

# kisa

Ισότητα, Στήριξη, Αντιρατσισμός  
Equality, Support, Antiracism



## ***Report submitted to the Council of Europe's CPT - Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment***



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# 1. Introduction

KISA is a grassroots NGO, established in 1998, active in the fields of Migration, Asylum, Racism and Discrimination as well as Trafficking in Human Beings and Human Rights. KISA's vision is the creation of an all-inclusive society that enables and encourages the equal and active participation of all people, irrespective of race, nationality, citizenship or ethnicity, residence status, colour, creed or gender, sexual orientation or identity, age or disability, or any other diversity.

KISA's activities and actions are targeted towards the migrant and refugee communities as well as the Cypriot society as a whole.

Activities towards society as a whole, including migrants and refugees, include:

- Sensitisation and awareness raising on the phenomena of migration, asylum, discrimination, racism and trafficking in human beings through, amongst others, active engagement with mainstream and social media
- Advocacy for structural, legal and policy changes
- Networking and cooperation with national, European and international NGOs and other stakeholders in the above fields
- Fight against racism and discrimination as well as trafficking and exploitation of human beings

Activities specifically towards migrants and refugees include, mainly:

- Provision of free information, advice, advocacy, mediation and support services
- Pro bono legal representation in strategic litigation cases
- Empowerment and capacity building actions

The situation in Cyprus regarding migrants and refugees is extremely complicated. Detention is a key aspect defining the migration and asylum policies of the Republic of Cyprus (RoC).

Undocumented migrants and asylum seekers/refugees, who are considered to be "undesirable/prohibited immigrants"<sup>1</sup>, under the Law<sup>2</sup> may be only detained in detention centres declared by the Minister of Justice to be detention centres for the purpose of deportation. The only detention declared as such currently is the Menoyia Detention Centre for Prohibited Immigrants. Yet, in many cases and particularly, immediately after their arrest, they may be initially detained in any local police station. Detention at police stations should normally be limited to a few hours or maximum a couple of days, as these centres are designed only for very short detention periods and in any event they are not declared detention centres for the purpose of deportation. However, in some cases migrants are detained at police stations for longer periods of time.

Unfortunately, the Civil Registry and Migration Department (CRMD), which is under the Ministry of Interior, continues to apply a policy of indiscriminately using detention of persons for deportation purposes, even for persons that they cannot be in principle deported because of their status, such as asylum seekers, EU citizens, members of the family of Cypriot or European citizens. The main reason for the adoption and continuation of the aforementioned policy, lies in the fact that the Cypriot government considers detention not as the last resort, but as the main means of its immigration policy within which

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<sup>1</sup> A "prohibited immigrant" is any person who enters or resides in the country contrary to any prohibition, restriction or limitation contained in the Law or in any permit issued or granted under the Law. Further, a person can be considered a "prohibited immigrant" on, inter alia, grounds of public order and/or security, legal order or public morals or if she/he constitutes a threat to peace.

<sup>2</sup> The Aliens and Immigration Law (CAP 105), the Detention Centres of Prohibited Immigrants Law of 2011 (Law No 83(I)/2011) and relevant regulations.

removal/deportation and detention of persons without legal status in the country play a central role, as a result of which the RoC has a very high per capita rate of deportees.

Since September 2015, in the framework of a project funded by [EPIM](#)<sup>3</sup>, KISA has been carrying out systematic and regular visits in the Detention Centre in Menoyia in order to monitor detention of migrants. These visits are carried out by delegations of about 5 persons each time, including KISA's executive director and counselling officer. In the visits, KISA's members discuss with detainees about the problems they face there in general and register their complaints in relation to detention conditions (the quality and quantity of food, the available activities or lack of, etc.) as well as abuse of power or ill treatment at the Centre. Moreover, during such visits detainees have the opportunity to discuss their individual cases and/ or complaints, get information on any available remedies, and seek advice and/or mediation in relation to their cases. KISA visits confirm the poor conditions of detention in Cyprus and that detention for the purpose of deportation, contrary to the law, is not considered as a measure of last resort.

In addition, access of civil society to detention facilities is seriously hampered, because of procedural rules applied by the Police. Civil society representatives are required to have a written permission by the Chief of the Police to visit either the detention centre or detainees. This is especially problematic in cases that require immediate access, as the waiting time hinders effective assistance and support of detainees.

It is noted, however, that KISA's relations with the administration of the detention centre in Menoyia have improved since the last CPT report in 2014<sup>4</sup>,

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<sup>3</sup> Find more about EPIM project: <http://kisa.org.cy/8772-2/>

<sup>4</sup> CPT. *Report to the Government of Cyprus on the visit to Cyprus carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 1 October 2013.*

in particular as regards cooperation and communication with most of the officers as well as with the administration of the Menoyia Detention Centre. This makes access to both the premises of the Centre and to information relating to the centre, the detention conditions, and individual cases, significantly easier.

In addition, this report provides information about forms of confinement other than those designated for persons detained for removal purposes, with a special focus on the Pournara Rescue Camp at Kokkinotrimithia, despite the fact that this camp is not strictly speaking a detention centre. The "Pournara" Camp functions from time to time and on a temporary basis, as a rescue centre but also for hosting newly arrived refugees, when these arrive in big numbers. KISA's access to that centre has been repeatedly and systematically hindered by the authorities. Although the Pournara camp is supposed to be a temporary rescue centre, there have been cases of refugees staying there for months, as this was the only choice provided to them. As a consequence, individuals and families, including vulnerable groups (disabled persons, persons with chronic diseases, LGBTIQ+ persons, single-parent families, victims of torture, and others), were obliged to stay for long periods of time in tents and in general, in facilities designed for a very short period of time, without heating or air-conditioning, without private and safe spaces, etc. It is highlighted that the "Pournara" Camp is not regulated by any law as it is neither a detention centre nor a reception centre. Routinely, persons accommodated in the camp are not allowed to exit for the first few days, and before they are subjected to medical examinations. At the same time, KISA was not allowed to enter the camp to provide advice, information and other services to asylum seekers. As far as the Central Prison is concerned, the decision to stop the detention of irregular migrants in Block 10 is considered as a positive development. However, the case of Mr. M.E., who

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Strasbourg, 9 December 2014.

<http://www.cpt.coe.int/documents/cyp/2014-31-inf-eng.pdf>

has been detained in the Prison for extradition purposes to Egypt since April 29, 2016, raises serious concerns about the treatment of some detainees as well as for the general situation in the Central Prison.

The report also refers to constant attempts by the authorities aiming towards the criminalization and

intimidation of KISA and its members. Lastly, there is also information concerning an effort for cooperation between NGOs and the Police.

## **2. Detention**

Since CPT's last report in 2014, there has been a noteworthy improvement of the detention conditions, especially in the detention centre in Menoia. Yet, KISA continues to receive complaints by detainees, both regarding police abuse against them and detention conditions.

Undocumented migrants can, under the law, be detained only for the purpose of deportation in the detention centre in Menoia, which is the only legally designated detention facility for undocumented migrants. Nevertheless, in some cases undocumented migrants continue to be detained in police stations for periods longer than 24 hours, pending their deportation. It is common, for example, for migrant women to be detained in the police station of Pera Chorio Nisou for several days or weeks before they are deported or transferred to the detention centre in Menoia. Although this practice is illegal, it is not known on what criteria the authorities continue to use it. Detention conditions in police stations are far worse than those in the detention centre in Menoia. More information on this can be found further down in the report.

Although the situation in the detention centre in Menoia has improved in many aspects, problems

continue to exist. KISA reports that, according to its experience and the complaints it receives from detainees, there are two groups (shifts) of police officers in the centre with very different approaches regarding the treatment of detainees. One shift seems to be willing to communicate with and treat detainees in a more respectful way and cooperates with NGOs in order to improve detainees' access to their rights. The other shift of officers seems to hold a more authoritarian stance, treating detainees in a strict and inhumane manner and refusing to cooperate with NGOs. Most complaints for hampering detainees' access to their rights and for police abuse concern officers of the latter group.

KISA highlights that there is currently no independent monitoring of detention facilities. The Return Directive 2008/115/EC requires an independent monitoring mechanism of detention for the purposes of deportation. This role has been assigned to the Office of the Ombudsperson, as the Independent Mechanism for the Prevention of Torture since 2009, after the ratification of the Optional Protocol to the UN Convention for the Prevention of Torture by the RoC. The Ombudsperson has requested more staff in order to be able to meet the needs of this new role, but the Government has refused, which in effect means that there is no actual monitoring of detention.

## **2.1. Police Abuse against Arrested and Detained Persons**

KISA regrets to note that police abuse, exercised by some police officers, remains an issue in all detention places, whether formal or informal. KISA continues to receive complaints from detainees, especially persons detained in the detention centre in Menoyia, regarding the **disrespectful behaviour of some police officers** towards them. Such complaints involve verbal, psychological and physical abuse. The following cases are significant examples:

### Racist attack and violence against a migrant by members of the Police

In February 2015, a Cypriot citizen reported to KISA that she witnessed an incident with two police officers ordering a migrant walking in front of them to stop and when the migrant turned towards them, one of the two police officers hit him so hard on the face that the migrant fell on the ground. Then, the police officers handcuffed and arrested the migrant, who neither resisted nor reacted at all. When the witness expressed her disapproval to the police officers, their response was “Do you know what he did?” When she replied that whatever the migrant had done could not justify the unprovoked violence against him, the police officers claimed that “they had not exercised any kind of violence against him.” The migrant was very soon deported.

KISA reported the incident to the Commissioner for Administration and Human Rights (Ombudsperson) as well as to the IAIACP. The IAIACP informed KISA they would stop the investigation as there was not enough evidence, since the witness who reported the incident stopped answering her phone.

