

The Search for Security via Answers to Questions on Law, Criminal Justice and Impunity

A working paper* published in connection with the 'Conference on
Cyprus' in Geneva on 28 June 2017

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17 June 2017

Published by *Agora Dialogue* at
<http://agora-dialogue.com>

* The author, who is an academic, has described this text as a working paper. This is because it represents the product of work in progress. This working paper is being published sooner than originally planned but in direct response to the announcement by the United Nations on 9 June 2017 that a 'Conference on Cyprus' is to 'reconvene' in Geneva on 28 June 2017. This version incorporates a few amendments and additions made on 19 June 2017.

Introduction

In antiquity, Socrates taught his students to ask questions and thereby stimulate a dialogue. The eminent philosopher had a point. Accurate answers to penetrating questions are among the keys to ascertaining the truth, exposing falsehoods and serving justice.

With Socrates partly in mind, the author¹ of this working paper ('this Paper')² posed a number of questions in a previous article of his. This was originally published in English in *Agora Dialogue* on 2 January 2017; it was entitled 'The Fourth Geneva Convention of 1949 and its relevance to the 'Conference on Cyprus' in Geneva on 12 January 2017'³ ('Article of 2 January 2017').

In his Article of 2 January 2017, the author preceded his questions with an analysis. This presented a sample of evidence concerning the forced eviction, forcible transfer and ethno-religious cleansing of many civilians in the aftermath of the two Turkish invasions of the Republic of Cyprus;⁴ these invasions were launched on 20 July and 14 August 1974.

The sample of evidence included the following extract from a declassified telegram sent on 5 August 1974 by Stephen Olver, the then British High Commissioner in Nicosia, to Mr James Callaghan MP, the then Foreign and Commonwealth Secretary of the United Kingdom. It is emblematic of a much bigger picture:

'A transfer of the Greek Cypriot population out of the Kyrenia area is going on steadily. This is undoubtedly considered Turkish policy and people are being told that they will never come back. This is tragic, and we must obviously do what we can to contest these forced evictions.'⁵

¹ The author of this working paper, Dr Klearchos A. Kyriakides ('the author'), is an Assistant Professor in the School of Law of the Cyprus Campus of the University of Central Lancashire. The author is also the Co-ordinator of its programme dedicated to the Rule of Law and the Lessons of History. He declares an interest as a British and EU citizen with roots in various parts of the Republic of Cyprus including Lysi and Petra. After the second of the two Turkish invasions of the Republic of Cyprus in 1974, these two villages were ethnically-cleansed by Turkey. On a voluntary unpaid basis, the author is an independent academic consultant of Lobby for Cyprus, a non-party-political Non-Governmental Organisation based in London, which campaigns on behalf of displaced persons from the Turkish-occupied parts of the Republic of Cyprus. The views expressed by the author in this working paper are personal and not those of any organisation with which he is or has ever been associated.

² As indicated on the front page, the author has described this as a working paper because it represents the product of work in progress. This working paper is being published sooner than originally planned but in direct response to the announcement by the United Nations on 9 June 2017 that a 'Conference on Cyprus' is to 'reconvene' in Geneva on 28 June 2017.

³ Klearchos A. Kyriakides, 'The Fourth Geneva Convention of 1949 and its relevance to the 'Conference on Cyprus' in Geneva on 12 January 2017', *Agora Dialogue*, 2 January 2017, at <http://agora-dialogue.com/2017/01/02/the-fourth-geneva-convention-of-1949-and-its-relevance-to-the-conference-on-cyprus-in-geneva-on-12-january-2017/>. A shorter version of the same article, which was written in Greek, was published in the Cypriot newspaper, *Simerini*, on 8 January 2017. An electronic copy of the latter is available at www.sigmalive.com/simerini/politics/394181/telika-ti-tha-syzitisoun-sti-genevi

⁴ The author has consciously referred to the Turkish invasions of the Republic of Cyprus in 1974 in the plural. He has done so mindful of the judgment handed down in a case of the High Court of England and Wales which was reported in 1983. In his judgment, Mr Justice Bingham (as Lord Bingham of Cornhill was then known) referred to 'the Turkish invasions' (in the plural). This judge did so in the following context, as described in his judgment: 'In the summer of 1974 the Turkish invasions of Cyprus took place. The consequences for the plaintiff and her children were catastrophic. All their property was in the area of Famagusta which was sealed off by Turkish troops; the flat they were living in was bombed and their furniture badly damaged. After six months under canvas in a refugee camp on one of the British Sovereign Bases, she and the children were able to return to Famagusta by courtesy of the Turkish occupying forces and they have since then been living in the flat of a German lady dispossessed by the troubles. Their own flats remain inaccessible and may in any event be uninhabitable.' Elsewhere in his judgment in this case, Mr Justice Bingham likewise referred to 'the invasions' (in the plural). See *Catlin v Cyprus Finance Corporation (London) Ltd* [1983] Q.B. 759. During the latter part of his distinguished judicial career, Lord Bingham served as Master of the Rolls of England and Wales (from 1992 until 1996), Lord Chief Justice of England and Wales (from 1996 until 2000) and Senior Lord of Appeal in Ordinary otherwise known as the Senior Law Lord (from 2000 until 2008).

⁵ FCO 9/1920, National Archives of the United Kingdom. The author hereby thanks Ms Fanoulla Argyrou for helping him to trace the original of this document during one of his visits to the National Archives. The author first spotted this document in Keith Hamilton and Patrick Salmon (eds.), *British Documents on British Policy Overseas Series III, Volume V: The Southern*

1. The implementation of a neo-imperial strategy and the systematic denial of criminal justice

In the interests of putting the contents of this Paper into broader context and as a prelude to the questions set out in Appendix 1 and Appendix 2 of this Paper, it is necessary for the author to make a number of preliminary points. These necessarily dovetail with the matters raised in the author's Article of 2 January 2017 and in his other recent articles.⁶

(i) In 1956, the Government of the United Kingdom floated the possibility that the then Crown Colony of Cyprus may become subject to a territorial partition. It did so in spite of the demographic realities on the ground.⁷ On the back of this British initiative, Turkey formulated and pursued a partitionist neo-imperial strategy.⁸ In 1958, the main tenets of this strategy were neatly summarised in the following terms by Harold Macmillan MP, the then Prime Minister of the United Kingdom:

'The Turks — I am putting their view — regard Cyprus as an extension of the Anatolian Plain, a kind of offshore island with vital significance for their defence and their security. They say — this has been their argument up to now — that the Turkish-Cypriot community must not be ruled by a Greek-Cypriot community and they have advocated the physical separation of the two communities by means of a territorial partition. That is their view of the situation.'⁹

(ii) In 1964, Turkey appears to have updated its pre-existing neo-imperial strategy in favour of segregation and territorial division. It did so in the light of the establishment of the 'bi-communal' Republic of Cyprus in August 1960, the cataclysmic constitutional crisis which erupted there in November 1963 and the deadly inter-

Flank in Crisis 1973-1976 (Routledge on behalf of The Stationery Office (reproducing Crown Copyright material), Abingdon, paperback edition, 2014), pages 161 to 163.

⁶ Those in English include Klearchos A. Kyriakides, 'The Lennox-Boyd statement of 19 December 1956 and the origins of the proposed 'bi-communal, bi-zonal federation' in Cyprus', *Agora Dialogue*, 27 December 2016, at <http://agora-dialogue.com/2016/12/27/the-lennox-boyd-statement-of-19-december-1956-and-the-origins-of-the-proposed-bi-communal-bi-zonal-federation-in-cyprus/> and Klearchos A. Kyriakides, 'The 'Intellectual Partition' of Cyprus, the 'Macmillan Doctrine' and the talks held in Geneva in August 1974 and January 2017', *Agora Dialogue*, 9 January 2017, at <http://agora-dialogue.com/2017/01/09/the-intellectual-partition-of-cyprus-the-macmillan-doctrine-and-the-talks-held-in-geneva-in-august-1974-and-january-2017/> and Klearchos A. Kyriakides, 'What does 'reunification' really mean?', *Agora Dialogue*, 22 May 2017, at <http://agora-dialogue.com/2017/05/22/what-does-reunification-really-mean/>. Those in Greek include Κλέαρχος Κυριακίδης, 'Οι καταβολές μιας διαιρετικής ιδέας: Το «Δόγμα Μακμίλαν» και οι καταβολές της ιδέας ότι η Κύπρος πρέπει να υπόκειται σε έναν «συνεταιρισμό» με «5 μέρη»', *Σημερινή*, 29 Ιανουαρίου 2017 www.sigmalive.com/simerini/politics/400437/oi-katavoles-mias-diairetikis-ideas and Κλέαρχος Κυριακίδης, 'Οι Πέντε Πυλώνες της Διχοτόμησης: Η ουσία της τουρκικής στρατηγικής έναντι της Κύπρου', *Agora Dialogue*, 19 Φεβρουαρίου 2017 <http://agora-dialogue.com/2017/02/19/%CE%BF%CE%B9-%CE%80%CE%AD%CE%BD%CF%84%CE%B5-%CF%80%CF%85%CE%BB%CF%8E%CE%BD%CE%B5%CF%82-%CF%84%CE%B7%CF%82-%CE%B4%CE%B9%CF%87%CE%BF%CF%84%CF%8C%CE%BC%CE%B7%CF%83%CE%B7%CF%82-%CE%B7-%CE%BF%CF%85%CF%83/> and Κλέαρχος Κυριακίδης, 'Οι Συνήγοροι του Τουρκικού Δόγματος της Διαίρεσης: Οι Βρετανοί και οι 'Πέντε Πυλώνες της Διχοτόμησης'', *Agora Dialogue*, 28 Απριλίου 2017 <http://agora-dialogue.com/2017/04/28/%CE%BF%CE%B9-%CF%83%CF%85%CE%BD%CE%AE%CE%B3%CE%BF%CF%81%CE%BF%CE%B9-%CF%84%CE%BF%CF%85-%CF%84%CE%BF%CF%85%CF%81%CE%BA%CE%B9%CE%BA%CE%BF%CF%8D-%CE%B4%CF%8C%CE%B3%CE%BC%CE%B1%CF%84%CE%BF%CF%82-%CF%84/>

⁷ See Klearchos A. Kyriakides, 'The Lennox-Boyd statement of 19 December 1956 and the origins of the proposed 'bi-communal, bi-zonal federation' in Cyprus', *Agora Dialogue*, 27 December 2016, at <http://agora-dialogue.com/2016/12/27/the-lennox-boyd-statement-of-19-december-1956-and-the-origins-of-the-proposed-bi-communal-bi-zonal-federation-in-cyprus/>

⁸ See Hikmet Zeki Kapci, 'Nihat Erim Report of the Solution of the Cyprus Problem', *Journal of Modern Turkish History Studies*, XIV/29, Autumn 2014, pages 353-375.

⁹ Harold Macmillan MP, Prime Minister of the United Kingdom, Hansard, *House of Commons Debates*, 26 June 1958, Columns 724-725.

communal upheaval which was subsequently sparked in December 1963. The updated strategy of Turkey and of the leadership of the Turkish Community of the Republic of Cyprus was identified in graphic terms on 2 December 1964 by Taylor Belcher, the then US Ambassador in Nicosia. To quote US Ambassador Taylor:

'Federation as envisaged by Turk-Cypriot leaders and we suppose by GOT [Government of Turkey] is [a] solution which might possibly be imposed temporarily at great cost by force of arms. Admittedly we have not yet got a definition of this all important word but before we go any further down this dangerous road we should know exactly what is in mind in Ankara. Geographic separation of most of two communities with boundaries cutting Famagusta and Nicosia and running west to Kokkina area is Turk Cypriot meaning [of federation]. ... federation à la Turquie.'¹⁰

(iii) In March 1965, Dr Galo Plaza, the then United Nations Mediator relating to the Republic of Cyprus, wrote about the updated strategy of Turkey and the Turkish Community in even more detailed terms than those used by US Ambassador Belcher on 2 December 1964. To quote Dr Plaza:

'... In short, they [i.e. the leadership of the Turkish community of the Republic of Cyprus] wished [the Turkish community] to be physically separated from the Greek community. ... Their proposal envisaged a compulsory exchange of population in order to bring about a state of affairs in which each community would occupy a separate part of the island. The dividing line was in fact suggested: to run from the village of Yalia on the north-western coast through the towns of Nicosia in the centre, and Famagusta in the east. The zone lying north of this line was claimed by the Turkish-Cypriot community; it is said to have an area of about 1,084 square miles or 38 per cent of the total area of the Republic. An exchange of about 10,000 Greek families for about the same number of Turkish families was contemplated. ...

'The Government of Turkey, for its part, indicated that it considered a solution to the Cyprus problem to lie along the lines of a federal State ...

'The proposal of the Turkish Government for the geographical separation of the two communities under a federal system of government remains essentially the same as the plan previously submitted by itself and the Turkish-Cypriot leadership ...'.¹¹

(iv) By means of two invasions of the Republic of Cyprus, one of which was launched on 20 July 1974 with the other on 14 August 1974, Turkey exploited an unlawful *coup* which had been instigated in Nicosia on 15 July 1974 by the military *junta* which was ruling Greece at the time. More to the point, Turkey invaded in a manner which appeared to implement its neo-imperial strategy dating back to 1956,

¹⁰ Telegram from Ambassador Taylor Belcher, US Embassy in Nicosia, to the US State Department, 2 December 1964, 2pm, reproduced in James E. Miller (ed.), *Foreign Relations of the United States, 1964-1968, Volume XVI* (US State Department, Washington DC, 2000, Document 167). Also published online by the US State Department at <https://history.state.gov/historicaldocuments/frus1964-68v16/d167>

¹¹ Report of Dr Galo Plaza, the United Nations Mediator, to the Secretary-General of the United Nations, as embodied in United Nations Security Council Document S/6253, 26 March 1965, paragraphs 72, 73, 78 & 109. Published online by the UN Digital Library at https://digitallibrary.un.org/record/573661/files/S_6253-EN.pdf

as updated in 1964. A sign of this is the fact that Turkey launched its second invasion on 14 August 1974 – a full three weeks after the downfall of both the short-lived coupist regime in Nicosia and its main sponsor, the military *junta* in Athens. In other words, the second invasion could not be justified with reference to any pretext. By the time of the cease-fire proclaimed on 16 August 1974, Turkey ended up occupying and ethno-religiously cleansing 36 per cent of the territory and 57 per cent of the coastline of the Republic of Cyprus.

(v) During an astonishing telephone conversation conducted at 1.45pm (London time) on 14 August 1974, i.e. on the very day on which Turkey launched its second invasion, James Callaghan MP, the then Foreign and Commonwealth Secretary of the United Kingdom, reached an extraordinary deal with Dr Henry Kissinger, the then Secretary of State of the United States. The nub of this British-inspired but American-backed deal effectively boiled down to this. On the one hand, the United Kingdom and the United States effectively agreed *not* to take any meaningful military steps to stop the second Turkish invasion; this in spite of the status of the United Kingdom as a guarantor of the Republic of Cyprus. On the other hand, the United Kingdom and the United States effectively agreed that they *would* take diplomatic steps to try to ensure that the primary aims of Turkey would be substantially fulfilled. To quote from the British 'Record' of this extraordinary Callaghan-Kissinger conversation:

'Foreign Secretary [Callaghan]: Henry, if I can put the position in a nutshell, I think it comes to this: that the Turks have got a good case. In my view this can now only be resolved by the creation of a zone. A zone in which they will have autonomy within a federal republic. This could be got by negotiation but in the temper of today, no one can begin to get anything like this. And so you have a military solution for the time being, in which they will police their own boundary. You'll have a great exchange of population with the Greeks moving out and we'll then just let diplomacy take over when we see the opportunity once more, to see if we can get a peaceful solution in the island. Now as regards Greece and Turkey, it is Greece who will need massaging because the Turks are too jingoistic, indeed too close to Hitler for my liking. All right?

'Dr Kissinger: I completely agree with you, Jim. And the tragedy is that it could have worked out that way through diplomacy ...

'Foreign Secretary [Callaghan]: I believe you. Well, goodbye old man and all the best to you with your pre-occupations. ...'.¹²

(vi) In the aftermath of the two Turkish invasions of the Republic of Cyprus in 1974, Turkey continued to press for the formation of a 'federation'. By the same token, Turkey hoped that a 'settlement' could be reached to legalise what it had procured by the use of brute force – *de facto* territorial partition, *de facto* ethno-religious cleansing, *de facto* demographic engineering and *de facto* segregation. Evidence to this effect may be found in a declassified letter, dated 25 March 1975, by the Head of

¹² PREM 16/20, National Archives of the United Kingdom, Kew Gardens, Surrey. The author of this article traced the original of this document in the National Archives of the United Kingdom after spotting a reference to it in William Mallinson, *Britain in Cyprus* (I.B. Tauris, London, 2011), pages 67-70. The author hereby records his gratitude to Dr Mallinson.

Chancery at the British Embassy in Ankara to the Foreign and Commonwealth Office in London. This reveals the following:

‘... first of all, the Turks have very largely already attained all they really need in the island. What they lack is[:]

‘(a) the recovery of the Turkish Cypriots still in the south and

‘(b) Greek acquiescence in a weak federal system. ...

‘... It is Greek acceptance of the new situation on the island they [i.e. ‘the Turks’] are after first and foremost rather than getting rid of Makarios, however desirable they believe that to be.’¹³

(vii) All post-1974 diplomatic efforts to settle the ‘Cyprus problem’ has sought, directly or indirectly, to manufacture a ‘bi-communal, bi-zonal federation’. As such, these diplomatic efforts appear to be consistent with all of the following: firstly, the post-1956 strategy of Turkey, as updated in 1964; secondly, the *de facto* realities created by the use of brute force after 20 July 1974; thirdly, the Callaghan-Kissinger deal, as struck over the telephone on 14 August 1974; and, fourthly, the post-invasion preferences of Turkey, as identified by the British Embassy in the aforementioned letter dated 25 March 1975. For these and for other reasons, the author submits that the post-1974 diplomatic efforts have not only smacked of appeasement in favour of an aggressor. They have also lacked any humane, ethical or moral basis. Accordingly, notwithstanding various United Nations Security Council Resolutions, the author submits that these diplomatic efforts have been – and remain – unconscionable. As is the proposed ‘bi-communal, bi-zonal federation’.

(viii) In the aftermath of each of the two Turkish invasions of the Republic of Cyprus, Turkey, its armed forces and agents not only committed serious and sustained violations of human rights, as confirmed by a number of cases brought before the European Court of Human Rights.¹⁴ In addition, it appears as if Turkey, its armed forces and agents allegedly procured the crimes described in the Article of 2 January 2017 and elsewhere in this Paper. That said, it must be emphasised that others have also been accused of allegedly committing grave crimes both before and after the two Turkish invasions; those accused include elements of the National Guard of the Republic of Cyprus and EOKA B, the erstwhile paramilitary organisation.¹⁵

(ix) There exists a substantial body of contemporaneous evidence, information and allegations relating to the conflict-related crimes allegedly committed in the Republic of Cyprus, particularly since December 1963. This body includes but is not limited to the following: documents deposited in archives which are freely available to the

¹³ Letter from W.H. Fullerton, British Embassy, Ankara, to M.C.S. Weston South East European Department, Foreign and Commonwealth Office, London, paragraphs 2 (i) and (iii), FCO 9/2159, National Archives of the UK, Kew Gardens, Surrey.

¹⁴ See, for instance, *Cyprus v Turkey* [2001] ECHR 331 and *Cyprus v Turkey (Just Satisfaction)* [2014] ECHR 478.

¹⁵ See, for instance, the allegations set out in the ‘Letter dated 22 August 1974 from [Osman Olcay] the Permanent Representative of Turkey to the United Nations to the Secretary-General [of the United Nations]’, United Nations Security Council Document S/11466. Published by the United Nations Digital Library at https://digitallibrary.un.org/record/484243/files/S_11466-EN.pdf and (with ‘Record Details’) at <https://digitallibrary.un.org/record/484243?ln=en>

public, such as the National Archives of the United Kingdom,¹⁶ the National Archives of the United States¹⁷ and the United Nations Archive;¹⁸ contemporary reports, such as those of the United Nations, based on information collected from United Nations personnel and others on the ground in the Republic of Cyprus;¹⁹ declassified official reports;²⁰ judgments of the European Court of Human Rights;²¹ judgments of other courts;²² and official publications of the Republic of Cyprus.²³

(x) The conflict-related crimes alleged to have been committed in the Republic of Cyprus include those dwelt on by the author in his Article of 2 January 2017 and those manifested in the telegram of British High Commissioner Older, dated 5

¹⁶ The documents from the National Archives of the United Kingdom which have been published include those reproduced in a book edited by two historians attached to the Foreign and Commonwealth Office: Keith Hamilton and Patrick Salmon (eds.), *British Documents on British Policy Overseas Series III, Volume V: The Southern Flank in Crisis 1973-1976* (Routledge on behalf of The Stationery Office (reproducing Crown Copyright material), Abingdon, paperback edition, 2014).

¹⁷ The documents from the National Archives of the United States which have been published include those reproduced in Laurie Van Hook (ed.), *Foreign Relations of the States, 1969-1976, Volume XXX Greece Cyprus; Turkey, 1973-1976* (US State Department Office of the Historian & US Government Printing Office, Washington DC, 2007). The US State Department has published a full PDF electronic copy of this volume and various other related materials at <https://s3.amazonaws.com/static.history.state.gov/frus/frus1969-76v30/pdf/frus1969-76v30.pdf> and <https://history.state.gov/historicaldocuments/frus1969-76v30>

¹⁸ These include but are not limited to the following documents: 'Letter dated 5 September 1974 from [Ambassador Zenon Rossides] the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General of the United Nations', United Nations Security Council Document S/11492, United Nations Archive and United Nations Digital Library; and 'Letter dated 6 December 1974 from [Ambassador Zenon Rossides] the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General of the United Nations', United Nations Security Council Document S/11569, United Nations Archive and United Nations Digital Library.

¹⁹ See, for instance, the 'reports' and 'further reports' of the Secretary-General of the United Nations to the Security Council of the United Nations. A good example is the 'Further report' of the Secretary-General, dated 5 August 1974. As this 'Further report' makes clear in paragraph 1, it embodies 'information' which was 'based on reports' from the 'Special Representative' of the United Nations Secretary-General and 'the Force Commander of UNFICYP describing the situation in Cyprus from 2200 hours (local time) on 3 August to 1400 hours on 5 August 1974'. The 'Further report' also drew upon 'a number of cables giving an account of developments in the humanitarian field.' All in all, this 'Further report' offers, at paragraphs 8(a) to (d), compelling insights into the fate of Kyrenia and some of the villages within Kyrenia District in the period between 20 July 1974 (the date of the first Turkish invasion) and 5 August 1974 (the date of the 'Further Report'). To quote paragraphs 8(a) to (d):

'(a) After the outbreak of hostilities, the greater part of the Greek Cypriot population tried to leave the area where landings had occurred. Those who remained in Greek Cypriot towns and villages were brought by Turkish troops to several assembly points, principally in [the town of] Kyrenia (Dome Hotel), Bellapais, Karmi and Trimithi [i.e. three villages in Kyrenia District]. After some time most foreign nationals could leave the area with the help of UNFICYP and a rescue operation by the British Navy.

'(b) Most of the male population of the Greek Cypriot villages were taken prisoner and escorted by Turkish troops into the areas of Boghaz-Geunyely-Orta Keuy. Some of the women and children of many villages were eventually told to leave their villages and to cross the lines into territory controlled by the National Guard. Others were transported, without their possessions, to Nicosia by bus and set free with instructions to cross the Green line into the Greek Cypriot sector of the city.

'(c) In the Kyrenia area, most shops and many houses are reported to have been looted. Automobiles left behind by Greek Cypriots and foreign nationals have been damaged or removed.

'(d) The International Committee of the Red Cross (ICRC), with the assistance of UNFICYP, has endeavoured to send convoys with food and other essential supplies to the detained Greek Cypriot civilians. The Turkish Army has announced that all civilians would henceforth be fed by the Turkish authorities.'

