

European Communities

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EUROPEAN PARLIAMENT

# Working Documents

1982-1983

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December 1982

DOCUMENT 1-977/82

REPORT

drawn up on behalf of the Political Affairs Committee

on the problem of missing persons in Cyprus

Rapporteur: Lady ELLES

OR:EN



The following motions for resolution were referred to the Political Affairs Committee by plenary at its sittings on:

- 25 March 1981, the motion for a resolution tabled by Mr BOURNIAS and others on the fate of the Cypriots who disappeared following the invasion of Cyprus by the Turkish army in 1974 (doc. 1-34/81/rev.)
- 6 July 1981, the motion for a resolution tabled by Mrs PRUVOT on the situation in Cyprus (doc. 1-348/81)

At its meeting of 24 September 1981, the Political Affairs Committee decided to draw up a report.

At its meeting on 24-26 February 1982 Lady ELLES was appointed rapporteur.

The committee considered the draft report at its meetings of 29 November to 1 December 1982.

At the last meeting it adopted the motion for a resolution as a whole with 18 votes for, none against, and one abstention.

The following took part in the vote: Mr Fergusson, acting chairman and third vice-chairman, Mr Haagerup, first vice-chairman, Lady Elles, rapporteur, Mr Antoniozzi, Mr Balfe (deputizing for Mrs van den Heuvel), Mr Barbi, Lord Bethell, Mr Cariglia, Mr Denis (deputizing for Mr Marchais), Mr Deschamps, Mr B. Friedrich, Mr Hansch, Mr Israel (deputizing for Mr de la Malene), Mr Lalor, Mrs Lenz, Mr Lomas, Lord O'Hagan, Mr Plaskovitis, and Mr Romualdo.

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A.

The Political Affairs Committee hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

on the problem of missing persons in Cyprus

The European Parliament,

- A. recalling the resolutions adopted by the United Nations concerning the problem of Cyprus since 1974, both as regards a solution to the general problem and as regards the fate of missing persons who disappeared after July 20, 1974,
- B. recognising that families who still do not know the fate of those who are missing have been enduring great suffering for the last eight years as well as uncertainty as to their personal and legal status,
- C. considering that every effort must be made by all those concerned to bring this suffering and uncertainty to a conclusion with all possible speed,
- D. confirming that the fundamental aspect of this problem is exclusively humanitarian,
- E. affirming the inalienable right of all families to know the fate of a member of their family who has involuntarily disappeared due to the action of governments or their agents,
- F. recalling that the ten member States of the European Community, Cyprus and Turkey are High Contracting Parties to the European Convention on Human Rights and Fundamental Freedoms, with all the consequent legal obligations,
- G. - having regard to the motion for a resolution tabled by Mr BOURNIAS and others (doc. 1-34/81/rev.) concerning missing persons in Cyprus,  
- having regard to the motion for a resolution tabled by Mrs PRUVOT (Doc. 1-348/81) on the situation in Cyprus,
- H. having regard to the report of the Political Affairs Committee (doc. 1-977/82 )

1. Urges the Committee on Missing Persons established pursuant to U.N. resolutions to meet and proceed with all investigations required;
2. Urges the International Committee of the Red Cross to provide all assistance necessary for the speedy and effective completion of these investigations, so that the families of the missing persons may be convinced of their results;
3. Calls for the maximum cooperation between all the parties concerned including the granting of access, for the rapid conclusion of these investigations;
4. Supports the Working Group on Enforced and Involuntary Disappearances, set up by the U.N. Commission on Human Rights, in its attempts to achieve a solution to the problems of missing persons;
5. Recognises that the enjoyment of full human rights and fundamental freedoms as well as economic and social progress throughout the Island will not be possible until the withdrawal of all foreign armed forces from the Republic of Cyprus;
6. Recognises also, that further delay in solving the problem of missing persons impedes an early and peaceful solution of the problem of Cyprus as a whole;
7. Decides to monitor the progress made on this item;
8. Instructs the President to transmit this resolution to the Council of Ministers, to the Foreign Ministers in Political Cooperation, to the U.N. Secretary-General and to his Special Representative in Cyprus, to the governments of Cyprus and of Turkey, requesting the Foreign Ministers in Political Cooperation to report to the Parliament on progress made towards resolving this problem by June 1983.