As KISA highlighted in a relevant press release, the continuous violence by the police is not surprising, “as the competent authorities have demonstrated that they are either politically unwilling or unable

to bring to justice such illegal actions by members of the police.”<sup>5</sup>

### The case of Mr. Z.A.

Mr. Z.A. is a Pakistani citizen who was arrested due to the fact that he was an undocumented migrant. On 4/11/2016, Mr. Z.A. was taken by the Immigration Police to the airport in order to be deported. When he protested against his deportation, the police officers beat him up. Mr. Z.A. then submitted a complaint to IAACAP, including pictures of the injuries caused to him. Nonetheless, the result of the investigation of the complaint was that “there were no findings to lead to the conclusion that a crime had been committed by a police officer.”

### The case of Mr. R.K.

Mr. R.K. is an Indian citizen, who in April 2016 and while detained in the Central Police Station in Limassol, complained to us that police officers had exercised violence against him when he was transferred from Nicosia Central Prison, where he was serving an imprisonment sentence, to the Central Police Station in Limassol. More specifically, Mr. R.K. complained that on 1/4/2016 two police officers took him to the “checking-room,” where one of the officers started to question him about his stay in Cyprus. He refused to answer and the other officer beat him up, causing him damage to his eye. Mr. R.K. filed a complaint to the Central Police Station in Limassol against this incident of police violence against him. On 9/4/2016 Mr. R.K. was transferred to the detention centre in Menoyia, where he is since detained. Mr. R.K. also reported to us that after he was transferred to the detention centre in Menoyia, he asked the Immigration police officer there, as well as the doctor of the detention

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<sup>5</sup>KISA. *Racist Attack and Violence against a Migrant by the Police*. February 20, 2015. <http://kisa.org.cy/racist-attack-and-violence-against-migrant-by-the-police/>

centre to inform him of any developments in relation to his complaint regarding police violence, but they refused to inform him. Moreover, the said Immigration police officer told him that evidence, such as reports and photographs, has been destroyed. However at a later stage, another police officer told him that such documents are kept by the authorities and that his complaint is under investigation. Mr. R.K. has also submitted a complaint to the Ombudsperson's Office, which in its reply to him concluded that "Mr. R.K.'s allegations could not be substantiated." No responsibility has been attributed to any member of the police with the excuse that "the circumstances under which the incident had taken place could not be verified."

#### The case of Mr. L.M.N.M.

Mr. L.M.N.M. is an Egyptian national who was detained in the detention centre in Mennoya from February 2013 to July 2013 and from October 2013 to July 2014. Mr. L.M.N.M. complained that he had been beaten by police officers in the detention centre in October 2013. In May 2014, he was charged for assault against police officers. Mr. L.M.N.M. had reported to KISA that he had evident marks of abuse, whereas the police officers did not, and that when he asked for the incident to be confirmed through the centre's closed circuited recording system, he was informed that on that day the cameras were not working and thus the events had not been recorded. He also reported to KISA that the officers that had abused him did not carry anything to reveal their identity (such as name or officer number).

When KISA's executive director visited Mr. L.M.N.M., two police officers surveilled the visit. One of them was involved in the incident and Mr. L.M.N.M. had identified him. Mr L.M.N.M could not fully explain the details of the incident, or mention anything else because of the presence of the police officers. Subsequently, when the executive director of KISA asked the officer involved in the incident, the officers refused to reply and strongly protested when they were

asked to give their names . A series of events followed, which resulted in the Director of the Centre conceding that all guards must bear their credentials. Further information regarding this particular visit can be provided upon request.

Later, Mr. L.M.N.M. informed KISA that after this incident the police took him to Kofinou police station, for no apparent reason, and then back to the detention centre in Mennoya, where he was put in solitary confinement. The justification according to the authorities was that Mr. L.M.N.M "was encouraging other detainees not to obey the guard's orders, to lie, misinform and threaten other detainees." However, many other detainees gave a written statement to KISA that what Mr. L.M.N.M was accused of was not true.

#### Racist treatment of migrant detainees by a police officer in the detention centre in Mennoya

The incident has received wide attention after KISA released a relevant video.<sup>6</sup> More specifically, on 24/4/16, following a protest by detainees in relation to their arbitrary and illegal detention, a police officer harassed a detainee using racist, islamophobic and sexist speech. More specifically, the police officer shouted at the detainee: "I fuck your Allah! Fuck you! Fuck youuuu! Son of a bitch! Your mother is a whore! Fuck your mum! With a big dick, dude, with a big dick! Your mum! Fuck you, bastard! Your mother is a whore! Your mum is a whore!" Some of the officer's colleagues joined in encouraging her.

Another detainee, W.K., recorded the incident and sent the video to KISA. Detainees said to KISA they considered this incident as a retaliatory and punishing action for daring to exercise their right to protest.

According to KISA's information, the police officer in question belonged to a wider group of police officers who mistreat and intimidate detainees in

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<sup>6</sup> KISA. Video. <http://kisa.org.cy/urgent-need-to-combat-exploitation-rings-and-police-corruption/video-0-02-01-7798799935f023aa718ed00a24e82aceca8ae738ea3437842fa36d7a44c2f96d-v-1/>

Menoyia. Moreover, she had been previously suspended for a short period of time and then she was transferred to a different department of the police. The detainee she harassed has been threatened by other police officers that if he was to send the video to KISA or file a complaint with the police, they would file a criminal case against him and he would be transferred to the Central Prison.<sup>7</sup>

The police made public statements giving the impression that they would initiate disciplinary and criminal proceedings against the police officer. They also announced they transferred the police officer away from the detention centre. Yet, her transfer has been actually a favourable one, as she is now working in an office of the police, in Nicosia. Moreover, KISA is not aware of any official disciplinary and criminal proceedings against her. In fact, the detainee who sent the video to KISA was convinced by the police to sign a statement for voluntary return in one month, although he is the main witness of the case and the police have not yet taken any statement from him.

#### The case of Mr. A.X.

In 2015, Mr. A.X.<sup>8</sup>, a Palestinian refugee detained in the detention centre in Menoyia, frustrated by his treatment by the authorities, reacted impulsively to the provocative attitude of a warden and threw his meal to the floor. Then, Mr. A. X. left the dining hall and went to his cell to calm down. A group of wardens followed him there and beat him up. It is worth mentioning that when the victim of the attack realised the intentions of the wardens, he unsuccessfully tried to leave his cell and go to a hall with CCTV, in a desperate effort to prevent them from attacking him.

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<sup>7</sup> KISA. *Urgent Need to Combat Exploitation Rings and police Corruption*. July 15, 2016. <http://kisa.org.cy/urgent-need-to-combat-exploitation-rings-and-police-corruption/>

<sup>8</sup>See the relevant Press release: <https://goo.gl/oGnMgS>, <http://kisa.org.cy/urgent-need-to-review-the-detention-and-deportation-policy/>

#### The case of Ms. G.M.A. & Mr. W.K.

Ms. G.M.A., a Filipino citizen who came to Cyprus as a domestic worker, was arrested after being fired by her employer and sexually assaulted by her “agent.” When she stopped him, her “agent” called the police to inform them that she was undocumented and they arrested her in the parking lot. She was then transferred to the detention centre in Menoyia.

In March 2016, three Immigration police officers (two men and one woman) informed Ms. G.M.A. that she was to be taken to the airport for her deportation. When she said she did not wish to return to the Philippines, the police officers beat her up. Ms G.M.A.’s partner, Mr. W.K., who was also detained in the detention centre in Menoyia at the time, informed KISA of the incident, saying that he as well as other detainees had heard her screams when she was being beaten by the police officers.

After this, the police officers transported Ms. G.M.A. to Larnaca airport with the intention of deporting her. The police officers beat her again during this transportation as well as at the airport. They then transported her to the police station at Pera Chorio Nisou, where they beat her again. In the police station of Pera Chorio Nisou, Ms. G.M.A. asked to submit a complaint about her abuse, which she did. Nevertheless, the police officers there told her that her deportation was scheduled in three days. KISA informed all relevant authorities, reporting the above information to the CRMD, the Head of the Immigration Police, the IAIACAP, and the Ombudsperson. After the complaints were submitted, Ms. G.M.A. was transferred back to the detention centre in Menoyia after several days.

During the time Ms. G.M.A. was detained at the police station of Pera Chorio Nisou, Mr. W.K. expressed his concern and requested a police officer at the detention centre in Menoyia for information about his partner’s case. The police officer said he could not answer him. As Mr. W.K. was stressed because of as Ms. G.M.A.’s situation,



he shouted at the police officer, who pushed him on his injured chest and tried to hit him, but a detainee stopped him. This detainee has been since deported. Mr. W.K. made a request to complaint against the above incident, but police officers threatened “to put him in the “big prison”, based on the argument that he shouted, in case he complained. Finally, Mr. W.K. submitted a complaint through KISA to the IAIACAP and the Ombudsperson.

While IAIACAP was investigating both complaints for police abuse, immigration officers visited Ms. G.M.A. and Mr. W.K. and suggested that Ms. G.M.A. should withdraw her complaint, promising that if she did, both of them would be released. Ms. G.M.A. and Mr. W.K. trusted the Immigration officers and Ms. G.M.A. withdrew her complaint for police abuse.

In August 2016 and while his complaint for police abuse is still under investigation, Mr. W.K. was released and given a letter by the CRMD with which he was “requested to depart voluntarily from the Republic within 2 months, otherwise new measures will be taken for [his] forced return.” It is noted here that Mr. W.K. is also a witness in another case of police abuse, namely the case with the video depicting racist treatment by a police officer in the detention centre in Menoyia described above.

