

Calendar No. 84

107TH CONGRESS
1ST SESSION

S. CON. RES. 28

Calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

IN THE SENATE OF THE UNITED STATES

MARCH 26, 2001

Ms. SNOWE (for herself, Ms. MIKULSKI, Mr. KENNEDY, Mr. SARBANES, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. DURBIN, Mr. SPECTER, Mr. REED, Mr. LEVIN, Mr. HARKIN, Mr. BIDEN, Mrs. BOXER, and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

JULY 12, 2001

Reported by Mr. BIDEN, without amendment and an amendment to the preamble

[Omit the part struck through and insert the part printed in italic]

CONCURRENT RESOLUTION

Calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

Whereas respect for fundamental freedoms and internationally recognized human rights is a cornerstone of United States foreign policy;

Whereas, since the tragic events of 1974, the number of the enclaved people in the occupied area of Cyprus has been

reduced from 20,000 to 593 (428 Greek-Cypriots and 165 Maronites);

Whereas the enclaved people continue to be subjected to restrictions on their freedoms and human rights;

Whereas the representatives of the two communities in Cyprus, who met in Vienna, Austria, in August 1975 under the auspices of the Secretary General of the United Nations, reached a humanitarian agreement, known as the Vienna III Agreement, which, *inter alia*, states that, “Greek-Cypriots in the north of the island [of Cyprus] are free to stay and they will be given every help to lead a normal life, including facilities for education and for the practice of their religion, as well as medical care by their own doctors and freedom of movement in the north . . . [and] the United Nations will have free and normal access to Greek-Cypriot villages and habitations in the north”;

Whereas the Secretary General of the United Nations, in his December 10, 1995, report on the United Nations operation in Cyprus, set out the recommendations contained in the humanitarian review of the United Nations Peace-keeping Force in Cyprus (in this concurrent resolution referred to as “UNFICYP”), as endorsed by United Nations Security Council Resolution 1032(95), regarding the restrictions on the freedoms and human rights of the enclaved people of Cyprus;

Whereas the Secretary General of the United Nations, in his June 7, 1996 report on the United Nations Operation in Cyprus, informed the Security Council that the Greek Cypriots and Maronites living in the northern part of the island “were subjected to severe restrictions and limitations in many basic freedoms, which had the effect of en-

suring that inexorably, with the passage of time, the communities would cease to exist”;

Whereas United Nations Security Council Resolution 1062(96), *inter alia*, expressed regret that “the Turkish-Cypriot side has not responded more fully to the recommendations made by UNFICYP and calls upon the Turkish-Cypriot side to respect more fully the basic freedoms of the Greek-Cypriots and Maronites living in the northern part of the island and to intensify its efforts to improve their daily lives”;

Whereas, on July 31, 1997, Cyprus President Glafcos Clerides and Turkish-Cypriot leader Rauf Denktash agreed to further address this issue along with other humanitarian issues;

Whereas those agreements and recommendations are still far from being implemented, despite a number of measures announced in May 2000 by the Turkish side to ease certain restrictions imposed on movement between the two sides, which restrictions largely remain in effect;

Whereas the measures against the UNFICYP instituted by the Turkish side since June 2000 have further complicated the situation;

Whereas, on January 22, 1990, Turkey recognized the compulsory jurisdiction of the European Court of Human Rights; and

Whereas the European Commission of Human Rights, in the case of Cyprus vs. Turkey before the European Court of Human Rights in 1999 found that “taken as a whole, the daily life of the Greek Cypriots in northern Cyprus is characterized by a multitude of adverse circumstances. The absence of normal means of communication, the un-

availability in practice of the Greek Cypriot press, the insufficient number of priests, the difficult choice before which parents and school children are put regarding secondary education, the restrictions and formalities applied to freedom of movement, the impossibility to preserve property rights upon departure or death and the various other restrictions create a feeling among the persons concerned of being compelled to live in a hostile environment in which it is hardly possible to lead a normal private and family life" and "are to a large extent the direct result of the official policy conducted by the respondent government [Turkey] and its subordinate local administration":

Whereas on May 10, 2001, the European Court of Human Rights, in its judgment in the case of Cyprus v. Turkey, held Turkey, by a vote of 16 to 1, responsible under the European Convention of Human Rights for continuing human rights violations committed throughout its 27-year military occupation of the northern third of Cyprus against, inter alia, the enclaved people in the occupied area of Cyprus, and cited Turkey (1) on controlling and restricting their movements, thus limiting access to their places of worship and participation in other aspects of religious life; (2) on exercising excessive measures of censorship on school books destined for use by the Karpas Greek Cypriots; (3) on not securing the peaceful enjoyment of their possessions and not recognizing the inheritance rights of their relatives; (4) on not making available appropriate secondary education school facilities; (5) on preventing any prospect of renewing or developing their community and subjecting them to inhuman living conditions and violating the very notion of human dignity; (6) on not respecting their private or family life or their homes; (7) on denying effective remedies in respect of their complaints;

and (8) on subjecting them to severe discrimination amounting to degrading treatment; and

Whereas the European Court of Human Rights also ruled that Turkey's responsibility cannot be confined under the European Convention of Human Rights to the acts of its own soldiers and officials operating in northern Cyprus but also covers the acts of its subordinate local administration, which survived by virtue of the Turkish military and other support: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring), That Congress—*

3 (1) strongly urges the President to undertake
4 efforts to end restrictions on the freedoms and
5 human rights of the enclaved people of Cyprus; and

6 (2) expresses its intention to remain actively in-
7 terested in the matter until the human rights and
8 fundamental freedoms of the enclaved people of Cy-
9 prus are restored, respected, and safeguarded.

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