

## Decision of the Commission on Human Rights

Maintaining its practice over a number of years the Commission adopted, without a vote, a decision on human rights in Cyprus (1998/109) in which the Commission decided to retain on its agenda an item entitled "Question of human rights in Cyprus", and to give it due priority at its fifty-fifth (1999) session. The decision also stipulated that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the SG to provide a report to the Commission regarding their implementation.

### THEMATIC REPORTS

#### Mechanisms of the Commission on Human Rights

##### Disappearances, Working Group on enforced or involuntary: (E/CN.4/1998/43, paras. 148–151)

The report notes that the Working Group (WG) continued to be available to assist the Committee on Missing Persons in Cyprus (CMP) and recalls that, during the period under review, the Secretary-General had not initiated the procedure to appoint a new third member of the CMP because there was not a clear commitment by both sides to expedite its work in accordance with the terms of reference and the criteria proposed by the Secretary-General in May 1995. However, the WG welcomed the agreement reached by the leaders of the two communities in July 1997 in which they consented, as a first step to resolving the problem of the missing persons, to provide each other with all information already at their disposal on the location of graves of Greek and Turkish Cypriot missing persons. The leaders also consented to designate a person who would meet to exchange this information and to prepare the necessary arrangements leading to the return of the remains of these Greek Cypriot and Turkish Cypriot missing persons. The report notes that in September 1997 the Greek Cypriot community had completed its work and was ready to proceed. The Turkish Cypriot side indicated that it would be ready by the end of November 1997, but unforeseen technical difficulties delayed completion of their submission which was expected for the end of the year.

The WG noted that in the July 1997 agreement, the two leaders also requested the Secretary-General to appoint a new third member of the CMP in order to expedite the conclusion of the Committee's work. The Secretary-General indicated that, as soon as the implementation of the 31 July agreement had been effectively launched, an appointment would be made.

##### Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 14, 17, 39; E/CN.4/1998/68/Add.1, paras. )

The report notes that in a humanitarian spirit, the Special Rapporteur (SR) transmitted to the leader of the Turkish Cypriot community the case of a man who was killed by two Turkish soldiers near the U.K. military base

of Dhekelia while he was collecting snails. Information indicated that the soldiers shot the man twice and then walked closer to kill him with a third shot. The victim was further reported to be of no danger to the soldiers.

The leader of the Turkish Cypriot community responded that the incident should be seen in the context of the very high tensions prevailing in the area. The reply further stated: the man was fired upon after he had crossed the Turkish Cypriot cease fire lines and refused to heed three verbal warnings — issued by a soldier on sentry duty in the area — to stop; the sentries had no way of knowing the intentions of the intruder; and, a post mortem examination carried out in the presence of military and medical officers of the UN Peacekeeping Force in Cyprus showed that the deceased had been hit by two bullets, one of which fatally wounded him, both shot from a distance of approximately 50 metres.

In response to cases previously transmitted, the leader of the Turkish Cypriot community indicated: the victim was killed during a clash in which many casualties occurred; the victim had fallen from the mast which he was climbing to pull down the Turkish Cypriot flag when warning shots were fired in the air by members of the police of the Turkish Cypriot community; in both cases the persons who lost their lives were removed from the territory under Turkish Cypriot control and, as a consequence, the information requested by the SR was not available, including death certificates, autopsy reports or complaints lodged, nor were reliable details regarding the causes of their deaths available.

##### Torture, Special Rapporteur on: (E/CN.4/1998/38, para. 85; E/CN.4/1998/38/Add.1, paras. 83–84)

The report refers to a case involving an arrest on charges of espionage in southern Cyprus, and subsequent beatings in police custody accompanied by death threats against the person detained and his children. The government replied to the case, asserting that force proportionate to the circumstances was used to restrain the accused at the time of arrest and denying that he was in any way ill-treated while in custody. In response to a case previously transmitted, the government informed the Special Rapporteur that following receipt of a UN medical officer's report, the Attorney-General decided to suspend criminal proceedings that were under way and to open an independent investigation of the complaints of the person arrested. In response to the complaint, the Ombudsman, who is legally empowered to investigate complaints of maltreatment by the police, produced a report in which it was found that the facts complained of violated human rights and may constitute a criminal offence. The government noted that although the Attorney-General was prepared to take criminal action against the perpetrators, this could not proceed without the victim's testimony, which he was refusing to give. The government further noted that complaints had been submitted by the victim to the European Commission on Human Rights and the European Committee for the Prevention of Torture.