After Mr. W.K. was released, the police informed Ms. G.M.A. that they had charged her with two accusations in relation to a protest in April 2016 (more on the charges and their outcome is reported below), in which many detainees, including Ms. G.M.A. and Mr. W.K., protested against their detention conditions. It is noted that during the protest, Mr. W.K. had climbed on the roof of the detention centre with other detainees and also cut his hands and chest as protest. Representatives of the Ministry of Interior were present at the detention centre during this incident

#### Police abuse against detainees in protest

Detainees in Menoyia protest often, mainly against their arbitrary and long detention periods. During such a protest, in April 2016,<sup>9</sup> three detained migrants stayed on the roof of the detention centre in Menoyia, in order to protest against their unlawful and lengthy detention and threatened to commit suicide if they were not released. At the same time, many of the other detainees refused to enter their cells in solidarity with the justifiable demands of their protesting fellow detainees. On 4 April 2016, a large number of police officers, including members of the Police Emergency Response Unit (MMAD), went to the detention centre. According to KISA’s information, the police officers physically abused and violently arrested detainees who were expressing their solidarity to the protesters.<sup>10</sup> It is noted that during these episodes, the video surveillance system was turned off by the centre’s administration, evidently on purpose and in order to eliminate any evidence regarding the manner in which the police dealt with the situation.

It is also noted that police officers at the detention centre in Menoyia often use physical and verbal violence, threats of deportation and isolation practices as a punishment for detainees who protest against their detention.

It is evident that despite CPT’s recommendations in 2014,<sup>11</sup> there are still incidents of police violence at the detention centre. According to KISA’s experience, which is confirmed by the above cases, when detainees file complaints against their abuse, the relevant authorities take a long time to examine such complaints and no

<sup>9</sup>See relevant press releases: <https://goo.gl/kgbxgX>

<sup>10</sup>See a relevant video: <https://youtu.be/HeST-k6BtuA>

<sup>11</sup> CPT. *Report to the Government of Cyprus on the visit to Cyprus carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 1 October 2013*. Strasbourg, 9 December 2014. P. <http://www.cpt.coe.int/documents/cyp/2014-31-inf-eng.pdf>

relevant information is communicated to the detainees. Moreover, during the investigation of such complaints, complainants and any witnesses willing to testify continue to be detained and this prolonged detention actually constitutes another punishment for them. When the examination is completed, the results of the investigation, if communicated to the complainant, which is the best case scenario, are often dismissive and include a very brief and inadequate explanation.

It must be also highlighted that according to KISA's experience, detainees who complain against their abuse and witnesses willing to testify are also routinely punished in other ways (for example, restriction of rights) by the police officers, who in many cases threaten them, usually with deportation and/or deportation of their family members, if they do not withdraw their complaints. This results in many complaints concerning police abuse being withdrawn by detainees.

More importantly, KISA notes that often the police criminalise detainees who complain for police violence and/or protest against their detention/detention conditions, by charging them for alleged violence against the police and/or for incidents relevant to their protest. It is common practice that whereas on the one hand the investigation of detainees' complaints for police abuse takes a very long time, on the other hand, the Attorney General, following complaints by the police against the complainants for bodily harm or injuries in the context of the same incident, approves the filing of criminal cases against detainees. As a result, complainant detainees are criminalised while the examination of their complaints for police abuse is still pending. It is pointed out that in such cases, usually the complaints of both detainees and the police concern the same incidents. The case of G.M.A. and Mr. W.K. above is a clear example of this practice.

In its report of 2014,<sup>12</sup> CPT notes that "several detained persons who alleged ill-treatment referred to one particular warden as being largely responsible for the violence; the management of the centre acknowledged that they were aware of these allegations." This still holds true and relates to other problems with a particular shift in the detention centre in Menoyia, as described also above. It must be noted that that specific warden is in charge of that shift.

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<sup>12</sup> Ibid p. 20

## 2.2. Isolation Practices

Another kind of punishment of detainees, used especially in the case of detainees who protest against their detention, was the **isolation room**. As mentioned in section 2.i of this report, detainees who initiate a protest are often punished in the isolation room for several days. Moreover, isolation is still used in other cases –

more information on this can be found in section 2.3.3. (Health) of this report.

It is important to note here that when the Ombudsperson attempted to visit a detainee who was at the time in isolation in the detention centre in Menoyia, the Police refused to allow her to have access to the detainee.

## 2.3. Conditions of Detention & Detainees' Rights

As stated above in this report, the detention conditions at the detention centre in Menoyia have improved since CPT's last report in 2014.<sup>13</sup> For instance, in 2013, detainees had to be in their cells from 14:00 till 17:00 and from 23:00 till 8:00. During these hours, the cells were closed, and detainees had to press a bell in order for a warden to open the door of their cell and take them to the toilets, if they needed to use the toilet. There were also complaints by detainees that often police officers would not open them at all or would open them after a long time. Currently, the doors of the cells are open all day long and detainees can move in and out of their cells at any time.

However, there remain problems and complaints, especially about restriction of detainees' communication rights, the right to privacy, access to health, food, and lack of activities.

### 2.3.1. Communication Rights

#### Visits

CPT's Report of 2014<sup>14</sup> mentions that detainees at the detention centre in Menoyia could receive visits every day, but permission had to be granted prior to these visits. Currently, no permission is needed in order for a detainee to receive a visit and visits are allowed only from 9:00 am to 12:00 pm and from 3:00 pm to 6:00 pm. Visits however are always carried out under police surveillance and police officers are physically present in the visiting room during detainees' visits either by family/ friends or by NGOs, except of the visits of lawyers.

KISA has received complaints by women detainees at the police station in Pera Chorio Nisou that the police demand of them to talk in English even with their family and friends and in some instances, police did not allow detainees to receive visits because they did not speak English.

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<sup>13</sup> CPT. *Report to the Government of Cyprus on the visit to Cyprus carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 1 October 2013*. Strasbourg, 9 December 2014.  
<http://www.cpt.coe.int/documents/cyp/2014-31-inf-eng.pdf>

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<sup>14</sup> Ibid

### Access to a fax machine

In 2013 KISA reported that several detainees complained that they were not allowed to send a fax to organisations. Some of them complained that when they asked to send a fax, the police usually checked what they wanted to send before allowing them access to the fax machine, violating their right to privacy, and that sometimes, the police refused to send faxes, especially if they considered that “there were too many pages.” This has improved too. Detainees at the detention centre in Menoyia now report that they can usually send a fax to NGOs, including KISA, although one of the two shifts of police officers continues to deny them access to the fax machine in some instances. Detainees not being able to send a fax to KISA used to be a common issue hampering the communication and cooperation between KISA and detainees. This has improved, although it has not been completely overcome. The shifts at the detention centre in Menoyia seem to have a different approach to this issue and detainees usually prefer to ask to send a fax when the more ‘lenient’ shift is in charge. As a result, the right of detainees to communicate via fax continues to depend actually on the will of the police officers. This is problematic, especially when detainees have to do so urgently (for example, if the procedure of their deportation has begun) and they have to wait for the next shift in order to be able to do it.

Detainees at police stations most of the time report that they are not allowed to use the fax. It also depends on the will of police officers, but more often than not detainees at police stations are refused access to a fax machine.

Detainees are not allowed to receive a fax in any detention facilities, whether detention centre in Menoyia or a police station. KISA notes that this is a serious problem, as the communication between detainees and NGOs must be two-way in order to be effective.

### Access to phone

Detainees at the detention centre in Menoyia are allowed to have their mobile phones with them all the time, unless they are in the isolation room. They have to pay their own bills and can access the phones (landline) of the centre only on permission of the police officers. In case they do so, the police officers ask questions in relation to the phone call they want to make and if they approve their request, then detainees can use them. Shifts in the detention Centre have a different approach to this issue as well, as in the case of the fax machine.

Detainees’ access at police stations to their mobile phones really depends on each police station, but it is usually only for a very restricted period of time – one hour per day. They also have to pay their own bills and can access the phones (landline) of the Police Station only on permission of the police officers. Questions are also asked in relation to the phone call they want to make. KISA often receives complaints by detainees at police stations that when they ask to call KISA, police refuse them permission to do so.

### Access to Wi-Fi internet

Despite several promises by the administration of the detention centre in Menoyia to install Wi-Fi to facilitate detainees’ communication rights, this has not yet been implemented. Detainees can only access the internet if they arrange themselves for such a connection. As they report to KISA, most of them are connected to the internet either through routers they have bought from another detainee or through buying services themselves. Of course detainees who cannot afford to buy such services and/or do not own a smartphone cannot access the internet. Detainees at police stations do not have access to internet either.

### **2.3.2 Information to detainees/ Access to Legal Remedies**

KISA has in many instances established that detainees are not properly informed of the available remedies to challenge their detention. The available remedy in order to challenge the legality of a detention and/or deportation order is by submitting a recourse to the Administrative Court, which is usually, but not always, written on the said order. However, there have been cases that the detention and deportation orders were given to the detainees only after KISA or the detainee's lawyers asked for that. Another issue is that of the language. Detainees might not know English or Greek very well, and therefore, even if the deportation/ detention order is given to them, they may not be able to understand the available remedy and how they can access it, as such information is not available in their mother tongue. According to KISA's experience, most lawyers usually rely for interpretation on the assistance of other detainees, who might not be able to properly interpret/ translate.

In addition, detainees are not always properly informed of the reasons they remain in detention for prolonged periods or for how long their detention will be in effect. The reasoning given in a detention and/or deportation order or an order for the extension of detention is not adequate for detainees to understand the reasons of their detention and/or why it is prolonged. In addition, the possibility of 'habeas corpus' proceedings to challenge the duration of detention is rarely known to detainees, since no such information is provided by the authorities.

