power of its own civilian population into the territory it occupies are illegal. In particular, article 49(6) of the 1949 Fourth Geneva Convention stipulates that the “Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”. It is also pertinent to again recall that the UN Security Council in Resolution 550 (1984) reaffirmed that the said areas are the “occupied part of the Republic of Cyprus”.

6. In fact, Turkey has since 1974 systematically pursued a deliberate policy of colonizing the occupied part of Cyprus in violation of international law. This policy aims to change the demographic structure of the island. Today, settlers from Turkey are estimated to be at least twice as many as the Turkish Cypriots who are about 90,000 people. In addition, Turkish occupation troops stationed in the occupied areas are estimated to be 43,000.

7. The illegal colonization in the occupied areas of Cyprus has been deplored by the United Nations General Assembly in Resolutions 33/15 (1978), 24/30 (1979), 37/253 (1983) and by the UN Commission on Human Rights in Resolutions 4 (XXXII) (27/2/76) and 1987/50 (11.3.1987). Moreover, the Council of Europe reported twice on the illegal colonization in the occupied areas of Cyprus. In 1992, Rapporteur Alfons Cuco concluded that the demographic composition of Cyprus is being radically altered as a result of the settlement of thousands of foreigners brought in from Turkey. Mr. Cuco described the establishment of Turkish colonists as an undisputed fact and stated that their presence constitutes an additional obstacle to a peaceful negotiated solution of the Cyprus problem. In 2003, Rapporteur Jaakko Laakso reaffirmed these facts.

8. The consequences of this colonization policy to the religious identity of the Turkish Cypriots are mentioned in the Special Rapporteur’s Report in paragraph 32. Moreover, the issue addressed in paragraph 65 regarding mandatory religious education in schools in the occupied areas, is directly associated with the illegal colonization by settlers from mainland Turkey who have different religious views than the Turkish Cypriots.

The enclaved Greek Cypriot population

9. Despite some improvement in the lives of the Greek Cypriot enclaved population since the partial lifting of the restrictions to the freedom of movement in 2003 by the occupation regime, severe violations of their fundamental human rights continue unabated including violations of their religious freedom (paragraph 42-44, 46) and property rights (paragraph 44 of the Report). Furthermore, the Greek Cypriot schools of Rizokarpaso (nursery school, primary school and secondary school) also encounter severe difficulties including delays in the delivery of books, censorship, and presence of “police forces” and arbitrary refusal of appointed teachers which seriously inhibit the full and efficient

operation of the Rizokarpaso schools. This policy violates the enclaved students' right to education as well as their freedom of expression.

Violation of religious freedom of the displaced Greek Cypriot population

10. In addition to the references made in paragraph 46 of the Report, in the months that followed the Special Rapporteur's mission to Cyprus the occupation regime arbitrarily rejected the following requests submitted to the United Nations Peacekeeping Force in Cyprus (UNFICYP) for the conduct of religious ceremonies in occupied places of worship:

- Request of the Bishop of Neapolis Porfyrios to conduct a religious service at the Church of Saint Euphemianos in Lysi on 17 April 2012.
- Request of Father Diomedes Constantinou to conduct a religious service at the Church of Agios Charalambos in Kythrea on 20 April 2012.
- Request of the Kythrea municipality to conduct a religious service in the Church of Saint Marina Kythreas on 15 July 2012 on the occasion of the annual feast of the Saint.
- Request of the Bishop of Karpasia to attend the religious service at the Monastery of Apostolos Andreas in Karpasia during the annual feast of Apostolos Andreas on 30 November 2012.

11. Furthermore, the occupation regime rejected the request of the displaced people of Skylloura to repair the cemetery of their village which is in ruins (April 2012). This information may also be verified by UNFICYP. 4

12. Even on the few occasions when religious ceremonies have been "allowed", the faithful were subjected to various arbitrary restrictions.

Maintenance and Accessibility of Mosques and Cemeteries in the Government-controlled areas (paragraphs 35, 54, 76 of the Report)

13. The Government of the Republic of Cyprus demonstrates outmost respect for Muslim places of worship and cemeteries in the Government-controlled areas and facilitates the ritual services of Turkish Cypriots and other Muslims who lawfully reside in Cyprus.

