



10.2.2015

B8-0161/2015

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 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 PPE Group

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European Parliament resolution on 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 the moral lessons taught and inherited to us by Sophocles' in his tragedy "*Antigone*" on the universal unwritten law to respect the dead,
 - having regard to its resolution of 15 March 2007 on missing persons in Cyprus¹,
 - 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 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 Grand Chamber judgment in the case of Cyprus v. Turkey,
 - having regard to the European Parliament resolution of 18 June 2008 on Missing persons in Cyprus (2007/2280 (INI)),
 - 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,
 - 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 in total 106 individuals went missing since 1974;
- C. whereas in the spring of 2009, the Committee on Missing Persons in Cyprus (CMP) conducted a search in the Ornithi area, a village situated 4 km west of Ashia village, whereas four burial sites were disinterred, two water wells and the sites of mass graves, whereas the remains identified by DNA testing have confirmed that they belonged to the list of 70 civilians who went missing in Ashia on the 21st of August as stated above;

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.

- D. whereas evidence suggest that that the two mass graves had been previously exhumed, whereas the remains were removed and transferred elsewhere;
- E. whereas the great agony and suffering of the families of the missing persons, who have remained ignorant of the fate of their beloved relatives for decades, still continues and whereas all efforts must therefore be made to expedite the investigations;
- F. whereas the European Court of Human Rights held that there had been, with regard to Greek-Cypriot missing persons and their relatives a continuing violation of Article 2 (right to life) of the Convention concerning 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; a continuing violation of Article 5 (right to liberty and security) concerning the failure of Turkey to conduct an effective investigation into the whereabouts and fate of the Greek-Cypriot missing persons in respect of whom there was an arguable claim that they were in Turkish custody at the time of their disappearance; and a continuing violation of Article 3 (prohibition of inhuman or degrading treatment) in that the silence of the Turkish authorities in the face of the real concerns of the relatives attained a level of severity which could only be categorised as inhuman treatment;
- G. whereas the problem of missing persons is exclusively a humanitarian one deriving from the right of the relatives of missing persons to know their fate;
- H. whereas there are missing persons from the Greek-Cypriot community, Turkish-Cypriot community and Greeks;
- I. whereas some positive steps have been taken in the CMP by all parties concerned (Greek, Turkish-Cypriot and UN)
1. Condemns the aforementioned acts as great disrespect to the missing persons and as a gross violation of the rights of their families to finally know the real conditions of the death of their beloved ones;
 2. Fears that such acts could be meant to prevent a thorough examination as to the real conditions of the disappearance and death of those civilians;
 3. Underlines that such acts could represent a major disruption and complication for the challenging and difficult process of investigating the fate of all missing persons in Cyprus;
 4. Calls on Turkey and its government to stop immediately the removal of the remains from the mass graves and facilitate to that effect the efforts of the three-part Committee on Missing Persons (Greek, Turkish Cypriot and UN) by giving full access to military archives and military zones for exhumation;
 5. Recalls on all 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 places, to pass it on to CMP without further delay;
 6. Instructs its President to forward this resolution to the Council, the Commission, and the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission, and the Government and Parliament of Turkey and recalls the unconditional

obligation of every State, under the European Convention of Human Rights, to abide by final judgments in cases to which it has been a party.