'Further report of the Secretary-General on developments in Cyprus', United Nations Security Council Document S/11353/Add.15, dated 5 August 1974, paragraphs 1 and 8(a) to (d). Published by the United Nations Digital Library at https://digitallibrary.un.org/record/484572/files/S_11353_Add.15-EN.pdf and (with 'Record Details') at <https://digitallibrary.un.org/record/484572?ln=en>

²⁰ The prime example is the *Report of the European Commission on Human Rights Adopted on 10 July 1976, Volumes I and II* (Council of Europe, Strasbourg, declassified on 31 August 1979 and published online via the website of the European Court of Human Rights at <http://hudoc.echr.coe.int> and more specifically, at [http://hudoc.echr.coe.int/eng#{"fulltext":\["6950/75"\],"languageisocode":\["ENG"\],"appno":\["6780/74"\],"documentcollectionid2":\["G RANDCHAMBER","CHAMBER","REPORTS"\]](http://hudoc.echr.coe.int/eng#{)

²¹ See, for instance, various judgments relating to international human rights law, as distinct from international humanitarian law, such as *Loizidou v Turkey* [1995] ECHR 10, *Loizidou v Turkey* [1997] 23 EHRR 513, *Loizidou v Turkey* [2009] ECHR 1328, *Cyprus v Turkey* [2001] ECHR 331, *Cyprus v Turkey (Just Satisfaction)* [2014] ECHR 478 and *Varnava and others v Turkey* [2009] ECHR 1313.

²² See, for example, *Autocephalous Greek-Orthodox Church of Cyprus v Goldberg & Feldman Fine Arts and Goldberg*, United States Court of Appeal, Seventh Circuit, No. 89-2809, 24 October 1990.

²³ See, for example, *The Loss of a Civilization: Destruction of Cultural Heritage in Occupied Cyprus* (Nicosia: Press and Information Office of the Republic of Cyprus 2012), page 10. Published online at [www.mfa.gov.cy/mfa/embassies/embassy_thehague.nsf/CF30C1833A24D2FCC22578B00036FA20/\\$file/Destruction%20of%20cultural%20heritage%20\(English%20version\).pdf](http://www.mfa.gov.cy/mfa/embassies/embassy_thehague.nsf/CF30C1833A24D2FCC22578B00036FA20/$file/Destruction%20of%20cultural%20heritage%20(English%20version).pdf)

August 1974, as quoted above. These crimes include the forced eviction²⁴ of unarmed civilians from their homes and the forcible transfer²⁵ of such civilians to other parts of the Republic of Cyprus. All of which appears to have given rise to ethnic cleansing²⁶ forming part of a wider programme of demographic engineering. In his Article of 2 January 2017, the author dwelt specifically on forcible transfers, as prohibited by Article 49(1) of the Fourth Geneva Convention of 1949. Under this provision:

‘Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.’²⁷

(xi) Since the establishment of the Republic of Cyprus in 1960, the victims of the criminality outlined above have included many citizens of the Republic of Cyprus. As such, these victims belong to one or other of the two ‘Communities’ established by the Constitution of the Republic of Cyprus on 16 August 1960 – the Greek Community and the Turkish Community.²⁸ Salient details may be found in the allegations and supporting details found in various sources, including letters submitted to the United Nations.²⁹ For the reasons outlined by the author in his Article of 2 January 2017 and in this Paper, such victims of criminality have not seen

²⁴ In relation to forced evictions generally, see Office of the High Commissioner for Human Rights, *Forced Evictions Fact Sheet No. 25/Rev. 1* (United Nations, Geneva, 2004). Published by the UN at www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf

²⁵ See the analysis of forcible transfers in the context of forced displacement at Guido Acquaviva, Chef de Cabinet, Special Tribunal for Lebanon, *Forced Displacement and International Crimes* (Division of International Protection, United Nations High Commissioner for Refugees, Geneva, June 2011). Published online by the United Nations Refugee Agency at www.refworld.org/pdfid/4fdf1dbd2.pdf

²⁶ To quote from a publication of the United Nations Office on Genocide Prevention and the Responsibility to Protect: ‘As ethnic cleansing has not been recognized as an independent crime under international law, there is no precise definition of this concept or the exact acts to be qualified as ethnic cleansing. A United Nations Commission of Experts mandated to look into violations of international humanitarian law committed in the territory of the former Yugoslavia defined ethnic cleansing in its interim report S/25274 as “... rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area.” In its final report S/1994/674, the same Commission described ethnic cleansing as “... a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas.”

‘The Commission of Experts also stated that the coercive practices used to remove the civilian population can include: murder, torture, arbitrary arrest and detention, extrajudicial executions, rape and sexual assaults, severe physical injury to civilians, confinement of civilian population in ghetto areas, forcible removal, displacement and deportation of civilian population, deliberate military attacks or threats of attacks on civilians and civilian areas, use of civilians as human shields, destruction of property, robbery of personal property, attacks on hospitals, medical personnel, and locations with the Red Cross/Red Crescent emblem, among others.

‘The Commission of Experts added that these practices can “... constitute crimes against humanity and can be assimilated to specific war crimes. Furthermore, such acts could also fall within the meaning of the Genocide Convention.”

Quoted in the analysis of ethnic cleansing published by the United Nations Office on Genocide Prevention and the Responsibility to Protect at www.un.org/en/genocideprevention/ethnic-cleansing.html

²⁷ Details concerning the crime of forcible transfer may be found in various judgments of the International Criminal Tribunal for the Former Yugoslavia. A prime example is the judgment in *Prosecutor v Radovan Karadzic*, 24 March 2016, at paragraphs 488-493 and 3524. The judgment has been published by the ICTY at www.icty.org/x/cases/karadzic/tjug/en/160324_judgement.pdf

²⁸ Under Article 2(1) and 2(2) of the Constitution of the Republic of Cyprus brought into force on 16 August 1960: ‘For the purposes of this Constitution: 1. the Greek Community comprises all citizens of the Republic who are of Greek origin and whose mother tongue is Greek or who share the Greek cultural traditions or who are members of the Greek-Orthodox Church; 2. the Turkish Community comprises all citizens of the Republic who are of Turkish origin and whose mother tongue is Turkish or who share the Turkish cultural traditions or who are Moslems; ...’. The main body of the Constitution has been published by the Presidency of the Republic of Cyprus at [www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/\\$file/CY_Constitution.pdf](http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/$file/CY_Constitution.pdf)

²⁹ Examples include the allegations embodied in the ‘Report of the Secretary-General [of the United Nations] on developments in Cyprus for the period 25 August to 8 September 1974’, at paragraphs 12 to 16, United Nations Security Council Document S/11468/Add. 1, 10 September 1974. Published by the United Nations Digital Library at https://digitallibrary.un.org/record/484264/files/S_11468_Add.1-EN.pdf and (with ‘Record Details’) at <https://digitallibrary.un.org/record/484264?ln=en>

criminal justice serviced by means of thorough investigations and fair trials conducted under international criminal law. This leads neatly to the next point.

(xii) Notwithstanding the gravity of the allegations, the abundance of available evidence and a fleeting post-invasion interest in the possible formation of 'independent investigations into alleged atrocities',³⁰ criminal justice has never been adequately served in relation to the many violations of international humanitarian law in the Republic of Cyprus since its establishment in 1960. In relation to these matters, it does not appear as if the United Nations, Turkey, the Republic of Cyprus or any other state has ever launched any independent investigations for the specific purposes of implementing international humanitarian law and thereby serving international criminal justice.³¹

(xiii) With regard to the crimes allegedly committed in the Republic of Cyprus, contrary to international humanitarian law, the United Nations shoulders at least some of the responsibility for fostering a culture of impunity. The United Nations has never established any independent international criminal tribunal for the Republic of Cyprus along the lines of the precedents established, firstly, by the victorious Allies in relation to Germany (in Nuremberg in Germany) and Japan (in Tokyo)³² and, secondly, by the United Nations Security Council with respect to places such as the former Yugoslavia (in The Hague in the Netherlands)³³ and Rwanda (in Arusha in Tanzania and The Hague).³⁴

(xiv) In view of what is now known, during his term of office as Secretary-General of the United Nations from 1 January 1972 until 31 December 1981, Dr Kurt Waldheim either had or appeared to have a conflict of interest, which he failed to disclose publicly. Accordingly, Dr Waldheim failed to act ethically during the most volatile years in the history of the Republic of Cyprus. The author makes this submission mindful of the conspicuous failure of Dr Waldheim – during his term of office at the United Nations – firstly to disclose full details as to his whereabouts or conduct as a German *Wehrmacht* intelligence officer during the Second World War and secondly to divulge the crimes committed by the military branch within which he served in places such as German-occupied Yugoslavia and Greece. These crimes included the mass deportation of Jews to death camps in Poland.³⁵

30 The evidence may be found, for instance, in paragraph 17 of the aforementioned 'Report of the Secretary-General [of the United Nations] on developments in Cyprus for the period 25 August to 8 September 1974' (at *ibid*). To quote paragraph 17 in full: '17. The Greek Cypriot authorities announced that they were ready to agree to an independent investigation by the United Nations and ICRC [International Committee of the Red Cross] in the presence of an observer of the Government and of the Turkish side and that similar independent investigations into alleged atrocities should be carried out on both sides. For their part, the Turkish Cypriot leadership announced that it was agreeable to such an investigation in Maratha. There has been no sequel to these announcements.'

31 After 1974, Nicos Sampson, the titular head of the short-lived coupist regime in Nicosia, was charged with, tried and convicted of committing crimes against the state contrary to the domestic criminal code of the Republic of Cyprus. To quote from the Supreme Court of Cyprus: 'Sampson ... had been committed for trial, before an Assize Court in Nicosia, for offences against the State, contrary to sections 40 and 41 of the Criminal Code, Cap. 154, and directly connected with the coup d'etat.' See *The Republic v Nicolaos Sampson* (1977) 2 A.A.Δ. 1. Published by the Cyprus Bar Association at www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_2/1977/rep/1977_2_0001.htm&qstring=sampson. In Greece, some of the leading figures in the *junta*, which governed the country from 1967 to 1974, were also charged, tried and convicted.

32 On the history of international criminal justice prior to 1949, see, for instance, *Historical Survey of the Question of International Criminal Jurisdiction - Memorandum submitted by the Secretary-General Topic: Question of international criminal jurisdiction* (Document A/CN.4/7/Rev.1, United Nations General Assembly, International Law Commission, Lake Success, New York, 1949). Published online by the United Nations at http://legal.un.org/ilc/documentation/english/a_cn4_7_rev1.pdf

33 See *inter alia* the website of the International Criminal Tribunal for the Former Yugoslavia at www.icty.org/

34 See *inter alia* the legacy website of the International Criminal Tribunal for Rwanda at <http://unictr.unmict.org/>

35 See, for example, *In The Matter of Kurt Waldheim* (Office of Special Investigations, Criminal Division, US Department of Justice, Washington DC, 9 April 1987). Also see Eli M. Rosenbaum with William Hoffer, *Betrayal: The Untold Story of the Kurt Waldheim Investigation and Cover-Up* (St Martin's Press, New York, September 1993). At the time of publication, Mr

(xv) In 1981, in no small measure due to the diplomacy of Dr Waldheim whilst he was labouring under an apparent conflict of interest, the United Nations helped to establish the Committee on Missing Persons ('CMP'). However, the CMP was granted exceptionally limited terms of reference. Accordingly, the CMP has never had any mandate to initiate any investigations conducted under criminal law. Nor has it ever had any mandate to apportion any responsibility for any deaths. The mandate of the CMP does not permit it to operate in line with the principle of open justice; this is because its 'entire proceedings and findings' must remain 'strictly confidential'.³⁶ In this context, it is not without significance that the CMP receives funding from at least three states, namely Turkey,³⁷ the United Kingdom³⁸ and the Republic of Cyprus,³⁹ which may have a vested interest in the non-application of international criminal justice in the Republic of Cyprus.⁴⁰ To this, the author must add a further point. Turkey has never become a State Party to the International Convention for the Protection of All Persons from Enforced Disappearance of 2006.⁴¹ This fact raises additional questions as to the sincerity of Turkey in connection with the search for missing persons and any related pursuit of criminal justice.⁴²

For these and for other reasons, including those set out in the author's Article of 2 January 2017, it is not unreasonable to reach a sombre conclusion: there has been a collective decades-long failure to uphold the rule of law in an adequate manner befitting the post-1945 legal order. In consequence, not only have the citizens of the Republic of Cyprus remained *de jure* divided along 'bi-communal' lines since 1960 and *de facto* segregated on *de facto* 'bi-zonal' lines since 1974. Individual citizens of the Republic of Cyprus – and its citizens as a collective whole – have been subjected to the systematic denial of criminal justice. In turn, systemic injustice has been supplemented by a culture contaminated with systematic impunity.

2. The thinking behind the 12 Questions embodied within the author's Article of 2 January 2017

The author's Article of 2 January 2017 was hastily composed and published during an apprehensive period prior to a secret diplomatic 'Conference on Cyprus' which took place in Geneva on 12 January 2017. The 'Conference' was arranged at

Rosenbaum was, to quote from the inside cover of his book, 'the Principal Deputy Director of the Office of Special Investigations, the US Justice Task Force for the investigation and prosecution of Nazi war criminals.' He had previously served as the in-house General Counsel for the World Jewish Congress. In 1990, Dr Waldheim expressed 'sorrow' for the 'omissions' made in his public statements, but he adamantly denied personally committing any crimes. See 'Waldheim apologies for misleading Israelis about past', UPI, 11 May 1990: www.upi.com/Archives/1990/05/11/Waldheim-apologies-for-misleading-Israelis-about-past/1385642398400/

³⁶ To quote paragraphs 9 and 11 of the terms of reference and mandate of the Committee on Missing Persons: '9. The committee's entire proceedings and findings will be strictly confidential. Any violation of this rule would place the work of the committee in jeopardy. ... 11. The committee will not attempt to attribute responsibility for the deaths of any missing persons or make findings as to the cause of such deaths.' The Terms of Reference and Mandate of the Committee on Missing Persons have been published on its website at www.cmp-cyprus.org/content/terms-reference-and-mandate

³⁷ See 'Turkey donates 92,000 Euro to the CMP', press release of the CMP, dated 29 March 2017, at www.cmp-cyprus.org/press-releases/turkey-donates-92000-euro-cmp

³⁸ See 'United Kingdom donates 124,000 Euro to the CMP', press release of the CMP, dated 31 March 2017, at www.cmp-cyprus.org/press-releases/united-kingdom-donates-124000-euro-cmp

³⁹ See 'Cyprus donates 125,000 EUR to the CMP', press release of the CMP, dated 20 April 2017, at www.cmp-cyprus.org/press-releases/cyprus-donates-125000-eur-cmp

⁴⁰ In making these submissions, the author wishes to make it clear that he directs no criticism whatsoever to any of the current or previous members of staff of the CMP.

⁴¹ See the chart published by the United Nations at https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-16&chapter=4&lang=en

⁴² Also see the judgment of the European Court of Human Rights in relevant cases such as *Varnava and others v Turkey* [2009] ECHR 1313.

relatively short notice with the publicly stated aim of focusing on 'security and guarantees'. The 'Conference' was foreshadowed by seemingly informed speculation that it might end with the 'negotiation' of 'an agreement' leading to the transformation of the Republic of Cyprus into a 'bi-communal, bi-zonal federation'.⁴³

Bearing in mind the possibility of 'an agreement' in Geneva, the author embodied within his Article of 2 January 2017 a non-exhaustive list of 12 questions relating to the Fourth Geneva Convention of 1949 and various other features of international law. The author posed these questions with the primary aim of ascertaining whether the 'Conference' to be staged in Geneva on 12 January 2017 was going to consider various issues to do with security, including the Fourth Geneva Convention of 1949 and international humanitarian law generally.

In consequence, the author had an ancillary aim in mind when he posed the questions within his Article of 2 January 2017: to find out why Turkey, its armed forces, its agents and others appear to have benefited from decades of impunity to the detriment of criminal justice.

That aside, there was an even wider purpose behind the author's Article of 2 January 2017 and his list of questions embodied therein. This was to imply that 'security and guarantees' go beyond the narrow issues which diplomats, politicians and academics have traditionally dwelt upon in relation to the so-called 'Cyprus problem'.

Thus, in the questions embodied in his Article of 2 January 2017, the author touched on significant issues relating to security which have tended to be marginalised or overlooked altogether. For instance, Questions 1 to 5 concerned the Fourth Geneva Convention of 1949. As for Question 6, this raised a related issue which has never attracted the attention it deserves but is nonetheless critical to the security which flows from the proper application of criminal justice:

'6. On the basis that it is never too late for criminal justice to be served, do the various parties to the forthcoming 'Conference on Cyprus' in Geneva agree with the proposition that no settlement can be 'just' if criminal justice is not served by means of a new independent international criminal tribunal for Cyprus formed along the lines of the tribunals established since 1993 by the United Nations Security Council in relation to the former Yugoslavia and Rwanda?'⁴⁴

Other questions in the Article of 2 January 2017 likewise raised issues which have never attracted the widespread public attention they deserve. An example is Question 9. This concerned the conspicuous detachment of Turkey from a string of international legal instruments on subjects as vitally important to security as human rights, international humanitarian law, international criminal justice and the law of the sea. With this in mind, Question 9 referred to the following legal instruments to which Turkey has never become a State Party:

⁴³ See Klearchos A. Kyriakides, 'The Fourth Geneva Convention of 1949 and its relevance to the 'Conference on Cyprus' in Geneva on 12 January 2017', *Agora Dialogue*, 2 January 2017, at <http://agora-dialogue.com/2017/01/02/the-fourth-geneva-convention-of-1949-and-its-relevance-to-the-conference-on-cyprus-in-geneva-on-12-january-2017/>

⁴⁴ *Ibid.*

‘(i) the Additional Protocols of 1977 to the Geneva Conventions of 1949, (ii) the Crime of Apartheid Convention 1973, (iii) the United Nations Law of the Sea Convention 1982, (iv) the Rome Statute on the International Criminal Court 1998, (v) Protocol No. 12 to the European Convention on Human Rights (regarding the principle of equality) 2000, (vi) the International Convention for the Protection of All Persons from Enforced Disappearance of 2006, (vii) the Cluster Munitions Convention of 2008 and (viii) the Arms Trade Treaty of 2013’.⁴⁵ *(For an expanded list of legal instruments to which Turkey has never become a State Party, see the list under Question 9 of Appendix 1 of this Paper.)*

In his Article of 2 January 2017, the author preceded his list of 12 questions with a specific request:

‘In the interests of the rule of law and justice, as well as peace, security and transparency, the President of the Republic of Cyprus (in his constitutional capacity as President) plus the various parties to the forthcoming ‘Conference in Geneva’ and the Secretary-General of the United Nations are hereby invited to publish written replies to these questions before the ‘Conference’ begins.’⁴⁶

In other words, the 12 questions were directed towards – and invited written replies from – the following:

(i) the Governments of the Republic of Cyprus and its three ‘guarantor powers’ namely Greece, Turkey and the United Kingdom; collectively, these are the four parties to the Treaty Concerning the Establishment of the Republic of Cyprus, together with the separate Treaty of Guarantee, both of which were signed in Nicosia on 16 August 1960⁴⁷ (hereafter referred to collectively as ‘the four Parties’);

(ii) the two gentlemen purportedly acting as the ‘Greek Cypriot Leader’ and the ‘Turkish Cypriot Leader’,⁴⁸ to use the labels accorded by the United Nations in Geneva to ‘H.E. [i.e. His Excellency] Mr. Anastasiades’ and ‘H.E. Mr. Akinci’, whom the United Nations have jointly referred to as ‘the two leaders’,⁴⁹ and

(iii) the Secretary-General of the United Nations.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ *Treaty Concerning the Establishment of the Republic of Cyprus [with exchange of notes]*, Nicosia, August 16 1960 (Cmd 1252, Her Majesty’s Stationery Office, London, 1961), published online by the Foreign and Commonwealth Office of the United Kingdom at <http://treaties.fco.gov.uk/docs/pdf/1961/TS0004.pdf>

⁴⁸ The Constitution of the Republic of Cyprus of 1960 makes no express mention of any office of ‘leader’ and, accordingly, it makes no expression mention of the purported office of ‘Greek Cypriot leader’ and the purported office of ‘Turkish Cypriot leader’. See the main body of the Constitution as published by the Presidency of the Republic of Cyprus at [www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/\\$file/CY_Constitution.pdf](http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/$file/CY_Constitution.pdf)

⁴⁹ With regard to the labels and titles attached by the United Nations to Messrs Anastasiades and Akinci in Geneva, see ‘UN Conference begins in Geneva’, UN Press Release, 12 January 2017, published by the UN at www.uncyprustalks.org/conference-on-cyprus-begins-in-geneva/ and the video and accompanying captions at ‘Cyprus Talks Media Stakeout (Geneva) with UN Secretary-General Antonio Guterres ... accompanied by His Excellency Mustafa Akinci and His Excellency Nicos Anastasiades’, 12 January 2017, published by the UN Web TV at <http://webtv.un.org/search/cyprus-talks-media-stakeout-geneva-with-un-secretary-general-ant%C3%B3nio-guterres/5278904807001?term=Anastasiades> and ‘UN Secretary-General’s Press Encounter at the Conference on Cyprus, Geneva, 12 January 2017’, Press and Information Office of the Republic of Cyprus at www.cyprus.gov.cy/moi/pio/pio2013.nsf/All/E78297179B2A2E0DC22580A60065494F?OpenDocument&L=E

3. 'The Sound of Silence'

By various electronic means in the days before the 'Conference on Cyprus' in Geneva on 12 January 2017, the Governments of the four Parties, plus the United Nations, received copies of the author's Article of 2 January 2017 together with list of 12 questions embodied therein. However, notwithstanding the passage of so many months, it does not appear as if any of these actors has ever published or provided to the author any substantive written replies to his 12 questions.

As he is a citizen of the United Kingdom, the author has been particularly disappointed by the muted response of the Foreign and Commonwealth Office ('the FCO') in London. This disappointment has been exacerbated by virtue of the cherished status of the United Kingdom as a co-architect of the post-1945 legal order, as one of the five permanent members of the United Nations Security Council and as a reasonably transparent liberal democracy whose public bodies, such as the FCO, are subject to the Freedom of Information Act 2000.

By means of an email sent at 14:33 on 5 January 2017 and addressed to the Rt. Hon. Boris Johnson MP, the Foreign and Commonwealth Secretary, the author submitted to the FCO his Article of 2 January 2017 and a specific request for Mr Johnson to provide 'written replies' to the questions posed by the author. At 14:34 on 5 January 2017, the author received from the FCO a standardised message by email. In this, not only did the FCO thank the author for his email, it issued the following promise to him: 'If you have contacted the FCO as a member of the public about another issue [not related to travel], your email will be forwarded to the relevant part of the FCO for reply.'

At 18:36 on 11 January 2017, the author sent a subsequent email to the Rt. Hon. Sir Alan Duncan MP, the Minister for Europe in the FCO. Therein, the author enclosed an 'Open Letter'⁵⁰ which, *inter alia*, reiterated his request for 'substantive written replies' to the various questions set out in the Article of 2 January 2017, 'as reproduced' in the author's email to the Foreign and Commonwealth Secretary dated 5 January 2017.

At 18:37 on 11 January 2017, the author received from the FCO a carbon copy of the email he had previously received from the FCO on 5 January 2017. This second email from the FCO likewise promised a 'reply' from 'the relevant part of the FCO'.

Notwithstanding the promises embodied in the emails from the FCO dated 5 and 11 January 2017, the author has never received any substantive 'reply' from the FCO. This non-response is not only un-British. It is also, arguably, incompatible with the spirit if not the letter of the statutory duties imposed on the FCO by virtue of section 1(1) (a) and section 10(1) of the Freedom of Information Act 2000.⁵¹ Accordingly, the author hopes that, albeit belatedly, the FCO will provide substantive replies to the

50 A published version of the author's 'Open Letter to a Minister of the Crown', dated 11 January 2017, is available at <http://agora-dialogue.com/2017/01/11/an-open-letter-to-a-british-minister/>

51 Under section 1(1)(a) of the Freedom of Information Act 2000, which is subject to various statutory exceptions in other provisions of the Act: 'Any person making a request for information to a public authority is entitled —(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and (b) if that is the case, to have that information communicated to him.' Under section 10(1) of the same Act: 'Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.'

questions and other matters raised in his letters sent to Mr Johnson at the FCO by email on 5 January 2017 and to Sir Alan Duncan at the FCO by email on 11 January 2017.

In the meantime, a wider question arises. Why did the four Parties,⁵² the ‘two leaders’ of the ‘two communities’ and the Secretary-General of the United Nations individually and collectively fail to provide any substantive replies to any of the various questions posed by the author in the Article of 2 January 2017? In the interests of accountability, transparency, justice and security, perhaps each would care to clarify in writing. Perhaps each could also respond in writing to a related question. Were any of the author’s 12 questions in his article of 2 January 2017 raised at the ‘Conference on Cyprus’ held in Geneva on 12 January 2017? If so, which ones were raised? If not, why not?

