



CLAIM YOUR RIGHTS CHALLENGE YOUR DETENTION!

Claim your rights - Challenge your detention!

The right to liberty of person is a fundamental human right reflected by, among others, the international prohibition of arbitrary detention. Deprivation of or any restrictions of liberty must be strictly in line with the Law, be a measure of last resort and subject to prompt and effective judicial review. Below you can find useful information in relation to what you can do to challenge your detention. For more details on detention in the migration framework and the means to challenge your detention, follow this link. (www.kisa.org.cy/claim-your-rights)

If you have been arrested, we **strongly** advise you to first contact a NGO. Below you can find a list of NGOs working with detainees and their rights and which can assist and advise you as to how you can best handle your case:

- **Action for Equality, Support, Antiracism – KISA:** Tel.: +357 22 878181 / +357 99 098189, Fax.: +357 22 773039, Website: www.kisa.org.cy, E-mail: info@kisa.org.cy.
- **Caritas Cyprus:** Tel.: +357 22 662606, +357 97787830, Fax: +357 22 662656, Website: www.caritascyprus.com, E-mail: administration@caritascyprus.org.
- **Cyprus Red Cross Society:** Tel.: +357 22 666955, Fax: +357 22 666956, Website: www.redcross.org.cy, Email: admin@redcross.org.cy
- **Cyprus Stop Trafficking:** Tel.: +357 22 771063 / +357 99 428952 / +357 99 906691, Website: www.cyprusstoptrafficking.com, E-mail: cyprus.stop.trafficking@gmail.com.
- **Future Worlds Center – FWC:** Tel.: +357 22 873820, Fax.: +357 22 873821, Website: www.futureworldscenter.org, E-mail: hau@futureworldscenter.org

- **“Hope For Children” CRC Policy Center:** Tel.: + 357 22 103234, Fax + 357 22 104021, Website: www.uncrcpc.org, E-mail: info@uncrcpc.org

What are your rights when/after being arrested?

All persons arrested: (i) must be informed of the reasons for their arrest at the time of their arrest and in a language they understand; (ii) must be allowed access to a lawyer of their choice and to NGOs; (ii) have the right to contact and be visited by relative, NGOs or any other persons they want (the police can monitor these contacts). Detainees must be immediately informed in which police station or detention Centre they will be detained at.

Basically, you can challenge your detention in 3 ways:

1. Taking your case to Court (Judicial Review)

1A. Appeal to the Administrative Court against Return Decision or Detention and Removal/Deportation orders

If a return or detention or/and deportation decision has been issued against you, you have the right to challenge it before the Administrative Court. You can challenge the detention and/or deportation orders, jointly or separately, and you must do so within a maximum of 75 days from the date you were informed of the relevant decision. You can submit an application on your own or through a lawyer. If you cannot afford to pay a lawyer, you have the right to apply for financial assistance by the Court (legal aid). If the application is approved, the Court will pay the lawyer that you choose -from a specific list of lawyers who work with legal aid- to handle your case.

For more details and practical advice on how to appeal to the Administrative Court as well as on how to apply for legal aid follow this link (www.kisa.org.cy/administrative-court)

1B. Appeal to the Supreme Court for duration of detention

Additionally, you can challenge the duration of detention with an application for a habeas corpus order, by the Supreme Court. You can challenge the legality of your detention as described above, and at the same time challenge the duration with the habeas corpus application.

For more details and practical advice on how to appeal to the the Supreme Court as well as on how to apply for legal aid follow this link (www.kisa.org.cy/supreme-court)

1C. Application to the European Court of Human Rights (after exhaustion of domestic remedies)

In exceptional cases, the European Court of Human Rights may, under Rule 39 of its Rules of Court, order the suspension of deportation, which applies only where there is imminent risk of permanent/severe harm and violation of the fundamental right to be free from torture, inhuman and degrading treatment. The length of an interim measure is generally set to cover the duration of the proceedings before the Court or for a shorter period.

If you wish to submit a case to the European Court of Human Rights, it is better if you call an NGO to advise you on the matter. For more details and practical advice on how to appeal to the European Court of Human Rights follow this link (www.kisa.org.cy/echr). If you wish to send a Rule 39 application, you must send it to this fax number: +33 (0)3 88 41 39 00

2. Request from the Minister of Interior to review your detention

According to article 18ΠΣΤ of the Aliens and Immigration Law, you have the right to request the Minister of Interior to review your detention by writing a letter to the Minister directly. Please be sure to include your personal details (name, surname, ARC, or passport number, detainee number, telephone number), length and conditions of your detention, and the reason you object to your detention and deportation. You must address the letter to the Minister of Interior himself, and write the above provision of the law to justify your request. You can send it in English (if possible in Greek, and for this purpose you can contact one of the NGOs above to help you do it) to this fax number: 22676709

3. Submission of a complaint to Independent Authorities:

You can submit a complaint about your detention to any of the following Independent Authorities online or by email, fax or by post. Please note that, irrespective of which of these bodies you complain to, you must write as many details as possible concerning your case. These include your personal details (as above), length and conditions of your detention, if you were informed of the reasons of your detention and how. Also, you may attach any relevant decisions or photographs and other documentation that supports your case. Although the recommendations of these independent authorities are not always and timely implemented by the relevant government services, we encourage you to submit such a complaint because the Commissioners' recommendations can pressure the relevant services to pay more attention to your case.

3A. Commissioner for Administration and Human Rights (Ombudsman) Tel.: +357 22 405500/501,
Fax: +357 22 672881, Email: ombudsman@ombudsman.gov.cy,
Website: <https://goo.gl/R6W2zC>

You can submit a complaint to this Commissioner in order to start an investigation against any public service or officer for actions that you think have violated your human rights. The Ombudsman's investigation can lead to a Report to the implicated service/s, with specific conclusions, suggestions and recommendations.

3B. Commissioner for Children's rights: Tel. +357 22 873200,
Fax: +357 22 872365, E-mail: childcom@ccr.gov.cy,
Website: <https://goo.gl/laLdf9>

If children, including unaccompanied ones, are detained or are in way affected, for example because of their parents' detentions you can additionally submit a complaint to the Commissioner for Children's Rights. The Commissioner can intervene and make recommendations, so as the authorities comply and respect children's rights.

3C. Independent Authority for the Investigation of Allegations and Complaints Against the Police: Tel: +357 22872412,
Fax: +357 22872413, Email: iaiacap@iaiacap.gov.cy,
Website: <https://goo.gl/tK5TFI>

If you believe that during your contact with the police (arrest, detention) any police officer behaved in a disrespectful, abusive or violent way towards you, you may submit a complaint to this Authority to investigate it. This authority may refer your case to the Attorney General's Office, if it finds that there is a possibility that a crime against you has been committed. It is then up to the Attorney General's discretion to start prosecution proceedings. Alternatively, your case may be referred to the Chief of the Police, if the Authority finds that there is a possibility that a disciplinary offence has been committed. In this case, the Chief of the Police has the obligation to start investigations against the person you complained about.

