

Embargoed! www.embargoed.org Speech to the OSCE HDIM Human Rights Conference WARSAW, 28 September 2009

Session 1 – THE RULE OF LAW

Embargoed! is extremely honoured and privileged to address this gathering of OSCE members and respected fellow NGOs.

Cyprus is again in the spotlight as the present round of solution talks have entered their critical second phase.

The reason why we are addressing you today is our wish to highlight the difficulties faced by Turkish Cypriots living in Cyprus and all over the world when they seek justice in the Courts administered by the Greek Cypriots, a justice systematically denied to Turkish Cypriots since 1963.

So many obstacles are placed in their way such as the removal of basic constitutional provisions for Court proceedings and documents to be conducted in the Turkish language as has the right for Turkish Cypriot parties to be tried by a Turkish Cypriot Judge.

Today Turkish Cypriots are just not allowed to understand and follow what is going on in Court proceedings as all is conducted in Greek.

Turkish Cypriots are tried in a forum where they no longer have any say in the supervision of the Rule of Law.

We are now left with a legal system where laws are passed which discriminate against Turkish Cypriots without any scrutiny or challenge.

We have a legal system where the interests of Turkish Cypriots are ignored and where the Courts simply deny or delay justice with impunity.

These are not hollow words or allegations made without foundation.

These issues are presently the subject of a series of cases brought by Turkish Cypriot applicants against the Republic of Cyprus in the ECHR.

It is telling that the Court will soon assess to what extent there are any domestic remedies for the Turkish Cypriot bringing Court claims in the Republic of Cyprus and whether these have been denied.

Turkish Cypriots also face prejudice on an international basis. This culminated recently in the revolting spectacle of a biased Greek Judge being inappropriately appointed by the ECJ as the leading decision maker in a case of fundamental importance to Greek and Turkish Cypriots and also for the prospects of achieving a positive solution to the Cyprus

conflict. This judge visited political leaders of the Republic of Cyprus only months before the decision of the Court was announced and who in 2006 was awarded one of the highest honours dished out by the Republic FOR HIS STRONG BELIEFS TOWARDS GREEK PEOPLES. This in our view has led to a wholly biased and bad decision being made in the case.

Even international football match would never be refereed in such a blatantly biased way! So why should this have been allowed in a Court of international law where so much was at stake.

I shall end by saying the right to be tried fairly in accordance with OSCE commitments is essential. This right should be applied just the same to Turkish Cypriots, and Embargoed! calls upon you not to ignore us.