At the same time, perhaps each of the four Parties could address another question which has emerged. How many parties and which particular parties were present at the ‘Conference on Cyprus’ in Geneva on 12 January 2017 – either as participants or as observers? An answer to this query would help to clear up the uncertainty generated by the capacity in which the ‘Conference’ was attended by ‘H.E. Mr. Anastasiades’, as the UN described President Anastasiades in Geneva on 12 February 2017. In this latter respect, two specific questions arise.

Did ‘H.E. Mr. Anastasiades’ attend the ‘Conference on Cyprus’ in Geneva on 12 January 2017 as **both** ‘a leader of the Greek Cypriot community’ and as ‘the President of an EU and UN member-state’? This was the claim made by ‘H.E. Mr. Anastasiades’, as reflected in his own ‘Opening remarks’ delivered in Geneva on 12 January 2017.⁵³

Or, alternatively, did ‘H.E. Mr. Anastasiades’ attend the ‘Conference on Cyprus’ solely in his purported capacity as ‘Greek Cypriot leader’ and, thus, as a representative of one of ‘five’ purported ‘parties’ to the so-called ‘Cyprus problem’, namely Greece, Turkey, the United Kingdom, ‘the Greek Cypriot side’ and ‘the Turkish Cypriot side’? In the aftermath of the ‘Conference’, this was the claim made by the so-called ‘Turkish Republic of Northern Cyprus’ (‘TRNC’), the internationally unrecognised subordinate administration of Turkey in the Turkish-occupied parts of the Republic of Cyprus.⁵⁴

The answers to these questions will help to determine whether ‘Intellectual Partition’ and the ‘Macmillan Doctrine’ are alive, well and dictating the destiny of the Republic of Cyprus. In this context, the reader should bear in mind that ‘Intellectual Partition’ was a phrase used on 18 November 1958 by Fatin Zorlu, the then Foreign Minister

⁵² As indicated earlier in this Paper, references to ‘the four parties’ are to the Republic of Cyprus, Greece, Turkey and the United Kingdom, i.e. the four parties to the Treaty Concerning the Establishment of the Republic of Cyprus, together with the separate Treaty of Guarantee, both of which were signed in Nicosia on 16 August 1960. See *Treaty Concerning the Establishment of the Republic of Cyprus [with exchange of notes]*, Nicosia, August 16 1960 (Cmd 1252, Her Majesty’s Stationery Office, London, 1961), published online by the Foreign and Commonwealth Office of the United Kingdom at <http://treaties.fco.gov.uk/docs/pdf/1961/TS0004.pdf>

⁵³ ‘Opening remarks by the President of the Republic of Cyprus during the Conference on Cyprus, in Geneva, 12/01/2017’, published by the Presidency of the Republic of Cyprus at

www.presidency.gov.cy/Presidency/Presidency.nsf/All/15E19983D5D52422C22580FB0031EC09?OpenDocument

⁵⁴ See, for example, ‘Five-party conference concludes in Switzerland’, news item published by the so-called ‘TRNC Public Information Office’, 20 January 2017, at <http://pio.mfa.gov.ct.tr/en/five-party-conference-concludes-in-geneva/>

of Turkey. He deployed the term to describe what has come to be known as ‘bi-communalism’ subject to ‘political equality’.⁵⁵

As for the ‘Macmillan Doctrine’, this is a term coined by the author in one of his previous articles published on 9 January 2017.⁵⁶ It refers to Harold Macmillan, the Prime Minister of the United Kingdom from 1957 until 1963. Under his calculated leadership, the United Kingdom promoted a peculiar, divisive and neo-imperial idea. The idea is that ‘this baffling problem’, as Prime Minister Macmillan described ‘the Cyprus problem’ on 19 February 1959,⁵⁷ cannot be resolved without the active participation of five separate ‘parties’.

To use the terminology deployed by Prime Minister Macmillan on 19 June 1958 and 19 February 1959, the five ‘parties’ are deemed to be Greece, Turkey and the United Kingdom (i.e. the three states which became the ‘guarantor powers’ of the Republic of Cyprus on 16 August 1960) plus ‘the two communities’ formed of ‘Greek Cypriots’ and ‘Turkish Cypriots’.

The ‘Macmillan Doctrine’ requires all five ‘parties’ to come together to reach an ‘agreement’ and, thereby, to form a ‘partnership’ characterised by ‘co-operation’.⁵⁸ In other words, the nub of the ‘Macmillan Doctrine’ is a ‘partnership’ formed of five ‘parties’ consisting of three sovereign states and ‘two communities’. Indeed, in the post-1960 era, there has been a concerted effort in certain quarters to apply the ‘Macmillan Doctrine’ by subordinating the interests of the Republic of Cyprus to the perceived interests of two quasi-Ottoman ‘communities’.

In relation to the queries raised in the earlier paragraphs of this Paper and in the updated list of 12 questions at Appendix 1 below, the author looks forward to receiving – or, better still, seeing published – written replies from each of the four Parties. By the same token, the author looks forward to receiving – or seeing published – additional written replies from President Nicos Anastasiades in response to the further list of additional 20 questions specifically addressed to the latter in Appendix 2.

In the meantime, the author has no option other than to continue to mull over the individual and collective failure to provide any substantive replies to any of the original questions posed by the author in his Article of 2 January 2017. Perhaps the explanation lies in the lyrics of the late Elias Lymperopoulos, as expressed in the original recording of a popular Greek song, *Του χωρισμού η ώρα*, i.e. ‘The hour of separation’. This song, which was released by Phillips in 1977, was sung by Tolis Voskopoulos and was composed by a former internee at Bergen-Belsen Concentration Camp – the late, great Zak Iakovides.

To quote the refrain of this celebrated song, which seems to be apt to the collective failure to provide replies, as described above: «Κανείς δεν ξέρει τι να πει».

55 Klearchos A. Kyriakides, ‘The ‘Intellectual Partition’ of Cyprus, the ‘Macmillan Doctrine’ and the talks held in Geneva in August 1974 and January 2017, ‘Agora Dialogue’, 9 January 2017: <http://agora-dialogue.com/2017/01/09/the-intellectual-partition-of-cyprus-the-macmillan-doctrine-and-the-talks-held-in-geneva-in-august-1974-and-january-2017/>

⁵⁶ *Ibid.*

57 Hansard, *House of Commons Debates*, 19 February 1959, Column 621.

58 *Ibid.* Also see the statements of Prime Minister Macmillan in the House of Commons at Hansard, *House of Commons Debates*, 19 June 1958, Columns 1315-1320 and Hansard, *House of Commons Debates*, 19 February 1959,

Ταλέειόλαησιωπή» i.e. 'Nobody knows what to say. The sound of silence says it all.'⁵⁹

4. The 'Conference on Cyprus' in Geneva on 28 June 2017

Much of this Paper was substantially composed during May 2017. That was a month which was characterised by fresh calls in favour of a new 'Conference on Cyprus' in Geneva. On 17 May 2017, for instance, Huseyin Ozgurgun, the so-called 'Prime Minister' of the 'TRNC', spoke in favour of a new 'five-party conference' to 'take place' in Geneva 'by the end of June [2017]'.⁶⁰

On 24 May 2017, the so-called 'President' of the 'TRNC', Mustafa Akinci, echoed this call. He did so with the following claim: 'The Turkish Cypriot side is ready to reconvene the conference as soon as possible and is willing to stay there until the result is achieved.'⁶¹ On 29 May 2017, a press release of the 'TRNC' reported that 'President' Akinci had 'emphasised that the Turkish Cypriot side is ready to go to Geneva, but that achieving a result can only be made possible by discussing all issues.'⁶²

Meanwhile, in a lengthy statement delivered on 23 May 2017, President Anastasiades effectively confirmed that he was likewise part of the chorus in favour of a fresh 'Conference on Cyprus' in Geneva; however, he adopted a different procedural approach. In this statement, President Anastasiades disclosed that in the light of recent events relating to 'the Cyprus problem' he had:

'suggested that we immediately go to Geneva, and in order for this course to yield results, to:

'First: Convene a Conference on Cyprus for the completion and conclusion of the discussion on the Chapter of Security and Guarantees.

'Second: If and when we reach a conclusion, to proceed immediately to the discussion and resolution of the Territorial issue, and

'Third: Then stay in Geneva for as long as necessary, namely, hold a continuous summit of the leaders, in order to achieve not just substantive progress, but even the comprehensive settlement of the Cyprus problem as well.'⁶³

59 The song appeared on a Philips vinyl LP of songs sung by Tolis Voskopoulou and entitled *Oi Anamnēseis Ξαναυπίζουνε*.

60 'Ozgurgun: "Five-party conference should take place by the end of June", news item published by the so-called 'TRNC Public Information Office', 17 May 2017, at <http://pio.mfa.gov.ct.tr/en/ozgurgun-five-party-conference-should-take-place-by-the-end-of-june/>

61 'Akinci: "The Turkish Cypriot side is ready to reconvene the conference as soon as possible and is willing to stay there until the result is achieved"', news item published by the so-called 'TRNC Public Information Office', 24 May 2017, at <http://pio.mfa.gov.ct.tr/en/akinci-the-turkish-cypriot-side-is-ready-to-reconvene-the-conference-as-soon-as-possible-and-is-willing-to-stay-there-until-the-result-is-achieved/>

62 'Akinci: "The International community and UN should warn the Greek Cypriot side"', news item published by the so-called 'TRNC Public Information Office', 29 May 2017, at <http://pio.mfa.gov.ct.tr/en/akinci-the-international-community-and-un-should-warn-the-greek-cypriot-side/>

63 'Introductory statement of the President of the Republic at the press conference on the developments on the Cyprus problem', press release, 23 May 2017, published by the Press and Information Office of the Republic of Cyprus at www.pio.gov.cy/moi/pio/pio2013.nsf/All/1F53B0392FE65B63C22581290044621C?OpenDocument&L=E

Two days later, on 25 May 2017, the Press and Information Office of the Republic of Cyprus published a fresh statement in which President Nicos Anastasiades substantially reiterated the above.⁶⁴

In the immediate aftermath of these calls in favour of a new 'Conference on Cyprus' in Geneva, it was unclear whether they would result in the actual instigation of one. However, on 4 June 2017, the Secretary-General of the United Nations issued a statement. This confirmed that the 'Conference on Cyprus' would be reconvened 'in June'.⁶⁵ The precise date was not mentioned in that statement. However, on 9 June 2017, the UN confirmed that the 'Conference' would 'reconvene' on 28 June 2017.⁶⁶ With that date in mind, the publication date of this Article has been brought forward – so that the questions it raises may enter the public domain in advance of the 'Conference'.

Perhaps crucially, in his statement of 4 June 2017, the Secretary-General of the United Nations specified the procedure to be followed. On the one hand, in common with the 'Conference on Cyprus' held in Geneva on 12 January 2017, the primary focus of the 'reconvened' version would remain 'security and guarantees'. On the other hand, 'in parallel' with the 'Conference', the 'leaders' of 'the two communities' would 'continue ... the 'bi-communal negotiations in Geneva on all other outstanding issues, starting with territory, property and governance and power-sharing'.⁶⁷

Accordingly, the Republic of Cyprus is at fresh risk of being subjected to *cratocide*,⁶⁸ plus the toxic cocktail of concepts mentioned by the author in one of his other articles published on 9 January 2017. These concepts are the aforementioned 'Macmillan Doctrine', 'intellectual partition', the 'Mushroom theory' and the '*Soufflé Syndrome*'.⁶⁹

64 'Remarks by the President of the Republic [of Cyprus] on the occasion of the 241st anniversary of the Independence of the USA', press release, 25 May 2017 (at 20:50), published by the Press and Information Office of the Republic of Cyprus at: www.pio.gov.cy/moi/pio/pio2013.nsf/All/114095DBF4E97128C225812B00620133?OpenDocument&L=E

65 'Remarks by Secretary-General António Guterres following his meeting with H.E. Mr. Nicos Anastasiades, Greek Cypriot leader; and H.E. Mr. Mustafa Akinci, Turkish Cypriot leader', 4 June 2017, website of the UN Cyprus Talks at www.uncyprustalks.org/remarks-by-secretary-general-antonio-guterres-following-his-meeting-with-h-e-mr-nicos-anastasiades-greek-cypriot-leader-and-h-e-mr-mustafa-akinci-turkish-cypriot-leader/

66 'Secretary-General Announces Conference on Cyprus Will Reconvene in Geneva, 28 June', press release issued by the UN on 9 June 2017, at www.un.org/press/en/2017/sqsm18563.doc.htm

67 'Remarks by Secretary-General António Guterres following his meeting with H.E. Mr. Nicos Anastasiades, Greek Cypriot leader; and H.E. Mr. Mustafa Akinci, Turkish Cypriot leader', 4 June 2017, website of the UN Cyprus Talks at www.uncyprustalks.org/remarks-by-secretary-general-antonio-guterres-following-his-meeting-with-h-e-mr-nicos-anastasiades-greek-cypriot-leader-and-h-e-mr-mustafa-akinci-turkish-cypriot-leader/

68 The concept of *cratocide* has been coined by Marios L. Evriviades to describe the destruction of an existing sovereign state. See Marios L. Evriviades, 'Cyprus Czech-Mated', Jerusalem Post, 22 April 2013: www.jpost.com/Opinion/Columnists/Cyprus-Czech-mated-310718

69 For details as to what is meant by each of these concepts, see Klearchos A. Kyriakides, 'The 'Intellectual Partition' of Cyprus, the 'Macmillan Doctrine' and the talks held in Geneva in August 1974 and January 2017', *Agora Dialogue*, 9 January 2017, at <http://agora-dialogue.com/2017/01/09/the-intellectual-partition-of-cyprus-the-macmillan-doctrine-and-the-talks-held-in-geneva-in-august-1974-and-january-2017/>. Also see the author's articles which touch on these or related themes. Those in English include Klearchos A. Kyriakides, 'The Lennox-Boyd statement of 19 December 1956 and the origins of the proposed 'bi-communal, bi-zonal federation' in Cyprus', *Agora Dialogue*, 27 December 2016, at <http://agora-dialogue.com/2016/12/27/the-lennox-boyd-statement-of-19-december-1956-and-the-origins-of-the-proposed-bi-communal-bi-zonal-federation-in-cyprus/> and Klearchos A. Kyriakides, 'What does 'reunification' really mean?', *Agora Dialogue*, 22 May 2017, at <http://agora-dialogue.com/2017/05/22/what-does-reunification-really-mean/>. Those in Greek include Κλέαρχος Κυριακίδης, 'Οι καταβολές μιας διαιρετικής ιδέας: Το «Δόγμα Μακμίλαν» και οι καταβολές της ιδέας ότι η Κύπρος πρέπει να υπόκειται σε έναν «συνεταιρισμό» με «5 μέρη»', *Σημερινή*, 29 Ιανουαρίου 2017 www.sigmalive.com/simerini/politics/400437/oi-katavoles-mias-diairetikis-ideas and Κλέαρχος Κυριακίδης, 'Οι Πέντε Πυλώνες της Διχοτόμησης: Η ουσία της τουρκικής στρατηγικής έναντι της Κύπρου', *Agora Dialogue*, 19 Φεβρουαρίου 2017 <http://agora-dialogue.com/2017/02/19/%CE%BF%CE%B9-%CF%80%CE%AD%CE%BD%CF%84%CE%B5-%CF%80%CF%85%CE%BB%CF%8E%CE%BD%CE%B5%CF%82-%CF%84%CE%B7%CF%82-%CE%B4%CE%B9%CF%87%CE%BF%CF%84%CF%8C%CE%BC%CE%B7%CF%83%CE%B7%CF%82-%CE%B7-%CE%BF%CF%85%CF%83/> and Κλέαρχος Κυριακίδης, 'Οι Συνήγοροι του Τουρκικού Δόγματος της Διαίρεσης: Οι Βρετανοί και οι 'Πέντε Πυλώνες της Διχοτόμησης'', *Agora Dialogue*, 28 Απριλίου 2017 <http://agora-dialogue.com/2017/04/28/%CE%BF%CE%B9-%CF%80%CE%AD%CE%BD%CF%84%CE%B5-%CF%80%CF%85%CE%BB%CF%8E%CE%BD%CE%B5%CF%82-%CF%84%CE%B7%CF%82-%CE%B4%CE%B9%CF%87%CE%BF%CF%84%CF%8C%CE%BC%CE%B7%CF%83%CE%B7%CF%82-%CE%B7-%CE%BF%CF%85%CF%83/>

All of which begs various questions pertinent to the discussions on ‘security’ at the ‘Conference on Cyprus’ in Geneva on 28 June 2017. To take just one example, will the ‘Conference on Cyprus’ primarily focus on the security of the Republic of Cyprus, the security of each of its citizens and the security of each of its citizens – and other lawful residents – as a collective whole? Or, as indicated by the statement of the Secretary-General of the United Nations, will the ‘Conference on Cyprus’ primarily focus on the ‘security’ of each of ‘the two communities’?⁷⁰

Perhaps the United Nations and the various parties to the ‘Conference on Cyprus’ would care to provide an answer to the above questions.

5. A new request for answers to questions

In addition to the various questions posed elsewhere in this Paper, the author has composed an amended list of 12 questions at Appendix 1 of this Paper; these questions are directed towards the four Parties to the Treaty of Establishment. That said, the author has also composed a separate list of 20 questions at Appendix 2; these are specifically directed towards President Nicos Anastasiades.

The questions in Appendix 1 include a number which represent tweaked versions of the original 12 questions set out in the author’s Article of 2 January 2017. They have been tweaked in order bring them up to date, for example by the removal of references to the ‘Conference on Cyprus’ in Geneva on 12 January 2017. In addition, some of the original 12 questions have been expanded upon or sub-divided.

Meanwhile, some of the original 12 questions have been amended to widen the chronological coverage of the proposed institution mentioned by the author in his article and in his list of questions published on 2 January 2017. The proposed institution is an independent international criminal tribunal for Cyprus (‘the proposed tribunal’).

In the meantime, it is incumbent on the author to highlight various matters of enormous importance. Either directly or indirectly, each of these matters relates to

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⁷⁰ This is the conclusion one draws from reading the opening four paragraphs of the statement of the United Nations Secretary-General, dated 4 June 2017. These provide as follows:

‘The SG met today with the Greek Cypriot leader, Mr. Nicos Anastasiades, and with the Turkish Cypriot leader, Mr. Mustafa Akinci.

‘The leaders and the Secretary-General agreed on the need to reconvene the Conference on Cyprus in June in line with the 12 January statement of the conference.

‘All agreed that the chapter on security and guarantees is of vital importance to the two communities. Progress in this chapter is an essential element in reaching an overall agreement and in building trust between the two communities in relation to their future security.

‘The Special Adviser of the Secretary-General, Mr. Espen [Barth] Eide, will engage with all participants in the preparation of a common document to guide the discussions on security and guarantees, based on the outcome of the meetings of the conference on Cyprus in Geneva and Mont Pelerin.’

See ‘Remarks by Secretary-General António Guterres following his meeting with H.E. Mr. Nicos Anastasiades, Greek Cypriot leader; and H.E. Mr. Mustafa Akinci, Turkish Cypriot leader’, 4 June 2017, website of the UN Cyprus Talks at www.uncyprustalks.org/remarks-by-secretary-general-antonio-guterres-following-his-meeting-with-h-e-mr-nicos-anastasiades-greek-cypriot-leader-and-h-e-mr-mustafa-akinci-turkish-cypriot-leader/

the 'Conference on Cyprus' in Geneva on 28 June 2017, to security and to the questions posed in this Paper.

6. The descent of Turkey into tyranny

Since the inconclusive outcome of the 'Conference on Cyprus' held in Geneva on 12 January 2017, events in Turkey have taken a disturbing turn for the worse. This was confirmed by the narrow victory of President Recep Tayyip Erdogan in the referendum held in Turkey on, of all days, Easter Sunday 16 April 2017. This victory forms part of a broader pattern. It suggests that, in recent years, Turkey has drifted into becoming an authoritarian, repressive and nominally secular but *de facto* Islamist⁷¹ state with scant regard for the rule of law, democratic norms, human rights and the obligations imposed by international law.

The drift of Turkey into tyranny has been accompanied by various related developments. These include the ongoing if not enhanced repression in south-east Turkey. These also include a national purge of thousands of academics from the universities of Turkey, the arbitrary arrest of many Turkish lawyers, the dismissal of many judges, the imprisonment of countless journalists and the imposition of multiple other measures of a harsh character.

All of which forms part of a much broader chronological pattern ostensibly at odds with the status of Turkey as a Member State of the United Nations, the Council of Europe and the North Atlantic Treaty Organisation. Indeed, since the 'Conference on Cyprus' on 12 January 2017, additional evidence has piled up to highlight the deteriorating situation in Turkey and its adverse effects upon its citizens and upon the security of neighbouring states.

A prime example is a scathing report published by the United Nations High Commissioner for Human Rights in February 2017, i.e. just a few days after the end of the 'Conference on Cyprus' held in Geneva on 12 January 2017. The report considers 'the human rights situation in South-East Turkey from July 2015 to December 2016'. Not only does this report shine a direct light on the horrific situation in South-East Turkey during the period under scrutiny. In addition, the report has the indirect effect of inviting unnerving parallels between the alleged criminal misconduct of Turkish armed forces in South-East Turkey and aspects of their alleged criminal misconduct in the parts of the Republic of Cyprus which Turkey has occupied since 1974.

To quote from the Executive Summary of the report of the United Nations High Commissioner for Human Rights:

'The Office of the United Nations High Commissioner for Human Rights (OHCHR) documented numerous cases of excessive use of force; killings; enforced disappearances; torture; destruction of housing and cultural heritage; incitement to hatred; prevention of access to emergency medical care, food, water and livelihoods; violence against women; and severe

⁷¹ The author uses this word in the sense ascribed to it by the online Cambridge Dictionary published by Cambridge University Press. Under this definition, an Islamist is 'a person who believes strongly in Islam, especially one who believes that Islam should influence political systems.' See <http://dictionary.cambridge.org/dictionary/english/islamist>

curtailment of the right to freedom of opinion and expression as well as political participation. ...

‘It appears that the domestic protection of human rights in South-East Turkey has effectively been non-functioning since at least July 2015, as demonstrated by the reported lack of a single investigation into the alleged unlawful killing of hundreds of people over a period of 13 months between late July 2015 and the end of August of 2016. According to the information received from family members and lawyers representing the victims, local prosecutors have consistently refused to open investigations into the reported killings, in violation of constitutional and international human rights law obligations.’⁷²

Since the conclusion of the ‘Conference on Cyprus’ on 12 January 2017, other national or international bodies have likewise provided penetrating insights into the disturbing descent of Turkey into tyranny. A good example of the former is the report of the House of Commons Foreign Affairs Select Committee entitled *The UK’s Relations With Turkey* and published on 25 March 2017. It suffices to quote from just two paragraphs from this report, both of which appear in the Summary at the start:

‘The Turkish government has used the expanded powers afforded by the country’s State of Emergency to detain or dismiss a large number of people, based on a broad definition of ‘terrorism’ and a low threshold of evidence. Despite the severity of the threat posed to Turkey by terrorism and the coup attempt, the scale of the current purges — and the fact that most of those affected were in the education sector or civil service rather than the military or security forces — means that we cannot consider them to be a necessary and proportionate response. The number of people who have been punished is extraordinary, and their means of redress are inadequate.

‘The Turkish government has applied its Emergency powers far beyond addressing the circumstances of the coup. The civilian suffering caused by the war between Turkey and PKK terrorists in the south-east of the country, examples of alleged human rights violations and impunity by the security forces, the erosion of freedom of expression and assembly, the decline of judicial independence, and the restriction of civil society organisations — all problems in Turkey before the coup — have worsened in its aftermath. Once held up as an example to the region, Turkey’s democracy and democratic culture are under severe pressure. We share the widespread concern about the arrest and continuing detention of Peoples’ Democratic Party (HDP) parliamentarians.’⁷³

⁷² *Report on the human rights situation in South-East Turkey July 2015 to December 2016* (Office of the United Nations High Commissioner for Human Rights, February 2017), paragraph 2 on page 2 and paragraph 9 on page 3. Published online at www.ohchr.org/Documents/Countries/TR/OHCHR_South-East_TurkeyReport_10March2017.pdf

⁷³ House of Commons Foreign Affairs Select Committee, *The UK’s relations with Turkey: Tenth Report of Session 2016–17: Report, together with formal minutes relating to the report* (HC615, Published under the authority of the House of Commons, 25 March 2015), pages 3 to 4. Published online by the Parliament of the United Kingdom at www.publications.parliament.uk/pa/cm201617/cmselect/cmfa/615/615.pdf

In a similar vein is another damning report – ‘The functioning of democratic institutions in Turkey’. This was published by the Council of Europe on 5 April 2017. It was composed by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (‘Monitoring Committee’). It suffices to quote from the opening words of the ‘Summary’ on page 1 and from the opening words of the ‘Conclusions’ on page 30 of the report of the Monitoring Committee:

‘While acknowledging the trauma caused by the failed coup attempt of 15 July 2016 and multiple ongoing terrorist threats, the Monitoring Committee is concerned about the implementation of the state of emergency, the large-scale and disproportionate effect of the decree laws – including the massive dismissal of civil servants, judges, prosecutors and academics and the closing down of media and NGOs [i.e. Non-Governmental Organisations] – as well as limited access to judicial remedies.