14. It is also important to recall that the predominant majority of the Turkish Cypriot cemeteries were not used until the partial lifting of the restrictions to the freedom of movement in 2003. This was the direct result of the segregation imposed by the occupation regime which prevented the Turkish Cypriots from visiting the Government-controlled areas, including their places of worship and cemeteries.

15. The Government of the Republic of Cyprus has allocated more than €5 million Euros for the restoration and maintenance of mosques, cemeteries and other Muslim sites in the Government-controlled areas for the years 2000-2011.

16. Moreover, 18 mosques and one mausoleum in the Government-controlled areas are declared Ancient Monuments. These 19 Muslim religious monuments are today in an excellent condition following elaborate scientific restoration program which the

Department of Antiquities launched in 1995. Five of these mosques function on a regular basis.

17. In addition to the mosques in the bicomunal villages of Potamia and Pyla and a Mosque in Nicosia central prison, eight mosques function on a regular basis in the Government-controlled areas: the Bairaktar and Omerie Mosques within the Nicosia walled city, a Mosque in Dhali located in the Nicosia District, the Hala Sultan Tekke in Dromolaxia, the Kebir Mosque in Larnaca, the Kebir and Koprülü Mosques in Limassol and a Mosque in Paphos.

18. Regarding the issue of accessibility it should be stressed that several of these Mosques, including the Bairaktar and Omerie Mosque in the Nicosia walled-city, the Kebir Mosque in Larnaca and the Kebir Mosque in Limassol, are administered by their respective Imams who also possess the keys of the Mosques and are therefore able to define the hours of the religious services. Moreover, the Hala Sultan Tekke in Larnaca, one of the most important declared monuments of Cyprus, is closed for visitors every Friday noon between 13:00-15:00, as well as during all the other prayer times, in order to facilitate the prayer of the faithful. Moreover, during the Muslim holy month of the Ramadan, the Mosque remains open for evening prayers until 23:30 and all night during the Night of Power. It also remains open for religious functions beyond the opening hours following a request by the Imam.

Status of the other religious groups in the Government-controlled areas (Paragraphs 41, 58, 59, 60, 75 of the Report)

19. All religious groups that are not constitutionally recognized have the right to apply to register as non-profit organizations with the Registrar of Companies and Official Receiver of the Republic of Cyprus. Upon approval, non-profit organizations are tax-exempt.

20. Any delay that might occur in obtaining planning or building permits for the construction of places of worship should by no means be interpreted as a discriminatory practice against any specific religious group. In fact, in order to obtain planning and building permits, the legal procedures have to be followed by all religious groups. These procedures might be time-consuming, especially when the proposed building site is not in accordance with published planning policies or when there are concerns about possible adverse impact on neighbors' amenities. In general, applications for such buildings are assessed as any other special use application.

21. In regards to burials, article 23 of the legislation regulating the functioning of cemeteries (N. 257(I)/2004) provides that local authorities are obliged to provide space for burial purposes for all the deceased within the community without prejudice to their religion. Moreover, the Ministry of Interior has submitted to the House of Representatives an amendment to the existing legislation, in order to enable various religious groups to establish and manage their own cemeteries, regardless of whether they are defined or not in the Constitution of the Republic of Cyprus. The aforementioned amendment is pending before the House of Representatives of the Republic of Cyprus. Additionally, a new Bill regulating the cremation of human remains has been submitted to the Law Office of the Republic for legal vetting.

Asylum seekers (Paragraphs 61, 80 of the Report)

22. Asylum seekers, who claim fear of persecution if returned to their country of origin because of religious beliefs, might be entitled to international protection. When examining their asylum applications, the Asylum Service will take into consideration the available Country of Origin Information (COI), as well as the general credibility of the applicant in relation to the documents submitted. Where asylum seekers are found to be non-credible, with regards to the claims related to the substance of their asylum application, and in the event that these claims are not verified by the COI, the asylum claim may be refused. The designated authorities of the Republic of Cyprus implement all relevant practices and procedures which stem from European Union legislation. Where asylum seekers or holders of international protection status are not deported to their country of origin since the Republic of Cyprus ascribes to the principle of non-refoulement.