EXPLANATORY STATEMENT1. Historical background

a) The geographical position of Cyprus, close to the Turkish mainland, has dictated to some extent, its long contentious and uneasy history. Archaeological evidence shows that Greek speaking people were established in the island from the 4th Century B.C. It was invaded (1481-1571) and occupied by the Venetians in the 15th century, then came under the control of the Ottoman Empire from the 16th to the 19th Century.

Following the collapse of that hegemony, the British government occupied the island under the Anglo-Turkish Convention of June 1878. Following a Turkish attack on the island in 1914, Cyprus was annexed to the British crown. A Constitution of Independence was drawn up with the United Kingdom, Greece and Turkey becoming the three guarantee powers of an independent Republic of Cyprus. The population of the island was composed of Greek speaking and Turkish speaking Cypriots in the proportion of 80% to 18% with about 2% other minority groups. Cyprus was granted independence by the Zurich agreement of 1959.

The Constitution gave Turkish Cypriots guarantees of status and power-sharing. By this agreement the three guarantee powers, the United Kingdom, Greece and Turkey, were given the right to intervene to protect the Constitution. But within three years, by 1963, the Constitution had proved unworkable and the intercommunal conflict escalated from 1963 onwards.

b) Intercommunal strife, existing before independence, continued after 1960, the Constitution designed to protect the rights of both ethnic groups failing to fulfil its objective. Lives were lost among both communities, with particularly significant numbers between 1963-1967.

The Turkish Government had always declared an interest in having a foothold on Cyprus territory (the Atilla Line). Greeks had worked for the union of Cyprus with Greece (enosis). These diverse aspirations came to a head in the summer of 1974, when the Greek junta was accused of plotting to put a puppet regime headed by Nicolas Sampson in place of the rightful

government of Archbishop Makarios. Sampson's coup, on July 15, 1974, was followed shortly after, on July 20 by an invasion of Cyprus by the Turkish army, ostensibly as a guarantor power, but without the support of the other two guarantor powers.

Fighting took place between 20 and 23 July and a further attack by the Turkish army in mid-August 1974 resulted in Turkish military occupation of 38% of the island. About 200,000 Greek Cypriots were rendered homeless and most fled to the southern part of the island. Turkish Cypriots living in the south went to the north, to be joined later by those who had taken refuge in the British Sovereign bases as well as by large numbers of Turks from Turkey. During this conflict there is no doubt that many lives were lost among both ethnic communities, both through military action and in the settlement of old scores.

## 2. Missing persons

One of the most serious and disturbing problems arising from the invasion has been the unresolved fate of several hundred Greek Cypriots, seen alive during and after July 20, 1974, in the hands of the Turkish military authority, and it is still not known whether they are alive or dead, and if alive, their whereabouts. Your Rapporteur has seen lists of these persons, giving their age, place of birth, when and where last seen. The categories of persons missing may be set out as follows:

- i) persons visited and listed by the International Committee of the Red Cross (ICRC);
- ii) persons listed by the Turkish authorities which includes persons still missing;
- iii) photographs showing Greek Cypriot prisoners guarded by Turkish soldiers;
- iv) list of persons arrested by Turkish troops who spoke on the Turkish Cypriot radio station, Bayrak;
- v) persons who were released who testified that some missing persons were prisoners either in the Turkish occupied part of Cyprus or in Turkey;
- vi) a number of missing persons who were arrested by the Turks from their homes, for which testimonies were given.



There is still no news of these persons.

The effect of this long delay of over eight years in replying to the anxieties of the families of these missing persons is not only deeply disturbing psychological and emotional suffering but there are also serious practical effects concerning personal and legal status. Women who do not know whether their husbands are still alive, with the consequent uncertainty as to the right to remarry or to draw a widow's pension; where land has been owned either singly or jointly by a missing person, no legal action for the disposal of that land can be taken; or inability to apply inheritance rights or succession to property without confirmation of the death of a person classified as missing.