Another crucial issue is that of legal aid. The Legal Aid Law of 2000 (the Law) is the legal framework stipulating the conditions upon which legal aid is available and along with the Legal Aid Regulations rules the relevant procedures. The Law provides for asylum seekers and undocumented migrants to apply for legal aid under conditions. The body responsible to decide on the legal aid application is the competent Court which would normally

adjudicate the case for which legal aid is requested. In asylum and migration cases, the competent court is the newly established Administrative Court. In Habeas Corpus applications the competent court is the Supreme Court. The Law stipulates that legal aid can be provided to asylum seekers who wish to challenge a negative decision of the Asylum Service and/or the Reviewing Authority of Refugees. In addition, asylum seekers can be granted legal aid in order to initiate either recourse proceedings against the legality of detention as well as habeas corpus proceedings, so as to challenge the duration of their detention. In relation to undocumented migrants, the Law only provides legal aid in order to challenge the legality of return decisions and deportation orders, but not the duration of detention in habeas corpus proceedings. The requirements for a successful application are lack of financial resources and the possibility of a positive first instance decision. Habeas corpus for asylum seekers is automatically granted, because it is the only case that there is no requirement to prove possibility of success. As a result, even before the hearing of the legal aid application asylum seekers may be released upon submission of an application for legal aid.

In order to apply for legal aid, the applicant has to fill in the prescribed legal aid forms. In Type 1 of the form, applicants must state the procedures for which they request legal aid, and in Type 2 of the form, they must fill in their personal details and a section titled "other important information." The process then continues with the hearing of the case when the applicants must present themselves and argue their case and, where provided by the law, prove the possibilities of success before the court. A lawyer representing the Attorney General's Office presents the Attorney General's views/ objections in the Court during the hearing. More often than not, the Attorney General objects to the granting of legal aid and applicants must defend on legal grounds their position, including convincing the court that their case will have a positive outcome if submitted, on their own.

Several problems arise in the implementation of the legal aid framework. To begin with, lawyers are not allowed to represent the applicant before the court, nor can they be involved in the procedure. Although there is no explicit provision in the law that prevents lawyers from representing the applicant, there is no such enabling provision either. In any case, the practice until now is that applicants cannot be accompanied by a lawyer at the stage of submitting a legal aid application in the Court to the Registry of the Court (this has been confirmed by the Registrars of the Court), or be represented by a lawyer at the hearing of the legal aid application.

Inevitably, a large number of applicants are rejected as they are not in a position to prove possibility of success on legal grounds. Very often, detainees are not aware that they have a right to legal aid. Most importantly, applicants do not have legal knowledge to present the strongest points of their case. Even in the case that an NGO guides them through the procedure and the points they have to present to the Court, it is not always the case that the applicant fully grasps what needs to be presented and what they can or cannot argue before the Court. In light of the fact that a person seeking legal aid cannot, most probably, consult a lawyer prior to the submission of legal aid application, the majority of legal aid applications are bound to be unsuccessful. This is confirmed by the very low percentage of successful applications.

Despite the provision of interpretation services throughout the process at the court, the quality of such services is inadequate. Firstly, from KISA's experience, it seems that the number of interpreters is very limited in the RoC. As a result, applicants may not receive services in their mother tongue, thus causing more confusion to them. In addition, the same interpreter may be used from the asylum interview up until to the point of legal aid applications. Moreover, most of the interpreters available are not professionally

trained to deal with asylum and/or deportation and detention cases.

In cases where detainees wish to submit a recourse on their own, many practical problems arise which in essence hinders their right to have access to a remedy. One such problem is the fact that detainees are not allowed to make the necessary copies required to be submitted to the Court, and as such in many instances they are hindered from submitting a recourse to the Court. In addition, no interpretation services are offered by any authority for such procedures, whereas according to the Court Registrar, the recourse has to be submitted in Greek. As a result, it is very difficult for an applicant to actually file a recourse before the Court in Greek.

### **2.3.3. The Right to Privacy**

Detainees in general do not really have any right to privacy. More specifically, they have to share cells with other detainees. In the detention centre in Menoyia, the designated capacity of cells has been reduced from 8 to 4 persons and usually, there are 2-3 detainees in each cell. Although this is an improvement to previous conditions, it still entails that detainees have no private space. This is especially problematic in conjunction with the fact that in many cases, people are detained for long periods of time.

If detainees use the landlines in the detention centre/ police station, police officers surveill their phone calls.

Police officers also surveill their visits by their family/ friends, as well as their visits by NGOs. This is especially problematic in the case of detainees from vulnerable groups (women, LGBTIQ+ persons, persons with psychiatric history, persons with chronic diseases/ infections) and in cases that detainees want to communicate sensitive and/or personal information, especially to NGOs, and especially when they may be victims of violence/

police abuse/ trafficking and they have not been identified as such.

Furthermore, the right to privacy is often violated during visits to the doctor, as police officers are often present during the consultation. KISA is also very concerned with the fact that the medical history of detainees is often disclosed to other detainees (more information on this can be found in the next section 2.3.4. – “Health”).

#### **2.3.4. Health**

A general practitioner visits the Menoyia detention centre on Monday – Friday in the mornings, and a health visitor (paramedical staff) is at the centre 4 hours a week, every Wednesday, 4:00-8:00 pm. A nurse is available at the detention centre continuously and a psychiatric nurse is there three days a week, on Monday, Wednesday and Friday, in the morning. KISA is concerned about the fact that health professionals at the detention centre work under the administration of the centre whereas, as health professionals, they should abide by the code of ethics of their profession.

If a detainee has to visit a doctor immediately, they have to ask the police. If the police agree, they either refer them to the GP at the detention centre or they take them to the hospital (usually at the ER). Detainees report that most of the times they complain for a pain and ask to visit a doctor, the police just give them pain-killers without prescription and if the pain persists for some days, then they may be referred to the GP of the detention centre. If the GP refers them to a specialist, then the GP contacts the hospital and makes an appointment for them using the standard procedure. Appointments with specialists in public hospitals are usually scheduled

after one month to one year, depending on the availability and not on one’s health situation. Detainees may be taken to visit a private doctor only if they schedule such an appointment themselves and pay for it on their own. In case a detainee has a scheduled appointment with a doctor, the police take them to their appointment and accompany them during the examination and consultation. Hospitals have no interpreters and the standard practice is that the doctor/ medical staff talks with the police officers accompanying the detainee while detainees are usually not even informed of the results of their examination etc. The police usually give short and general/ vague information to the detainees regarding the results of their examination, while usually doctors speak only with the police and do not provide the detainees with any information at all.

Police stations have no medical staff. If a detainee has to visit a doctor, they have to ask the police and if the police officers agree, they take them to the ER of the hospital. Again, detainees report that most of the times they complain for a pain and ask to visit a doctor, the police just give them pain-killers without prescription.

Some detainees have serious health problems, including psychiatric problems that have either been caused or/ and aggravated by the detention conditions and the problematic accessibility detainees have to the health system.

Upon their detention, detainees are subjected to compulsory medical tests, the results of which are given directly to the police. In a recent incident known to KISA where detainees were transferred from police stations to the detention centre in Menoyia and it was known to the police that some had HIV, others hepatitis, others had chlamydia, and others a combination of such infections/ diseases, the police received them with hospital masks, gloves and gowns, avoided any contact

with them, and immediately put them in quarantine, having them isolated from the rest of the detainees, who were also (unofficially) informed of the health status of the new detainees. The rest of the detainees panicked and there was unnecessary agitation among them, since they were not informed of the ways such infections/ diseases are transmitted. As a matter of fact, when KISA contacted the administration of the detention centre for this incident, it found out that the police were also not aware of the ways such infections/ diseases are transmitted. As a result, detainees with HIV and/or hepatitis and/or chlamydia were isolated and marginalised, both physically and socially from the rest of detainees.

### **2.3.5. Food**

Most detainees report that they are not satisfied with the food. They complain mainly for the small quantities and the lack of variety, as well as for the fact that no sauce or seasoning is available to them, not even sugar or salt.

Detainees at police stations are most disadvantaged, as only dry food is provided there because police stations are not designed for long-term detention.

## **2.4. Gender Discrimination & Treatment of Vulnerable Groups**

As mentioned above, there is no equal treatment between men and women, especially in relation to the activities and use of the yard. It is important to note that during the period when men detainees are protesting in the yard, women are not allowed to access the yard at all, sometimes for periods of weeks or longer.

Protests are common at the Menoyia detention centre but they are usually carried out by men detainees only. The only exception KISA is aware of is the protest in April 2016, when both men and

### **2.3.6. Activities**

The detention centre in Menoyia has a yard for detainees, which can be accessed only on specific times. There is no equal treatment between men and women in relation to the time they can spend in the yard, as women have far more restrictions on this. Police officers do not allow women and men to mix.

### **2.3.6. Handcuffing detainees**

In its 2013 report, KISA stressed that detainees were always handcuffed when taken to the hospital and also during their consultation with/ examination by health professionals. This is not the standard practice anymore, as sometimes detainees are uncuffed during their consultation with/ examination by health professionals. Further, at present, detainees may have privacy to speak with the doctor and being personally informed of their health problems. Yet, there is no standard practice for this, but it rather depends on each particular police officer's discretion.

women protested against their detention and its conditions. Men and women protested separately as they were not allowed to mix. Women detainees protested against the requirement of the authorities for them to wear permanently a bracelet with their numbers and the decision that prohibited them from using the yard of the centre for more than a week, keeping them by force in their cells. The police also refused food to two of the protesters as a means of punishment for refusing to wear their bracelets. It is noted that such a requirement for wearing bracelets was



never imposed on men detainees. After the protest, the authorities revised these decisions and women detainees were allowed to use the yard without the obligation to wear the bracelet.<sup>15</sup>

As mentioned above, at least one woman detainee, Ms. G.M.A., was criminalised after this protest and charged for incidents related to the protest. More specifically, she was charged for “causing damage to property of the RoC” (damages to a waste bin, a letterbox, and a window in the detention centre) and “causing agitation/ nuisance/ turmoil/ mutiny in a detention centre.”) In November 2016, Ms. G.M.A. was found guilty of these charges and was given a suspended fine. She was deported in December 2016.

KISA is also concerned with the fact that it is mainly men detainees that contact the organisation for their issues. This may indicate that women detainees are more marginalised and with less communication rights.

