

Report of attacks, defamation, persecution and prosecution of KISA and its leadership

The adoption of a “tougher” line on migration and Asylum

Right from the beginning of his appointment in December 2019, the Minister of Interior declared the adoption of a “tougher” line on migration and asylum. With [data distortion and misinformation](#), depicting migrants and refugees as a threat to the [national security, demography and cultural identity](#) of Cyprus because of alleged associations with Turkey and terrorism, scapegoating them for unemployment, criminality and all ills afflicting the country. By also accusing them en masse of disobedience to the measures to contain the COVID-19 pandemic, the Minister compounded an already hostile environment created by a stringent, inherently discriminatory and human-rights abusive migration and asylum system, policies and structures. Espousing an openly and blatantly racist rhetoric, which resonates with extreme right, nationalist and neo-nazi circles, reproduced and propagated by a large section of the media and society at large on social media, the Minister foments and instigates an ever alarming growth of xenophobia and racism and anti-migrant and anti-refugee sentiment.

Having thereby set the scene, the Minister proceeded to get the government adopt an action plan purported [“to holistically tackle the growing migration flows”](#). This plan includes the adoption of refugee deterrence as its key objective through [illegal pushbacks and refoulement](#) , [jeopardising the right to effective remedies and judicial review](#) as well as [detention of asylum seekers and irregular migrants as a rule](#) at the centre of his ministry’s aims.

The campaign against NGOs, human rights defenders and lawyers

In the context of this toxic narrative, [the Minister of Interior has unleashed anew a fierce campaign against NGOs](#), human rights defenders and lawyers active in the field of migration and asylum and fighting discrimination and racism. KISA with its work and highly critical positions and actions is the primary target of this campaign. Having first assigned KISA to the “bad”¹ type of NGOs which, in his opinion, [“maximise issues and target government services”](#) and [“perturb the government”](#). In an attempt to defend the indefensible policies and the whole edifice of migration and asylum, the Minister of Interior has responded with totally unsubstantiated smearing and mudslinging of KISA and its leadership, including ridiculous allegations for [links of KISA and ENAR](#) ² with Islamic fundamentalist organisations and, almost by default in his opinion, with terrorism and Turkey.

¹ The other “good” type of NGOs are, according to the Minister, doing “wonderful work” and are, therefore, generously supported by the state.

² ENAR (European Network Against Racism) is a EU-wide network, of which KISA is a member since 2005.

With distortion and misleading presentation of the [Moneyval Report of the Council of Europe](#), the Minister hurls ridiculous insinuations against KISA and its leadership for money laundering, exploitation and profiteering at the expense of migrants and refugees for personal gain, with statements such as [“NGOs and lawyers make vast sums of money by assisting irregular migrants to legalise or extend their stay in Cyprus”](#).

As with his racist narrative and hostile environment for refugees and migrants, in this campaign against KISA, too, the Minister is supported by other politicians of his party, extreme right and neo-nazi forces, public officials and others. A prominent role of this alliance is played by the media, many of which, uncritically and unquestionably, ignoring the very basic principles of professional and ethical conduct of their sector, reproduce the government’s toxic narrative, the hostile environment for migrants and refugees and the attacks and defamation of NGOs. Among them, a specific pro-government media group³ is taking the lead with a parallel campaign of its own against KISA and its leadership.

Since its publication on **12 February 2020**, the Moneyval Report has been misused and distorted by many media and politicians, including Andreas Kyprianou, MP of DISY, the governing party, noted for his racist, extreme right, nationalist and sexist rhetoric. In June 2020, he called on the President of the House of Representatives [to declare KISA and its Executive Director as “persona non grata”](#).

On **8/3/2020**, in a statement to CyBC (Cyprus Broadcasting Corporation), Averof Neophytou, President of DISY, followed suit with the statement “There are some [who use asylum to get rich without considering the national damage they cause](#) ... and have set up an industry of millions thereby creating many problems to our country.”

