

## Capitol Hill Presentation

### “International Aggression and Violations of Human Rights: The Case of Turkey in Cyprus”

By Professor Van Coufoudakis

April 28, 2009

My latest book was published on the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights. Adopted in the aftermath of World War II, this declaration recognized the importance of human rights for international peace and stability. This declaration also reminds us of the road traveled and the road we must travel if we are sincere in our commitment to the international protection and promotion of human rights.

The book presented tonight complements my earlier book Cyprus—A Contemporary Problem in Historical Perspective that was published in 2006 and is now available in a Greek and an Arabic translation.

Even though my latest book speaks of Turkey’s continuing human rights violations in Cyprus following its 1974 invasion, the theme of this book International Aggression and Human Rights Violations is much broader, as it addresses the fate of civilians and POW’s, the innocent victims of international aggression. Iraq, Afghanistan and the Palestinian territories present the most recent manifestations of this problem.

The material on which this volume is based on comes from:

- Testimonies of witnesses;
- The victims of the Turkish invasion;
- Media accounts;
- NGO reports;
- Reports by the European Commission of Human Rights on the four interstate applications filed by Cyprus against Turkey;
- Numerous decisions by the European Court of Human Rights;
- Resolutions by various international organizations including the European Parliament, the Parliamentary Assembly of the Council of Europe and by the Committee of Ministers of the Council of Europe.

I mention these sources because their objectivity cannot be questioned. Their reports and actions are based on the European Convention of Human Rights. This Convention and its Protocols have been ratified by Turkey. The European Convention remains the most important human rights instrument in the world, both because of the principles it espouses and the mechanisms it contains for the enforcement of its provisions.

Turkey, with the support of its victim, the Republic of Cyprus, is an applicant for EU accession. The European Convention and the decisions of the European Court of Human

Rights are part of European law. All members and prospective EU members must comply with the European Convention. There are NO exceptions or derogations from this rule.

In my book, I argue that Cyprus is the testing ground for the primacy of the rule of law, democracy and human rights, the basic values on which the post-War European system and the EU are based on.

I emphasize this point because the EU has repeatedly stated (especially during the American invasion of Iraq) that, in contrast to the US, it is a community based on the rule of law, democracy and human rights. If this is the case, then the EU has no choice but uphold these principles as it comes to terms with Turkey's membership.

My book details Turkey's continuing human rights violations in Cyprus and what various European institutions have said and done about these violations. I will not repeat the material covered in the book. I only want to talk about five important conclusions from my analysis:

- (1) Since 1974, European institutions have repeatedly concluded that Turkey's human rights violations in Cyprus were directed at Greek Cypriots, including Maronites, Armenians and Latins, because of their ethnicity, language and religion. Such discriminatory actions are strictly prohibited under article 14 of the Convention.
- (2) The on-going inter-communal talks cannot legitimize Turkey's continuing violations of human rights in Cyprus, nor can they become an excuse for not remedying these violations. The restoration of human rights cannot wait for the political settlement of the Cyprus problem.
- (3) A political settlement of the Cyprus problem will be seen as legitimate only if it remedies human rights violations, restores human rights and is compatible with the European Convention. Downgrading human rights in the name of political expediency will destroy the legitimacy and viability of any proposed political solution.
- (4) The European human rights system provides appropriate safeguards for the protection of the rights of all Cypriots, Greek or Turkish. It removes a major obstacle that had stymied the talks for the resolution of the Cyprus problem until now. AND
- (5) This is perhaps the most important conclusion: Even though in a future settlement there may be temporary and limited derogations from certain EU administrative regulations, there are NO derogations allowed from the protections enjoyed under the European Convention. No government or international organization can suspend or limit the applicability of the European Convention in peacetime. Let me be very explicit and clear: There cannot be a repetition of what former UN Secretary-General Kofi Annan attempted to do in 2004. His proposed strict bi-zonal, bi-communal confederation (NOT federation) violated the anti-discrimination provisions of article 14 of the European Convention because he proposed separation on the basis of ethnicity, religion and language. Moreover, his proposals on property rights and the rights of refugees and the displaced explicitly violated rights guaranteed under the European Convention and international law.

Any attempt to bring back such a solution or the willingness of the EU to accommodate violations of European law and the European Convention will undermine the human rights regime that has been so carefully constructed in Europe since the early 1950's.

The Cyprus problem was and remains a problem of invasion, occupation and continuing violations of internationally guaranteed human rights. Actions by the Government of the Republic of Cyprus and by individual Cypriots have elevated the importance of human rights in the search for a functional, viable and legitimate solution of the Cyprus problem. There is no statute of limitations for Turkey's continuing violations of human rights in Cyprus. Turkey's compliance with the obligations of European law is not selective. It is absolute and does not depend on the state of Turkish politics or the stability of the regional security environment. Any attempt to violate human rights in the name of political expediency will destroy the legitimacy and the viability of any proposed solution. It will also destroy the foundation of the European human rights regime that has been created since the end of WWII.