

**PANCYPRIAN ORGANISATION OF RELATIVES OF
UNDECLARED PRISONERS AND MISSING
PERSONS**

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Secretariat of the Committee against Torture
UNOG-OHCHR
CH-1211 Geneva10
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Dear Sir(s)

**Written information for the examination of the Report for Turkey by the
Committee Against Torture of the OHCHR under article 19 of the
Convention against Torture and Other Cruel, Inhuman or Degrading
Treatment or Punishment (3-4 November 2010)**

We are hereby submitting written information with regard to Turkey's report.

Background Information:

One of the most tragic consequences of the Turkish invasion in Cyprus in 1974 was the issue of the 1619 Missing Persons. Many of them were last seen alive in the hands of the Turkish army or were detained in Turkish prisons.

Turkey's responsibility to this humanitarian issue was reaffirmed in the most clear manner by the European Court of Human Rights (ECHR), in the Fourth Interstate Application of *Cyprus against Turkey* (Application No. 25781/94). The Court ruled on 10 May 2001, that Turkey's authorities had never investigated claims that missing persons had disappeared after being detained, in circumstances where there was real cause to fear for their welfare. Moreover, the ECHR ruled that the Turkish authorities' failure to investigate effectively, with an aim to clarify, the

whereabouts and fate of Greek Cypriot missing persons, who disappeared in life-threatening circumstances, was a continuing violation of the procedural obligation under Article 2 of the Convention to protect the right to life. Furthermore, the Court ruled that the failure of the authorities of the Republic of Turkey was a continuing violation of Article 5 of the Convention in respect of any missing persons who were arguably in custody at the time they disappeared. The Court concluded that «the silence of the authorities... in the face of the real concerns of the relatives of the missing persons attains a level of severity which can only be categorized as inhuman treatment within the meaning of Article 3».

In 2004 the Committee for the Missing Persons of Cyprus (CMP) was reactivated and began a process exhumations and identifications of missing persons. The CMP, operating under the auspices of the United Nations, was mandated to investigate 1493 cases of Greek Cypriot and Greek missing persons and 502 cases of Turkish Cypriot missing persons. It was established in 1981 with the humanitarian mandate of the Committee to investigate and determine the fate of all the missing persons in Cyprus. Until today the committee has exhumated the remains of 690 individuals and **248 individuals have been identified with the DNA process** and returned to their families (195 Greek Cypriots and 53 Turkish Cypriots).

There is substantial evidence today that Greek Cypriot prisoners of war, whose remains were identified and returned to their families for burial, were subjected to torture and inhuman treatment. We enclose a number of evidence from high ranking Officers of the Turkish army, who took part in the military operations in 1974 in Cyprus that reaffirm those acts of violence and torture.

It should be stressed that Turkey's responsibilities on this humanitarian issue go well beyond the mandate of the CMP. This was reaffirmed most recently by the ECHR in the case of Varnava and others v. Turkey (18 September 2009) which "found no indication that the CMP was going beyond its limited terms of reference to play any role in determining the facts surrounding the deaths of the missing persons who had been identified or was collecting or assessing evidence with a view to holding any perpetrators of unlawful violence to account in a criminal prosecution."

Questions and remarks for the examination of the Report for Turkey:

- All those who have in their possession evidence and information concerning cruel, inhuman or degrading treatment in Cyprus, including torture, need to share it with internationally recognized Bodies and Committees, such as the ICRC.

- What measures have been taken by the Turkish government to seriously investigate such information and bring those responsible to justice?
- Through the identification and return of identified remains program in Cyprus it has been proven that victims were often subjected to cruel, inhuman and degrading treatment. Such was also stated in decisions of the European Court of Human Rights. We would appreciate if the Turkish government could provide detailed information on the measures taken or envisaged to be taken to rectify the situation and to comply with internationally accepted practices and law.
- What measures have been taken to effectively investigate such compelling information and ensure that fair and adequate compensation, including, *inter alia*, rehabilitation, and psychological support are provided to the relatives of missing persons?
- Under which specific norms are perpetrators of acts of torture prosecuted, especially with regard to military personnel?

Your sincerely

Nicos Theodosiou
President

**EYEWITNESS INFORMATION EMANATING FROM HIGH
RANKING TURKISH ARMY OFFICERS WHO TOOK PART IN 1974
TURKISH MILITARY OPERATIONS IN CYPRUS**

1. **Book, title «SATILIK ADA KIBRIS» 7th edition written by professor Erol Mutercimler.**

(a) Chapter II

**Statements by infantry Colonel Salih Guleryuz of the
command of the special forces unit :**

« 3 August, 1974... we were informed that 14 Greek Cypriots who were residing at Sysklipos village were killed during the previous night in a house. This was done by an artillery petty officer, two commandos and two fighters. Statements were taken from the soldiers until late in the night. Early in the morning of the next day 4/8/1974 my schoolmate, the head of the ordnance corps, Corporal Mahmud Boyouslou, came. We went together to Sysklipos village and found the house where the Greek – Cypriot civilians were killed. They were killed by fires of automatic guns in the hall of a house near the poultry farm of the village. Eight persons were on armchairs and chairs, smothered in blood, perforated in the chest and head. There were other five dead persons, men and women, on the ground. Near the entrance of the house there was another corpse without head sitting on an armchair.

(Note: It is certain that the Turkish army has all the relevant information about the identity and the burial place of the above 14 Greek – Cypriots).

16 August, 1974...the men of the 2nd artillery of Commandos which was previously at this area, found twelve wounded Greek – Cypriot soldiers hiding in the orange – gardens at Lefka village, arrested them and put them in a storage house.

(Note: After scrutiny of all the cases of POWs released, is proven that all the above 12 Greek –Cypriots were never released and obviously they are in the list of missing persons).

15 September, 1974....*seventeen persons who tried to pass to the Greek – Cypriot sector through the area of Skylloura – Ayios Vasilios - Yerolakkos – ELDYK, lost their way in these areas and were taken as prisoners.*

(Note: The event took place one month after the end of the hostilities. None of these 17 persons were released and obviously they are in the list of missing persons).

(b) Chapter III

Statements by colonel of marines Ilhan Aoglu:

20 July, 1974... *the next day two Greek – Cypriots were squeezed in a water well by the Warrant Officer Hadil Kaloyasi and the Officer Muhtardur and after a short fight they were killed.*

(Note: The Turkish army never informed anybody about the identity of the above two Greek – Cypriot soldiers and obviously they are in the list of missing persons).

24 July, 1974, *in the morning there were hundred of flies and there was a bad smell. It was the dead Greek – Cypriot soldiers and civilians who were in the stage of decomposition Then I ordered the Officer Sezgin Girgin together with ten soldiers to dig a grave and bury the corpses.*

(Note: It is certain that the Turkish army has the evidence or the ability to trace the burial place of the above mentioned Greek – Cypriots).

1 August, 1974... around noon time we attacked against the villages of Elia and Fterycha. The enemy was continuously retreating. During a search we done in the village we arrested five Greek - Cypriot soldiers.

(Note:The above five Greek – Cypriot prisoners of war were never released and obviously they are in the list of missing persons).