



# CYPRUS TURKISH UNION OF SHIPOWNERS

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Mr. Jens Modvig,  
Chairperson,  
Committee Against Torture,  
Human Rights Treaties Division,  
Office of the United Nations High Commissioner for Human Rights,  
Geneva.

Dear Mr. Chairperson

I would like to refer to the report titled "Fifth periodic report submitted by Cyprus under article 19 of the Convention pursuant to the optional reporting procedure", prepared by the Law Commissioner of Cyprus, dated 30 January 2019, which covers the developments to combat torture and other cruel, inhuman or degrading treatment or punishment in Cyprus during the period 2014 - 2018.

Discrimination and degrading treatment against Turkish Cypriots have continued during the reporting period. Turkish Cypriot shipping companies operating in North Cyprus have been suffering from defamatory policies and maltreatment conducted by the Greek Cypriot administration, which affect these ship owners at local and international level, causing loss of jobs, income and reputation.

The Greek Cypriot authorities have been disseminating a ministerial decree concerning the legality of the usage of seaports in Turkish Republic of Northern Cyprus (TRNC), namely Mağusa (Famagusta), Gemikonagı (Karavostasi) and Girne (Kyrenia), which contains false information. The Greek Cypriot Council of Ministers issued a ministerial decree on 3 October 1974 (P.I. 265/74) claiming that the ports of Famagusta, Kyrenia and Karavostasi in TRNC are closed to all vessels, which in fact does not reflect the reality. In addition to this, the administration set out sanctions for vessels arriving at or departing one of these ports. Hence usage of the said ports may result in fines and imprisonment on the grounds that safety of navigation cannot be guaranteed in TRNC ports and harbours due to being "illegally occupied" territory.

In fact, Turkish Cypriot shipping companies have been operating professionally in accordance with the international navigation rules. Ports of Mağusa and Girne operate at international standards and capable of providing necessary shipping services. For instance, Mağusa Port is the biggest port in the North for import/export transportation which has been operating since 1904. Mağusa port has vital importance for the Turkish Cypriot people since it is the only gate for

exports and imports to/from the Northern part of the island. Kyrenia ferry port serves to a number of ferry routes with a selection of up to 12 sailings weekly. Over the past three years, there have been more than 1000 visits made to our ports annually by vessels from over 50 countries, acting as proof that our seaports are in fact legitimate and effectively operational.

However, dissemination of this ministerial decree to international maritime associations, national maritime associations and, recently, to international shipping insurance companies has caused detrimental effects on the Turkish Cypriot shipping companies.

It should be noted that there exists no international restrictions regarding the usage of seaports in Northern Cyprus nor is there a UN Security Council resolution, EU directive or legislation prohibiting vessels to use seaports located in the TRNC. In fact, the European Commission confirmed that there are no restrictions imposed on Turkish Cypriot seaports by way of response to a written question (E-4901/2007) on 17 October 2007, where it is stated that *“the Commission is aware that in 1974, the “government of the Republic of Cyprus” has declared the sea ports in the northern part of Cyprus (Famagusta, Kyrenia, Karavostassi) prohibited and closed for all vessels. This was a unilateral decision of the RoC with consequences under domestic Cypriot law but with no apparent consequences under international law. In other words, it is the Commission’s understanding that there is no prohibition under general international law to enter and leave seaports in the northern part of Cyprus. Furthermore, neither the UN Security Council nor the European Community has ever imposed a trade embargo with respect to those areas.”* (Mr. Olli Rehn, the then European Commissioner responsible for Enlargement). More recently, on 11 December 2018, in response to a letter regarding this issue, Maarten Verwey, the current Director-General and Head of the Structural Reform Support Service in the European Commission, reiterated the aforementioned statement and reaffirmed the European Commission’s stance that our seaports are not under any restrictions or embargos.