‘The Monitoring Committee is also worried about the detention of parliamentarians and journalists, repeated violations of the freedom of expression and of the media and the situation in south-east Turkey, leading to a serious deterioration of the functioning of democratic institutions. The committee has moreover expressed concern about the constitutional amendments (in particular respect for the separation of powers, checks and balances and independence of the judiciary) to secure a presidential system and the conditions of the organisation of the referendum of 16 April 2017. ...

‘129. In the light of recent conclusions of the Council of Europe monitoring mechanisms, the assessment made by the Political Affairs Committee’s ad hoc sub-committee and our own findings, we conclude that the massive purges operated after the failed coup of 15 July 2016 constitute the continuation – and deepening – of an ongoing process. While it was fully legitimate to declare the state of emergency after the failed military coup, which resulted in 248 deaths and 2 000 wounded, the government is interpreting its extraordinary powers too extensively and has taken measures that have gone far beyond anything permitted by the Turkish Constitution and by international law. These measures have had the effect of further silencing critical voices and removing “undesirable” civil servants, also affecting their families, and have fostered a climate of fear, suspicion and polarisation of society. This raises the question of proportionality and necessity. As stressed by the Commissioner for Human Rights, in line with the principles of the rule of law and human rights standards, “any interference with basic human rights [needs] to be defined in law, necessary in a democratic society and strictly proportionate to the aim pursued”.

‘130. In this context, we are alarmed by the state of media freedom and the systematic breaches of the freedom of expression, which constitute a serious infringement of Council of Europe obligations.

‘131. We are also concerned by the scale of the purges and their long-term effect on Turkish society: Turkey will need to find the means and mechanisms to overcome this massive purge, and rebuild an inclusive nation. ...’⁷⁴

In the light of the above, it is worth remembering some basic facts. The state described in the traumatic terms used above is not only the successor to the Ottoman Caliphate and Empire, which disintegrated amid the genocide of Armenians, Assyrians and Greeks.⁷⁵ In addition, Turkey is one of the parties to the treaty which established the Republic of Cyprus in 1960. It is, moreover, the state which launched two invasions of the Republic of Cyprus in 1974 and, since then, has propped up an illegal subordinate administration in the occupied parts of the Republic.

After all these decades, Turkey remains in unlawful occupation of 36 per cent of the territory and 57 per cent of the coastline of the Republic of Cyprus. To all intents and purposes, almost all of this territory and coastline has been *de facto* ethno-religiously cleansed of almost all of its Christians and other non-Muslim inhabitants. Indeed, it is a sign of the demographic engineering wrought by Turkey that the so-called ‘TRNC’ boasts that the ‘religion’ of the territory it *de facto* administers ‘is Islam, with Muslims making up 99% of the [*de facto*] population.’⁷⁶

With this *de facto* situation in mind, it is little wonder that President Erdogan has reportedly said the following shortly after assuming the Presidency of Turkey: ‘Northern Cyprus is Muslim. We shouldn’t hesitate to be proud of this and make it more prevalent. We should also be more interested in increased religious education and mosques.’⁷⁷

For these and for other reasons, Turkey has proven to be no friend of the rule of law, the values of liberal democracy, the tenets of humanity and, indeed, ‘the principle of secularism’ which is referred to in its very own constitution.⁷⁸ More to the point, the security of the Republic of Cyprus cannot be disentangled from the drift of Turkey into tyranny, its sustained disregard for human rights, its ostensible breaches of international humanitarian law and, under Mr Erdogan, its ostensible embrace of Islamism.⁷⁹ All of which begs at least four obvious questions.

1. Will the ‘Conference on Cyprus’ in Geneva – devoted as it is will be to ‘security and guarantees’ – consider any or all of the matters outlined above, their effect on

74 Marianne Mikko and Ingeborg Godskesen, *The functioning of democratic institutions in Turkey* (Document 1482, Parliamentary Assembly of the Council of Europe, Strasbourg, 5 April 2017), pages 1 and 30: <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=23525&lang=EN>

75 See, for instance, Hannibal Travis, *Genocide in the Middle East: The Ottoman Empire, Iraq, and Sudan* (Carolina Academic Press, Durham, North Carolina, 2010).

76 Website of the so-called ‘Cyprus Turkish Investment Development Agency’ at <https://yaga.gov.ct.tr/en-us/Why-Northern-Cyprus/About-Northern-Cyprus>

77 Remarks of President Erdogan to journalists in the Turkish-occupied north of the Republic of Cyprus, quoted in Sezen Yaras, ‘Turkish paternalism in Northern Cyprus’, *Open Democracy*, 1 September 2017, at www.opendemocracy.net/can-europe-make-it/sezen-yara%C5%9F/turkish-paternalism-in-northern-cyprus

78 ‘The principle of secularism’ is mentioned in the Preamble of the Constitution of Turkey. Secularism is also mentioned in the main body of the Constitution. For example, under Article 2: ‘The Republic of Turkey is a democratic, secular and social state governed by rule of law, within the notions of public peace, national solidarity and justice, respecting human rights, loyal to the nationalism of Atatürk, and based on the fundamental tenets set forth in the preamble.’ The Constitution of Turkey been published by the Grand Assembly of Turkey at https://global.tbmm.gov.tr/docs/constitution_en.pdf

79 The author uses this word in the sense ascribed to it by the online Oxford Dictionary published by Oxford University Press. Under this definition, Islamism equates to ‘Islamic militancy or fundamentalism.’ See <https://en.oxforddictionaries.com/definition/islamism>

the security of the Republic of Cyprus, their implications for regional security and their relevance to any 'settlement' of the so-called 'Cyprus problem'? If so, how? If not, why not?

2. Bearing in mind the matters outlined above, coupled with the fact that Turkey stands accused of committing genocide during the Ottoman era and of committing grave violations of international humanitarian law in the Republic of Cyprus and South-East Turkey, is it reasonable, fair or just for Turkey to be empowered to station any military forces on the territory of the Republic of Cyprus under any 'settlement' of 'the Cyprus problem'?

3. If the armed forces of Turkey are stationed on the territory of the Republic of Cyprus or the proposed 'bi-communal, bi-zonal federation' under any 'settlement', is there any guarantee that the armed forces of Turkey will respect international humanitarian law, especially in circumstances when Turkey remains a non-State Party to the 1977 Additional Protocols to the four Geneva Conventions of 1947 and to the Rome Statute on the International Criminal Court?

4. Is it reasonable, fair or just for Turkey, a sovereign state in the grip of tyranny and such an appalling human rights record, to be designated a central role in the security of any part of the European Union?

Each of the four Parties is invited to provide a reply to the above questions. In the meantime, a word or two is needed on another development since the earlier 'Conference' held on 12 January 2017.

7. The menacing statements issued by the Government of Turkey in March 2017

The descent of Turkey into tyranny has been matched by an unmistakably confrontational stance on the international stage. Evidence of this lies in what appears to be the bullying, provocative or otherwise uncivilised conduct of Turkey in relation to some of the Member States of the Council of Europe and the European Union. Chilling examples of such conduct are to be found in the public statements of President Erdogan and of some of his ministers in the weeks and months after the 'Conference on Cyprus' held in Geneva on 12 January 2017.

For the purposes of this Paper, it suffices to cite a sample of three such statements. All were delivered in March 2017, a fraught month which was characterised by tensions between Turkey and a number of European states, including Switzerland (part of the Council of Europe but not the European Union), the Netherlands and Germany (both of which, in common with the Republic of Cyprus, are part of the Council of Europe and the European Union).

One example is provided by the provocative statement of Suleyman Soyly, the Interior Minister of Turkey, on 16 March 2017. With reference to the existing arrangements between Turkey and the European Union in relation to the return to Turkey of illegal migrants, Mr Soyly reportedly declared: 'We have a readmission deal. I'm telling you Europe, do you have that courage? If you want, we'll send the 15,000 refugees to you that we don't send each month and blow your mind.' This

was interpreted as a Turkish ministerial threat to 'send 15,000 migrants a month to Europe to shock them [i.e. Europeans]'.⁸⁰

The second example is provided by the statement of President Erdogan at a press conference broadcast live on television on the morning of 22 March 2017.⁸¹ During this event, President Erdogan took the opportunity to respond to an ongoing spat with Germany and the Netherlands over appearances in each country by some of his ministers during the pre-referendum campaign. More to the point, President Erdogan issued a blunt and intimidating warning directed at every European citizen.

According to the official website of the Presidency of Turkey, this is what President Erdogan said on 22 March 2017:

'Turkey is not the kind of country which can be disrespected and pushed around or whose ministers can be kicked out and citizens dragged on the ground. All these incidents are being closely monitored across the world. If you keep behaving like this, not a single European can step out on [the] street in peace and safety anywhere in the world tomorrow. If you open the way for this dangerous path, it is you that will sustain the gravest harm.'⁸²

This naked threat prompted Reuters to carry a report entitled 'Erdogan warns Europeans 'will not walk safely' if attitude persists, as row carries on'.⁸³

The third example likewise involves President Erdogan. Within a week of the events described above, President Erdogan issued additional warnings of an exceptionally menacing character – this time in a speech delivered in a district of Istanbul. Extracts from the speech were published in English by the official website of his Presidency on 27 March 2017. With express reference to alleged threats on his life, President Erdogan appeared to criticise 'the Swiss state' as well as Netherlands, Germany and Belgium. In this context, President Erdogan insinuated that the conflicts 'unfolding today in Syria and Iraq' may one day unfold elsewhere, including Europe.

To quote some of the ominous words of President Erdogan of 27 March 2017, as ostensibly directed at the aforementioned European states and as published on the official website of the Presidency of Turkey:

'Turn back from the wrong path you are on immediately. Don't be a puppet of the neo-Nazis and herds of bloodthirsty murderers. Behaving this way, you are endangering not only our future, but also the future of the whole Europe,

80 'Let's send 15,000 migrants a month to Europe to shock them: Turkish interior minister', *Hurriyet Daily News* (online), 17 March 2017: www.hurriyetdailynews.com/lets-send-15000-migrants-a-month-to-europe-to-shock-them-turkish-interior-minister.aspx?pageID=238&nID=110926&NewsCatID=510

81 See the report of the statement published online by *The Independent* at 09:45 GMT on 22 March 2017: Samuel Osborne, 'Turkey's Erdogan warns Europeans 'will not walk safely on the streets' if diplomatic row continues', *The Independent*, 22 March 2017, at www.independent.co.uk/news/world/europe/turkey-erdogan-germany-netherlands-warning-europeans-not-walk-safely-a7642941.html

82 'We invite European Countries to Respect Democracy and Human Rights', 22 March 2017, Presidency of the Republic of Turkey at www.tccb.gov.tr/en/news/542/73425/mansetlerle-carpisarak-bugunlere-geldik.html

83 EceToksabay and Tuvan Gumrukcu (reporting from Ankara), 'Erdogan warns Europeans 'will not walk safely' if attitude persists, as row carries on', Reuters, 22 March 2017: www.reuters.com/article/us-turkey-referendum-europe-idUSKBN16T13E This report translated President Erdogan's threat into English as follows: Turkey is not a country you can pull and push around, not a country whose citizens you can drag on the ground. ... If Europe continues this way, no European in any part of the world can walk safely on the streets. Europe will be damaged by this. ...'

whole humanity. ... Arabs have a fine saying 'men dakkadukka,' i.e., you reap what you sow. You will yourselves need the values tomorrow which you are trampling on now. Who can guarantee that what is unfolding today in Syria and Iraq won't occur somewhere else tomorrow?'

In an even more chilling follow-up, President Erdogan added some further 'warnings' as he himself called them:

'Those who turn a blind eye to mosques, schools, homes being bombed, innocent people being massacred in groups of 50, 100; do they not think that they themselves will one day ask for mercy? Do those, who remained silent on Aleppo [in Syria] yesterday, not know that there will be no one to help them out if they maintain the same attitude tomorrow in Idlib [in Syria]? The fascist and two-faced attitude displayed against Turkey is sliding Europe back to its old days in the eyes of the world. The rise of racism against our citizens in Europe signals that alarm bells are ringing for tyrants, too, just as much as for the wronged. I am calling on westerners; set aside your bias against us, our country and Muslims and pay heed to our warnings!'⁸⁴

It goes without saying that, in recent years, both Syria and Iraq have been scarred by multiple suicide bombings.⁸⁵ Some of the grisly details may be found on the Suicide Attack Database maintained by the Chicago Project on Security & Threats based at the University of Chicago.⁸⁶ This Database suggests that between 1974 and 2016, Iraq was subject to 2,208 attacks resulting in the death of 23,498 people. Meanwhile, during the same chronological period, Syria endured 282 attacks resulting in the death of 3,308 people.⁸⁷

Evidently enough, Iraq has been particularly scarred by multiple suicide bombings. Emblematic of this is the statement issued on 3 December 2016 by Boris Johnson MP, the British Foreign and Commonwealth Secretary. In relation to the situation in Mosul, Iraq, Mr Johnson observed: 'In some areas, Daesh [also known as the so-called 'Islamic State of Iraq and the Levant' or 'ISIS'] has mounted fierce resistance, dispatching scores of suicide bombers against the liberating forces.'⁸⁸

Was the above in the mind of President Erdogan when, on 27 March 2017, he asked Europeans to consider 'Who can guarantee that what is unfolding today in Syria and Iraq won't occur somewhere else tomorrow?' If that must remain a matter for conjecture, what is not in any doubt is that parts of Europe have already been scarred by suicide bombings. These appear to include Manchester. In the aftermath of a deadly attack at Manchester Arena on 22 May 2017, Theresa May MP, the Prime Minister of the United Kingdom, declared:

84 "Set Aside Your Bias against Us and Pay Heed to Our Warnings!", 27 March 2017, Presidency of the Republic of Turkey, at www.tccb.gov.tr/en/news/542/73517/set-aside-your-bias-against-us-and-pay-heed-to-our-warnings.html

85 See the references to suicide bombings in Syria and Iraq and the ministerial statement on the subject at (Columns 51WH to 57WH) in the British parliamentary debate entitled 'Child Suicide Bombers': Hansard, *Westminster Hall Debates*, 13 October 2015, Columns 39WH to 57WH.

86 See http://cpostdata.uchicago.edu/search_new.php

87 These were the results produced by a search carried out by the author at http://cpostdata.uchicago.edu/search_new.php on 5 June 2017.

88 Hansard, *House of Commons Debates*, 3 December 2016, Column 1077.

‘It is now beyond doubt that the people of Manchester, and of this country, have fallen victim to a callous terrorist attack – an attack that targeted some of the youngest people in our society with cold calculation.

‘This was among the worst terrorist incidents we have ever experienced in the United Kingdom. And although it is not the first time Manchester has suffered in this way, it is the worst attack the city has experienced, and the worst ever to hit the north of England.’⁸⁹

All of which is not without relevance to the analysis which follows.

8. Security in wider context: The abuse of women and children in Turkey and in the ‘zone of impunity’ in the Turkish-occupied north of the Republic of Cyprus

In addition to the reports of the United Nations, the House of Commons and the Council of Europe cited earlier in this Paper, other reports focusing on Turkey have been published since the end of the ‘Conference on Cyprus’ in Geneva on 12 January 2017. Among the most eye-catching is the *Turkey 2016 Human Rights Report* published by the State Department of the United States on 3 March 2017.⁹⁰ This report paints a picture which is no less devastating than the ones painted by the United Nations, the House of Commons and the Council of Europe.

More to the point, perhaps, the *Turkey 2016 Human Rights Report* illustrates one of the primary themes of the author’s Article of 2 January 2017 and of this Paper: the ‘security’ aspects of the so-called ‘Cyprus problem’ are not – and should not be – limited to the narrow topics which diplomats and politicians have chosen to dwell upon in recent years. Security is a wide concept which encompasses various different strands including the security of the individual person i.e. human security.

With the above in mind, perhaps the most disquieting passages of the US State Department’s *Turkey 2016 Human Rights Report* concern the vulnerability and abuse of many women and children in Turkey, the sovereign state which remains the occupying power in the north of the Republic of Cyprus and the main sponsor of its subordinate local administration, the so-called ‘TRNC’. To gain a better understanding of why these passages are so disquieting and so relevant to human security, the reader is invited to read the paragraphs in the *Turkey 2016 Human Rights Report* which are quoted below:

‘The women’s democracy NGO [Non-Governmental Organisation] Ka-Der noted that women were disproportionately affected by the clashes in the Southeast [of Turkey]. Women suffered more than men when security measures forced them to depart their homes, denying them their rights to shelter and education for themselves or their children. ...’⁹¹

⁸⁹ ‘PM statement following terrorist attack in Manchester: 23 May 2017’, press release published by the Prime Minister’s Office, 10 Downing Street, 23 May 2017, www.gov.uk/government/speeches/pm-statement-following-terrorist-attack-in-manchester-23-may-2017

⁹⁰ *Turkey 2016 Human Rights Report* (US State Department, Washington DC, March 2017. Published online at www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482#wrapper and www.state.gov/documents/organization/265694.pdf

⁹¹ *Ibid* page 26.

'Government and political leaders occasionally resorted to direct censorship of news media. During the year the government added several events to the list of topics on which media coverage was restricted, including the Ensar child abuse case, accusations of sexual assault of children in Syrian refugee camps ...⁹²

'Citizens, including children, were charged with insulting Turkish leaders and denigrating Turkishness. On March 1, Justice Minister Bozdag told parliament that since Erdogan became president in 2014, his ministry had allowed the prosecution of 1,845 criminal cases based on alleged insult of the president (the Ministry of Justice must approve criminal prosecution of insult cases against Turkish leaders). ...⁹³

'While incidents of societal violence directed against refugees and persons in refugee-like conditions remained rare, many refugees faced workplace exploitation. Forced prostitution, bride selling, and child labor also remained significant problems among refugees. ...⁹⁴

'In April, AI [Amnesty International] alleged that authorities had forcibly returned more than 100 Syrian migrants, including unaccompanied children and some who had already registered for protection in the country. ...⁹⁵

'The law prohibits violence against women, but human rights organizations claimed the government did not effectively enforce it. ...⁹⁶

'Violence against women, including spousal abuse, remained a serious and widespread problem both in rural and urban areas. Spousal rape is a criminal offense, and the law also provides criminal penalties for crimes such as assault, wrongful imprisonment, or threats. Despite these measures the number of killings and other forms of violence against women remained high. ...⁹⁷

'The government's response to the July 15 coup attempt heavily affected children's education, with more than 39,000 teachers and educators suspended or fired by the end of the September for alleged links to the Gulen movement or PKK. ... The closures disproportionately affected schools in the Southeast. ...⁹⁸

'Child abuse was a problem, and comprehensive social services to provide medical, psychological, and legal assistance were limited. ... On July 14, the Constitutional Court annulled a law criminalizing sexual relations with children under 15 years old, ruling that a more flexible law was necessary to give

92 *Ibid* page 32.

93 *Ibid* page 33.

94 *Ibid* page 43.

95 *Ibid* page 46.

96 *Ibid* page 54.

97 *Ibid* page 55.

98 *Ibid* page 59.

prosecutors and judges the ability to respond to the individual details of cases. The decision was set to take effect in 2017. ...⁹⁹

‘There were reports that children were subjected to commercial sexual exploitation. ...’¹⁰⁰

‘A global study of the sexual exploitation of children in travel and tourism conducted by ECPAT International during the year identified Turkey as one of the “major hotspots for the sexual exploitation of children in travel and tourism.” ...’¹⁰¹

‘In March 31 remarks to media, the Lawyers Working for Children network general coordinator, Sahin Antakyalioglu, cited impunity as the main problem in combating sexual exploitation of children in the country and noted that the complexity of legal procedures restricted efforts for children and their families to pursue justice. ...’¹⁰²

‘The Education Reform Initiative, a domestic NGO, stated that, during the 2014-15 school year, only 2.7 percent of preschool-age children with disabilities had access to education services ...’¹⁰³

‘Roma also reported workplace discrimination and asserted their children often were singled out in the classroom, leading to high dropout rates ...’¹⁰⁴

‘The government did not effectively enforce child labor laws. ... Illicit child labor persisted, including in its worst forms, driven in part by increasing numbers of Syrian children working in the country. ... Some sources alleged commercial sexual exploitation of children, one of the worst forms of child labor ... Also see the Department of Labor’s Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/reports/child-labor/findings/. ...’¹⁰⁵

In the light of the disturbing passages quoted above, a few comments are needed.

Firstly, some of the above passages evoke chilling parallels with the alleged rape and abuse of women and children in the aftermath of the Turkish invasions of the Republic of Cyprus on 20 July 1974 and 14 August 1974.¹⁰⁶

Secondly, the US State Department’s reference to ‘impunity’ in Turkey likewise evokes parallels with the impunity which appears to have been granted to those who engaged in rape in the aftermath of the two Turkish invasions of the Republic of

99 *Ibid* page 59.

100 *Ibid* page 60.

101 *Ibid* page 61.

102 *Ibid* page 61.

103 *Ibid* page 64.

104 *Ibid* page 66.

105 *Ibid* page 72.

106 Some of these allegations are in the sources cited earlier. These include but are not limited to the ‘Letter dated 6 December 1974 from [Ambassador Zenon Rossides] the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General of the United Nations’, United Nations Security Council Document S/11569, United Nations Archive and United Nations Digital Library, plus the *Report of the European Commission on Human Rights Adopted on 10 July 1976, Volumes I and II*, declassified on 31 August 1979 and published by the Council of Europe, as published at [http://hudoc.echr.coe.int/eng#{"fulltext":\["6950/75"\],"languageisocode":\["ENG"\],"appno":\["6780/74"\],"documentcollectionid2":\["G RANDCHAMBER"\],"CHAMBER":\["REPORTS"\]}](http://hudoc.echr.coe.int/eng#{)

Cyprus. The reference to impunity also mirrors the points made by Amnesty International in its annual report on Turkey entitled *Turkey 2016/2017*. In this latter respect, it suffices to cite just the opening paragraph of Amnesty International's report which dwells on this particular subject:

'The entrenched culture of impunity for abuses committed by the security forces remained. The authorities failed to investigate allegations of widespread human rights violations in the southeast, where few or none of the basic steps were taken to process cases, including deaths, and in some instances witnesses were subjected to threats. In June, legislative amendments required the investigation of military officials for conduct during security operations to be subject to government permission and for any resulting trial to take place in military courts, which have proved especially weak in prosecuting officials for human rights abuses.'¹⁰⁷

Thirdly, some of the above passages highlight one of the central themes of this Paper: Turkey exhibits scant regard for the rule of law, for its obligations under international law and for a whole host of legal instruments to which it has hitherto failed to become a State Party. Indeed, the passages quoted above help to underline why, not least in the interests of 'security', Turkey needs to become a State Party to – and comply with – the multiple treaties listed in Question 9 of Appendix 1 of this Paper. These include some relating to enforced disappearance of persons, the protection of workers and the promotion of human rights.

Fourthly and of most immediate relevance to the Republic of Cyprus, some of the above passages put into context the abuse experienced in recent years by several women and children in the Turkish-occupied parts of the Republic of Cyprus. On this specific subject, relevant details appear in the annual reports on trafficking in persons, as published by the Office to Monitor and Combat Trafficking in Persons of the US State Department.

By means of these annual reports, the US State Department has repeatedly expressed its concern as to the human trafficking and other related forms of abuse which appear to have gone on in the Turkish-occupied parts of the Republic of Cyprus and, to a lesser extent, in the parts of the Republic which are not subject to Turkish occupation. To quote some salient passages from the US State Department's *2015 Trafficking in Persons Report*:

'The Government of [the Republic of] Cyprus does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. ...