As mentioned earlier in the report, it is common for migrant women to be detained at the police station in Pera Chorio Nisou for several days or weeks until they are deported or transferred to the detention centre in Menoyia. KISA is very concerned with this, as the detention centre in Menoyia is the only detention place designated for the detention of undocumented migrants and the authorities seem not to respect this for migrant women. It must be pointed out that according to KISA’s experience and as evident so far in this report, detainees at police stations and especially that of the Pera Chorio Nisou have far less rights than detainees at the detention centre in Menoyia. Detainees at the Pera Chorio Nisou police station can only have their mobile phones for one hour a day. In many cases they are not given the deportation and detention orders issued against them and they cannot, therefore,

challenge them or in any way react to them. They have far more restrictions concerning visits by their families/ friends. Also, the police demand that their visits be conducted in English only, not allowing them to speak their mother-tongue, and sometimes they are not allowed to receive visitors because they do not not speak English.

In general, there are no policies or practices in place attending the needs of the most vulnerable groups among undocumented migrant detainees, such as women, LGBTIQ+ persons, disabled persons, persons with psychiatric history, persons with chronic health issues, and others.

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<sup>15</sup><https://www.facebook.com/KISACYPRUS/photos/a.452106748147772.104479.435661239792323/1205255662832873/?type=3&theater>

## 2.5. *Arbitrary and Long-Term Detention*

The RoC continues to detain undocumented migrants for long periods, even where it is obvious that there is no possibility of deportation or where no action is taken to deport for various reasons. Even though detention conditions have been partly improved, violations of the basic rights of detainees persist. Most importantly, the Migration Officer continues to issue deportation and detention orders unlawfully and arbitrarily and long-term detention continues to be common, especially in cases where, for various reasons, there is no prospect of deportation.

During recent visits of KISA's delegations to the Menoyia detention centre, it has been found that many migrants are detained illegally, contrary to the letter and/or spirit of the European Return Directive (2008/115/EC) and the national legislation. The Directive provides that detention must be considered only as a measure of last resort that should only be applied in the absence of any alternative measures and only on the basis that the state is ready to promptly implement the deportation of the individual against whom deportation order is issued. Despite that, asylum seekers, recognised refugees, persons with subsidiary protection, family members of Cypriot or European citizens, and individuals who have been long term (beyond six months) detained, are still detained, although they cannot be deported. As KISA noted in its previous report.<sup>16</sup>

In violation of the provisions of Article 15 of the Directive, instead of evaluating detention cases individually, the Minister/ Director of the CRMD always takes a collective decision to extend all detentions for further periods of either 6 or at times 12 months, without proper justification, in the

majority of the cases using as an excuse that the third-country national does not cooperate with the authorities for their deportation, without explaining why this is the case. Moreover, in practice there is not any review of the duration of detention every two months as provided for by the law.

Another reason leading to long detention periods of third-country nationals, sometimes well beyond the maximum period of 18 months, is when a third-country national is convicted for a criminal offence, in the majority of the cases, related to their immigration and/or asylum seeker status. Third-country nationals apprehended for illegal employment or illegal stay or entry and asylum seekers apprehended trying to travel with forged documents to another member state to seek asylum are always prosecuted and convicted for a criminal offence. Following their conviction, detention and deportation orders are issued on the ground that they are prohibited immigrants because they have been convicted for a criminal offence. As a result, because Cyprus has excluded from the scope of the Directive persons whose deportation is ordered as a result of a conviction for a criminal offence, such persons may end up in detention for long periods, without any review from the Minister of Interior, who has now delegated this power also to the Director of the CRMD, on the duration of detention and very often beyond 18 months.

Mr. A.P. is a refugee who came to Cyprus 20 years ago (1998 at the British bases). He was sentenced for a child sexual assault and served time in prison. When he served his sentence in 2014, instead of being released he was transferred to the Detention Center in Menoyia without any court order. For a period of more than 20 months, he was detained in Menoyia. Despite court decisions in habeas corpus applications and/or commitments of the Government in habeas

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<sup>16</sup> [http://kisa.org.cy/wp-content/uploads/2014/03/Detention\\_\\_Return\\_Report\\_23.03.2014\\_English.pdf](http://kisa.org.cy/wp-content/uploads/2014/03/Detention__Return_Report_23.03.2014_English.pdf)

corpus applications submitted of his release, Mr. A.P. continued to be detained, whereas his mental health, which was shaken and posed a serious risk to his life, was never taken into account.

On 04/04/2016, Mr. A.P. went on the roof of the Menoyia Detention Centre as a protest against his unlawful and lengthy detention while he was threatening to commit suicide if he was not released.

In addition, Mr. A.P. was systematically exposed to ill-treatment and psychological abuse aiming at the deterioration of his mental condition so that he would either give up and consent to his deportation or moved to the mental hospital.

Instead of complying with the court decisions, authorities used the state of his health as an excuse to transfer Mr. A.P. from Menoyia to the high security police station in Lakatamia, from which he was deported to an unknown destination and without providing any prior information to his lawyer or the involved NGOs<sup>17</sup>.

In 2016, KISA organised a roundtable discussion, where officials and NGOs came together and discussed the potential of improving the framework of return procedures. It emerged that, according to practice, when a person is apprehended as undocumented, the decision as to the next steps initially lies with the Immigration Police, which checks the file of the person concerned and accordingly decides whether to release them or not. However, most of the times the Police decide automatically on the basis of the indications on their system about the person's legal status as a result of which most of the time they decide that a person ought to be detained, since they are not fully aware of the circumstances of the case. The police then inform in writing the CRMD, and the latter issues deportation and detention orders, as prescribed by the Aliens and Immigration Law. This practice is particularly

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<sup>17</sup> <http://kisa.org.cy/abuse-of-power-is-leading-detained-migrants-to-desperate-acts/>,  
<http://kisa.org.cy/urgent-need-to-review-the-detention-and-deportation-policy/>

problematic. First of all, the police do not/ cannot receive adequate information in order to assess the risk of absconding. It is pointed out that the police do not have adequate information to make the assessment because of the absence of a comprehensive electronic system, which would include the necessary information regarding a person's status in the RoC and their personal circumstances. Secondly, the police are not in a position to make this assessment as risks danger of absconding in migration cases is different to those in criminal cases. A typical example of this practice is the case of Mr. G.S.

#### The case of Mr. G.S.

Mr. G.S., a Palestinian from Gaza, arrived in the RoC and requested international protection in 2000. After eleven years of delay in processing his application for asylum, the competent authorities finally decided in 2011 to invite him for an interview and later in the same year granted him a subsidiary protection status.

In 2014, Mr. G.S. was sentenced for committing a minor criminal offense. While he was serving his sentence in the Central Prison, the Head of the Asylum Service, on the basis of Mr. G.S.'s conviction, decided to withdraw his protection status. His appeal to the Refugee Reviewing Authority against the revocation of his status is still pending today. Recently, after a request, he was given a pardon by the Attorney General on the condition that he would accept to be immediately repatriated, together with his wife and children, who are E.U. citizens, ignoring the fact that this was neither permissible nor achievable because the travel documents of Mr. G.S. were held by the authorities, under the instructions of the court.

After the pardon by the Attorney General, Mr. G.S. was released from prison and immediately transferred to the detention centre in Menoyia, upon a detention order issued against him by the Acting Director of CRMD and with no prospect to be repatriated. In the meantime, his family already

left voluntarily from Cyprus and eventually went to Gaza, waiting to be reunified with Mr. G.S., as agreed with the authorities of Cyprus. However, Mr. G.S. was never able to be sent to as agreed because of the above mentioned obstacles and was in the meantime released, after pressure from KISA. It is worth mentioning that his wife and children are trapped in Gaza, where they are still waiting to meet him.<sup>18</sup>

In general, there are many migrants detained “for the purpose of deportation” while there is no real prospect for their deportation. These people are being arrested even though the authorities know in advance that they cannot be deported. They are subsequently detained for a significant period of time and released without any substantial possibility of regularising their stay in the country. As a result, they are usually arrested again as undocumented migrants. Apart from themselves, their families are also victimised in this vicious cycle.

Moreover, KISA is aware of cases of detainees who have been in Cyprus for more than 20 years, having arrived as children with their families and graduated from Cypriot schools. Because of lack of legal status, they are eventually arrested as undocumented migrants and deportation and detention orders are issued against them, on the ground that they are “prohibited immigrants”, because of the state’s failure to provide sustainable solutions on the basis of human rights principles. KISA is aware of two more recent cases that indicate this problematic framework, for which further information can be provided upon request of the Committee.

In addition to the above, KISA maintains its position that persons subject to deportation continue to remain in detention for long periods, because the authorities rely on the fact that a detainee does not have travel documents, and thus does not wish to cooperate with their country’s embassy to issue those documents. As

such, the authorities prolong a person’s detention on the justification that a person does not wish to cooperate in order to effect his/her deportation. Similar behaviour by states was condemned by the European Court of Human Rights,<sup>19</sup> and is rendered arbitrary and contrary to Article 5 (1) (f).

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<sup>18</sup> <http://kisa.org.cy/the-endless-theater-of-the-absurd-2/>

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<sup>19</sup> *Auad v Bulgaria 46390/10, J.N. v The United Kingdom Application no. 37289/12*

### **3. Other Forms of Confinement**

#### **3.1. “Pournara” Camp in Kokkinotrimithia**

KISA is extremely concerned about the framework of the operation of the Rescue Camp “Pournara” in Kokkinotrimithia. Since the beginning of its operation, the Camp operates in the absence of any relevant legal framework. The operation therefore of the camp is decided arbitrarily and there is a vacuum as to the definition and protection of the rights of the persons accommodated in the Camp and especially their right to access independent information, despite the fact that a recent EU Directive recognises such a right to any person who is potentially a refugee.