These situations are multiple and over a period of years are understandably becoming intolerable to bear.

### 3. Turkish Cypriots

It has been alleged, and there is no reason to doubt, that during the conflict, many Turkish Cypriots were missing, and the estimated number of the fate of those still to be resolved is about 300.

However, in the case of missing Turkish Cypriots, Mr Denktash, in a letter to President Simone Veil, 14 April, 1981, stated that 'the Turkish Cypriot side has come to accept the bitter fact that the missing Turkish Cypriots must be presumed dead - a presumption which was also borne out by the discovery in mass graves of about 300 bodies belonging to previously missing Turkish Cypriots.'

(The number of 300 is coincidental and does not, the Rapporteur understands, necessarily refer to the same 300 persons).

### 4. International efforts to resolve the problem

#### i) International Committee of the Red Cross (ICRC)

Immediately following the conclusion of hostilities, the ICRC began investigating cases of missing persons. Delegates from the ICRC in Turkey visited Greek Cypriots and Greek prisoners or internees. Regular visits were paid to those who received 'prisoner of war' status and who were covered by the relevant provisions of the Geneva Convention.

In implementation of the Declaration signed by the Foreign Ministers of Greece, Turkey and the United Kingdom in Geneva on July 30, 1974, prisoners were repatriated under supervision of delegates from the ICRC. According to the statement of the ICRC of 11 March, 1976, not all prisoners were accounted for and there were still prisoners 'about whom nothing further had been heard and other outstanding cases which should be handled by the two parties.'

ii) The United Nations  
General Assembly

Failure to reach any agreement nor obtain any further information concerning Greek Cypriot missing persons led to the adoption, by consensus, of U.N. resolution 32/128 of 26 January 1978 in which the U.N. Secretary-General was requested to support the establishment of an investigatory body with the participation of the International Committee of the Red Cross. This body would be in a position to function impartially, effectively and speedily so as to resolve the problem without undue delay.

By U.N. resolution 33/172, of 16 March 1979, the United Nations urged the establishment of this investigatory body, supported by the Secretary-General through his special representative in Cyprus.

iii) The European Commission on Human Rights

The Cyprus government made two applications to the European Commission on Human Rights against the government of Turkey (application numbers 6780/74 and 6950/75) alleging a series of actions by the Turkish army against Greek Cypriots, including arbitrary detention. The Commission found Turkey guilty of violations of the European Convention on Human Rights.

In evaluating the evidence before it, the Commission stated that 'it is widely accepted that a considerable number of Cypriots are still missing as a result of armed conflict in Cyprus and that a number of persons declared to be missing have been identified as Greek Cypriots taken prisoner by the Turkish Army.' (para. 349).

A further application, number 8007(77), was filed by the Cyprus government on 6.9.77 complaining of breaches of the European Convention on Human Rights by Turkey. These included 'the detention or murder of about 2000 missing Greek Cypriots.'

According to a communique issued by the Secretary of the European Commission on Human Rights on 20 September 1982 there was to be a hearing of evidence concerning five cases of missing persons in connection with this Application. No results of these cases have so far been published (as at November 1982).

iv) The European Community

The Member States of the Community have been consistently unanimous in their support for the various United Nations General Assembly and Security Council resolutions on Cyprus referred to in this report.

The Foreign Ministers meeting in political cooperation in Paris, on 16 September 1974, shortly after the Turkish landings on Cyprus, issued a declaration in which they reaffirmed their attachment to the independence and territorial integrity of the island and referred in particular to the plight of the refugees and displaced persons, considering this to be 'a further obstacle to the search for a negotiated settlement'. In subsequent declarations and statements, the Foreign Ministers have continued to stress the importance of the humanitarian aspects of the situation in Cyprus as a condition for a political settlement.

In the immediate aftermath of the events of July and August 1974, the European Parliament expressed its concern at the situation in Cyprus and the humanitarian problems which had been created. On 11 October 1974, the EEC-Turkey Joint Parliamentary Committee met in Istanbul and adopted a recommendation calling on the Association Council to do '... all in its power to relieve the suffering of the two communities of Cyprus and to pave the way towards a lasting settlement in the island'.