'The United States does not recognize the "TRNC," nor does any other country except Turkey. The area administered by Turkish Cypriots continues to be a zone of impunity for human trafficking. The area is increasingly a destination for women from Central Asia, Eastern Europe, and Africa who are subjected to forced prostitution in night clubs licensed and regulated by Turkish Cypriots. Nightclub owners pay significant taxes to the Turkish Cypriot

¹⁰⁷ Amnesty International, *Turkey 2016/2017*, published online by Amnesty International at www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/

administration, between eight and 12 million dollars annually according to media reports; additionally, owners pay approximately \$2,000 per woman in fees to the authorities, which may present a conflict of interest and a deterrent to increased political will to combat trafficking. An NGO [i.e. Non-Governmental Organisation] reported girls as young as 11 were victims of sex trafficking inside the walled city of Nicosia. Men and women are subjected to forced labor in industrial, construction, agriculture, domestic work, restaurant, and retail sectors. Victims of labor trafficking are controlled through debt bondage, threats of deportation, restriction of movement, and inhumane living and working conditions. Labor trafficking victims originate from China, Pakistan, Philippines, Turkey, Turkmenistan, and Vietnam. Women who are issued permits for domestic work are vulnerable to forced labor. An NGO reported a number of women enter the “TRNC” from Turkey on three-month tourist or student visas and engage in prostitution in apartments in north Nicosia, Kyrenia, and Famagusta; some may be trafficking victims. Migrants, refugees, and their children are also at risk for sexual exploitation. ...’¹⁰⁸

In other words, not only is Turkey itself rife with human trafficking and what Amnesty International describes as an ‘entrenched culture of impunity for abuses committed by the security forces’. In addition, Turkey occupies a portion of the Republic of Cyprus which the US State Department brands as a ‘zone of impunity’ where human trafficking, including the trafficking of children, is said to take place.

All in all, the issues raised above beg a number of important questions as to the security of women and children in the parts of the Republic of Cyprus which are occupied by Turkey and, thus, in those areas which may form part of the proposed ‘Turkish Cypriot constituent state’ in the event of any ‘settlement’ which creates a ‘bi-communal, bi-zonal federation’. The questions include the following:

1. Was any part of the discussions on ‘security’ at the ‘Conference on Cyprus’ in Geneva on 12 January 2017 devoted to the security of women and children generally and, more specifically, to their vulnerability to human trafficking, sexual abuse, or other forms of abuse and exploitation? If so, how? If not, why not?
2. Will any part of the discussions on ‘security’ at the ‘Conference on Cyprus’ in Geneva on 28 June 2017 be devoted to the security of women and children generally and, more specifically, to their vulnerability to human trafficking, sexual abuse, or other forms of abuse and exploitation? If so, how? If not, why not?
3. To what extent are Turkey and its subordinate local administration in the Turkish-occupied parts of the Republic of Cyprus responsible for any abuse or exploitation of women and children in those parts? Has any thought been given as to what measures will be put in place to address these matters under the security aspects of any proposed ‘settlement’?

¹⁰⁸ 2015 *Trafficking in Persons Report* (Office to Monitor and Combat Trafficking in Persons, US State Department, Washington DC, July 2015), pages 138 to 140. Published online at www.state.gov/documents/organization/245365.pdf. The US State Department has reproduced the passages relating specifically to the Republic of Cyprus and the ‘TRNC’ at www.state.gov/j/tip/rls/tiprpt/countries/2015/243425.htm

4. What do the *de facto* 'laws' of the 'TRNC' provide in relation to human trafficking, sexual abuse, or other forms of abuse and exploitation?

5. This question flows from the US State Department's description of the Turkish-occupied north of the Republic of Cyprus as 'a zone of impunity' and Amnesty International's reference to 'The entrenched culture of impunity for abuses committed by the security forces [of Turkey]'. With these factors in mind, is it reasonable, fair and just for any 'settlement' of 'the Cyprus problem' to permit Turkey to station any forces in the territory of the Island of Cyprus (under any updated version of the Treaty of Alliance) and to reserve any right 'to take action' (under any updated version of the Treaty of Guarantee) in any part of the Island?

These are just some of many questions one might ask and which the four Parties are hereby invited to respond to. These questions assume an ever greater importance if one considers two other related matters.

One is the multiplicity of recent court cases, official inquiries and revelations as to the massive scale of child sexual abuse in various parts of the world. These include the United Kingdom,¹⁰⁹ one of the three 'guarantor powers' of the Republic of Cyprus, which asserts sovereignty over two Sovereign Base Areas on the Island of Cyprus. In making this submission, the author is not making any specific allegations concerning the Sovereign Base Areas. However, he is making a general point by drawing attention to an undeniable fact. There has been – and remains – a serious problem with child sexual abuse in the United Kingdom. In view of the United Kingdom's status as a 'guarantor' of the Republic of Cyprus and the sovereign power in two Sovereign Base Areas, this important subject ought not to be overlooked in the context of 'security'.

The other related matter is no less unsettling. This concerns the huge number of missing children across the European Union, not least because of the huge outflow of people from Turkey into Greece and the sustained failure of Turkey to become a State Party to the International Convention for the Protection of All Persons from Enforced Disappearance of 2006?¹¹⁰ As the European Parliament noted on 21 April 2016, '10,000 refugee children ... have gone missing in Europe.' That is an eye-watering statistic.

To quote from a press release of the European Parliament on this very topic:

'It is feared that some of these children are being exploited by criminal gangs, due to the often close ties between human smugglers, who facilitate travel for around 90% of the migrants, and criminal networks. These children may be sexually exploited, used for begging or forced to commit crimes. However, children may also disappear in search of friends or family in other EU

¹⁰⁹ See, for instance, the *Independent Inquiry into Child Sexual Exploitation in Rotherham (1997 – 2013)* published by Rotherham Metropolitan Borough Council at www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham and the Dame Janet Smith Review published at www.damejanetsmithreview.com/. Also see the websites of the Independent Inquiry into Child Sexual Abuse at www.iicsa.org.uk/ and the Scottish Child Abuse Inquiry at www.childabuseinquiry.scot/ and the Inquiry into Historical Institutional Abuse in Northern Ireland between 1922 and 1995 at www.hiainquiry.org/.

¹¹⁰ See the chart published by the United Nations at https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-16&chapter=4&lang=en

countries or out of sheer desperation caused by cumbersome asylum procedures or detention in reception centres.¹¹¹

Further details on this harrowing topic may be found in a report of the House of Lords in Westminster. This underlines the unprecedented scale of the problem and its vast ramifications in the Mediterranean Sea. It suffices to quote just a few passages from the 'Summary' of this report:

'The current refugee crisis is the greatest humanitarian challenge to have faced the European Union since its foundation. ... In 2015 88,245 unaccompanied children applied for asylum in the EU, including 3,045 in the UK. In May 2016 alone, 3,133 unaccompanied migrant children arrived in Italy. Many children do not even reach the EU's shores: at least 137 children have drowned in the Mediterranean since the start of 2016. ...

'We received a wealth of evidence suggesting that a number of underlying, cross-cutting problems affect unaccompanied migrant children. They face a culture of disbelief and suspicion. Authorities try to avoid taking responsibility for their care and protection. Existing EU and national measures are poorly implemented. Unsurprisingly, many children have lost trust in the institutions and measures intended to guarantee their rights, safety and well-being. These underlying problems have contributed to deplorable reception conditions, particularly in refugee camps, while prolonged uncertainty about children's legal status has left them 'living in limbo'. Such outcomes have in turn exposed vulnerable children to smugglers and human traffickers, and it is conservatively estimated that at least 10,000 unaccompanied migrant children are currently missing in the EU. ...'¹¹²

These are not idle issues. Nor should they be overlooked in the context of 'security' at the 'Conference on Cyprus'. Ultimately, for many parents and, indeed, for many non-parents, the security of the individual child is among the pre-eminent facets of security.

9. Other threats facing the Republic of Cyprus

As a Member State of both the Council of Europe and the European Union, the Republic of Cyprus is as affected by the various matters outlined above as any other Member State of both organisations. Indeed, it is arguable that the Republic of Cyprus is more at risk than any other Member State. Why? The inter-related reasons include those pinpointed below.

Firstly, Turkey has a proven track record of invading neighbouring territories and attacking people. Evidence of Turkish aggression may be found in the Turkish invasion of the Island of Cyprus in 1570 and the two Turkish invasions of the

¹¹¹ 'Fate of 10,000 missing refugee children debates in Civil Liberties Committee', press release of the European Parliament, 21 April 2016, at www.europarl.europa.eu/news/en/press-room/20160419IPR23951/fate-of-10-000-missing-refugee-children-debated-in-civil-liberties-committee

¹¹² House of Lords European Union Committee, *Children in crisis: unaccompanied migrant children in the EU: 2nd Report of Session 2016-17: HL Paper 34* (Published by the authority of the House of Lords, Westminster, 26 July 2016), page 3. Published online by Parliament at www.publications.parliament.uk/pa/ld201617/ldselect/lducom/34/34.pdf

Republic of Cyprus in 1974. Evidence of Turkish victimisation of people may be found, for example, in the forcible displacement, mass murder and genocide of the Armenians inhabiting the Ottoman Empire.¹¹³ Evidence to this effect may also be found in what appears to be the criminal misconduct of the armed forces of Turkey in the Turkish-occupied parts of the Republic of Cyprus.¹¹⁴

Secondly, Turkey continues to occupy and to colonise 36 per cent of the territory and 57 per cent of the coastline of the Republic of Cyprus. Indeed, Turkey maintains formidable armed forces in the occupied area and in Turkey itself. Turkey also asserts air superiority over the airspace of the occupied parts of the Republic of Cyprus. On top of all that, according to the Government of the Republic of Cyprus: 'Today in the occupied part of Cyprus there are about 150,000 - 160,000 settlers [from Turkey]. There is of course, also, a presence of 35,000 Turkish occupation troops.'¹¹⁵

Thirdly, the majority of the citizens of the Republic of Cyprus consist of Christians forming part of a wider population of Christians who have been systematically persecuted or targeted in North Africa and the Middle East. Without express reference to the Republic of Cyprus, a variation of this point was made in 2016 by Tobias Ellwood MP, a retired officer in the British Army and, at the time, a parliamentary under-secretary in the Foreign and Commonwealth Office:

'In the middle east, we are now witnessing systematic and horrific attacks against Christians and others on the basis of their religion, beliefs or ethnicity. Tragically, the very survival of communities that have existed peacefully in the region for centuries is now at risk.'¹¹⁶

Fourthly, the Republic of Cyprus is situated in one of the most dangerous corners of the world. It lies in the Eastern Mediterranean at the intersection between Europe, Asia and Africa. As such, it has a pivotal geographical position but one which is perched perilously close to the Middle East and, more particularly, to Syria.

As the crow flies, the distance between Apostolos Andreas Monastery on the north eastern tip of the Turkish-occupied parts of the Republic of Cyprus and the coast of Syria to the east is a mere 65 miles;¹¹⁷ that is less than the distance as the crow flies between Paphos and Larnaca (68 miles), between Swindon and London (71 miles), between Berlin and Dresden (103 miles), between Le Havre and Paris (111 miles) and between Washington D.C. and Philadelphia (123 miles).¹¹⁸

As a consequence, to come to the point, the Republic of Cyprus is situated only 65 miles away from Syria, a sovereign state which has borne the brunt of a brutal

¹¹³ See, for instance, the contemporary evidence adduced in *The Treatment of Armenians in the Ottoman Empire 1915-16: Documents presented to Viscount Grey of Fallodon, Secretary of State for Foreign Affairs by Viscount Bryce* (Her Majesty's Stationery Office, London, 1916). Also see *inter alia* the following: *Was there an Armenian Genocide: Geoffrey Robertson QC's Opinion*, 9 October 2009 (London, 2009); and Geoffrey Robertson QC, *An Inconvenient Genocide: Who Now Remembers the Armenians?* (Biteback Publishing, London, paperback edition, 2015).

¹¹⁴ See the sources on this subject cited elsewhere in this Paper.

¹¹⁵ 'Illegal Demographic Changes', Embassy of the Republic of Cyprus in The Hague, at www.mfa.gov.cy/mfa/embassies/embassy_thehague.nsf/ecsw17_en/ecsw17_en?OpenDocument

¹¹⁶ Hansard, *Westminster Hall Debates*, 22 March 2016, Column 546WH.

¹¹⁷ The author calculated the distance as the crow flies between Apostolos Andreas Monastery and a place on the west coast of Syria described as Qamareya 3, via the search facility based on Google maps, at <http://tjpeiffer.com/crowflies.html>

¹¹⁸ The author calculated these distances, via the search facility based on Google maps, at <http://tjpeiffer.com/crowflies.html>

insurgency and blood-soaked civil war. Both have been fuelled, to a greater or a lesser extent, by Turkey's vociferous post-2011 calls for President Assad of Syria to step down¹¹⁹ and by the support given to these calls by some of the allies of Turkey, such as the United Kingdom.¹²⁰ Indeed, both the insurgency and the civil war in Syria have also been fuelled by the alleged support given by Turkey to extremist movements such as the so-called 'Islamic State of Iraq and the Levant' otherwise known as 'ISIL', 'ISIS' or 'Daesh'.¹²¹

Inevitably, the proximity of the Republic of Cyprus to Syria presents an array of potential or actual problems. The most obvious ones flow from the devastating humanitarian consequences of a devastating civil war. Indeed, to quote Filippo Grandi, the United Nations Commissioner for Refugees, 'Syria' has generated 'the biggest humanitarian and refugee crisis of our time, a continuing cause of suffering for millions ...'.¹²² Not surprisingly, therefore, some asylum seekers, refugees or economic migrants have arrived in the Republic of Cyprus from Syria.¹²³

In addition, the United Kingdom has been using RAF Akrotiri, within the Western Sovereign Base Area on the Island of Cyprus, in support of operations in relation to Syria, as well as Iraq. As one British minister pointed out to the British Parliament in 2016:

'RAF Akrotiri has performed a vital strategic function in support of operations over many years and continues to fulfil that function today including in support of operations in Iraq and Syria. We expect RAF Akrotiri to remain an essential element of the UK's overseas presence for years to come.'¹²⁴

In turn, this means that any actual or potential threat to RAF Akrotiri or any other part of the two Sovereign Base Areas effectively equates to an actual or potential threat to the Republic of Cyprus, its citizens, lawful residents and other inhabitants, particularly those who live or work within the boundaries of the Sovereign Base Areas.

¹¹⁹ See, for instance, Jonathan Burch, 'Turkey tells Syria's Assad: Step down!', Reuters, 22 November 2011 at www.reuters.com/article/us-syria-idUSL5E7MD0GZ20111122

¹²⁰ This comes across vividly in the following exchange in the House of Commons on 29 November 2011:

'**Chris Evans:** This week, we have heard Turkey call for President Assad to step down. Will the Foreign Secretary give us an update on how secure President Assad's position is in Syria?

'**[The Secretary of State for Foreign and Commonwealth Affairs] Mr [William] Hague:** It is not very secure. We absolutely agree with the Turkish Government. Indeed, my right hon. Friend the Prime Minister called in August for President Assad to step aside. We believe that the regime has lost all legitimacy, certainly in the eyes of the world, but clearly in the eyes of millions of its own people as well. So the regime should now understand that it has no future, that democracy should be introduced in Syria, and the regime should leave office.'

Hansard, *House of Commons Debates*, 29 November 2011, Column 779.

¹²¹ See, for example, David L. Phillips, *Research Paper ISIS-Turkey Links* (Institute for the Study of Human Rights, Columbia University, New York, 11/09/2014). Published online by Huffington Post at www.huffingtonpost.com/david-l-phillips/research-paper-isis-turke_b_6128950.html and 'Media briefing "Russian Federation Armed Forces fighting against international terrorism. New data"' broadcast by the Ministry of Defence of Russia, 2 December 2015 at: www.youtube.com/watch?v=hQey-FCHhb0. Various related allegations and forms of evidence assembled by the Ministry of Defence of Russian have been published online by Russia Today at 'Russia presents proof of Turkey's role in ISIS oil trade', 2 December 2015, at: www.rt.com/news/324263-russia-briefing-isis-funding/

¹²² Quoted in 'Syria conflict at 5 years: the biggest refugee and displacement crisis of our time demands a huge surge in solidarity', United Nations press release published by the UNHCR, 15 March 2016:

www.unhcr.org/afr/news/press/2016/3/56e6e3249/syria-conflict-5-years-biggest-refugee-displacement-crisis-time-demands.html

¹²³ See, for example, Evie Andreou, 'Refugees no longer avoiding Cyprus en masse', *Cyprus Mail*, 11 September 2016 at <http://cyprus-mail.com/2016/09/11/refugees-no-longer-avoiding-cyprus-en-masse/>

¹²⁴ Written Answer by Penny Mordaunt MP, Minister of State for the Armed Forces, 11 July 2016, published by the Parliament of the United Kingdom at www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-07-06/42072/

The dangers pinpointed above were already facing the Republic of Cyprus by the time of the 'Conference on Cyprus' in Geneva on 12 January 2017. However, since then, nothing has happened to lessen the dangers. On the contrary, some of the dangers may have been exacerbated by what has happened since 12 January 2017.

To take one example, on 26 May 2017, at least 26 Egyptian Coptic Christians became the victims of a mass murder. This underlined if not exacerbated the exceptional dangers facing Christians in North Africa and the Middle East – just a metaphorical stone's throw away from the Republic of Cyprus. Indeed, on the day of the attack in Egypt, *The New York Times* carried an article venturing the following ominous thought: 'The wave of persecution is so severe that some fear it may bring about the end of Christianity in the region where it was born two millennia ago.'¹²⁵

As if the chain of events outlined above was not bad enough, the situation has been made worse by the post-Geneva actions and statements of Turkey, including those in relation to the Republic of Cyprus. These have heightened fears that what may lie on the horizon is a 'hot incident' or even a 'war' of some sort.¹²⁶ It is an indicative sign of the times that on 29 May 2017 in *Hurriyet*, a leading Turkish newspaper, one veteran commentator confidently predicted that '[n]ow, Cyprus will be entering an explosive period.'¹²⁷

To top in all, in April 2017, it was reported that one of the advisers to President Erdogan expressed a preference for Turkey to annex the parts of the Republic of Cyprus which have been occupied by Turkey since 1974.¹²⁸ This call followed in the footsteps of a video and related article entitled 'Should Turkey annex north Cyprus [VIDEO]?' Both the video and the article were published by the *Cyprus Mail*, an English language newspaper in the Republic of Cyprus, on 8 January 2017,¹²⁹ four days before the start of the 'Conference on Cyprus'.

Any prospect of annexation flies in the face of the law. Since 1945, international law has set its face against the practice of annexation, which had become discredited after it was abused by Hitler's Germany. Since 1945, annexation has been implicitly prohibited by the United Nations Charter. In addition, annexation has been implicitly condemned by United Nations Security Council Resolution 242 of 22 November 1967; the latter refers expressly to 'the inadmissibility of the acquisition of territory by war'.¹³⁰

125 Mustafa Akyol, 'Why the Middle East's Christians Are Under Attack', *The New York Times*, 26 May 2017: www.nytimes.com/2017/05/26/opinion/why-the-middle-east-christians-are-under-attack.html?_r=0

126 See, for instance, Elias Hazou, 'Anastasiades concerned over possibility of Turkey sparking 'hot incident'', *Cyprus Mail*, 16 March 2017, at <http://cyprus-mail.com/2017/03/16/anastasiades-concerned-possibility-turkey-sparking-hot-incident/>; 'Turkey issues threats following hydrocarbon contract signings', *Cyprus Mail*, 7 April 2017, at <http://cyprus-mail.com/2017/04/07/turkey-issues-threats-following-hydrocarbon-contract-signings/>; and Philip Chrysopoulos, 'Turkey Says Cyprus' Hydrocarbon Exploitation of Certain Sea Plot is Cause of War', *Greek Reporter*, 4 May 2017, at <http://greece.greekreporter.com/2017/05/03/turkey-says-cyprus-hydrocarbon-exploitation-of-certain-sea-plot-is-cause-of-war/>

127 Yusuf Kanli, 'Blame game in Cyprus', *Hurriyet* (online), 29 May 2017: www.hurriyetdailynews.com/blame-game-in-cyprus.aspx?pageID=449&nID=113641&NewsCatID=425

128 Tahsin Eroglu, 'Erdogan adviser wants to annex the north', *Cyprus Mail*, 26 April 2017, at <http://cyprus-mail.com/2017/04/26/erdogan-adviser-wants-annex-north-cyprus/>; 'Turkey has a 'Plan B' for North Cyprus', *LGC News*, 3 May 2017, at www.lgcnews.com/turkey-has-a-plan-b-for-north-cyprus/

129 'Should Turkey annex north Cyprus [VIDEO]?', *Cyprus Mail*, 8 May 2017: <http://cyprus-mail.com/2017/01/08/turkey-annex-north-cyprus-video/>

130 United Nations Security Council Resolution 242, as published by the United Nations at <https://unispal.un.org/DPA/DPR/unispal.nsf/0/7D35E1F729DF491C85256EE700686136>

In addition, both the Cyprus Act of 1960 and Treaty of Establishment of 1960 are quite clear as to what the law provides in relation to the geographical extent of the sovereign territory of the Republic of Cyprus. It suffices to quote the first sentence of Article 1 of the Treaty of Establishment, which closely mirrors the wording of section 2(1) of the Cyprus Act 1960:

'The territory of the Republic of Cyprus shall comprise the Island of Cyprus, together with the islands lying off its coast, with the exception of the two areas defined in Annex A to this Treaty, which areas shall remain under the sovereignty of the United Kingdom.'¹³¹

In view of the various matters outlined above, the author must issue an important call.

10. A call for a wider approach to security in the Republic of Cyprus and the European Union of which it forms part

If this Paper has any overarching theme, it is this: security goes well beyond the narrow issues which may be under discussion in Geneva on 28 June 2017. For various reasons, including those outlined in this Paper, the security of a modern, civilised and democratic state is inextricably bound up with the following matters, if not others:

(i) the security of the individual person, i.e. human security¹³² (not least via the protection afforded by international legal instruments such as the Additional Protocols of 1977 to the Geneva Conventions of 1949 and the International Convention for the Protection of All Persons from Enforced Disappearance of 2006, to which Turkey has never become a State Party);

(ii) the security of individual persons as a collective whole (not least via treaties such as the International Convention on the Suppression and Punishment of the Crime of Apartheid 1973, to which the Republic of Cyprus, Greece, Turkey and the United Kingdom have never become State Parties);

(iii) the security of property (not least via international legal instruments, such as the European Convention on Human Rights and Fundamental Freedoms of 1950, which Turkey has violated on so many occasions);

(iv) cyber security¹³³ (as it affects the private and the public sectors of the state, plus the individual citizen);

¹³¹ *Treaty Concerning the Establishment of the Republic of Cyprus [with exchange of notes]*, Nicosia, August 16 1960 (Cmd 1252, Her Majesty's Stationery Office, London, 1961), published online by the Foreign and Commonwealth Office of the United Kingdom at <http://treaties.fco.gov.uk/docs/pdf/1961/TS0004.pdf>

¹³² For further details, see the landmark publications of Professor Barry Buzan on the subject of security. Several of these are listed on the page devoted to him on the website of the London School of Economics at www.lse.ac.uk/researchAndExpertise/Experts/profile.aspx?KeyValue=b.g.buzan%40lse.ac.uk Also see *Human Security in Theory and Practice: An Overview of the Human Security Concept and the United Nations Trust Fund for Human Security* (Human Security Unit, United Nations, 2009).

¹³³ See, for instance, Zenonas Tziarras, 'The Security Culture of a Global and Multileveled Cyber-Security' in E.G. Carayiannis, F.J.D. Cambell and P.M. Efthymiopoulos, *Cyber Defense Vs. Cyber-Democracy Vs. CyberDevelopment (Cyber-DDD): Challenges, Opportunities and Implications for Policy and Practice* (Springer, New York, 2014), pages 319-335.

(v) economic security (not least via a society which is not contaminated by what the author depicts as six catastrophic and potentially ‘cancerous’ Cs: communalism; confrontationalism; clientelism; corruption; criminality; and conflict);

(vi) the security of the environment (which should not be deliberately defaced or damaged without good cause in the way that one of the southern slopes of the Kyrenia Mountains appears to have been deliberately defaced and damaged for naked political or ideological reasons);

(vii) social security (and the social services of the state);

(viii) health and safety (not least via the 52 Conventions and Protocols relating to Chemicals, Labour, Occupational Safety, Shipping and other related matters to which Turkey has never become a State Party);

(ix) maritime security (not least via legal instruments such as the United Nations Law of the Sea Convention of 1982, to which Turkey has never become a State Party);

(x) national security (and, in the context of the Republic of Cyprus, the security of the Republic’, the latter of which is a concept expressly referred to in various Articles in its Constitution);¹³⁴ in turn, national security encompasses aviation security, cyber security, counter-terrorism, counter-extremism, economic security, energy security, food security and so on;

(xi) security through justice¹³⁵ (including the system of international criminal justice introduced by the Rome Statute on the International Criminal Court to which Turkey has never become a State Party) and, no less importantly, **access to justice**;¹³⁶

(xii) security through the investigation of historic crimes such as unlawful killings, rapes and forcible transfers, coupled with the enforcement of international humanitarian law; this is not only necessary to serve justice, but to help to establish the truth and to create a mechanism of deterrence to help to prevent any repetitions in the future.