In August 2014, KISA reported to the Minister of Interior the following incidents involving the former director of the ‘Pournara’ camp, Ioannis Avlonitis:

- Violence against both a minor and an adult woman who were hosted in the Camp.
- An incident of assault, in the presence of KISA’s Executive Director, against an adult man, who was also hosted in the Camp.
- Sexual comments against young volunteers in the camp.
- He (the director of the camp) was transported to the ER of the General Hospital of Nicosia after a physical breakdown due to the use of controlled substances while on duty in the Camp.

Despite the fact that KISA, in August 2014, submitted [complaints also to the Attorney General and the Chief of Police regarding the aforementioned incidents](#),<sup>20</sup> there has been no known related investigation and none of these authorities has replied to our letters. In fact, instead of his removal from the position and the imposition of an exemplary punishment, this

person still holds a key position in the management of the centre.

It is noted that after the above mentioned complaints against his illegal actions and behaviour, KISA has been illegally forbidden access to the Camp and the refugees residing there. More specifically, since September 2014, members of KISA are not allowed to get in direct contact with the refugees residing in the camp. This infringes the fundamental principle of unrestricted access of Human Rights NGOs in refugee and asylum seeker’s reception centres in order to ensure the unhindered access of such persons to the right to freedom of information in asylum and international protection procedures.

A recent example of the aforementioned practice that is still in place, happened on 8 September 2016, when the Executive Director of KISA tried to visit the Camp. The visit of KISA’s Executive Director was meant to obtain first-hand information regarding the reopening of the Camp and in order to inform the 51 refugees hosted there on issues related to their rights, according to [Directives 2013/32/EU and 2013/33/EU](#) regarding common procedures for granting and withdrawing international protection and about the standards for the reception of applicants for international protection, respectively.

Lieutenant Colonel Mr. Loukas Hadjimichael, as Acting Commander of Civil Defence, which is responsible for running the camp, communicated with the Permanent Secretary of the Ministry of Interior and informed the Executive Director of KISA about the decision not to allow him entrance to the camp and a visit to the refugees on the ground that the results of the medical tests taken by the refugees were not yet ready. It is worth noting that access to the Camp was given to other NGOs providing humanitarian aid as well as to

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<sup>20</sup>See the letter (in Greek): [http://kisa.org.cy/wp-content/uploads/2016/12/Slet\\_COP\\_AtGen\\_301115.pdf](http://kisa.org.cy/wp-content/uploads/2016/12/Slet_COP_AtGen_301115.pdf)

journalists, some of whom conducted interviews with refugees hosted in the Camp. This disproves the claim by the authorities to deny a visitation permit to KISA. Also, KISA's Executive Director was informed by Lieutenant Colonel Hadjimichael that "the hosted refugees are not being detained, but they aren't allowed to leave the camp."

In a press release, KISA condemned the illegal act of the Ministry of Interior to forbid KISA's Executive Director to visit the camp, since it violates Directives 2013/32/EU and 2013/33/EU. KISA has also submitted formal complaints to the competent domestic and EU institutions. Both of

these Directives are directly applicable in the RoC, although at the time of the complaint they were not transposed into national legislation, since the time period of two years envisaged by the Directives for their implementation has elapsed. At the same time, KISA believes that the restriction of the freedom of the people residing in the Camp constitutes "unofficial" detention, which is therefore, arbitrary and illegal.

### **3.2. *The Psychiatric Hospital in Athalassa***

Undocumented migrants in detention, in particular those in prolonged detention who protest about their long periods of detention, very often with hunger strikes and other means of protest, may end up in the Psychiatric Hospital in Athalassa, on the basis of a court order. Such a court order is issued most of the times on the initiative of the Police who, in an effort to break up the protest of the migrants, request that they are detained in Athalassa Hospital.

The whole procedure is problematic, as the migrant is not informed and not represented by a lawyer before the court for the issuance of such an order, there are no available interpreters on site either in court or in the Hospital and, thus, non-English/ non-Greek speaking patients are not being informed of their rights, including time of stay and unable to know about their diagnosis. In addition, this lack of communication also obtains when the language barrier is on the side of the doctors there, who may themselves not speak English.

Furthermore, once someone is held at the Psychiatric Hospital, they may lose their right to

make decisions for themselves as they are put under guardianship if the Court decides so. This can be especially problematic for migrants who have no family in the country, as they do not have a guardian available to receive their diagnosis and inform them of it. Another example would be cases of women victims of domestic violence that their abuser (i.e. husband or father) may become their legal guardian.

In addition, those who are placed in the Psychiatric Hospital lose their legal capacity. Therefore, they cannot make binding decisions in regards to their rights, such as getting married or being in charge of their property. This would not be as problematic if it were only to concern decisions according to the diagnosis they receive. However, the loss of their legal capacity regarding all aspects of their lives entails that their guardians again have the right to make such decisions for them, not always in the best interest of the patient, and possibly control them.

The issue of gender discrimination also appears in the holding conditions of the patients. Women are placed in a closed ward with no separation between those who have been indicted and those

who have not. As they are held in a closed ward, they are only allowed to go outside for one hour per day and have no access to the canteen, unlike men who are placed in the open ward and have full access to the yard and the canteen.

In the men's ward, there is a separation between men who are indicted and those who are not, in a closed ward and open ward, respectively. However, the men who have only recently been admitted to the Psychiatric Hospital are placed initially in the closed ward, alongside those who have been indicted, in accordance to the time needed for a diagnosis to be given, which is highly problematic.

KISA is also concerned with the fact that patients in the Psychiatric Hospital are not permitted to keep their mobile phones, lighters and other personal affects, regardless of the diagnosis and/or fear of self-harm. As mobile phones are not permitted, patients have to ask the staff for access to the Psychiatric Hospital's landline, which can only make domestic calls. Thus, migrants are not able to contact family members abroad during their time there.

Moreover, patients do not have privacy as there is more than one patient in each room and the visiting room is communal. Considering that the visiting hours are 2 hours per day (morning and afternoon) privacy can be difficult for visiting relatives and NGOs. There is a small private room but it is usually crowded and makes sensitive discussions rather difficult. For example, recently KISA was visiting a migrant woman hospitalised in the Psychiatric Hospital of Athalassa, who had been a victim of trafficking. The appropriate authorities for trafficking cases were not aware of the case and KISA needed to interview her privately. Such privacy was impossible. KISA managed to interview her and referred her to the competent authorities that recognised her as a victim of trafficking in human beings.

What is also of concern is the whole framework through which a person can be hospitalised in the

Psychiatric Hospital against their consent. The legal context and the practices of placement in a psychiatric facility remain the same with all problems noted by CPT in its report of 2014,<sup>21</sup> including non-representation before the court.

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<sup>21</sup> CPT. *Report to the Government of Cyprus on the visit to Cyprus carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 1 October 2013*. Strasbourg, 9 December 2014. <http://www.cpt.coe.int/documents/cyp/2014-31-inf-eng.pdf>

### **3.3. Hospitals & Retirement Homes**

When a family of undocumented migrants is arrested, the Minister of Interior instructs that the police cannot detain both parents. If a single-parent family is arrested, then the parent cannot be detained. In practice, when it concerns families, the adult man is usually detained at the detention centre in Menoyia. In some cases, the woman and children are persuaded by the police to stay in a private clinic or a retirement home indicated by the police. Whilst there, they do not have the right

to leave. This is a form of informal detention, as neither a court order nor a detention order are issued against them. Among other consequences of this informal detention, most of the times, children cannot attend school during their time there. KISA has noticed that this practice is usually followed in the case of undocumented migrants being arrested for attempting to leave the country using false documentation.

### **3.4. Shelter for the Victims of Trafficking**

This shelter is designated for victims of human trafficking. In practice, the authorities give access to it only to women victims of human trafficking for sexual exploitation. Men victims and victims for other forms of trafficking cannot access it. Yet, in practice, the Social Welfare Services (SWS), which is responsible for the shelter, also houses there migrant girls who are unaccompanied minors. This is of course problematic for both groups as they have very different needs and experiences.

Despite the provisions of the Law, according to which the Shelter is not a closed one, i.e. freedom of movement is allowed, women in the shelter are not permitted to leave the shelter, unless the staff have been instructed by the SWS or the police to permit them to do so. This is especially apparent during the initial period of their arrival at the shelter when their case is still being examined. Apart from not being permitted to leave, the women there are not allowed to have visitors and this includes visits from NGOs. For example, KISA was recently refused access to the shelter for visiting a migrant woman KISA referred to the authorities as a potential victim of trafficking. The woman was previously hospitalised in the Psychiatric Hospital of Athalassa. KISA's counsellor

and psychologist had visited her in the hospital with an interpreter and established a good relationship with her. They evaluated she was a victim of trafficking and referred the case to the relevant authorities that recognised her as a victim. Upon her de-hospitalisation, she was transferred to the shelter and, since then, KISA has been refused access to her. Even KISA's psychologist was not allowed to visit her to continue the sessions with her.

Although NGOs are not permitted to access the shelter, the police, including the Immigration police, are allowed to do so. As a matter of fact, in 2013, two women were arrested by the Immigration police in the shelter, after the Police Unit for Combating Trafficking in Persons decided not to recognise them as victims. Following their arrest, they were detained and one of them was shortly after deported while the other one applied for asylum while in detention and she was released after some months, as the examination of her asylum application was still pending. KISA has not witnessed such incidents recently, but remains concerned.

While the assessment of whether they are victims of trafficking is pending, the women in the shelter are not allowed to keep a mobile phone or laptop.



There have been several reports to KISA by victims who were refused access to use the landlines of the shelter to call KISA, even when it was KISA that referred them to the relevant authorities to recognise them as victims of human trafficking.

