



## **THE UPRISING OF BLOCK 10 DETAINEES IN CYPRUS**

### **Chronology of events, conclusions and future action**

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## Summary

In the beginning of October, an uprising of migrant detainees, six Iranians and one of Afghan origin, who occupied a water tank tower for five days in the Nicosia detention centre (Block 10) within the Central Prison compound, and a hunger strike of 12 migrant detainees in Limassol police detention cells, has shocked the Cypriot society and became a major issue. It has also generated a public debate about the lack of a comprehensive state policy, not only on the issue of long-term detention of migrants but also on migration and asylum in general. After enormous pressure, during which KISA - Action for Equality, Support, Antiracism, as well as the Ombudswoman played a decisive role, the government was forced to concede to the protesters' main demands and speculate about its actions on the more general issue of detention of migrants. Action by local and international human rights organisations, bodies and activists is called for, in order to guarantee implementation of the measures promised by the government to end the long detention period of the 7 protesters.

## Long-term detention

The issue of long-term detention of asylum seekers or other migrants who cannot be deported is not new. It is illegal and it violates the Constitution as well as regional and international human rights conventions ratified by Cyprus. It causes enormous suffering to the detainees and their families. People are being deprived of their freedom, some for more than 3 years, many are beaten up, all of them are degraded and humiliated. Detainees' families not only are deprived of their husbands/fathers, but they are usually denied public assistance, thus forced to live in poverty and hunger. Cypriot, European and international human rights organisations and bodies, including the Commissioner for Human Rights of the Council of Europe, condemn the authorities for violating the migrant detainees' human rights for many years now.

In 2005, the Ombudswoman conducted an investigation of the detention practices of the government and submitted a report, describing the situation and setting out recommendations for a policy that has to be introduced, which will be in line with the Constitution and international human rights law. The government has not yet implemented the recommendations contained in the report.

The government remains intransigent, blaming the detainees for entering Cyprus illegally from the non-recognised 'Turkish Republic of Northern Cyprus', having destroyed their documents, not cooperating for their deportation, etc. The essence of the problem is never addressed: For people escaping war and suppressive regimes, such as the dictatorial, fundamentalist Republic of Iran, either because their life or that of their family members is in danger, or because they can be imprisoned or maimed, or because they cannot lead a normal life - stopped in the street and beaten up or jailed because they have long hair or wear short sleeves, etc, passports and such documents are not important, neither is the route to, in their minds, freedom and safety. Nor can they be expected to cooperate in obtaining new documents or passports, so they can be returned to countries from which they have escaped. The Cypriot authorities, in some

cases, including during the recent crisis, involve the embassies of the countries that detainees come from - in this case the Iranian Embassy – thus exposing asylum seekers to their persecutors.

It is probable that some of the detainees could never be deported or that the deportation procedures will take a long time for various reasons. The categories of migrants facing long detention periods are the following:

1. Rejected asylum seekers that for various reasons may not be deported, such as Iranians, with no travel documents and whose government does not issue papers to them, unless they want to return to the country voluntarily.
2. Rejected asylum seekers that are stranded in Cyprus because community rules, such as the Dublin Regulation, on the member state responsible for examining their asylum application were not applied correctly in their situation to start with.
3. Rejected asylum seekers with no travel documents that no country accepts them as their citizens.
4. Asylum seekers that entered the country illegally and they have been arrested and detained on the basis of arrest and deportation orders of the Migration Officer for illegal entry, irrespective of international law which prohibits such treatment of asylum seekers. These people may remain in detention centres for the whole period of the examination of their asylum application on all possible degrees, which may take from one to three years.
5. Asylum seekers that may have been convicted for an offence not related to their status as asylum seeker, such as illegal work. These people may serve their time in prison as decided by a Court but upon their release they are rearrested on the basis of detention and deportation orders and are moved to detention centres. They remain there again until their asylum application is examined.
6. Rejected asylum seekers that exercise their Constitutional right to file a case before the Supreme Court against the decisions of the administration to reject their asylum application. There is a major gap in these cases as the Refugee law defines as asylum seekers only those who are in the administrative asylum procedure. Therefore asylum seekers filing a case before the Supreme Court have no status at all and therefore they are considered illegal and may be arrested for deportation. They end up remaining in detention until the decision of the Supreme Court which may take a long time.