These realities should not be lost amid the fanfare relating to the ‘Conference on Cyprus’ in Geneva on 28 June 2017. Nor should they be lost amid the seemingly

¹³⁴ See the references to ‘the security of the Republic’ in Article 15(2), Article 18(6), Article 19(3), Article 20(3), Article 21(3), Article 30(2), Article 87(3), Article 134(1), Article 154 and Article 156(a) in the main body of the Constitution as published by the Presidency of the Republic of Cyprus at [www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/\\$file/CY_Constitution.pdf](http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/$file/CY_Constitution.pdf)

¹³⁵ As pointed out by Lord Neuberger of Abbotsbury, the President of the Supreme Court of the United Kingdom, in a lecture delivered in Northern Ireland in 2014 on the subject of ‘Justice and Security’: ‘Justice and Security ... are absolutely fundamental to our well-being, indeed to our very existence as a civilized society. ...’. A little later in his lecture, Lord Neuberger developed this point with reference to some other concepts which are closely related to justice and security. To quote Lord Neuberger, ‘justice and security, the rule of law and the defence of the realm, together form the bedrock on which our society is built.’ Then, in his conclusions, Lord Neuberger emphasised the following: ‘We cannot afford to sacrifice either our security or the rule of law ...’. See the transcript of a lecture on ‘Justice and Security’ delivered by Lord Neuberger, President of the Supreme Court of the United Kingdom, at the Northern Ireland Judicial Studies Board on 27 February 2014, paragraphs 9, 10 and 37: www.supremecourt.uk/docs/speech-140227.pdf

¹³⁶ In the words of the Law Society of England and Wales: ‘Access to justice is a fundamental principle of the rule of law. It enables people to exercise their rights and encourages effective participation in the legal system.’ See Access to Justice – Making the legal system accessible to all: General Election 2017 briefing (Law Society of England and Wales, London, 2017), page 1. Also see ‘Access to justice and the rule of law’, website of the Law Society of England and Wales, at www.lawsociety.org.uk/policy-campaigns/articles/access-to-justice-and-the-rule-of-law/

exclusive, narrow and otherwise peculiar preoccupation of the United Nations with the 'security' of 'the two communities'.¹³⁷

Closing thoughts

This Paper began by referring to Socrates. He was a pioneer of academia who was charged, tried, convicted and sentenced to death on account of what he taught and what he believed. It is, therefore, regrettable that more than 2,000 years after the persecution of Socrates in ancient Athens, it appears as if hundreds if not thousands of other academics have been arbitrarily or otherwise unfairly targeted by the state in another part of the eastern Mediterranean – in Turkey.

Credible evidence is mounting many academics in Turkey have been unlawfully disciplined or dismissed, seemingly in the absence of any due process of law. It likewise appears as if many other academics have been unfairly detained by the authorities of the state in ostensibly dubious circumstances. Some of the evidence may be viewed in the Council of Europe report referred to earlier in this Paper and on the websites of Non-Governmental Organisations such as the Scholars At Risk Network based at New York University.¹³⁸

Not surprisingly, the widespread targeting of academics in Turkey has led to a succession of unsettling reports. Some of these reports refer to the metamorphosis of 'Turkish academia into a slaughterhouse', the descent of Turkey into an 'intellectual desert',¹³⁹ the perceived 'collapse of Turkish academia',¹⁴⁰ and a 'record-break[ing] purge in academia'.¹⁴¹

All of which tends to show that even though Turkey has ratified some international treaties, such as the European Convention on Human Rights, this does not necessarily mean that Turkey will honour its obligations under those treaties. Put another way, it is one thing for a state to be subject to obligations but quite another thing for a state to comply with those obligations as part of a wider practice of adhering to the rule of law.

In view of the above, the author of this Paper must declare yet again that he is an academic with roots reaching into various parts of the Republic of Cyprus; these include two villages, Petra and Lysi, which, in 1974, appear to have been subjected to criminal misconduct in the form of forcible transfers committed contrary to Article 49(1) of the Fourth Geneva Convention of 1949. For these reasons, the author does not hold out much hope of extracting from the Government of Turkey any substantive written replies to all of the various queries and questions set out in this Paper.

¹³⁷ See, for example, the reference to the 'security' of 'both communities' in the 'Remarks by Secretary-General António Guterres following his meeting with H.E. Mr. Nicos Anastasiades, Greek Cypriot leader; and H.E. Mr. Mustafa Akinci, Turkish Cypriot leader', 4 June 2017, website of the UN Cyprus Talks at www.uncyprustalks.org/remarks-by-secretary-general-antonio-guterres-following-his-meeting-with-h-e-mr-nicos-anastasiades-greek-cypriot-leader-and-h-e-mr-mustafa-akinci-turkish-cypriot-leader/

¹³⁸ See www.scholarsatrisk.org/turkey-response/

¹³⁹ 'The purge turns Turkish academia into a slaughterhouse; Turkey into an 'intellectual desert'', *Vocal Europe*, 10 February 2017, at www.vocaleurope.eu/the-purge-turns-turkish-academia-into-a-slaughterhouse-turkey-into-an-intellectual-desert/

¹⁴⁰ See Sibel Hurtas, 'The collapse of Turkish academia', *Al Monitor*, 13 February 2017, at www.al-monitor.com/pulse/originals/2017/02/turkey-academics-purges-collapse-of-academia.html

¹⁴¹ Burak Bekdil, 'Turkey: record-breaking purge in academia', website of the Gatestone Institute, 16 February 2017, at www.gatestoneinstitute.org/9949/turkey-purge-academics

That said, the author trusts, hopes and expects that the Governments of the Republic of Cyprus, Greece and the United Kingdom will demonstrate their democratic credentials, their commitment to transparency and their dedication to justice by providing substantive written replies to all of the queries and questions set out in this Paper. The author looks forward to seeing these published without any unreasonable delay.

The author also hopes that, in relation to the Republic of Cyprus, the United Nations will step away from its past policy of appeasing Turkey and endorsing the proposed formation of an inherently segregated 'bi-communal, bi-zonal federation'. As demonstrated by the tyrannical turn of events in Turkey, appeasement has not only failed. It has backfired in horrendous fashion. In consequence, the United Nations must take concrete steps to uphold the founding values of its very own Charter and to apply the rule of law, as defined in 2004 by Kofi Annan, the then Secretary-General of the United Nations.¹⁴²

In the meantime, in the absence of any substantive changes on the part of the United Nations, Turkey continues to benefit from appeasement, as well as impunity. At the same time, Turkey maintains its refusal to become a State Party to multiple treaties, such as the Rome Statute on the International Criminal Court. More to the point, Turkey sustains its occupation of the northern parts of the Republic of Cyprus, its support for the illegal regime there and its advocacy in favour of 'bi-communal' and 'bi-zonal' segregation.

With all this in mind, one is left to contemplate and to act upon the wise words of the late Dr Martin Luther King Jr, who campaigned against segregation. In 1958, in *Stride Toward Freedom*, Dr King reminded the world of some salient lessons of history. He 'began' to sense these upon apprehending the 'reign of injustice and human servitude' forming part of the 'evil system' of segregation which was still gripping the United States at the time. Against this background, this is what Dr King wrote:

'Something began to say to me, 'He who passively accepts evil is as much involved in it as he who helps to perpetrate it. He who accepts evil without protesting against it is really cooperating with it.' ...'¹⁴³

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17 June 2017
(as amended on 19 June 2017)

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This Paper forms part of a series of articles and other texts
composed by the author and published by Agora Dialogue at
<http://agora-dialogue.com/?s=Klearchos+A.+Kyriakides>

P.S. Set out overleaf are various questions are embodied in Appendix 1 and Appendix 2 of this Paper.

¹⁴² *Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies* (United Nations Security Council Document S/2004/616, United Nations, New York, 23 August 2004.), paragraph 5 on page 3.

¹⁴³ Martin Luther King, Jr, *Stride Toward Freedom: The Montgomery Story* (Harper, New York, 1958), page 51.

Appendix 1

12 Questions Concerning International Humanitarian law and Certain Other Legal Issues

Set out overleaf is a non-exhaustive list of 12 questions and sub-questions. These inter-relate with, expand upon or adapt the 12 questions originally set out in the Appendix to the author's Article of 2 January 2017.¹⁴⁴ The 12 questions and sub-questions also inter-relate with some of the issues raised by the author in the Paper which accompanies and precedes Appendix 1.

The 12 questions are primarily directed towards the Governments of the four Parties to the Treaty of Establishment of 1960 and the Treaty of Guarantee of 1960, i.e. the Republic of Cyprus, Greece, Turkey and the United Kingdom ('the four Parties'). However, if the United Nations, the International Committee of the Red Cross or any other body is in a position to provide answers to some or all of these questions, they are welcome to do so.

It is hoped that each of the Four Parties will provide written replies to all of these questions – either directly to the author or, better still, to the citizens of the Republic of Cyprus via easily and freely accessible electronic forms.

¹⁴⁴ Klearchos A. Kyriakides, 'The Fourth Geneva Convention of 1949 and its relevance to the 'Conference on Cyprus' in Geneva on 12 January 2017', *Agora Dialogue*, 2 January 2017, at <http://agora-dialogue.com/2017/01/02/the-fourth-geneva-convention-of-1949-and-its-relevance-to-the-conference-on-cyprus-in-geneva-on-12-january-2017/>

ACCOUNTABILITY UNDER THE RULE OF LAW

Question 1: Do the Governments of each the four Parties to the Treaty of Establishment of 1960 and the Treaty of Guarantee of 1960, i.e. the Republic of Cyprus, Greece, Turkey and the United Kingdom (hereafter ‘the four Parties’), agree with the proposition which lies at the core of the rule of law i.e. that no persons and no states are above the law? If so, what has been done, is being done and will be done to serve criminal justice upon any states and any individuals which are alleged to have committed violations of international humanitarian law in the Republic of Cyprus, including grave crimes contrary to Article 49(1),¹⁴⁵ Article 49(6)¹⁴⁶ and Article 147¹⁴⁷ of the Fourth Geneva Convention of 1949?

‘ENQUIRIES’

Question 2: This Question is sub-divided into the parts set out below. These relate to some of the provisions relating to ‘enquiries’ in the Fourth Geneva Convention of 1949.

2.1 Has the Republic of Cyprus, or any other party to the armed conflict triggered by the Turkish invasion¹⁴⁸ of the Republic of Cyprus on 20 July 1974, ever invoked Article 149 of the Fourth Geneva Convention of 1949 to ‘request’ the institution of ‘an enquiry ... concerning any alleged violation of the Convention ...’¹⁴⁹ in the Republic of Cyprus? If so, what was the outcome of each such ‘request’ and any subsequent ‘enquiry’? If not, why has no such ‘request’ been made?

2.2 Since the armed conflict triggered by the Turkish invasion of the Republic of Cyprus on 20 July 1974 and in relation to persons interned during that conflict, which steps have been taken by Turkey and by any other ‘Detaining Power’ to commission any ‘official enquiry’ in line with Article 131 of the Fourth Geneva Convention of

¹⁴⁵ Under Article 49(1) of the Fourth Geneva Convention of 1949: ‘Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.’

¹⁴⁶ Under Article 49(6) of the Fourth Geneva Convention of 1949: ‘The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.’

¹⁴⁷ Under Article 147 of the Fourth Geneva Convention of 1949:

‘Grave breaches to which the preceding Article [i.e. Article 146] relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.’

¹⁴⁸ A number of courts have expressly referred to the Turkish invasion of the northern parts of the Republic of Cyprus. To take one example, in *Polly Peck International PLC v The Marangos Hotel Company Ltd* [1998] EWCA Civ 789, the Court of Appeal of England and Wales described ‘Northern Cyprus’ as ‘occupied by Turkey since an armed invasion in the summer of 1974.’ To take a second example, in *Apostolides v Orams* [2010] EWCA Civ 9, the Court of Appeal of England and Wales observed the following: ‘In July 1974, the army of the Turkish Republic invaded the north of the island and set up an administration for that part of the island its forces occupied. The Turkish Republic of Northern Cyprus (“TRNC”) was declared in 1983. It has not been recognised by any state apart from Turkey.’

¹⁴⁹ Under Article 149 of the Fourth Geneva Convention of 1949:

‘(1) At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

‘(2) If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

‘(3) Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.’

1949.¹⁵⁰ If so, what was the outcome of each such 'official enquiry' and did this result in any prosecution, as envisaged by Article 131? If no such 'official enquiry' have ever been commissioned, why not?

2.3 Since the armed conflict triggered by the Turkish invasion of the Republic of Cyprus on 20 July 1974 and in relation to persons interned during that conflict, has Turkey or any other 'Detaining Power' ever sent any 'communication' in compliance with Article 131 of the Fourth Geneva Convention of 1949? If so, what was the outcome of each such 'communication'? If no such 'communication' has ever been sent, why not?

COMPLIANCE WITH CERTAIN OTHER PROVISIONS IN THE FOURTH GENEVA CONVENTION OF 1949

Question 3: This Question is sub-divided into the parts set out below. They relate to some of the other provisions in the Fourth Geneva Convention of 1949.

3.1 Since the armed conflict triggered by the Turkish invasion of the Republic of Cyprus on 20 July 1974 and in relation to that conflict, which specific steps have Turkey and the other parties to the conflict taken to ensure compliance with Article 13 of the Fourth Geneva Convention of 1949?¹⁵¹

3.2 Do any of the parties to the conflict regard any of the other parties as being in breach of Article 13? If so, why? If not, why not?

3.3 Which steps have been taken, are being taken and will be taken to ensure that any party in breach of Article 13 will be required to provide reparations together with any other appropriate remedies?

3.4 Which specific steps have Turkey and the other parties to the conflict taken to ensure compliance with Article 53 of the Fourth Geneva Convention of 1949?¹⁵²

3.5 Do any of the parties to the conflict regard any of the other parties as being in breach of Article 53? If so, why? If not, why not?

¹⁵⁰ Under Article 131 of the Fourth Geneva Convention of 1949:

'Art. 131. Every death or serious injury of an internee, caused or suspected to have been caused by a sentry, another internee or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.'

'A communication on this subject shall be sent immediately to the Protecting Power. The evidence of any witnesses shall be taken, and a report including such evidence shall be prepared and forwarded to the said Protecting Power.'

'If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all necessary steps to ensure the prosecution of the person or persons responsible.'

¹⁵¹ Under Article 13 of the Fourth Geneva Convention of 1949: 'The provisions of Part II cover the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war.'

¹⁵² Under Article 53 of the Fourth Geneva Convention of 1949: 'Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.'

3.6 Which steps have been taken, are being taken and will be taken to ensure that any party in breach of Article 53 will be required to provide reparations together with any other appropriate remedies?

3.7 Since the armed conflict triggered by the Turkish invasion of the Republic of Cyprus on 20 July 1974 and in relation to that conflict, why has Turkey ostensibly failed to comply with Article 54 of the Fourth Geneva Convention of 1949?¹⁵³

3.8 In view of the ostensible breach of Article 54 mentioned above, which steps have been taken, are being taken and will be taken to ensure that Turkey is required to provide any reparations together with any other appropriate remedies in relation to any breach of this Article?

3.9 Since the armed conflict triggered by the Turkish invasion of the Republic of Cyprus on 20 July 1974 and in relation to that conflict, has Turkey, in its capacity as an occupying power,¹⁵⁴ complied with Article 55(2) of the Fourth Geneva Convention of 1949?¹⁵⁵ If so, is there any evidence to prove this in relation to all foodstuffs, articles or medical supplies in the Turkish-occupied parts of the Republic of Cyprus which have been requisitioned by Turkey or its subordinate local administration?¹⁵⁶ If not, which steps have been taken, are being taken and will be taken to ensure that

¹⁵³ Under Article 54 of the Fourth Geneva Convention of 1949:

‘(1) The Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience.

‘(2) This prohibition does not prejudice the application of the second paragraph of Article 51. It does not affect the right of the Occupying Power to remove public officials from their posts.’

¹⁵⁴ A number of courts have referred to the occupation of the northern parts of the Republic of Cyprus by Turkey. To take one example, in *Loizidou v. Turkey* (judgment of 18 December 1996 (*merits*), *Reports of Judgments and Decisions* 1996-VI, p. 2223, §§ 16-17), the European Court of Human Rights observed the following:

‘16. Turkish armed forces of more than 30,000 personnel are stationed throughout the whole of the occupied area of northern Cyprus, which is constantly patrolled and has checkpoints on all main lines of communication. The army’s headquarters are in Kyrenia. The 28th Infantry Division is based in Asha (Assia) with its sector covering Famagusta to the Mia Milia suburb of Nicosia and with about 14,500 personnel. The 39th Infantry Division, with about 15,500 personnel, is based at Myrthou village, and its sector ranges from Yerolakkos village to Lefka. TOURDYK (Turkish Forces in Cyprus under the Treaty of Guarantee) is stationed at Orta Keuy village near Nicosia, with a sector running from Nicosia International Airport to the Pedhieos River. A Turkish naval command and outpost are based at Famagusta and Kyrenia respectively. Turkish airforce personnel are based at Lefkoniko, Krini and other airfields. The Turkish airforce is stationed on the Turkish mainland at Adana. ...’

To take a second example, in *Ali Erel and Mustafa Damdelen v Cyprus* [2010] ECHR 2227, the European Court of Human Rights referred to the ‘TRNC’ as ‘an area on the island of Cyprus occupied by Turkey and its armed forces and where the Government and authorities of the Republic of Cyprus have been prevented since 1974 from exercising their own powers and carrying out their responsibilities.’

In addition, the United Nations General Assembly has deplored ‘the fact that part of its territory [i.e. the territory of the Republic of Cyprus] is still occupied by foreign forces’. Also see United Nations General Assembly 33/15 adopted on 9 November 1978 and published by the United Nations at www.un.org/documents/ga/res/33/ares33r15.pdf

¹⁵⁵ Under Article 55 of the Fourth Geneva Convention of 1949:

‘(1) To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.

‘(2) The Occupying Power may not requisition foodstuffs, articles or medical supplies available in the occupied territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account. Subject to the provisions of other international Conventions, the Occupying Power shall make arrangements to ensure that fair value is paid for any requisitioned goods.

‘(3) The Protecting Power shall, at any time, be at liberty to verify the state of the food and medical supplies in occupied territories, except where temporary restrictions are made necessary by imperative military requirements.’

¹⁵⁶ In *Loizidou v. Turkey* (judgment of 18 December 1996 (*merits*), *Reports of Judgments and Decisions* 1996-VI, pp. 2234-36, §§ 16-17), the European Court of Human Rights effectively branded the so-called ‘Turkish Republic of Northern Cyprus’, the entity purportedly established on 15 November 1983, as a ‘subordinate local administration’ of Turkey. The Court effectively did so when it observed that: ‘The obligation to secure, in such an area, the rights and freedoms set out in the Convention, derives from the fact of such control whether it be exercised directly, through its armed forces, or through a subordinate local administration...’.

Turkey is required to provide reparations together with any other appropriate remedies in relation to any breach of this Article?

3.10 This Sub-Question raises additional questions with regard to the provisions in the Fourth Geneva Convention of 1949 concerning internees:

3.10.1 Since the armed conflict triggered by the Turkish invasion of the Republic of Cyprus on 20 July 1974, how many citizens of the Republic of Cyprus have been interned by Turkey, its armed forces or any agents acting on their behalf?

3.10.2 Since the armed conflict triggered by the Turkish invasion of the Republic of Cyprus on 20 July 1974, how many citizens of the Republic of Cyprus have died while being internees in the custody of the armed forces or agents of Turkey or its subordinate local administration?

3.10.3 In relation to each internee who has died in the custody of the armed forces, agents or public bodies of Turkey or its subordinate local administration, has Turkey complied with Article 129(1) of the Fourth Geneva Convention of 1949?¹⁵⁷ If so, where is the evidence of compliance? If not, why not and which steps have been taken, are being taken and will be taken to ensure that Turkey provides reparations together with any other appropriate remedies for any breach of this Article?

3.10.4 In relation to each internee who has died in the custody of the armed forces, agents or public bodies of Turkey or its subordinate local administration, has Turkey complied with Article 129(2) of the Fourth Geneva Convention of 1949? If so, where is the evidence to prove that Turkey has ensured that 'Deaths of internees shall be certified in every case by a doctor, and a death certificate shall be made out, showing the causes of death and the conditions under which it occurred'?¹⁵⁸ If not, why not and which steps have been taken, are being taken and will be taken to ensure that Turkey provides reparations together with any other appropriate remedies for any breach of this Article?

3.10.5 In relation to each internee who has died in the custody of the armed forces, agents or public bodies of Turkey or its subordinate local administration, has Turkey complied with Article 129(3) of the Fourth Geneva Convention of 1949?¹⁵⁹ If so, where is the evidence of compliance? If not, why not and which steps have been taken, are being taken and will be taken to ensure that Turkey provides reparations together with any other appropriate remedies for any breach of this Article?

3.10.6 Since the armed conflict triggered by the Turkish invasion of the Republic of Cyprus on 20 July 1974 and in relation to any internees who have died while in the custody of the armed forces, agents or public bodies of Turkey or its subordinate

¹⁵⁷ Under Article 129 (1) of the Fourth Geneva Convention of 1949: 'The wills of internees shall be received for safe-keeping by the responsible authorities; and if the event of the death of an internee his will shall be transmitted without delay to a person whom he has previously designated.'

¹⁵⁸ This is drawn from the wording of Article 129 (2) of the Fourth Geneva Convention of 1949.

¹⁵⁹ Under Article 129 (3) of the Fourth Geneva Convention of 1949: 'An official record of the death, duly registered, shall be drawn up in accordance with the procedure relating thereto in force in the territory where the place of internment is situated, and a duly certified copy of such record shall be transmitted without delay to the Protecting Power as well as to the Central Agency referred to in Article 140.'

local administration, have the provisions relating to burials in Article 130 of the Fourth Geneva Convention of 1949¹⁶⁰ been complied with? If so, where is the evidence of compliance? If not, why not and which steps have been taken, are being taken and will be taken to ensure that Turkey provides reparations together with any other appropriate remedies for any breach of this Article?

3.10.7 Does Turkey continue to intern any citizens of the Republic of Cyprus or others persons who were detained by or on behalf of Turkey in the Republic of Cyprus after the outbreak of the armed conflict triggered on 20 July 1974?

3.10.8 What steps have been taken, are being taken or will be taken by Turkey to ensure compliance with Article 134 of the Fourth Geneva Convention of 1949?¹⁶¹

3.11 Has Turkey enacted any specific domestic legislation in compliance with Article 146(1) of the Fourth Geneva Convention of 1949?¹⁶² If so, which legislation? If not, why not?

3.12 Since the establishment of the Republic of Cyprus on 16 August 1960 and in relation to all armed conflicts in that sovereign state (be they of an international character or otherwise¹⁶³), have any of the four Parties taken any specific steps to ensure compliance with *inter alia* Article 3¹⁶⁴ and with Articles 146(2) to 146 (4) of the

¹⁶⁰ Under Article 130 of the Fourth Geneva Convention of 1949:

‘(1) The detaining authorities shall ensure that internees who die while interned are honourably buried, if possible according to the rites of the religion to which they belonged and that their graves are respected, properly maintained, and marked in such a way that they can always be recognized.

‘(2) Deceased internees shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his expressed wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased.

‘(3) The ashes shall be retained for safe-keeping by the detaining authorities and shall be transferred as soon as possible to the next of kin on their request.

‘(4) As soon as circumstances permit, and not later than the close of hostilities, the Detaining Power shall forward lists of graves of deceased internees to the Powers on whom deceased internees depended, through the Information Bureaux provided for in Article 136. Such lists shall include all particulars necessary for the identification of the deceased internees, as well as the exact location of their graves.’

¹⁶¹ Under Article 134 of the Fourth Geneva Convention of 1949: ‘The High Contracting Parties shall endeavour, upon the close of hostilities or occupation, to ensure the return of all internees to their last place of residence, or to facilitate their repatriation.’

¹⁶² Under Article 146 (1) of the Fourth Geneva Convention of 1949:

‘(1) The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article [i.e. Article 147].

