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Plenary sitting

10.2.2015

B8-0157/2015

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the mass graves of the Missing Persons of Ashia, at Ornithi village in the occupied part of Cyprus
(2015/2551(RSP))

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on behalf of the GUE/NGL Group

B8-0157/2015

European Parliament resolution on the mass graves of the Missing Persons of Ashia, at Ornithi village in the occupied part of Cyprus (2015/2551(RSP))

The European Parliament,

- having regard to its resolution of 6 April 1995 on missing persons in Cyprus;
 - having regard to its resolution of 15 March 2007 on missing persons in Cyprus¹;
 - having regard to its resolution of 18 June 2008 on Missing persons in Cyprus (2007/2280 (INI));
 - having regard to the relevant reports of the United Nations Secretary-General², resolutions of the United Nations Security Council³ and international initiatives taken to investigate the fate of missing persons in Cyprus⁴;
 - having regard to the International Humanitarian Law, both conventional and customary, on missing persons;
 - having regard to the judgments of the European Court of Human Rights (ECHR) of 10 May 2001⁵ and 10 January 2008⁶ concerning missing persons in Cyprus and the 12 May 2014;
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0139/2008);
 - having regard to its previous resolutions on Turkey progress reports;
 - having regard to Rule 135 of its Rules of Procedure,
- A. whereas on the 14th of August 1974 the village of Ashia was bombarded by Turkish air forces, whereas on the 21st of August enforced mass evacuations were conducted by the Turkish army, whereas final expulsion of all the inhabitants of the village took place on the 28th of August;
- B. whereas since then in total 105 individuals who disappeared in Ashia were missing for decades;
- C. whereas out of the 613 civilians in the list of missing persons in Cyprus 70 come from Ashia;
- D. whereas in the spring of 2009, the Committee on Missing Persons in Cyprus (CMP) conducted

¹ OJ C 301 E, 13.12.2007, p. 243.

² Notably the latest one on the United Nations Operation in Cyprus (S/2008/353), Chapter IV.

³ Notably resolution 1818 (2008) of 13 June 2008.

⁴ Committee on Missing Persons in Cyprus: <http://www.cmp-cyprus.org>

⁵ Committee on Missing Persons in Cyprus: <http://www.cmp-cyprus.org>

⁶ *Varnava and Others v. Turkey*, nos. 16064/90, 16065/90, 16066/90, 16068/90, 16069/90, 16070/90, 16071/90, 16072/90 and 16073/90; pending on appeal.

search in the area of the village of Ornithi, situated nearby the village of Ashia, whereas four burial sites were disinterred, two water wells and two sites of mass graves, whereas the 70 set of remains identified by DNA testing have confirmed that they belonged to civilians from the village of Ashia (52) and nearby villages (18) and are included in the list of 105 individuals who disappeared in Ashia;

- E. whereas investigation proves that that the two mass graves had been previously disinterred, that exhumations took place, and that the remains were removed and transferred elsewhere;
 - F. whereas although the discovery of part of the skeletal remains allows DNA identification of missing persons and information to the relatives of the missing person on the basis of customary humanitarian law, the return for burial of 1- 2 % of skeletal remains to the families does not end their pain and agony;
 - G. whereas the great agony and ordeal of the families of the 2001 Greek Cypriot and Turkish Cypriot missing persons, who have been anxious over the fate of their beloved relatives for decades, still continues and evaluating that hence all efforts must therefore be made to expedite the investigations, as long as witnesses who can give evidence are still alive;
 - H. whereas the Committee on Missing Persons in Cyprus (CMP) has achieved significant progress on the issue of exhumation and identification of remains of Greek Cypriot and Turkish Cypriot missing persons, and that it seems determined to proceed further, aiming to have results that can only be achieved if it is financially supported;
 - I. whereas the cut on the EU financial support to the CMP in the 2015 budget is between 400.000 – 600.000 Euros which corresponds to a large part of the CMP budget;
 - J. whereas the European Court of Human Rights in its judgement with regard to Greek-Cypriot missing persons and their relatives, held that the failure of the Turkish authorities to conduct an effective investigation into the whereabouts and fate of Greek-Cypriot missing persons who disappeared in life-threatening circumstances, had been a continuing violation of Article 2 (right to life) of the Convention, of Article 5 (right to liberty and security) concerning those missing persons in respect of whom there was an arguable claim that they were in Turkish custody at the time of their disappearance, of Article 3 (prohibition of inhuman or degrading treatment) in that the refusal of the Turkish authorities to respond to the real concerns of the relatives attained a level of severity which constitutes inhuman treatment;
1. Once again condemns the violations of the International Humanitarian Law, Conventional and Customary, by Turkey and calls on her to comply with international legality;
 2. Calls for the immediate and complete verification of the fate of the missing persons and satisfaction of the right of the families to finally know the true conditions under which their missing persons disappeared and died;
 3. Denounces Turkey for the relocation of remains and underlies that this constitutes an abhorrent and illegal practice aimed to impede the verification of the real criminal conditions of the missing persons' disappearance and death;
 4. Underlines that the deliberate relocation of remains of the missing persons from the village of Ashia, is not the unique such case since similar relocations have been found in Sinta, Ayios

Ilarionas and Kornokipos;

5. Asks Turkey to terminate the relocation of remains from mass graves and to give all possible information in relation to their relocation to burial sites other than the original ones;
6. Calls on Turkey to comply with International Law and the ECHR judgements, to grant access to the archives of the Turkish army and give all relevant information about the fate, conditions of death and burial sites of all missing persons;
7. Calls on Turkey to allow without deliberate delay access to zones that have been defined as military and there is information that burial sites of missing persons are located within them;
8. Calls on the parties concerned and all those who have, or are in a position to have, any information or evidence emanating from personal knowledge, archives, battlefield reports or records of detention sites to pass that information or evidence on to the CMP to help expedite and conclude its work;
9. Calls on the European Council to review the possibilities to allocate the necessary financial support to CMP for 2015 and thereon, given that the decrease of the financing may lead to a decrease in human resources, especially local. On the contrary, support should be given for the hiring of more scientists and the financing of more equipment, which is necessary for expediting and concluding CMPs work;
10. Calls on the Member-States to continue the support they have been granting to date;
11. Calls on the Committee on Civil Liberties, Justice and Home Affairs to appoint a permanent rapporteur to follow-up the issue of missing persons in Cyprus and to submit annual reports according to the European Parliament resolution of 18 June 2008;
12. Instructs its President to forward this resolution to the Council, the Commission, as well as the UN Secretary-General, the Government and Parliament of Cyprus, Turkey, Greece and the UK, and to the Committee on Missing Persons in Cyprus.