Concerning the categories 4, 5 and 6 above, the Supreme Court of Cyprus has decided that their detention is legal as they are not detained for the sole reason that they are asylum seekers but for other reasons such as illegal entry or because they are considered prohibited immigrants. However, according to the Court their deportation should be suspended as they are asylum seekers and their cases need to be examined. This approach contravenes the European Convention of Human Rights as shown by the European Court of Human Rights which accepts the detention of persons without a

Court decision as legal only for the purpose of deportation. Thus, if deportation is suspended, detention should be also suspended.

6. Migrants against whom detention and deportation orders have been issued because they are in the county without papers but for various reasons cannot be deported. For example, members of their family are entitled to reside in Cyprus either because they are Cypriots or they have the status of a refugee, etc.

The answer required in each of these situations cannot be, of course, to give all these people a life sentence without trial, and to continue treating them in such an inhuman and degrading manner, which befits more dictatorial regimes like Iran's rather than a EU member state.

### Conditions of Detention

The Ombudwoman, the Council of Europe Committee against Torture, the Council of Europe Commissioner of Human Rights and the European Commission against Racism and Intolerance have repeatedly stressed in their reports that the conditions of detention of migrants in the detention centres in Cyprus amounts to inhuman and degrading treatment.

Detention Centres are designed for short term detention periods and do not, therefore, offer the facilities and possibilities of the prisons for persons under detention. Dry food is provided, detainees do not benefit from any recreational or other activities, the cells are too small and most of the times overcrowded and there are no proper hygiene facilities.

### Repeated uprisings

People who are not guilty of any crime and who are in detention for years without any prospects of either being free will easily become desperate and will protest in any way that is feasible to them. In May 2006, they burned their cells and later, as well as on many other occasions, went on hunger strike. On 10 September 2007, the same 7 people who staged the recent protest climbed on the Block 10 water tower and came down only after the government gave them a promise that it would inform them about the agreed proposed solution within 15 days. After the government's failure to keep its promise, the 7 climbed on the tower again (29 September 2007), where they remained for 5 days exposed in temperatures of 35+ degrees. The authorities denied them food and water for 65 hours! It was only after enormous pressure against this form of torture and inhuman treatment, initially from KISA and later on from other human rights bodies in Cyprus and Europe, and after the collapse and hospitalisation of one of them, that they were allowed water and food.

In the Limassol police cells 12 detainees went on hunger strike in solidarity with the Block 10 protesters, but also to protest against repeated maltreatment by police in totally inhuman detention conditions. The police attacked them causing serious injuries to a number of them. Initially, the injured were denied medical treatment, but following protests through the media and other pressures they were treated in hospital. The police presented their attack as an attempt to save the life of a criminal who threatened to commit suicide and was protected by inmates. This, if anything, is a condemnation of the practice of detaining migrants in cells where criminals are also detained. The government draws the racism card.

Exposed for the chronic absence of a comprehensive policy on migration and asylum, instead of apologising to the victims for the lack of their policies and providing practical solutions to their problems and also, instead of at least beginning the process to tackle the general issue, the government put the blame on the victims:

“They don’t respect the Republic of Cyprus which offers them such generous hospitality”! “They are blackmailers.”

The government did not even hesitate to play the racism card: “If we give in to their demands, hundreds of thousands of illegal foreigners will flood Cyprus”! Assisted and at times instigated by racist media coverage, an atmosphere of xenophobic hysteria was created. People joined in racist media programmes, expressing fears that ‘foreigners will soon start opening our fridges for food’, ‘will bring diseases in Cyprus’, etc. The government, thinking that they had ‘public opinion’ on their side, decided to answer the protests with an iron fist, hoping to gain support and votes in the forthcoming Presidential elections (February 2008) when President Tassos Papadopoulos is seeking re-election. Thus, when another candidate in the presidential elections, President of the House of Parliament Demetris Christofias called for the release of the illegally detained migrants, Mr Papadopoulos answered with a question: ‘How many Cypriots support the fact that 8000 asylum seekers are walking free?’, clearly insinuating that public opinion (or even himself!) is in favour of putting all asylum seekers in jail!!

It was on that basis and in that climate the government itself created that we have witnessed the following:

- Minister of Defence and acting Minister of Justice and Public Order, Mr Pashardes, **threatened the protesters to stay up there for as long as they wish.** (“After all there is plenty of fresh air up there”)!
- The authorities refused to supply the protesters with water and food until they collapsed. (After enormous pressure and one hospitalised protester, they provided water and food after 65 hours!)
- The authorities denied the protesters’ right to receive consultation from an independent organisation of their choice, namely KISA - Action for Equality, Support, Antiracism. Instead, the authorities accused KISA for instigating the uprising and its

continuation, in an attempt to undermine its support amidst a climate of xenophobic and racist hysteria. They even insinuated repeatedly that its Chairperson, every time negotiations with the protesters were reaching an agreement, made a phone-call to them and stopped the agreement!