In addition, as noted in other forms of detention, the shelter does not have translators/

### **3.5. Youth Hostels**

The NGO 'Hope for Children' has a hostel specifically for unaccompanied minor boys seeking asylum, which is an improvement and it has been reported that the conditions there are better than other youth hostels, run by the SWS. However, this is not the same for girls who are still hosted in the hostels of SWS, in worse conditions, or even in the shelter for victims of human trafficking, together with victims of trafficking for sexual exploitation.

The Government decided that Cypriot children and refugee children should be hosted separately. Children are also separated in youth hostels according to the gender they have been assigned at birth. As a result, boys are usually taken to the 'Hope for Children' hostel in Nicosia and if this is full, then to the state run youth hostel in Larnaca. Girls are either hosted in the state run youth hostel in Larnaca or the shelter for victims of trafficking in Nicosia. This is of course a racist as well as sexist separation. Moreover, trans children are not even recognised to exist in this policy.

interpreters, a fact which causes serious issues with communication. There have also been complaints regarding the food, specifically about the variety provided.

Regarding the youth hostels run by the SWS, the lack of translators/ interpreters in these establishments is again a problem. Children are not allowed to change or adapt their rooms as they wish, for example with posters, furniture, etc. There have been complaints about the food provided and regarding staff behaviour, which has been reported as racist at instances towards refugee unaccompanied minors.

The compulsory geographical separation of refugee unaccompanied minors is also of concern, especially in cases of refugee unaccompanied minors who are siblings but of different gender and they are forcibly separated, sometimes without even an explanation for this.

## 4. Prisons

### The Case of Mr. E.M.

After the decision to stop the detention of irregular migrants in Block 10 of the Central Prison, undocumented migrants are not detained in the Central Prison anymore, unless they are in pre-trial detention with a court decision, or they have been sentenced to imprisonment by the court.

The case of Mr. E.M., who has been in custody in the Central Prison pending his extradition to Egypt since 29 April 2016, raises serious concerns about the treatment of some detainees as well as for the general situation in the Central Prison. It is noted that Mr. E.M. was the central figure in the hijacking of a passenger plane of Egyptian airlines, which landed at Larnaca airport on 29 March 2016.

Since the commencement of Mr. E.M.'s detention in Central Prison, there have been numerous problems with the conditions of his detention. In addition, there have been allegations of ill-treatment by Police Staff against him.

Furthermore, KISA has submitted a complaint to the Independent Authority for the Investigation of Allegations and Complaints against the Police (IAIACAP) regarding an incident of abuse against Mr. E.M. by the police, on 21 May 2016. Specifically, on that day, Mr. E.M. was transferred to the Nicosia District Court for the hearing of the request of the Egyptian authorities for his extradition. During or before he was transferred to the court, Mr. E.M. was wearing a T-shirt with a slogan against the current regime in Egypt. Members of the police asked him to change his T-shirt and when he refused, they removed it against his will using excessive force.

Subsequently, in June, Mr E.M.'s lawyers dealing with his extradition case complained to the IAIACAP for excessive use of violence by the Police

Force of Nicosia, against Mr. E.M. The IAIACAP replied in September that the investigation was completed and that the Attorney General decided that the commission of any crime was not substantiated.

In July, the same lawyers requested the Ministry of Justice and the Police Force of Cyprus (Ayios Dometios Station) about the treatment that Mr E.M. received. The Police replied that on 7/10/2016 a member of the Police Station of Ayios Dometios received a statement from Mr E.M. The latter explained in his statement that on 21/09/2016, after returning from Court at around 12:00 – 13:00, as well as during 18:00 – 19:00 that three Police guards had slapped him about 10 times. Mr. E.M. stated that he did not know the names or the number of the guards and that if he saw them he would inform his lawyer accordingly. In the same statement, Mr. E.M. stated that he did not have a complaint and that all that he asked for was to be allowed to buy cigarettes, a prepaid phone card to communicate with his family, as well as to shower more than once or twice a week.

The Ayios Dometios Police Station communicated with the Central Prison on the same day regarding these allegations. The Central Prison confirmed that until 29/08/2016 Mr. E.M, had made several purchases and that he was never prevented from buying cigarettes or a prepaid card or anything else he wished to buy. In addition, the guard who addressed those allegations mentioned that, again, no one prevented Mr. E.M. to shower more than once or twice a week, since it was for everyone's interest that hygiene and cleanliness were maintained.

It is worth mentioning that the allegation of the slapping was not addressed at all in the above letter.

In September 2016, Mr. E.M. claimed that he had been continuously subjected to solitary

confinement without any particular reason. In order to protest, Mr. E.M, submitted to court and handed to the police a bag containing a narcotic substance which he transferred from the prison, in an attempt 'to strengthen his complaints'. It is noted that Mr. E.M. was caught possessing drugs once again in December. This time, Mr. E.M. had actually shown the drugs to the guards himself, after he was already examined for drugs possession before heading to the Court for one of his pending cases.

On 22 October 2016, Mr. E.M. cut himself with a blade in an effort to raise awareness about the treatment he receives in the prison. After these allegations, Mr. E.M.'s lawyers visited him in the prison and confirmed that he was self-injured, as a protest to his detention conditions and the fact that he asked to be accompanied to the toilets, but no one responded to this request. Specifically, from what Mr. E.M. reported to KISA and to his lawyer:

- He is not detained in a cell with other detainees but in a place next to the prison's garrison. The particular "cell" does not provide the basics for decent living conditions. He sleeps on a mattress on the floor, without clean water or toilet.
- During the night, because of the location of his "cell," he cannot sleep due to the lights and the noise.
- Every time that he is taken to the toilets, the guards force him to take off all of his clothes for a body check that includes rectal examination as well. Additionally, even when he is in the toilet, guards always have eye contact with him.
- As far as hygiene and sanitation issues are concerned, Mr. E.M has access to the showers every three days while in periods of punishment he could not have a shower for more than 6 days.
- Mr. E.M. does not have the right to physical exercise like other detainees or the right to participate in any other activity available for persons in custody/ prisoners in the Central Prison.

- During a visit to the psychologist of the prison, he was beaten by the guards in order to tell them where he found the blade that he used to cut himself.
- Whenever he tries to write something or the guards realise that he tries to write something, the guards forcibly take it from him and tell him that he has to take it after he submits a special request.
- All the telephone numbers that he had in his possession were taken from him, thus preventing him from communicating with the outside world, because he cannot remember these numbers by heart. Moreover, he was not allowed to communicate with whomever he wished, and that in order to make a phone call he had to request a special permission.

It is further pointed out that in the context of his asylum and extradition case, his lawyers wished to have a private doctor examining Mr. E.M. to verify his claims that he was a victim of torture in Egypt. Nonetheless, the prison staff had not been facilitating this process. Specifically, the doctor wished to have pictures taken of Mr E.M. during his examination, but since he was not allowed to take his, or any, phone or a camera with him, the prison staff took the pictures. Nonetheless, the Central Prison did not arrange for the photographs to be sent promptly to the doctor. The lawyers tried to resolve this issue with the Central Prison, but the latter informed the lawyers that the doctor had to go to the prison again in order to take pictures himself.

Subsequently, the said doctor instructed the doctor of the prison to perform certain tests of Mr. E.M., which again were not timely performed and they are actually still pending.

Mr. E.M.'s lawyers have informed the Director of the Central Prison, the Ministry of Justice and Public Order and the Office of the Commissioner for Administration and Human Rights about all the allegations and incidents.

The above information raises a number of different issues, for which the CPT, in its last visit to Cyprus, noted that needed to be improved. Specifically:

- Ill – treatment
- Capacity and role of prison officers
- Discipline and isolation
- Contact with the outside world
- Complaints and investigation procedures
- Circulation of drugs

In addition to the above, KISA would like to highlight a few more issues observed from its own experience.

To begin with, there were in the past a series of news reports regarding instances of suicide, hunger strikes, and uprising happening in the Central Prison. After the appointment of the current director, such instances no longer appear to be happening, and KISA is expressing its concern about this fact; KISA was informed that the administration of the prison instructed that these instances should not be reported in the media so as to prevent the imitation of such instances from detainees. KISA would like to highlight that the improvement in certain aspects of the conditions in the prison, is mainly because of the new administration, but it does express its concern of the instructions of not having the above mentioned instances reported in the media. Such an attitude obviously hinders the public from having access to this information and hold accountable those responsible for this situation.

Subsequently, from other cases that KISA has handled several other issues arose:

- Violence from detainees as a tool to control other detainees, which was tolerated by detention staff
- Remand and pre-trial detention of all migrants involved in criminal cases due to fear of absconding just because of their migration status. This is a serious issue because when the defendants are acquitted they have already been unnecessarily imprisoned, and

sometimes for more time than the sentence that the charge bears if they were found guilty. It is also noted in this regard, that Cyprus is amongst the few countries that do not consider the right to access to legal aid, as included in the procedural rights of a person arrested from the very first moment that a person is arrested or questioned as a suspect. Access to a lawyer, through legal aid may be only secured once the migrant is brought before the Court the first time to order pretrial detention and not before that. The practice of the authorities is that as soon as a person is apprehended by the police, the latter do not strive to safeguard the right of an arrested person to have access to lawyer, access to information e.t.c.. Legal aid can only be decided by the competent Court, and probably after the person has already given statements to the Police in the absence of a lawyer and/or without even being informed that they have the right to have their lawyer at this stage, which are crucial to the formation of a criminal case against the person arrested. This was something that was reported in 2012 from Fair Trials International,<sup>22</sup> and regrettably still applies today.

- Limited choice of books in the library, especially for Arabic
- More information can be provided on the above issues, should the Committee so requires.

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<sup>22</sup> [https://www.fairtrials.org/wp-content/uploads/2012/09/Legal\\_Aid\\_Report.pdf](https://www.fairtrials.org/wp-content/uploads/2012/09/Legal_Aid_Report.pdf)

## ***5. Criminalisation of Activists / CSOs Defending Detainees***

### Cooperation vs intimidation of human rights activists and organisations

As previously reported<sup>23</sup>, in the period under consideration, there have been cases of persecution, harassment and other forms of intimidation against KISA, its officials and members. These attempts aim to smear the reputation of KISA and its members, to silence them and curb their actions and campaigns to defend, protect and promote, among others, the rights of detained migrants and refugees and to end arbitrary and unlawful detention practices and policies of the Republic of Cyprus.