¹⁶³ The Fourth Geneva Convention of 1949 includes a specific provision to deal with ‘armed conflict not of an international character’. This is Article 3 which provides as follows:

‘In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

‘(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

‘(2) The wounded and sick shall be collected and cared for.

‘An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

‘The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

‘The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.’

¹⁶⁴ *Ibid.*

Fourth Geneva Convention of 1949?¹⁶⁵ If so, which specific steps has each Party taken? If not, why not?

3.13 This Sub-Question dovetails with the previous one. Since the establishment of the Republic of Cyprus on 16 August 1960 and in relation to all armed conflicts in that sovereign state (be they of an international character or otherwise), have any criminal proceedings ever been brought in the criminal or military courts of the Republic of Cyprus, Greece, Turkey or the United Kingdom against any individuals for allegedly infringing any domestic laws which incorporate the prohibitions specified in *inter alia* Articles 3,¹⁶⁶ 49¹⁶⁷ and 147¹⁶⁸ of the Fourth Geneva Convention of 1949? If not, why not? If so, what was the outcome of such proceedings and any appeals relating thereto?

POPULATION TRANSFERS

Question 4: This Question is sub-divided into the parts set out below. These relate to Article 49(1)¹⁶⁹ and Article 49(6)¹⁷⁰ of the Fourth Geneva Convention 1949. In answer to this Question, each of the four Parties is hereby requested to produce the most up-to-date and reliable statistics, or estimates, in its possession.

4.1 Since 20 July 1974, how many citizens of the Republic of Cyprus have been forcibly transferred or deported from their homes, contrary to Article 49(1) of the

¹⁶⁵ Under Article 146(2) to Article 146(4) of the Fourth Geneva Convention of 1949:

'(2) Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.'

'(3) Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.'

'(4) In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949.'

¹⁶⁶ See Article 3 of the Fourth Geneva Convention of 1949, as quoted in a preceding footnote.

¹⁶⁷ Under Article 149 of the Fourth Geneva Convention of 1949:

'(1) Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.'

'(2) Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.'

'(3) The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.'

'(4) The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.'

'(5) The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.'

'(6) The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.'

¹⁶⁸ Under Article 147 of the Fourth Geneva Convention of 1949:

'Grave breaches to which the preceding Article [i.e. Article 146] relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.'

¹⁶⁹ Under Article 49(1) of the Fourth Geneva Convention of 1949: 'Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.'

¹⁷⁰ Under Article 49(6) of the Fourth Geneva Convention of 1949: 'The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.'

Fourth Geneva Convention of 1949? How many of these citizens have been otherwise displaced from their homes? Of these citizens, how many citizens belong (or, prior to their death, belonged) to the Greek Community and how many belong (or, prior to their death, belonged) to the Turkish Community?

4.2 Since 20 July 1974, how many non-citizens but lawful residents of the Republic of Cyprus have been forcibly transferred or deported from their homes, contrary to Article 49(1) of the Fourth Geneva Convention of 1949? How many of these lawful residents have been otherwise forcibly displaced? What is (or, prior to their death, what was) the citizenship of these displaced persons?

4.3 Since 20 July 1974, how many citizens of Turkey have purportedly been granted (i) 'citizenship' or (ii) a permanent 'right of residence' in the Turkish-occupied parts of the Republic of Cyprus by the *de facto* authorities situated there, including the so-called 'TRNC' purportedly established on 15 November 1983?

4.4 Since 20 July 1974, how many citizens of states other than Turkey have purportedly been granted (i) 'citizenship' or (ii) a permanent 'right of residence' in the Turkish-occupied parts of the Republic of Cyprus by the *de facto* authorities situated there, including the so-called 'TRNC'?

4.5 Why does Turkey appear to have been granted impunity in spite of ostensibly violating Article 49(1) as well as Article 49(6) and Article 147 of the Fourth Geneva Convention of 1949 and international humanitarian law generally?

ARTICLES 64 & 65 OF THE FOURTH GENEVA CONVENTION OF 1949

Question 5: This Question is sub-divided into the parts set out below. These relate to Article 64¹⁷¹ and Article 65¹⁷² of the Fourth Geneva Convention 1949. They also relate to one of the cornerstones of the rule of law: that, as a general rule, laws should not have retroactive effect.¹⁷³

¹⁷¹ Under Article 64 of the Fourth Geneva Convention of 1949:

'The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention.

'Subject to the latter consideration and to the necessity for ensuring the effective administration of justice, the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws.

'The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them.'

¹⁷² Under Article 65 of the Fourth Geneva Convention of 1949:

'The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive.'

¹⁷³ This principle forms part of European Union law. As pointed out by one judge of the Court of Appeal of England and Wales: 'the "no retroactivity" principle ... is that EU legislation does not have retroactive effect unless, exceptionally, it is clear from its terms or general scheme that the legislator intended such an effect, that the purpose to be achieved so requires and that the legitimate expectations of those concerned are duly respected: (Case C-162/00) *Land Nordrhein-Westfalen v Pókrzeptowicz-Meyer* [2002] 2 CMLR 1 at [49]. ... I agree with Mr Coppel QC on behalf of the Secretary of State that the principle of "no retroactivity" means that conduct which was lawful when it occurred cannot retroactively become unlawful.': *O'Brien v Ministry of Justice* [2015] EWCA Civ 1000, per Lord Justice Lewison at par. 5 and par. 35. In the same case, Lord Justice Underhill, at par. 61, referred to 'the basic principle that the law cannot be changed retrospectively.'

5.1 Since 20 July 1974, has Turkey, in its capacity as the Occupying Power in the Turkish-occupied parts of the Republic of Cyprus, or its subordinate local administration there, introduced any 'penal provisions' with retroactive effect? If so, which ones and where may they be found?

5.2 Since 20 July 1974, has Turkey, in its capacity as the Occupying Power in the Turkish-occupied parts of the Republic of Cyprus, or its subordinate local administration there, introduced any non-'penal provisions' with retroactive effect? If so, which ones and where may they be found?

5.3 Since 20 July 1974, has Turkey, in its capacity as the Occupying Power in the Turkish-occupied parts of the Republic of Cyprus, complied with all of the various duties imposed by Article 65 of the Fourth Geneva Convention of 1949? If not, why not? If so, how, when and by which means has each of these duties been complied with? In addition, where may one find the relevant texts envisaged by Article 65?

DELIVERING JUSTICE AND COMBATING IMMUNITY

Question 6: This Question is sub-divided into the following parts which relate to impunity, justice generally and criminal justice in particular.

6.1 Since the establishment of the Republic of Cyprus on 16 August 1960 and in relation to the armed conflict in that sovereign state, have any of the four Parties ever made any formal or informal communication to the United Nations or to any other body to request the formation of an *ad hoc* independent international criminal tribunal in order to investigate and to try any alleged crimes committed in the Republic of Cyprus since 16 August 1960 contrary to *inter alia* Articles 3, 49 and 147¹⁷⁴ of the Fourth Geneva Convention of 1949? If so, when was any such submission made and by whom? If not, why not?

6.2 Does each of the four Parties agree with the proposition set out in the author's article of 2 January 2017 i.e. if those responsible for committing grave breaches of the Geneva Conventions of 1949 had been brought before an *ad hoc* international criminal tribunal established in the aftermath of the two Turkish invasions of 1974, the service of justice could have served as a deterrent which might have prevented the grave crimes inflicted since 2011 on the citizens, inhabitants and properties of Syria?

6.3 Does each of the four Parties agree with the proposition that it is never too late for international criminal justice to be served in relation to grave crimes committed in the Republic of Cyprus contrary to international humanitarian law?

6.4 Does each of the four Parties agree with the proposition that no 'settlement' to the so-called 'Cyprus problem' can be 'just' if criminal justice is not served by a new independent international criminal tribunal for the Republic of Cyprus formed along

¹⁷⁴ Each of these three Articles has been reproduced in previous footnotes.

the lines of the tribunals established by the victorious Allies in Nuremberg or by the United Nations Security Council in relation to the former Yugoslavia and Rwanda? If so, which steps have been taken, are being taken and will be taken to establish an independent international criminal tribunal for the Republic of Cyprus? If no such steps have been taken, are being taken or will be taken, why is that so?

6.5 Does each of the four Parties agree with the proposition that if an independent international criminal tribunal for Cyprus is established, this will help to serve justice, ascertain the truth and act as a deterrent which may prevent the commission in the future of crimes contrary to international humanitarian law?

6.6 Does each of the four Parties agree with the proposition that a truth and reconciliation commission may be established alongside but not instead of any new independent international criminal tribunal? If so, why? If not, why not?

6.7 Which other legal mechanisms should be used to bring to justice Turkey, any other states and any individuals which stand accused of committing grave breaches of the Fourth Geneva Convention of 1949 and any other instruments or principles of International Humanitarian Law?

REPARATIONS AND REMEDIES

Question 7: This Question is sub-divided into the following parts, which relate to reparations and remedies.

7.1 Does each of the four Parties respect the principle relating to reparation which was identified by the Permanent Court of International Justice on page 29 of its judgment in the *Chorzow Factory (Merits)* case in 1928?¹⁷⁵

7.2 Under the terms of any future 'settlement' of the so-called 'Cyprus problem', should or will Turkey or any other state be legally compelled to provide reparations together with any other appropriate remedies for breaching **(i)** the provisions of any of the Geneva Conventions, **(ii)** any other principles or instruments of international humanitarian law and **(iii)** any other principles or instruments of international law generally? If so, which reparations and remedies should be provided and by whom? If not, why not?

TURKEY AND THE INTERNATIONAL COURT OF JUSTICE

Question 8: This Question is sub-divided into the following parts; they relate to Article 36 of the Statute of the International Court of Justice in The Hague (hereafter 'Article 36').

¹⁷⁵ On page 29 of its judgment in the *Chorzow Factory (Merits)* case, the Permanent Court of International Justice observed that 'it is a principle of international law, and even a general conception of law, that any breach of an engagement involves an obligation to make reparation. ...'. The original judgment has been published by the International Court of Justice at www.icj-cij.org/pcij/serie_A/A_17/54_Usine_de_Chorzow_Fond_Arret.pdf

8.1 Why has Turkey hitherto refrained from making any updated Declaration under Article 36? Put another way, why has Turkey failed to join 66 State Parties (including Republic of Cyprus, Greece and the United Kingdom) in recognizing as compulsory the jurisdiction of the International Court of Justice?

(See the chart and other details published respectively by the United Nations and the International Court of Justice at

https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=I-4&chapter=1&clang=en#8 and www.icj-cij.org/jurisdiction/?p1=5&p2=1&p3=3)

8.2 Does Turkey have any intention of making any updated Declaration under Article 36?¹⁷⁶ If so, when will Turkey make any such Declaration? If not, why not?

8.3 Have the Republic of Cyprus, Greece and the United Kingdom taken any individual or joint steps to urge Turkey to make an updated Declaration under Article 36? If so, which steps have been taken, by whom and when? If not, why have none been taken?

8.4 Under the terms of any future 'settlement' of the so-called 'Cyprus problem', will Turkey be placed under any legally binding and enforceable obligation to make a Declaration under Article 36? If not, why not?

THE DETACHMENT OF TURKEY FROM THE INTERNATIONAL CRIMINAL COURT AND MULTIPLE LEGAL INSTRUMENTS

Question 9: This Question is sub-divided into the following parts. They relate to the failure of Turkey to become a State Party to more than 70 instruments of international law. These include those mentioned at Sub-Questions 9.1.1 to 9.1.22 below.

9.1 Why has Turkey never become a State Party to so many legal instruments of substantial importance to peace, security, justice, human rights and the rule of law generally? More specifically:

¹⁷⁶ Under Article of the Charter of the International Court of Justice:

'1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

'2. The states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

a. the interpretation of a treaty;

b. any question of international law;

c. the existence of any fact which, if established, would constitute a breach of an international obligation;

d. the nature or extent of the reparation to be made for the breach of an international obligation.

'3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.

'4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

'5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.

'6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.'

9.1.1 Why has Turkey never become a State Party to the Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Eleventh, Thirteenth and Fourteenth Hague Conventions of 1907?

(In 1907, Turkey became a State Signatory but not a State Party to these Conventions. See the Charts published by the International Committee of the Red Cross and available at <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByDate.xsp>)

9.1.2 Is there any reason why Turkey failed to become a State Party to the Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, and Charter of the International Military Tribunal adopted in London on 8 August 1945?

(See the Chart published by the International Committee of the Red Cross at https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treatySelected=350)

9.1.3 Why has Turkey never become a State Party to the Geneva Convention on the Continental Shelf 1958?

(See the chart published by the United Nations at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXI-4&chapter=21&lang=en)

9.1.4 Why has Turkey never become a State Party to the Geneva Convention on the High Seas 1958?

(See the chart published by the United Nations at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXI-2&chapter=21&clang=en)

9.1.5 Why has Turkey never become a State Party to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity adopted on 26 November 1968?

(See the chart published by the International Committee of the Red Cross at https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treatySelected=435)

9.1.6 Why has Turkey never become a State Party to the International Convention on the Suppression and Punishment of the Crime of Apartheid 1973 (hereafter ‘the Crime of Apartheid Convention 1973’)?

(See the chart published by the United Nations at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-7&chapter=4&clang=en)

9.1.7 Why has Turkey never become a State Party to any of the Additional Protocols of 1977 to the Geneva Conventions of 1949?

(See the chart published by the International Committee of the Red Cross at <https://ihl-databases.icrc.org/ihl>)

9.1.8 Why has Turkey never become a State Party to the Second Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices adopted in Geneva on 10 October 1980?

(See the chart published by the International Committee of the Red Cross at https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treatySelected=510)

9.1.9 Why has Turkey never become a State Party to the United Nations Law of the Sea Convention 1982?

(See the chart published by the United Nations at https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp=mtdsg3&lang=en)

9.1.10 Why has Turkey never become a State Party to the International Convention Against Apartheid in Sports 1985?

(See the chart published by the United Nations at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-10&chapter=4&clang=en)

9.1.11 Why has Turkey never become a State Party to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries adopted on 4 December 1989?

(See the chart published by the International Committee of the Red Cross at https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treatySelected=530)

9.1.12 Why has Turkey never become a State Party to the Council of Europe Framework Convention for the Protection of National Minorities 1995?

(See the chart published by the Council of Europe at www.coe.int/en/web/conventions/full-list/-/conventions/treaty/157/signatures?p_auth=FEFUEGyX)

9.1.13 Why has Turkey never become a State Party to the Rome Statute on the International Criminal Court 1998?

(See the chart published by the International Criminal Court at https://asp.icc-cpi.int/en_menus/asp/states%20parties/pages/the%20states%20parties%20to%20the%20rome%20statute.aspx)

9.1.14 Why has Turkey never become a State Party to the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (i.e. the Aarhus Convention) 1998?

(See the chart published by the United Nations at https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII-13&chapter=27&clang=en)

9.1.15 Why has Turkey never become a State Party to the Second Protocol of 1999 to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict?

(See the chart published by the International Committee of the Red Cross at https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStateSParties&xp_treatySelected=590)

9.1.16 Why has Turkey never become a State Party to Protocol No. 12 to the European Convention on Human Rights (regarding the principle of equality) 2000?

(See Turkey has signed but not become a State Party to Protocol No. 12. See the chart published by the Council of Europe at www.coe.int/en/web/conventions/full-list/-/conventions/treaty/177/signatures?p_auth=nWbp5DSK)

9.1.17 Why has Turkey never become a State Party to the International Convention for the Protection of All Persons from Enforced Disappearance of 2006?

(See the chart published by the United Nations at https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-16&chapter=4&lang=en)

9.1.18 Why has Turkey never become a State Party to the Convention on Cluster Munitions of 2008?

(See the chart published by the United Nations at [www.unog.ch/80256EE600585943/\(httpPages\)/67DC5063EB530E02C12574F8002E9E49?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/67DC5063EB530E02C12574F8002E9E49?OpenDocument))

9.1.19 Why has Turkey never become a State Party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights adopted in New York on 10 December 2008?

(See the chart published by the United Nations at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3-a&chapter=4&clang=en)

9.1.20 Why has Turkey never become a State Party to the Arms Trade Treaty of 2013?

(See the chart published by the International Committee of the Red Cross at <https://ihl-databases.icrc.org/ihl>)

9.1.21 Why, in contrast to the Republic of Cyprus, has Turkey failed to sign the Council of Europe Convention on Offences relating to Cultural Property of 2017?

(See the chart published by the Council of Europe at http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/221/signatures?p_auth=w6uDsNYo)

9.1.22 Why has Turkey never become a State Party to the 52 Conventions and Protocols relating to Chemicals, Labour, Occupational Safety, Shipping and other related matters published by the International Labour Organisation on the page of its website entitled 'Up-to-date Conventions and Protocols not ratified by Turkey'?

(See the list published by the International Labour Organisation at www.ilo.org/dyn/normlex/en/f?p=1000:11210:0::NO:11210:P11210_COUNTRY_ID:102893)

9.2 Have the Republic of Cyprus, Greece and the United Kingdom taken any individual or joint steps to urge or require Turkey to become a State Party to any or all of the legal instruments specified in Question 9.1 above? If so, which steps have been taken, by whom and when? If not, why have none been taken?

9.3 Does Turkey have any intention of becoming a State Party to any or all of the legal instruments specified in Question 9.1 above? If so, when? If not, why not?

9.4 Under the terms of any future 'settlement' of the so-called 'Cyprus problem', will Turkey be placed under any legally binding and enforceable obligation to become a State Party to any or all of the legal instruments specified in Question 9.1 above? If so, how? If not, why not?

THE CRIME OF APARTHEID

Question 10: This Question is sub-divided into the following parts which relate to the International Convention on the Suppression and Punishment of the Crime of Apartheid 1973 ('the Crime of Apartheid Convention 1973') and related matters.

10.1 Why, on 30 November 1973, did each of the four Parties fail to join the 91 states which voted in the United Nations General Assembly in favour of the adoption of the Crime of Apartheid Convention 1973?

10.2 Why, since the adoption of the Crime of Apartheid Convention on 30 November 1973, has each of the four Parties failed to become a State Party to this legal instrument? *(For the evidence, see the hyperlink at Note (i) underneath Question 10.10 below.)*

10.3 Do any of the four Parties have any intention of signing or ratifying or otherwise becoming a State Party to the Crime of Apartheid Convention 1973? If so, why and when? If not, why not?

10.4 Why, since the adoption of the International Convention Against Apartheid in Sports 1985 in New York on 10 December 1985, has each of the four Parties failed to become a State Party to this legal instrument? *(For the evidence, see the hyperlink at Note (ii) underneath Question 10.10 below.)*

10.5 Do any of the four Parties have any intention of becoming a State Party to the International Convention Against Apartheid in Sports 1985? If so, why and when? If not, why not?

10.6 Under the terms of any future 'settlement' of the so-called 'Cyprus problem', should and will each and every one of the four Parties be placed under a legally binding and enforceable collective obligation to become a State Party to **(i)** the Crime of Apartheid Convention 1973 and **(ii)** the International Convention Against Apartheid in Sports 1985? If so, how? If not, why not?

10.7 Does each of the four Parties agree with the proposition that forcible transfers procured in the Republic of Cyprus since 20 July 1974 and the sustained post-1974 *de facto* segregation of its territory into two separate 'zones' are fundamentally incompatible with the spirit and the letter of the Crime of Apartheid Convention 1973 and other instruments of international law which prohibit Apartheid? If so, why? If not, why not?

10.8 Does each of the four Parties agree with the proposition that legalised 'bi-communalism', as practised in the Republic of Cyprus after 1960, appears to reflect the legalised 'apart-ness' inherent in Apartheid, as practised in South Africa from the 1940s until the 1990s? If so, why? If not, why not?

10.9 Does each of the four Parties agree with the proposition that *de facto* 'bi-zonality', as practised in the Republic of Cyprus since Turkey invaded the Republic on 20 July 1974, appears to reflect the legalised 'apart-hood' inherent in Apartheid, as practised in South Africa from the 1940s until the 1990s? If so, why? If not, why not?

10.10 Were the Heads of Government and Heads of State of the Republic of Cyprus, Greece and Turkey among the 90 or so Heads of Government and Heads of State who attended the Memorial Service held in honour of the late Nelson Mandela in Johannesburg on 10 December 2013? Or, as appears to have been the case from contemporaneous media reports, were all of the Heads of Government and Heads of State from the Republic of Cyprus, Greece and Turkey absent? If the latter, why was each such Head of Government or Head of State absent?

Note (i): At the time of writing, the Crime of Apartheid Convention 1973 has 31 Signatories and 109 State Parties. The Signatories and State Parties do not include the Republic of Cyprus, Greece, Turkey and the United Kingdom. (Source: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-7&chapter=4&clang=en)

Note (ii): At the time of writing, the International Convention Against Apartheid in Sports 1985 has 72 Signatories and 60 State Parties. The 72 signatories include the Republic of Cyprus but not Greece, Turkey and the United Kingdom. The 60 State Parties do not include the Republic of Cyprus, Greece, Turkey and the United Kingdom. (Source: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-10&chapter=4&clang=en)

'BI-ZONALITY'

AS DEFINED AND ENDORSED BY THE UNITED NATIONS

Question 11: Do each of the four Parties agree with the following proposition – that 'bi-zonality', as defined by the United Nations Secretary-General and as endorsed in 1992 by UN Security Council Resolution 750,¹⁷⁷ appears to envisage (i) the legalization of the *de facto* consequences of violations of *inter alia* Article 49(1) and Article 49(6) of the Fourth Geneva Convention of 1949 and (ii) the segregation of the citizens of the same sovereign state on ethnic or religious grounds (or both grounds)? If so, why? If not, why not?

¹⁷⁷ UN Security Council Resolution 750 endorsed the segregationist definition of 'bi-zonality' provided by the then Secretary-General of the United Nations in paragraph 11 of his report dated 3 April 1992 (UN Security Council Document S/13780). This definition envisages that '... each federated state [of the proposed 'bi-communal, bi-zonal federation] would be administered by one community which would be guaranteed a clear majority of the population and of land ownership in its area ...': UN Security Council Document S/13780, as published by The UN Dag Hammarskjöld Library at: http://repository.un.org/bitstream/handle/11176/53479/S_23780-EN.pdf?sequence=3&isAllowed=y

THE COMPATIBILITY OF 'BI-ZONALITY' WITH FREEDOM AND OTHER DEMOCRATIC NORMS

Question 12: This Question is sub-divided into the following parts which relate to the definition of 'bi-zonality' referred to in Question 11 above.

12.1 Is it possible to reconcile 'bi-zonality' with the principle of freedom inherent in liberal democracy? If not, why not? If so, how and why?

12.2 Is it possible to reconcile 'bi-zonality' with the principle of freedom inherent in the free market? If not, why not? If so, how and why?

12.3 Is it possible to reconcile 'bi-zonality' with the founding values (including freedom) of the treaties and the other legal instruments of the European Union? If not, why not? If so, how and why?

12.4 Is it possible to reconcile 'bi-zonality' with the founding values and legal instruments of the Council of Europe including the European Convention on Human Rights 1950 and Protocol No. 12 to the European Convention on Human Rights (regarding the principle of equality) 2000? If not, why not? If so, how and why?

12.5 Is it possible to reconcile 'bi-zonality' with the prohibition against racial segregation in *inter alia* the International Convention on the Elimination of All Forms of Racial Discrimination of 1965? If not, why not? If so, how and why?

12.6 Is it possible to reconcile 'bi-zonality' with the prohibition against Apartheid in **(i)** the Crime of Apartheid Convention of 1973 (to which Turkey is not a State Party), **(ii)** Article 85(4) of the Additional Protocol I of 1977 to the Four Geneva Conventions of 1949, **(iii)** the International Convention Against Apartheid in Sports 1985 and **(iv)** the Rome Statute on the International Criminal Court of 1998? If not, why not? If so, how and why?

Appendix 2

20 Additional Questions Specifically Addressed to Mr Nicos Anastasiades in his elected capacity as President and the Republic of Cyprus and his purported capacity as ‘Greek Cypriot leader’

Set out overleaf is a non-exhaustive list of 20 questions and sub-questions (numbered 13 to 32). These are specifically directed at Mr Nicos Anastasiades in his elected constitutional capacity as President of the Republic of Cyprus. They also directed to him in his purported capacity as ‘Greek Cypriot leader’, as the United Nations describes him in a ‘bi-communal’ context.

It is hoped that Mr Anastasiades will provide written replies to all of these questions – either directly to the author or, better still, to the citizens of the Republic of Cyprus via easily and freely accessible electronic forms.