On **20/09/2020**, in Simerini newspaper a journalist known for his nationalist views called on the Minister to [“Name and Shame!](#) ... all those who undermine national security out of selfishness, their own self-interest, greed, irresponsibility and/or treason.” Among others, the article states under the subtitle of “NGOs and lawyers”: “We are in a position to say that N. Nouris knows the subversive activity of particular NGOs. He knows the names of lawyers who make vast sums of money out of the exploitation of illegal immigration.” He also sends warnings that the “Greek Cypriot Hellenism does not take lessons from any NGO or weird so-called human rights defenders or American lover who praises the so-called multicultural composition of Cyprus.”

The outlawing of KISA

In July 2020 the Ministry of Interior submitted a bill and the Parliament, without any consultation with the affected NGOs, proceeded to the Amendment of the [Law on Associations and Foundations](#) of 2017 104(I)20171. With the [Amendment 118 \(I\)/2020](#), the Director General of the Ministry of Interior, in his capacity as Registrar of Associations and Foundations, acquired the power to proceed to the en masse deletion of NGOs from the Register of Associations, if they did not comply with formal obligations to submit to the Registrar of Associations the information about their General Assembly, their Board, constitution and their audited accounts within two months from the publication of a list of NGOs.

³ The DIAS Media Group includes Radio Proto, Simerini newspaper and SigmaLive television.

The deletion is **irreversible and automatically entails prohibition of continuing their action**, despite the fact that under the law, a Court procedure should follow for the dissolution of the associations.

[KISA considers that the Amendment of the Law on Associations and Foundations](#), is in violation of constitutional rights and international human rights law and constitutes a serious setback in terms of freedom of expression and freedom of assembly and association. The establishment and operation of associations constitutes an exercise of the right of freedom to association but also an exercise of the right of freedom of assembly, freedom of expression as well as the freedom of thought, conscience and religion, which are interrelated rights. The protection of personal beliefs enshrined in Article 9 (freedom of thought, conscience and religion) and Article 10 (freedom of expression) of the European Convention on Human Rights (ECHR) is also one of the purposes of the freedom of association and assembly protected by Article 11 of the ECHR. The ECHR ruled in several cases that the dissolution of an association or organization that is not based on particularly serious reasons creates conditions that prevent the exercise of the operation of both the association as well as its members but also of human rights organizations in general.

On 27.08.2020, based on this amendment, the Ministry of Interior published a list of 2827 NGOs, including KISA, which it informed that they had been placed in a "dissolution process" because until then they had not submitted the documents provided by the new Law on Associations and Foundations.

According to the announcement, the NGOs included in this list could "... submit representations for cancellation of their inclusion in this notification table, submitting all relevant information in support of their request" until 26.10.2020. It also informed that after 27.10.2020 the Ministry would publish "The second notification with the final list with the names of the Associations under dissolution" would be deleted "automatically from the Register of Associations".

KISA submitted its representations laying down the grounds upon which it established its position that it should not be included in the subsequent list of NGOs for dissolution purposes timely and on 26/10/2020. The main argument of KISA, was that an NGO /association may not be dissolved because of not complying with formal obligations and that KISA was an active NGO for the last 20 years exercising their right to association and assembly and freedom of expression. KISA also informed the Registrar of the date its General Assembly was planned and that the audited accounts of the association until 2018 were ready to be submitted and that the 2019 accounts would be submitted shortly after.

On 27/11/2020 the Registrar of Associations rejected KISA's representations on grounds of not formally complying with the deadlines for submitting the relevant information to the Registrar of Associations and informed KISA it would be included in the second list of associations for dissolution.

According to the law, KISA had 30 days to challenge this decision with a hierarchical recourse to the General Registrar of Association, with automatic suspensive effect of the deadline for such a recourse and in case of its submission, until a decision is reached on the hierarchical recourse.