These attempts of intimidation include the following:

Prosecution of Doros Polykarpou (DP) with the charge of 'attacking' a Central Prison guard (Sergeant G.K.) and 'causing [him] actual bodily harm'<sup>24</sup>. The incident took place on 1 April 2013, when the said guard, in the presence of police officers and other prison staff, attacked, verbally and physically, DP while the latter was protesting outside his home near the Central Prison for issues concerning pollution and other problems caused by the Prison. Later on in the day, after Sergeant G.K. found out that DP had filed a complaint against him to the police, he followed the same tactic that many police officers seem to favour when they are involved in cases of civil abuse. Thus, he also filed a complaint against the complainant citizen with the above charges.

The Court's decision<sup>25</sup>, issued on 2 September 2016, acquitting DP and declaring him innocent of the charges, is very telling as to the motives of the

Police. It is interesting to note that the Police withdrew the charges against Sergeant G.K. on the basis of the complaint filed by Doros Polykarpou.

Another case is that of the prosecution against Doros Polykarpou and another member of KISA, with charges of 'trespassing'. The case followed an incidence in which the police raided an apartment at Oroklini, where a father of Egyptian origin, allegedly threatening to kill his 16-month son and himself, and where the Police shot the father dead.<sup>26</sup> KISA considered it appropriate to visit Oroklini in order to get more direct information as to the circumstances of the death of the Egyptian father, especially in view of contradictory media reports and in conjunction with requests of compatriots and the family of the man shot by the Police. As it was not possible to contact one of the family's neighbour on the first visit of KISA, on 22 May 2016, another visit was conducted on 24 May. While waiting to talk to this neighbor, DP entered the apartment where the incident had occurred through an open window. It is noted that the decision to enter the apartment was taken on the basis of two facts: One, the apartment had by then been abandoned by the remaining family members and, two, there were no warning or prohibition of entry signs of the police, which meant that there were no violations of private residence rights and no intervention with any police work. After he came out, police visited the area where they met the two KISA members, who later went to the Oroklini police station of their own accord and explained the reasons of their visit. There, they were informed that the police would investigate the case of 'trespassing'. Media reports claimed that the two were 'caught' in the apartment and arrested by the police, although at no stage were the two KISA

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<sup>23</sup> Instances of past cases of attempts of criminalization and intimidation of KISA and its members are available at: <http://goo.gl/AR3hn6>; <http://goo.gl/eSKpbD>

<sup>24</sup> KISA press release, 6 September 2016. Available at: <http://kisa.org.cy/another-attempt-for-criminalization-fails/>

<sup>25</sup> The Nicosia District Court Decision (in Greek). Available at: <http://goo.gl/D70BTa>

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<sup>26</sup> Cyprus Mail newspaper, 21 May 2016. Available at: <http://cyprus-mail.com/2016/05/21/police-shoot-dead-father-threatened-toddlers-life/>

members arrested or informed of being arrested.<sup>27</sup>

The court procedures for this case are due to commence later on in January 2017.

Another example of the attempts of intimidating KISA took place on 8 September 2016, when the Executive Director of KISA was prohibited from entering the emergency camp “Pournara” in Kokkinotrimithia, housing newly arrived refugees from Syria, as mentioned above.

The refusal of the Ministry of Interior to grant access to KISA’s Executive Director to meet with the refugees was based on the flimsiest of excuses<sup>28</sup>, in contrast to the practice of giving access to other NGOs providing humanitarian aid as well as to journalists, including the possibility to conduct interviews with hosted refugees, and in violation of the two Directives.<sup>29</sup>

Finally, another development of intimidation, this time concerning restrictions to freedom of the press, on behalf of the biggest private owned publishing and media organization in Cyprus.

A journalist, Marios Demetriou, who has on several occasions during the last few years been awarded for his work, was dismissed by his employer, “Simerini” newspaper, of the DIAS publishing house, in which he had worked for almost 40 years, on the pretext of a ‘decrease of turnover’ and for ‘reorganization’ purposes of the publishing house. In the past, Mr Demetriou was pressured by DIAS’ owners leading to his self-

ensorship. One of the main reasons for this was the fact that he had consistently reported on matters pertaining to immigration, asylum, trafficking in human beings and promoting KISA’s and other NGOs’ work. In 2011, his newspaper column was suspended for 2 months on the pretext of an article on matters concerning KISA. Given the above-mentioned, and on the basis of related information, KISA has been led to the conclusion that Mr Demetriou has lost his job because he did not give in to the pressure posed by the Publishing House to proceed to self-censorship.

The decision to terminate his employment is directly connected to Mr. E.M.’s case, reported above in the report, and more particularly to a relevant article dated 19 August 2016<sup>30</sup>. The article concerned the said case and the incomprehensible decision of the Nicosia District Court to reject evidence<sup>31</sup> by the independent expert witness Dr Emile Joffe as far as security and human rights in Egypt are concerned.

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<sup>27</sup> KISA, press release, 27 May 2016. Available at <http://kisa.org.cy/kisa-condemns-any-effort-aiming-towards-the-dispute-of-its-role-and-integrity/>

<sup>28</sup> According to the Acting Commander of Civil Defence, which is responsible for running the camp, “the results of the medical exams that the hosted refugees have been submitted to have not yet been evaluated”.

<sup>29</sup> KISA, press release, 9 September 2016. Available at: <http://kisa.org.cy/serious-violations-against-the-rights-of-the-newly-arrived-refugees/>

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<sup>30</sup> See the article:

<http://www.sigmalive.com/simerini/news/357147/psyxrolo-usia-gia-ton-empeirognomona-stin-kypro>

<sup>31</sup> For example see:

<http://www.dailystar.com.lb/News/World/2016/Aug-18/367796-cyprus-court-rejects-uk-testimony-in-egyptian-hijacker-case.ashx>

## 6. Memorandum of Cooperation between the Police and NGOs

Notwithstanding the widespread incidences of Police abuse, discrimination and other ill-treatment of detained persons as outlined above, in the last couple of years there have been also some indications of encouraging and positive changes.

Among these new developments is the preparation of a Memorandum of Cooperation (MoC) between the Police and NGOs working mainly in the areas of migration, asylum and trafficking in human beings.

The process towards the MoC began on 11 March 2015, when on the initiative of the Chief of Police there was a meeting between him and representatives of KISA. Acknowledging KISA's and other civil society organisations' role as social partners and their right "to criticise where required [was] both understandable and welcomed"<sup>32</sup>, the Chief of Police agreed with KISA's representatives that it was necessary to develop constructive relations and to set up joint committees in order to establish more direct communication, better understanding and dealing more effectively with problems concerning migrants and refugees and other issues within KISA's mandate.

Almost a year after the above meeting, the fruitful results of this one-to-one cooperation provided the testing ground that led to a new initiative of the Police. More particularly, on 1 March 2016, 12

NGOs<sup>33</sup> and the Police had their first meeting for the development of a MoC for the protection and promotion of human rights. Notably among its initial general provisions is the following: "The contracting parties shall ensure [...] the security of human rights defenders, so that they can exercise their right to freedom of expression, peaceful assembly and association."

In the area of detention, which forms the major part of the document, the MoC includes the procedures, rights and obligations of the two parties (Police + NGO/s) in relation to the following:

- NGO visits to detention facilities of police stations and the Menoyia Centre for the detention of irregular migrants, for
  - (a) provision of social, legal and psychological support services, integration and/or educational programmes, entertainment or material assistance to detained persons; and
  - (b) research, surveys and collection of data.
- Submission of complaints and/or exchange of information between the Police and NGOs

Important elements of this part of the MoC are the following provisions:

- Detainees who wish to submit complaints to NGOs will be given access to the necessary facilities (telephone, fax, etc), so that their complaints are transmitted immediately and no later than 3 days.
- The Police will inform detained persons about the NGOs, their contact details and services they provide, through the

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<sup>32</sup> KISA, Press release, Meeting of KISA with Chief of Police, 13/03/2015. Available at: <http://kisa.org.cy/meeting-of-kisa-with-chief-of-police/>; Cyprus Police, Press Release, Meeting of Chief of Police and representation of KISA at Police Headquarters. It was decided to set up joint committees for more effective communication and problem solving (in Greek), 11/03/2015. Available at <http://www.police.gov.cy/police/police.nsf/All/3B3EF70E5ADF4B7FC2257E0500550313?OpenDocument>

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<sup>33</sup> The 12 NGOs are: ACCEPT, AEQUITAS, Caritas Cyprus, Cyprus Red Cross, Cyprus Stop Trafficking, Future World Center, Hope for Children UNCRC Policy Center, KISA, MIGS, SPAVO, STIGMA, KYFA (HIV/Aids Support Center).

distribution of a leaflet to be prepared by the NGOs

- The Police will also inform representatives of NGOs about migrants who are in need of support and assistance, especially in the case of vulnerable groups.
- The Police will inform, if deemed necessary, the relevant NGOs in cases of unaccompanied minors and other vulnerable migrants entering or living irregularly in the country.

Other provisions include education and training of police members and NGOs, cooperation between the contracting parties for the joint organisation of awareness raising and sensitization campaigns and

activities, implementation of European and other projects, etc.

The discussions for the MoC were concluded on 15 November 2016 and it is expected that it will be signed within the next few weeks.

Although there are problematic aspects and provisions of the MoC, especially in relation to violations of the rights to privacy of detained persons with the audio-visual surveillance of meetings with NGO representatives, KISA considers the conclusion of the Memorandum of Cooperation to be a positive step and looks forward to its implementation.