THE AUTHOR'S CORRESPONDENCE WITH PRESIDENT ANASTASIADES AND THE PRESIDENTIAL PALACE

Question 13: This Question is sub-divided into the parts set out below.

13.1 Why has President Anastasiades failed to provide the author with any written responses to the questions posed in the author's article of 2 January 2017 and his subsequent letters to President Anastasiades which were sent to him by email on 5, 10 and 11 January? Will President Anastasiades now kindly provide an explanation?

13.2 Why has the Presidential Palace failed to provide the author with a written response to his separate letter to one of the officials of the Presidential Palace which was sent by email on 13 January 2017? Will the Presidential Palace now kindly provide an explanation, coupled with a written response to the various matters raised in the said letter?

Question 14: Prior to, during or since the 'Conference on Cyprus' held in Geneva on 12 January 2017, has President Anastasiades or anybody acting on his behalf raised with Greece, Turkey, the United Kingdom, the United Nations or 'the Turkish Cypriot leader' any of the questions raised by the author in his Article dated 2 January 2017 (and subsequently supplied by the author to President Anastasiades via his letter dated 5 January 2017)? If not, why not? If so, which questions have been raised and what has been the response of the other parties?

THE SEMINAL LETTER OF AMBASSADOR ZENON ROSSIDES, DATED 6 DECEMBER 1974

Question 15: This Question is sub-divided into the parts set out below. They relate to the seminal letter, dated 6 December 1974, which was written by Ambassador Zenon Rossides, the then Permanent Representative of the Republic of Cyprus and addressed to Dr Kurt Waldheim, the then Secretary-General of the United Nations?¹⁷⁸ In his letter, Ambassador Zenon Rossides articulated many general as well as specific allegations. For the most part, these allegations were set out in Annex I of the letter of Ambassador Rossides (relating to 'atrocities, mass executions and murders in cold blood, rapes and other indignities', Annex II (relating to 'lootings and appropriation of houses, hotels, farms, stores and other property' and Annex III (relating to 'Turkish arbitrary steps calculated to lead to a *de facto* annexation of northern Cyprus by Turkey').

15.1 Does the Republic of Cyprus still stand by the allegations set out in the said letter of Ambassador Rossides, dated 6 December 1974? If the Republic of Cyprus does not stand by any or all of these allegations, why not? If the Republic of Cyprus does stand by these allegations, which specific steps have been taken, are being taken and will be taken by the Republic of Cyprus to try to ensure that criminal

¹⁷⁸ 'Letter dated 6 December 1974 from [Ambassador Zenon Rossides] the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General of the United Nations', United Nations Security Council Document S/11569, United Nations Archive and United Nations Digital Library.

justice is served and that appropriate reparations together with other remedies are provided by any states responsible for the alleged crimes mentioned in the said letter?

15.2 Prior to, during or since the 'Conference on Cyprus' in Geneva on 12 January 2017, has President Anastasiades or anybody acting on his behalf raised any of the allegations made by Ambassador Rossides in his letter dated 6 December 1974? If so, which ones were raised? If not, why not?

QUESTIONS FLOWING FROM THE 'OPENING REMARKS' OF PRESIDENT ANASTASIADES IN GENEVA ON 12 JANUARY 2017

Question 16: This Question is sub-divided into the parts set out below. In common with Questions 17 to 20 below, Question 16 relates to the 2,308 words found in the text published by the Presidency of the Republic of Cyprus and entitled 'Opening remarks by the President of the Republic of Cyprus during the Conference on Cyprus, in Geneva' on 12 January 2017 (hereafter 'the Opening remarks').¹⁷⁹

16.1 Why, in his 'Opening remarks' in Geneva on 12 January 2017, did President Anastasiades, a lawyer, by profession, fail to make any express mention of 'the rule of law' or, indeed, the very word 'law'?

16.2 Why, in his 'Opening remarks' in Geneva on 12 January 2017, did President Anastasiades fail to refer expressly to international criminal justice, international humanitarian law and any of the four Geneva Conventions of 1949?

Question 17: Why, in his 'Opening remarks' in Geneva on 12 January 2017 before the delegations from Greece, Turkey and the United Kingdom, did President Anastasiades fail to refer expressly to the following: **(i)** the *coup* instigated by Greece on 15 July 1974 **(ii)** the two invasions of the Republic of Cyprus launched by Turkey on 20 July and 14 August 1974 respectively and **(iii)** the failure of the United Kingdom to take any military action in defence of the Republic of Cyprus and in line with its 'guarantee'? Why, instead, did President Anastasiades use a euphemism, the euphemism being 'the tragic events of 1974'?

Question 18: This Question is sub-divided into the following parts. They relate to the passage in the 'Opening remarks' of President Anastasiades in Geneva on 12 January 2017 where he not only referred to justice as one of the founding values of the United Nations but to the prospect of a 'just and peaceful society in our troubled common neighbourhood'.

18.1. Why, in his 'Opening remarks', did President Anastasiades fail to call for the formation of an independent international criminal tribunal to bring to justice all those

¹⁷⁹ 'Opening remarks by the President of the Republic of Cyprus during the Conference on Cyprus, in Geneva, 12/01/2017', published by the Presidency of the Republic of Cyprus at www.presidency.gov.cy/Presidency/Presidency.nsf/All/15E19983D5D52422C22580FB0031EC09?OpenDocument

allegedly responsible for grave breaches of international humanitarian law in relation to the Republic of Cyprus?

18.2. Prior to, during or since the 'Conference on Cyprus' in Geneva on 12 January 2017, has President Anastasiades or any person representing him ever called for the formation of an independent international criminal tribunal to bring to justice all those allegedly responsible for grave breaches of international humanitarian law in relation to the Republic of Cyprus? If not, why not?

18.3 Prior to, during or since the 'Conference on Cyprus' in Geneva on 12 January 2017, has President Anastasiades or any persons representing him called for Turkey or any other state responsible for 'the tragic events of 1974' to be obliged to pay reparations and otherwise be held to account for their actions or omissions contrary to international law in general and international humanitarian law in particular? If not, why not?

18.4 Prior to, during or since the 'Conference on Cyprus' in Geneva on 12 January 2017, has President Anastasiades or any persons representing him called for Turkey to be held to account for the status of the Turkish-occupied parts of the Republic of Cyprus as, to quote the *2015 Human Trafficking Report* of the US State Department, 'a zone of impunity for human trafficking'?¹⁸⁰ If not, why not?

18.5 Prior to, during or since the 'Conference on Cyprus' in Geneva on 12 January 2017, has President Anastasiades or any persons representing him called for Turkey to become a State Party to the International Convention for the Protection of All Persons from Enforced Disappearance of 2006? If not, why not?

Question 19: This Question is sub-divided into the following parts:

19.1 Why, in his 'Opening remarks' in Geneva on 12 January 2017, did President Anastasiades fail to refer to the repressive turn of events in Turkey, particularly since the short-lived *coup* there on 15 July 2016?

19.2 Why, in his 'Opening remarks' in Geneva on 12 January 2017, did President Anastasiades fail to mention the appalling human rights record of Turkey and the apparent unwillingness of Turkey to comply fully with the terms of a number of judgments of the European Court of Human Rights which relate to the Republic of Cyprus?

19.3 Why, in his 'Opening remarks' in Geneva on 12 January 2017, did President Anastasiades fail to mention the appalling record of Turkey in relation to international humanitarian law, as recorded in recent years by the United Nations in the context of South-East Turkey?

¹⁸⁰ *2015 Trafficking in Persons Report* (Office to Monitor and Combat Trafficking in Persons, US State Department, Washington DC, July 2015), pages 138 to 140. Published online at www.state.gov/documents/organization/245365.pdf. The US State Department has reproduced the passages relating specifically to the Republic of Cyprus and the 'TRNC' at www.state.gov/j/tip/rls/tiprpt/countries/2015/243425.htm

Question 20: Why, in his ‘Opening remarks’ in Geneva on 12 January 2017, did President Anastasiades fail to mention the conspicuous failure of Turkey to become a State Party to a string of international legal instruments of profound importance to security?

Note: For details, please refer to Question 9 of Appendix 1 of this Paper.

**ADAPTED VERSIONS OF QUESTIONS PREVIOUSLY RAISED BY THE AUTHOR
IN HIS ARTICLE OF 9 JANUARY 2017¹⁸¹ AND IN HIS LETTER OF THE SAME
DATE (TO WHICH PRESIDENT ANASTASIADES HAS NOT RESPONDED TO)**

Question 21: Does Mr Anastasiades endorse the inherently divisive principle upon which Article 2 of the Constitution of the Republic of Cyprus¹⁸² is founded, i.e. that the citizens of the same sovereign state must be constitutionally divided from one another on the basis of ethnicity, language and religion with one ‘community’ defined *inter alia* with reference to members of the Greek-Orthodox Church and the other defined *inter alia* with reference to being Moslems? If so, why?

Question 22: This Question is sub-divided into the following parts:

22.1 Are the Greek Community and the Turkish Community to be expressly preserved under any ‘settlement’ of the so-called ‘Cyprus problem’? If so, will the names set out in the Constitution of 1960 be preserved? Or will either or both be re-named?

22.1 Are the ethno-religious definitions of the Greek Community and the Turkish Community embedded in Article 2 of the Constitution of the Republic of Cyprus of 1960 to be expressly incorporated within any of the constitutional and legal instruments of the proposed ‘bi-communal, bi-zonal federation’? If so, how? If not, why not?

Question 23: Under the terms of any settlement of the ‘Cyprus problem’, are the ‘Holy Canons’ of the Greek Orthodox Church and ‘the Principles and Laws of, and relating to, Vakfs ...’, as referred to in Article 110 of the Constitution of the Republic of Cyprus, to be expressly recognized by the constitutional and legal instruments of the proposed ‘bi-communal, bi-zonal federation’ and its two proposed ‘constituent states’?

¹⁸¹ Klearchos A. Kyriakides, ‘The ‘Intellectual Partition’ of Cyprus, the ‘Macmillan Doctrine’ and the talks held in Geneva in August 1974 and January 2017’, *Agora Dialogue*, 9 January 2017
<http://agora-dialogue.com/2017/01/09/the-intellectual-partition-of-cyprus-the-macmillan-doctrine-and-the-talks-held-in-geneva-in-august-1974-and-january-2017/>

¹⁸² Under Article 2(1) and 2(2): ‘For the purposes of this Constitution: 1. the Greek Community comprises all citizens of the Republic who are of Greek origin and whose mother tongue is Greek or who share the Greek cultural traditions or who are members of the Greek-Orthodox Church; 2. the Turkish Community comprises all citizens of the Republic who are of Turkish origin and whose mother tongue is Turkish or who share the Turkish cultural traditions or who are Moslems; ...’. The main body of the Constitution has been published by the Presidency of the Republic of Cyprus at
[www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/\\$file/CY_Constitution.pdf](http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/$file/CY_Constitution.pdf)

Question 24: This Question is sub-divided into the following parts which inter-relate with the contents of the previous Question.

24.1 Are all of the ‘Holy Canons’ of the Greek Orthodox Church in the public domain? If so, where?

24.2 Are all of the ‘Principles and Laws of, and relating to, Vakfs’ in the public domain? If so, where?

24.3 Do the ‘Principles and Laws of, and relating to, Vakfs’ include any *firmans* or other decrees issued by on or behalf of any Sultan or Caliph of the erstwhile Ottoman Turkish Empire and Caliphate? If so, which ones and where may they be found?

24.4 Will the constitutional and legal instruments of the proposed ‘bi-communal and bi-zonal federation’ and its two proposed ‘constituent states’ incorporate any binding and enforceable provisions relating to secularism, limitations on the funding of religious institutions from overseas sources and the accountability of such religious institutions? If so, what will these provisions entail? If not, why not?

Question 25: Under the constitutional and legal instruments of the proposed ‘bi-communal, bi-zonal federation’ and its two proposed ‘constituent states’, will the three existing ‘religious groups’, as established under Article 2 of the Constitution of the Republic of Cyprus in 1960, i.e. the Armenians, Latins and Maronites, continue to occupy a subordinate status to the Greek Community and the Turkish Community?

Question 26: Bearing in mind the substantial number of Anglican Christians, Russian Orthodox Christians, Buddhists, Hindus, Jews and others who lawfully reside in the Republic of Cyprus, will the constitutional instruments of any settlement recognize the existence of any new ‘religious groups’?

Question 27: Bearing in mind his purported status as ‘Greek Cypriot leader’ (as the United Nations described him in Geneva on 12 January 2017) and his elected constitutional status as President of the Republic of Cyprus, which takes precedence – the loyalty of Mr Anastasiades to the ‘Greek Community’ and its members, or the loyalty of President Anastasiades to the Republic of Cyprus and its citizens and lawful residents as a collective whole?

Question 28: This Question is sub-divided into the following parts.

28.1 Since his election as President of the Republic of Cyprus, has Mr Anastasiades ever found himself caught by any conflict of interest, conflict of loyalties, or any significant risk thereof, flowing from his two roles as purported ‘Greek Cypriot leader’ and as the elected President of the Republic of Cyprus?

28.2 Is the President of the Republic of Cyprus subject to any code of conduct or policy (akin to, say, the Ministerial Code in the United Kingdom) which clarifies what must happen or must not happen if a conflict of interest arises (or if a significant risk of one arises) between, on the one hand, the loyalty of the 'Greek Cypriot leader' to the Greek Community and, on the other hand, the loyalty of the President of the Republic of Cyprus to the Republic of Cyprus? If so, which procedure is followed in such circumstances and will a copy of any code of conduct or policy be placed in the public domain?

Question 29: Prior to, during and since the 'Conference on Cyprus' in Geneva on 12 January 2017, who have acted as the legal adviser(s) of (i) Mr Anastasiades in his purported capacity as 'Greek Cypriot leader' and (ii) President Anastasiades in his elected constitutional capacity as President of the Republic of Cyprus? Put another way, has one legal adviser or set of legal advisers acted for both Mr Anastasiades (in his capacity as 'Greek Cypriot leader') and President Anastasiades (in his capacity as President)?

Question 30: This Question is sub-divided into various parts. It relates to the loyalty owed by Mr Anastasiades as 'Greek Cypriot leader' to the members of the Greek Community (and, by extension, to members of the Greek-Orthodox Church, as per Article 2 of the Constitution of the Republic of Cyprus) and the loyalty owed by Mr Akinci as 'Turkish Cypriot leader' to the Turkish Community (and, by extension, to Moslems, as per Article 2).

30.1 At the 'Conference on Cyprus' held in Geneva on 12 January 2017 and at the 'Conference on Cyprus' in Geneva on 28 June 2017, who was / will be responsible for protecting the interests and the security of the Republic of Cyprus, its citizens and its lawful residents as a collective whole?

30.2 At the 'Conference on Cyprus' held in Geneva on 12 January 2017 and at the 'Conference on Cyprus' in Geneva on 28 June 2017, who was / will be responsible for protecting the interests and security of the Armenian, Latin and Maronite religious groups, i.e. the three established religious groups of the Republic of Cyprus?

30.3 At the 'Conference on Cyprus' held in Geneva on 12 January 2017 and at the forthcoming 'Conference on Cyprus' in Geneva on 28 June 2017, who was / will be responsible for protecting the interests and the security of **(i)** members of Christian denominations other than those relating to the Greek Community and the three religious groups encompassing Armenians, Latins and Maronites and **(ii)** the adherents of faiths other than Christianity and Islam, such as Buddhism, Hinduism, Judaism and Sikhism?

30.4 At the 'Conference on Cyprus' held in Geneva on 12 January 2017 and at the forthcoming 'Conference on Cyprus' in Geneva on 28 June 2017, who was / will be responsible for protecting the interests and the security of all lawful residents of the Republic of Cyprus who are not or do not regard themselves as 'Greek Cypriot' or 'Turkish Cypriot'?

Question 31: This Question is sub-divided into various parts which relate to the democratic principles relating to consultation, transparency and risk assessment:

31.1 Before the ‘Conference on Cyprus’ in Geneva held on 12 January 2017, did either President Anastasiades (in his constitutional capacity as President of the Republic of Cyprus) or Mr Anastasiades (in his purported capacity as ‘Greek Cypriot leader’) or Mr Akinci (in his purported capacity as ‘Turkish Cypriot leader’) instigate any fair, transparent and otherwise proper consultation exercises in relation to any of the matters under discussion in Geneva? If so, when and how were such consultation exercises carried out? If not, why were none carried out?

31.2 Before committing themselves to taking part in the ‘Conference on Cyprus’ in Geneva to be held on 28 June 2017, did either President Anastasiades (in his constitutional capacity as President of the Republic of Cyprus) or Mr Anastasiades (in his purported capacity as ‘Greek Cypriot leader’) or Mr Akinci (in his purported capacity as ‘Turkish Cypriot leader’) instigate any fair, transparent and otherwise proper consultation exercises in relation to any of the matters to be under discussion in Geneva? If so, when? If not, why not?

31.3 Since the ‘Conference on Cyprus’ in Geneva on 12 January 2017, has President Anastasiades placed into the public domain any maps, draft maps, lists (e.g. lists specifying convergences and differences), draft lists, draft constitutions, draft laws, texts or draft texts (including any relating to the environment), or any other documents which were used by him, composed by him, submitted by him or received by him in connection with the ‘Conference’? If so, which ones have been placed into the public domain and where may they be found? If not, why not?

31.4 The question set out below relates to risk assessments. As such, it dovetails with the broad approach to the concept of security which has been adopted by the author in the Paper which precedes this list of questions.

Since assuming the Presidency of the Republic of Cyprus on 28 February 2013, has President Anastasiades (as either President or ‘Greek Cypriot leader’), or any minister or individual serving under his leadership, commissioned or received any risk assessments in order to identify and evaluate any potential or actual hazards arising from any of the matters listed at (i) to (xv) below? If not, why not? If so, have any of these risk assessments been into the public domain and, if not, will they be placed into the public domain forthwith?

More specifically, in the light of the above, have any risk assessments been commissioned or received in relation to:

(i) the proposed transformation of the Republic of Cyprus into a ‘bi-communal, bi-zonal federation’, coupled with the impact of such a ‘federation’ upon the health, safety and security of the citizens and lawful residents of the Republic of Cyprus and of the European Union of which the Republic forms part?

(ii) the existing or proposed ‘laws’, ‘policies’, ‘procedures’, structures of ‘governance’, ‘public bodies’ and other ‘institutions’ of the ‘TRNC’, coupled with the impact of these

matters upon the health, safety and security of the citizens and lawful residents of the Republic of Cyprus and of the European Union of which the Republic forms part?

(iii) the health, safety and risk assessment 'laws', 'policies' and 'procedures' in the occupied areas *de facto* administered by the 'TRNC', coupled with the impact of these matters upon the health, safety and security of the citizens and lawful residents of the Republic of Cyprus and of the European Union of which the Republic of Cyprus forms part?

(iv) the 'treaties', 'agreements' and other 'arrangements' entered into by the 'TRNC' with Turkey or with any other bodies, institutions or persons, coupled with the impact of these matters upon the health, safety and security of the citizens and lawful residents of the Republic of Cyprus and of the European Union of which the Republic forms part?

(v) any 'debts' owed by the so-called 'TRNC', including any 'debts' owed by the 'TRNC' to the Government or public bodies of Turkey, coupled with the impact of these 'debts' upon the health, safety and security of the citizens and lawful residents of the Republic of Cyprus and of the European Union of which the Republic forms part?

(vi) any 'assets' purportedly 'owned', 'leased', otherwise 'occupied' or 'mortgaged' by Turkey or the armed forces of Turkey in the 'TRNC', coupled with the impact of these matters upon the health, safety and security of the citizens and lawful residents of the Republic of Cyprus and of the European Union of which the Republic forms part?

(vii) corruption, organised crime, human trafficking and other forms of criminality in Turkey and in the occupied areas *de facto* administered by the 'TRNC', coupled with the impact of these matters upon the health, safety and security of the citizens and lawful residents of the Republic of Cyprus and of the European Union of which the Republic of Cyprus forms part?

(viii) the vulnerability of people, including women and children, to human trafficking, exploitation and sexual abuse in the occupied areas *de facto* administered by the 'TRNC', coupled with the impact of these matters upon the health, safety and security of the citizens and lawful residents of the Republic of Cyprus and of the European Union of which the Republic of Cyprus forms part?

(ix) the possible preservation of 'limited guarantees' subject to a 'reasonable expiry date' is 'attached', i.e. the idea reportedly floated by President Anastasiades in the days leading up to the 'Conference on Cyprus' in Geneva on 12 January 2017, coupled with the impact of this idea upon the health, safety and security of the citizens and lawful residents of the Republic of Cyprus and of the European Union of which the Republic of Cyprus forms part?¹⁸³

¹⁸³ Angelos Anastasiou, 'Anastasiades: limited guarantees not ruled out if 'reasonable expiry date attached'', Cyprus Mail, 2 January 2017, at <http://cyprus-mail.com/2017/01/02/anastasiades-limited-guarantees-not-ruled-reasonable-expiry-date-attached/>

(x) the ‘forging’ by ‘Cyprus’ of ‘an alliance with Turkey’, i.e. the idea floated by President Anastasiades in his ‘Opening remarks’¹⁸⁴ at the ‘Conference on Cyprus’ in Geneva on 12 January 2017, coupled with the impact of this idea upon the health, safety and security of the citizens and lawful residents of the Republic of Cyprus and of the European Union of which the Republic of Cyprus forms part?

(xi) the environment in what is now the Turkish-occupied part of the Republic of Cyprus and the environmental clean-up procedures or costs arising from any withdrawal of Turkish armed forces as part and parcel or any ‘settlement’ of ‘the Cyprus problem’, coupled with the impact of these matters upon the health, safety and security of the citizens and lawful residents of the Republic of Cyprus and of the European Union of which the Republic of Cyprus forms part?

(xii) The status of Turkey as a non-State Party to each of the numerous legal instruments listed in Question 9.1 (of Appendix 1 above), coupled with the impact of this matter upon the health, safety and security of the citizens and lawful residents of the Republic of Cyprus and of the European Union of which the Republic of Cyprus forms part?

(xiii) the *de jure* or *de facto* granting of impunity to Turkey, its armed forces and agents in the event of the non-formation of a domestic or international criminal tribunal as part and parcel or any ‘settlement’ of ‘the Cyprus problem’, coupled with the impact of such impunity upon the health, safety and security of the citizens and lawful residents of the Republic of Cyprus and of the European Union of which the Republic of Cyprus forms part?

(xiv) Any other features of ‘the Cyprus problem’ and its proposed ‘settlement’, coupled with the impact of these matters upon the health, safety and security of the citizens and lawful residents of the Republic of Cyprus and of the European Union of which the Republic of Cyprus forms part?

(xv) If no risk assessments have been commissioned or received by or on behalf of President Anastasiades in relation to any of the matters specified at points (i) to (xiv) above, will any be commissioned in the future? If not, why not? If so, which ones will be commissioned and when will each be completed?

31.5 Does the Presidency or the Government of the Republic of Cyprus have in its possession any risk assessments, relating to the matters raised at points (i) to (xv) of Question 31.4 above, which were carried out by any predecessors of President Anastasiades? If so, have any been placed into the public domain and where may they be found? If they have not been placed into the public domain, will President Anastasiades undertake to place them into the public domain forthwith?

31.6 Will the constitutional instruments of the proposed ‘bi-communal, bi-zonal federation’ and the two proposed ‘constituent states’ expressly embody any constitutional guarantees in favour of freedom of information and transparency? If so, what will these guarantees contain? If not, why not?

¹⁸⁴ ‘Opening remarks by the President of the Republic of Cyprus during the Conference on Cyprus, in Geneva, 12/01/2017’, published by the Presidency of the Republic of Cyprus at www.presidency.gov.cy/Presidency/Presidency.nsf/All/15E19983D5D52422C22580FB0031EC09?OpenDocument

Question 32: This Question is sub-divided into the parts set out below.

32.1 Does President Anastasiades agree with the proposition that all persons are entitled to be treated with dignity and with fairness? If so, does he further agree with the proposition that the citizens and lawful residents of the Republic of Cyprus, plus others, ought to be consulted by means of fair, transparent and otherwise proper consultation exercises conducted before any irreversible decisions are taken which may adversely affect their fundamental freedom or fundamental rights?

32.2 Will President Anastasiades (in his constitutional capacity as President of the Republic of Cyprus) and Mr Anastasiades (in his purported capacity as 'Greek Cypriot leader') provide unqualified undertakings not to enter into any legally binding or enforceable commitments before he has launched and taken account of fair, transparent and otherwise proper consultation exercises in relation to any proposed new constitutions, laws, treaties, amendments to treaties, maps or other texts? If so, how and when will such consultation exercises take place? If not, why not?