



REPUBLIC OF CYPRUS
MINISTRY OF FOREIGN AFFAIRS
THE PERMANENT SECRETARY

Ref. No.: PA-MA/24.11.6.05

30 January, 2004.

Mr. Philippe Couvreur
Registrar
International Court of Justice
The Hague
Netherlands

Sir,

With reference to your letter, dated 19 December 2003, addressed to the Minister of Foreign Affairs of the Republic of Cyprus, Mr. George Iacovou, concerning the request of the United Nations General Assembly for an urgent advisory opinion on the question of the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, I have the honour to enclose herewith a written statement by the Republic of Cyprus, in accordance with Article 66, paragraph 2, of the Statute of the International Court of Justice.

Accept, Sir, the assurances of my highest consideration.


Sotos Zäckheos

Cour internationale de Justice

Enregistré au Greffe le :

International Court of Justice

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**THE LEGAL CONSEQUENCES OF THE CONSTRUCTION OF A
WALL IN THE OCCUPIED PALESTINIAN TERRITORY**

(REQUEST FOR ADVISORY OPINION)

**STATEMENT OF THE GOVERNMENT
OF THE REPUBLIC OF CYPRUS**

TERMS OF THE REQUEST AND STANDING OF THE REPUBLIC OF CYPRUS

1. The terms of the request made by the General Assembly, as expressed in the operative paragraph of Resolution A/RES/ES-10/14, are as follows:-

“The General Assembly,.....

Decides, in accordance with article 96 of the Charter of the United Nations, to request the International Court of Justice, pursuant to article 65 of the Statute of the Court, to urgently render an advisory opinion on the following question:

What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention of 1949, and relevant Security Council and General Assembly resolutions?

2. The Court, by its Order of 19 December 2003, fixed 30 January 2004 as the time limit within which written statements may be submitted to the Court by the United Nations and by those of its Member States who are entitled to appear before the Court, in accordance with Article 66, paragraph 2 of the Statute of the Court. That Order of the Court was notified to the Republic of Cyprus. The Republic of Cyprus has been a member of the United Nations since 20 September 1960, and by virtue of Article 93 of the United Nations Charter ipso facto a party to the Statute of the Court. It is in these circumstances a State to which the Court is open under Article 35 of the Statute of the Court and entitled to appear before the Court.

POSITION OF THE REPUBLIC OF CYPRUS ON THE QUESTION BEFORE THE COURT

3. As a matter of general policy, the Republic of Cyprus supports the principle envisaged in Article 2 par. 3 of the United Nations Charter that “all Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered”. In this regard, the Republic of Cyprus believes that all the options and means provided for by the United Nations Charter should be available to the parties.
4. Cyprus has consistently supported the necessity of ending the conflict on the basis of the two-State solution of Israel and Palestine living side by side in peace and security, in accordance with relevant Security Council and General Assembly Resolutions.

5. At the General Assembly Tenth Emergency Session, held on 21 October 2003, Cyprus voted in favour of Resolution A/RES/ES-10/13. At the subsequent meeting of the General Assembly Tenth Emergency Session, on 12 December 2003, Cyprus abstained in the voting on Resolution A/RES/ES-10/14.
6. While recognizing fully the right and duty of Israel to protect its people against acts of terrorism, the Republic of Cyprus believes that this right should be carried out in conformity with international law and should not increase the suffering and inconvenience of the Palestinian people or infringe on their property rights.
7. The Republic of Cyprus considers that, the 1949 Fourth Geneva Convention relative to the Protection of Civilians in Time of War must be respected.
8. The Republic of Cyprus would like to stress the need to avoid actions, which would exacerbate the already precarious state of affairs existing between the two parties, and to avoid creating de facto situations that would impact on the final status of negotiations.
9. Ultimately, only a comprehensive settlement will bring peace, stability and cooperation in the sensitive region of the Middle East. The Republic of Cyprus will continue to support the implementation of the Road Map, the efforts of the Quartet and all international initiatives to this end.