As can be recalled, following the negative culmination of the simultaneous separate referenda on the 2004 UN Comprehensive Settlement Plan (known as the Annan Plan), where the Greek Cypriot side overwhelmingly rejected a settlement while the Turkish Cypriots concretely demonstrated their support in favour of the aforementioned plan, the EU Council Conclusions of 26 April 2004 (C/04/115) specified the need to lift the isolation of Turkish Cypriots by asserting that, *“The Turkish Cypriot community have expressed their clear desire for a future within the European Union. The Council is determined to put an end to the isolation of the Turkish Cypriot community and to facilitate the reunification of Cyprus by encouraging the economic development of the Turkish Cypriot community...”*. The call to end the isolation imposed on the Turkish Cypriot community was also expressed in the then Secretary-General Kofi Annan’s Report to the Security Council dated 28 May 2004 (S/2004/437) *“I would hope they (members of the Security Council) can give a strong lead to all States to cooperate both bilaterally and in international bodies to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development, deeming such a move as consistent with Security Council resolutions 541 (1983) and 550 (1984).”*

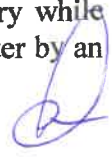
The aforementioned examples indicate that the ministerial decree issued by the Greek Cypriot administration is purely politically motivated with a view to perpetuating the isolation of the Turkish Cypriot people and has no legal basis.

Despite these calls by the Commission and the UN, defamation and obstructionist propaganda continue for years culminating in detrimental levels on Turkish Cypriot shipping companies. Ships with flag registry of other countries started to avoid to come to our ports. This causes loss of reputation of Turkish Cypriot shipping companies as well as Turkish Cypriot people, redundancy in shipping sector, increase of overall prices, decrease of purchasing power of people living in the North due to the increasing freight charges and etc.

For clarity, I would like to provide you with three examples, though not exhaustive, which is indication of the many cases taking place with regard to the defamatory policies explained above.

**Case 1. Arrest of Masters of the vessels that calls to North Cyprus seaports  
MV AKIN Case**

In October 2015, the MV AKIN has called to port of Vassiliko next to Larnaca in Republic of Cyprus. When the vessel docked, sea police came on board because the agent did not give permission to leave the vessel. When the sea police came on board, they first asked if the vessel has docked in the port of Famagusta on the said date and wanted to see the logbooks. The Master did not have the old logbooks and he could not provide. The sea police insisted to say that the vessel has docked in Famagusta Port. Then they wanted to take the master to the police station to obtain the statement. Nothing was done for designating a lawyer and an interpreter for the master during that period since both parties has different mother tongue and they were both trying to communicate in English language. Before taking the statement, the police mentioned that the master shall be arrested without explaining the reason but trying to threaten and put pressure on the master during all process. The lack of an interpreter, he couldn't understand exactly what the police was asking and why he was going to be arrested. He was kept in custody that night. Later they arrested him and sent him to the prison where felony criminals were kept. They treated him as a criminal such as giving him rough times to try to do blood test, asked him to dress off and pushed him entire process of a criminal. He was left without given any proper explanation or designation of a lawyer during his 9 day stay of prison. A lawyer was sent after 5 days that he was arrested. On October 29, 2015, the master was informed by the lawyer during the trial that he should deposit a thousand euros to the authority then he will be released. Even at that period the police tried to handcuff the master. The police and/or related authorities did not inform the master what he should have done and also did not give him back his passport and his licence until he found out how to get those. The master had difficult times also to go back his country while exiting the country. Therefore, during all that process, the authorities has treated the master by an inhuman, degrading and bad way.



**Case 2. BUREAU VERITAS (“BV”) refusal of certifying vessels that are owned by the TRNC companies because of the complaints of “Republic of Cyprus”**

Bureau Veritas is one of the certification companies which the head office is in France and has many offices worldwide. They have been working with the companies in TRNC as well for many years. However, recently in 2019, one of the shipowner companies based in TRNC has faced a sudden cancellation of one of their vessels during the final checks and certification process although the vessel was already accepted for the survey and they have been working with BV for several years. This cancellation was done in last minute without given any legal reason but only included a warning (or threaten) to the shipowner either they should change the flag or the class. That shipowner company have been working with BV for several years and they have scheduled survey period which was accepted by BV and the vessel was stayed with BV more than 2 weeks until all survey programme has been completed. Then, all of a sudden, they faced with the threatening situation and left without any other option but to change the class because it was not possible to change the flag within 3 days of notification. This action of BV put the owners of the company in a very difficult situation in both way of economic losses and also to lose the prestigious class association well known worldwide. They also faced with the risk of not completing the vessel’s survey on time.