In response to this recommendation, the European Parliament itself adopted a resolution on 18 February 1975 in which it noted that the maintenance of peace and the development of democracy in the Eastern Mediterranean would depend on an end to the 'tension and suffering among the civilian population in the Republic of Cyprus, a country associated with the Community'. The resolution concluded by requesting the interested parties 'to seek a peaceful and lasting solution to the Cyprus question, based on the principle of the continued independence of the island and respect for the rights of the two communities'.

Although the question of missing persons has not been referred to specifically, it is clear that the Institutions of the Community have shown a general concern for the human problems which the separation of the island of Cyprus following the events of 1974 have entailed.

5. The U.N. Commission on Human Rights

In order to examine questions concerning the increasing world-wide phenomenon of disappeared persons, the U.N. Commission on Human Rights set up a Working Group on Enforced and Involuntary Disappeared Persons pursuant to CHR resolution 20 (XXXVI) of 29 February 1980.

The working group has emphasised in its report (E/CN/4/1492 of 31 December 1981) that its genesis in the Commission and its work 'are solely motivated by a humanitarian spirit.' The principle on which the working group bases its approach is that of 'asking governments to explain if a missing person is detained, where the place of detention is, or if he is not, what happened to him after his arrest. Where an excess or abuse has occurred the national legal system may have adequate powers to deal with any offence. There is no question of apportioning blame or responsibility on those who committed such abuses.'

The working group fully and explicitly recognises that 'there can be no doubt that the families of the disappeared are anxiously hoping that the group will be able to obtain information for them on that which they have been unable themselves to discover; the fate or present whereabouts of the disappeared. There is no indication that the passage of time is reducing their concern, that they are reconciled to the unsolved mystery, or that they will allow the problem to just go away. Unquestionably, their right to know can be neither denied nor ignored.' (para. 5).

Problems of missing persons have been reported to the working group, from many parts of the world, including Cyprus. Your Rapporteur is supporting the valuable work of the group, and considers that the approach recommended in the working group's report points to a more hopeful chance of obtaining replies from governments and consequent relief for families.

Two members of the working group have recently made a preliminary trip to Cyprus to examine in what way they can contribute to finding a solution for the problem of Cypriot missing persons.

6. The Investigatory Committee on Missing Persons

The Investigatory Committee on Missing Persons (ICMP) established under U.N. resolutions, consisted of a member of the ICRC, a Greek Cypriot and a Turkish Cypriot representative. Terms of reference were agreed, the committee met but so far had not been able to agree rules of procedure for the conduct of meetings and investigations into cases before the committee.

Your Rapporteur believes, that with goodwill and cooperation, the ICMP could be a vehicle for finding solutions to the problem. This view is incidentally held by Mr Denktash when writing to the Chairman of the Parliament's Political Affairs Committee on 4 October 1982:

'The Turkish Cypriot side is fully convinced that the ultimate solution of the issue of missing persons in Cyprus which concerns both communities can be found within the framework of the CMP which was established with the approval of the two sides and the support of the U.N.'

7. Rapporteur's visit, October 21 - 26, 1982

During a visit to Cyprus on behalf of the Political Affairs Committee, your Rapporteur was received by President Kyprianou, Mr Veniamin, deputy Foreign Minister and Minister for the Interior, leaders of the four political parties, the Greek Cypriot Committee of Missing Persons, Mr Michaelides, Greek Cypriot representative on the Committee of Missing Persons. Your Rapporteur was also able to have a discussion on the problem with Ambassador Gobbi, special representative of the U.N. Secretary-General.

Your Rapporteur was very impressed by the unanimously expressed views of the leaders of all the four political parties (the Democratic Party, Democratic Rally, EDEK and AKEL) who asserted first, that the problem was purely humanitarian, that there was no wish to exploit the issue for political purposes and that they all wanted the matter to be concluded as speedily as possible in order to bring to an end the suffering and uncertainties of the families of missing persons. (It was also repeatedly said that there was no intention to attach blame or responsibility for individual acts of violence). What was needed was goodwill and cooperation in order to complete investigations, the findings of which would convince the families of the fate or whereabouts of their missing relative. In the

course of discussions, Mr Veniamin confirmed that anyone could come at any time to the Republic of Cyprus and could conduct investigations freely.