The Ministry of Interior, revealing its true intentions, proceeded on 14.12.2020 [to remove KISA from the Register of Associations](#), ignoring even the right provided for in the Law to hierarchical recourse with automatic suspensive effect. This action of the Ministry aims to outlaw KISA's action and thereby to silence a historic dynamic NGO highly critical of the policy of human rights violations by the government.

KISA submitted its hierarchical recourse to the Ministry of Interior on 17.12.2020 within the provided deadline and is expecting the examination of its grounds.

[KISA has already declared publicly its determination](#) to take all legal means at its disposal to put a stop to this new attack in order to enable it to continue its important action for social justice, the prevalence of the rule of law equally for all people without exception, for an inclusive society free from intolerance, hate speech, discrimination, racism and exclusion.

The history of the Criminalisation of KISA and its Leaders

As it can be easily discerned from the examples listed below, in the course of its over 22-year lifespan, KISA has been the target of a multitude of attacks, defamation and discrediting campaigns, including criminal prosecutions. The current onslaught against KISA will most probably not be the last one. But as with all previous ones, once again KISA declares its resolution and determination to face up to this new attempt to stop its action in supporting and advocating for the rights of migrants and refugees and to silence its critical voice for human rights and against racism. What follows provides a small fraction of these attacks and campaigns.

On **2/08/2019**, Doros Polykarpou, KISA's Executive Director, was [arrested and prosecuted](#) with the charges of "obstructing police work and resisting arrest". This was preceded by an incident outside KISA's previous premises with a police officer shouting and harassing a young person. Doros, along with other KISA staff and many neighbours, went to see what was happening and offered to help the young person who was clearly in distress. This caused the said police officer ordering Doros to leave. When Doros pointed out that it was his right to remain at the scene, the police officer proceeded to call other police officers to come for Doros's arrest. The case is still pending in court.

In 2016, the Police prosecuted Doros Polykarpou and another member of KISA with the charges of "conspiracy to commit a criminal offence, illegal entry of a property with the intent of causing disturbance and intervention in a court procedure". Doros Polykarpou and another person entered an apartment, whose occupants had left a few days earlier, to investigate the circumstances as to the killing of a migrant man by the police. The court decided that all three charges were totally unsubstantiated and therefore acquitted Doros and the other person.

On **19/06/2014**, Doros Polykarpou was charged by the police for attack causing real bodily harm of a prison officer, in an incident 01/04/2013, outside Doros's house, adjacent to the Central Prison in Nicosia. The court found the charge totally unsubstantiated and acquitted Doros in 2016.

In **February 2011**, the Immigration Officer ⁴in cooperation with the Aliens and Migration Service of the Police submitted a complaint to the Attorney General, asking for the disciplinary prosecution of a lawyer member of KISA's Steering Committee, ostensibly for submitting a "false complaint" to the Independent Authority for the Investigation of Allegations and Complaints against the Police about the maltreatment of a migrant client, who was detained for the purpose of deportation by members of the Aliens and Migration Service. It is noted that the court had judged that the said

⁴ The title "Immigration Officer" was a remnant of the Asylum legislation that dates back to colonial times, when Cyprus was a British colony. The title has since changed to "Director of Civil Registration and Migration Department". Much of this legislation is still in force despite the many amendments effected especially since 2004, when Cyprus joined the EU.

migrant's detention was illegal. Instead of releasing him, the authorities deported him by force in order to avoid a new court decision in a new case filed by his lawyer before the Supreme Court. The lawyer was finally acquitted by the Disciplinary Board of Lawyers four years after the case started.

On **05/11/2010**, a racist march of the Greek Resistance Movement (KEA), other extreme right and nationalist groups and elements, including a member of the House of Representatives and a local councilor, attacked the 13th *Rainbow Festival*⁵ at Finikoudes seafront, in Larnaca. In this march, they carried banners bearing slogans against Turkish Cypriots, Jews, Muslims, refugees, asylum seekers, migrants and against KISA (which they routinely referred to as "a fifth columnist" and "axe and fire to KISA's dogs"). The attack on the Festival, which was sponsored and supported by the Cyprus Youth Board, the European Commission Representation in Cyprus, the Head of which was at the Festival, the Ombudsperson's Office and the Mayor of Larnaca, resulted, among others, in the attempted murder of a Turkish Cypriot musician who was hospitalised with serious knife wounds, the beating and wounding of another Turkish Cypriot musician, assault of a number of migrants, in many cases with serious bodily harm, risk to the bodily integrity of many children and women, as well as considerable material damages.