- The police in the Limassol detention centre attacked the 12 hunger strikers, causing injuries and denied immediate hospitalisation.

#### How the crisis ended

Various attempts at solving the protest failed due, mainly, to the mistrust of the authorities by the protesters, as a result of repeated broken promises in the past. The most serious intervention was by the Ombudswoman, in terms of content of proposals and communication with all the protesters. This intervention failed mainly because of the mistrust of the implementing authorities.

During these negotiations, KISA not only was kept out, despite the wishes of the protesters, but it was prohibited from even approaching the detainees during the last three days. Furthermore, as already mentioned, it was publicly and repeatedly accused by two government Ministers and police high officials for instigating the uprising and its continuation. KISA was indeed contacted, as well as others, such as family and friends, by mobile phone, but as repeatedly explained in public, KISA, in the course of the provision of free information, support and consultation services to migrants (for 10 years), places before them the available options, but never 'tells them what to do', as they are free agents of their lives and actions. The authorities either do not want or: pretend not to understand this, although it has been amply explained on a number of occasions.

On the fifth day, the authorities approached the Chairperson of KISA and asked for his help in resolving the crisis. During negotiations with the authorities and repeated discussions with the protesters, the latter agreed to end their protest and came down from the tower. The state's proposals for ending the protest include:

- Examination of each individual case and written answers to be provided in two weeks; the solution to be based on the Ombudswoman's report, the principles of respect to human rights and in a humanitarian spirit;
- the protesters will either remain in Cyprus or be transferred to other European countries where they will have long-term protection;
- those who stay in Cyprus will receive resident permits and released under guaranteed conditions (they will report to the police regularly) and the government will retain the right to deport them if conditions in their countries of origin permit;
- their families, until the detainees get released, will receive welfare benefits;

- if by December no solutions about transference to other countries is found, everybody will be set free;
- there will be no punishment for their action, and, last but not least,
- the government repeats its commitment to seriously and urgently discuss the issue with the Ombudswoman's Office in order to find a general solution to the issue of long-term detention of migrants.

It is important to note that, although KISA played a decisive role in resolving the crisis, and this was acknowledged in private, when it came to the public announcements, there was no mention even of its participation in the process.

### Conclusions and future action

The issue of long-term detention of migrants who cannot be deported is a very serious and long standing one and must be solved urgently in the context of the Ombudswoman's recommendations contained in her 2005 report and within the framework of the legal order and according to human rights principles. The struggle of the brave protesters in Block 10 and Limassol police cells has helped to raise the issue in the strongest possible way and bring to the surface the urgency of the situation.

The momentum created must not be lost. A first important step will be the implementation of the promises made to the 7 protesters, which KISA and the Ombudswoman should monitor. Both are burdened with the responsibility to see that promises are kept for a change. If at any time KISA observes an attempt to detract from the promises it will be ready and prepared to mobilise all its resources and put all the necessary pressure to force the authorities not to back down.

Local, European and international human rights bodies, organisations and activists have an important role to play in pressurising the Cypriot government to implement not only the measures promised to the 7 but, more importantly, the introduction of policies to tackle the general issue in the context of respect to human rights principles, laws and conventions.

This crisis has also highlighted the government's unacceptable stance towards KISA, in the context of its authoritarianism and the intolerance of independent non-governmental human rights organisations. It is in this same context that the government is pursuing a systematic all-out assault on KISA by criminalising its leadership, its members and activities, with the aim of not just undermining the Organisation and its standing in society, but also of intimidating and eventually closing it down. The police are currently taking its Chairperson to court accusing him and the Organisation with unfounded and ridiculous charges that carry, if **sentenced**, two years' imprisonment!

KISA's 'crime' is that in 2001 it opened a bank account calling on the public for contributions to cover the expenses of an urgent operation that would save the life of a

migrant domestic worker whose employer, a high ranking officer of the Ministry of Foreign Affairs, refused to pay contrary to his obligation according to the Law.

The police persecution of KISA' Chairperson and, consequently, the Organisation itself violates the United Nations Declaration on Human Rights Defenders, which has been signed by Cyprus and emphatically states that "The state shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in this Declaration» – article 12 of United Nations Declaration on Human Rights Defenders.

10<sup>th</sup> October, 2007