8. Visit to ICRC, Geneva

Your Rapporteur also visited the ICRC member of the ICMP, Mr Pilloud in Geneva, as well as the Central Tracing Agency. Your Rapporteur is convinced that the ICRC has a key role to play in reaching a conclusion to the problem, by cooperating in the work of the ICMP and the completion of the necessary investigations.

9. Conclusion

It is the opinion of your Rapporteur that unless adequate and speedy investigations are carried out, the mixed feelings of despair and hope of the families of the missing persons will not be allayed. As the Working Group of the Commission on Human Rights has so forcefully stated, families have the right to know the fate of their relatives and time does not assuage their anxiety. In order to carry out these investigations there must be suitable and agreed machinery. The CMP would seem to fit that role, given goodwill, cooperation and genuine humanitarian concern to act effectively and speedily. Your Rapporteur earnestly hopes that a means can be found to draw up rules of procedure agreed by the parties so that they may complete their task for the sake of all the families concerned.

ANNEX

1. Motion for a resolution tabled by Mr BOURNIAS, 17 March 1981, doc. 1-34/81/rev.
2. Motion for a resolution tabled by Mrs PRUVOT, 2 July 1981, doc. 1-348/81

MOTION FOR A RESOLUTION (Doc. 1-34/81/rev.)

tabled by Mr Bournias, Mr Voyadzis, Mr Zardinidis, Mr Dimopoulos, Mr Dalakouras, Mr Frangos, Mr Gondicas, Mr Katsafados, Mr Markozanis, Mr Papaefstratiou, Mr Soussouroyannis, Mr Vardakas, Mr Visas and Mr Vlahopoulos  
pursuant to Rule 25 of the Rules of Procedure  
on the fate of the Cypriots who disappeared following the invasion of Cyprus by the Turkish army in 1974

The European Parliament,

- having regard to the resolutions adopted by the United Nations concerning the problem of Cyprus since the 1974 invasion by Turkish armed forces and, in particular, the resolution adopted in 1978 by the United Nations<sup>1</sup> concerning the Cypriots who disappeared following this invasion,
- having regard to the negative attitude so far taken by the Turkish authorities, despite repeated appeals by close relatives and unsuccessful attempts on the part of the International Red Cross to be granted access to the country, to establish contact with the persons concerned and to make enquiries concerning their fate,
- having regard to the essentially humanitarian aspect of this human tragedy,
- whereas the persistence of this situation constitutes a flagrant violation of the fundamental principles of human rights and individual freedom,

Decides :

1. to call for the immediate implementation of the resolutions adopted by the United Nations on this matter ;
2. to ask for specific measures to be adopted through the offices of the Secretary-General of the United Nations, to resolve with all possible speed this distressing situation, which is exerting an increasingly serious psychological influence on the Cypriot population as a whole.

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<sup>1</sup> Resolution No. 33/172 of the United Nations Assembly

MOTION FOR A RESOLUTION (Doc. 1-348/81)

tabled by Mrs Pruvot

on behalf of the Liberal and Democratic Group

on the situation in Cyprus

The European Parliament,

- having regard to the positive trend of the intra-community dialogue in CYPRUS,
  - having regard to the difficulties facing the inhabitants of the island and the refugee problem,
1. Requests the European Community to implement a plan for economic recovery, which is a precondition for the peaceful coexistence of the various ethnic groups;
  2. Considers that there is no chance of a definitive solution while forces other than those of the UN are stationed in CYPRUS;
  3. Calls for the full and rapid restoration of human rights;
  4. Requests the Foreign Ministers meeting in political cooperation to place this question on their agenda as soon as the development of the intra-community dialogue allows and thereby to support the United Nations' efforts to find a just and lasting solution;
  5. Instructs its President to forward this motion for a resolution to the Commission of the European Communities, the Council of Ministers and the Foreign Ministers meeting in political cooperation.