Some five months later, the police prosecuted KISA's Executive Director, Doros Polykarpou, with charges of rioting, an offence punishable with a 3-year prison sentence, and of participating in an illegal assembly⁶. After a protracted trial and with the support and solidarity of many international and European agencies, networks and individual NGOs, Doros Polykarpou was finally acquitted on 5 June 2012. In the words of the coalition of the supporting organisations⁷, "... the accusations were manifestly false and represented only the most recent in a series of attempts⁸ by the Cypriot authorities to silence KISA ... We regret the charges were not withdrawn before such a lengthy trial took place." To date, there has been no police or other inquiry as to the attack on the *Rainbow Festival* and its aftermaths, nor has there been any investigation as to the attempted murder of the Turkish Cypriot musician, who sued the Cypriot government for failing to protect him and to do him justice in relation to the hate crime against him.

In **October 2010**, the competent authorities took a number of actions in order to exclude a lawyer member of KISA's Steering Committee from representing the Commissioner for Children's Rights in cases of asylum-seeking unaccompanied minors. According to the Refugee Law, unaccompanied minors are represented legally for the purpose of asylum procedures by the Office of the Commissioner for Children's Rights. During the discussion in the House of Representatives of an amendment bill so that the Commissioner could buy the services of private lawyers in order

⁵ The *Rainbow Festival*, the largest multicultural anti-racist event in Cyprus, was organised annually by KISA, from 1999 to 2015, in cooperation with migrant and refugee communities, bi-communal and human rights civil society organisations, including Turkish Cypriot, independent institutions such as the Office of the Ombudsperson, the Youth Board, the EU Representative in Cyprus, local authorities and other stakeholders.

⁶ In the course of the trial, the police prosecutor dropped the second charge without any explanation but it was clear that it could not stand in court as KISA had obtained all relevant permissions.

⁷ European Association for Human Rights/ Association Européenne des droits l'Homme (AEDH), Euro-Mediterranean

Network for Human Rights, European Network Against Racism, Fahamu Refugee Legal Aid Programme, Front Line Defenders, Migreurop, Observatory for the Protection of Human Rights Defenders and Platform for International Cooperation on Undocumented Migrants, "Press Release – Cyprus false accusation confirmed: Judge drops all charges against human rights defender Doros Polykarpou". See: <https://www.statewatch.org/news/2012/june/cyprus-human-rights-defender-acquitted-as-police-accusations-are-found-not-credible/>, accessed on 20122020

⁸ Observatory for the Protection of Human Rights Defenders, "Annual Report 2011: Europe and the Commonwealth of Independent States", p. 397 and 399-400. See: http://www.fidh.org/IMG/pdf/obs_2011_uk-europecis.pdf

to be able to discharge its role as legal representative of unaccompanied minors asylum seekers, the Cypriot government made every effort to get a provision approved so that the Commissioner would not be able to buy these services from the said lawyer member of the Steering Committee of KISA, who was 'photographed' in the particular provisions of the amendment. After the reaction of a number of MPs and the Commissioner, as well as reports of the matter in the daily press, the government changed its position and disagreed with every proposed legal amendment that would provide separate legal representation of unaccompanied minors seeking asylum.

The result of this government position was, among others, the freezing of the examination of asylum applications by unaccompanied minors with very negative consequences on the children concerned.