BV headquarters informed the shipowner as “we had a claim from one EU member state (Cyprus) as well as other related events which is backed by UN Security Council and EU Commission”

However, BV Headquarters could not give a legal explanation why they had a near claim because of the EU Member State (Cyprus). Although several applications both to the Turkey office and headquarters, BV has not provided any explanation or even a response so far.

**Case 3. The Illegal Actions of the Republic of Panama as per the unilateral decisions of “Republic of Cyprus” which has adverse and degrading effects on Turkish Cypriot ship owners.**

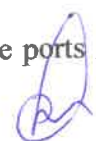
The Republic of Panama has issued circulars about the fact that vessels registered in the Republic of Panama Flag Registry, should not enter to Ports of Mağusa (Famagusta), Girne (Kyrenia) and Gemikonağı (Karavostasi) in Turkish Republic of Northern Cyprus and if so, it has announced that it will encourage the issuance of fines or deletion from the Flag.

Those circulars that are referred at, is the Circular Numbered 603-03-04-ALCN written and published by the Ministry of Treasury, General Direction, Consular and Ships. In this circular, the explicitly announced reason is the fact that Panama considers that the mentioned ports are located within the territory of Turkish Republic of Northern Cyprus (‘TRNC’), which is considered as an “illegal establishment” by Republic of Turkey.

However, it should be noted that arguments claiming that the ports in the Turkish Republic of Northern Cyprus are supposedly ‘illegal’ are totally baseless and in fact with a view to perpetuating the isolation of the Turkish Cypriot side.

Moreover, the Turkish Republic of Northern Cyprus is the one part of the two-sided island of Cyprus and the ‘Republic of Cyprus’ is not representing in whole or in part the Turkish Cypriot side or its people.

Based on those facts, it is very clear that Panama cannot be in a position to declare the ports in Northern Cyprus as legal and/or illegal.





Due to the unilateral decision of Republic of Cyprus and because of the circular of Panama and several State's Flag Registries has published circulars stating that the ports of TRNC are closed. By using this decision and circular, Panama is issuing penalties to the ship owners that calls to Famagusta Port. For instance, Shipyard Famagusta, which is a Turkish Cypriot company has faced vessel cancellations because of the Panama Flag Administration's penalty to ship owners for their entrance to the port of Famagusta. People cannot do any business or develop their business because of this illegal actions of both Republic of Cyprus and Panama. The penalty of the Panama Authority was based on the unilateral decision of the "Republic of Cyprus" with consequences under domestic Cypriot Law but not under international law. The "Republic of Cyprus" authorities are also threatening vessels and their masters if they enter into the TRNC's ports then they could be arrested.

Therefore, we would like to draw attention to the fact that there is no international law, rule, declaration or United Nations Security Council resolution stating that the ports in Turkish Republic of Northern Cyprus are illegal and banned. Therefore, by the unilateral decision and circulars of Panama, the international law and the UN Conventions have been violated. The Universal Declaration of Human Rights ("UDHR") expressed the preservation of economic and social rights for all was necessary to preservation of freedom, democracy and peace in 1948. Then, in 1966 both of the Covenants of UN, The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) were adopted and ratified. Both of these Covenants guarantee a right to an adequate standard of living which gives all peoples the right to freely determine their political status and freely pursue their economic, social and cultural development.

The CAT, The Convention Against Torture, Other Cruel Inhuman or Degrading Treatment or Punishment adopted to prevent the violation of human rights. The states that ratified the CAT should also respect the basic principles in the UN Covenants as well as to the main principles of CAT.

However, to try to perpetuate the isolation and degrading treatment of the people by affecting their basic rights to reach equal opportunities regarding economic, social and cultural rights and as well as the development of these rights are in breach of the above mentioned covenants.

The States that ratified the UN Conventions should respect their commitment to individual human rights.

Although several attempts of Turkish Republic of Northern Cyprus and its people, "The Republic of Cyprus" continue its activities to isolate the people in the North and violating the basic covenants of the UN.

MUSTAFA CANCURI  
CHAIRMAN OF BOARD

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