In January 2008, Doros Polykarpou was arrested during a peaceful event in support of refugee women and children protesting in front of the Ministry of Interior. Even though he did not resist arrest and requested to be allowed to willingly present himself at the police station, he was violently handcuffed and taken to a police station. He was held for five hours and later charged with the use of loudspeakers without permission, resistance during arrest and cause of physical harm to the policeman who had arrested him. KISA was later informed in writing by the spokesperson of the Chief of Police that the case was not filed in the court.

In July 2009, a migrant woman from Bulgaria sought KISA's assistance in relation to systematic psychological violence, indecent behaviour and threats from the son of her former employers. She had come to Cyprus in 1999 as a domestic worker for an elderly couple and was residing in the same house with them. When her employers died in 2008 she continued residing in the same house which was actually the property⁹ of the Republic of Cyprus. During that period her adult son who had come to Cyprus in search of employment was also living with her. The son of her former employers after the death of his parents wanted to exploit the property and for this reason he was trying to force the woman to leave the house.

Because of serious indications of the risk of use of physical violence, KISA's Executive Director asked the local police station to investigate the matter and to intervene in order to prevent the risk of violence against the migrant woman and her son. The response of the police was that this was a case of private dispute and any complaints should be made to the court and that they could see no reason to intervene or to investigate possible offences. They also refused to investigate a complaint made by the son of the migrant woman about an attack by the son of the former employers against his mother. Furthermore, the policemen made degrading and racist comments concerning the gender and ethnic origin of the complainant for which they were criticised by Doros Polykarpou.

After three hours of waiting at the police station KISA's Executive Director made a last attempt to convince the policemen to intervene, pointing out the possibility of violent incidents resulting from the violent behaviour displayed by the former employers' son. The police continued to

⁹ The former employers of the migrant woman were refugees (internally displaced) of the 1974 coup and Turkish invasion. The government of the Republic of Cyprus housed many of these people but retained ownership of the properties.

refuse to intervene and Doros Polykarpou left the station together with the complainants. More than 7 months later, on **11.02.2010**, the police prosecuted KISA's Executive Director for "threatening to use violence" and for "causing such a disturbance that might have given rise to concern among local residents and caused disturbance of the peace", who in this case were the police officers on duty at the police station.

In 2006, the Immigration Officer asked the Attorney General to investigate the possibility of criminal prosecution of a member of KISA's Steering Committee on the charge of his position as a public servant being incompatible with his role as a human rights activist.

Following this unsuccessful attempt, in December 2007, the Immigration Officer asked the University of Cyprus Senate, where the said member of KISA's Steering Committee worked, to take disciplinary action against him. This attempt also failed because the University Senate justifiably judged the accusations as unfounded.

In 2004, the police prosecuted KISA and the Chair and Treasurer of its Steering Committee because in 2002 the organisation had conducted public fundraising to pay towards the medical expenses of a domestic worker with a life-threatening disease. Fundraising for health issues was a common practice in Cyprus at the time but it was not regulated by law¹⁰. Until then, there was no criminal prosecution for fundraising without permission. However, in the specific case of KISA's fundraising, the police acting at the request of the Migration Officer, proceeded with the prosecution of KISA. The court decided to have the money collected (£573 - about €980) confiscated by the police.

In 2006, the police prosecuted Doros Polykarpou, in his personal capacity and not as the Chair of KISA's Steering Committee, with the charges of "disobeying a court order and for receiving stolen goods" because the "product of the fundraising" was not found in the original bank account where the contributions were made in 2002. What had actually happened was that long before the new prosecution, the Steering Committee decided to transfer the proceeds of the fundraising to a special bank account for the health needs of migrants in general because the Ministry of Health had responded positively to KISA's request to waive the fee for the migrant woman's treatment. On 22/01/2008, the case was withdrawn during the court hearing by the public prosecutor, most probably in order to avoid embarrassing and discrediting of the police and the government, especially in view of the public outcry and support for KISA and its leadership both in Cyprus and internationally.

Steering Committee

Nicosia, December 2020

¹⁰ This was changed with the Law on Fundraising 68(I)/2014, which requires written application prior to fundraising