

Response

of the Government of Cyprus to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Cyprus

from 2 to 9 February 2017

The Government of Cyprus has requested the publication of this response. The CPT's report on the February 2017 visit to Cyprus is set out in document CPT/Inf (2018) 16.

Strasbourg, 26 April 2018

**Response by the Government of Cyprus to the report on the visit of
the European Committee for the Prevention of Torture
and Inhuman or Degrading Treatment or Punishment (CPT)
to Cyprus
(2 to 9 February 2017)**

The Republic of Cyprus welcomes the recommendations of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The competent authorities have carefully studied the recommendations, which will be duly considered in the efforts to improve the treatment of persons deprived of their liberty, with a view to strengthening, where necessary, the protection of such persons. Cyprus remains committed to its dialogue with the Committee for the prevention of torture and inhuman or degrading treatment or punishment.

I. INTRODUCTION

D. National Preventive Mechanism

Recommendation par. 9, page 10 -11

The CPT recommends that the Cypriot authorities significantly increase the resources allocated to the Office of the Ombudsman to enable it to carry out its NPM functions effectively, along with a dedicated and sufficient budget.

Enhancing the capacity of the Office of the Ombudsman has been one of the priorities of the Cypriot authorities, who have sought external expertise on how best to proceed. In this regard, a reorganization study was carried out by the Office of the Finnish Ombudsman which suggested that the Office be strengthened with one additional post. With regard to the question of secondments, the Finnish experts pointed out that secondments did not affect the independence of the Office as was the initial position of the Ministry of Finance.

Hence, the Public Administration and Personnel Department in cooperation with the Ombudsman's Office is looking into ways to meet the needs of the Office, in the context of the existing legislative framework.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Police

2. Ill-treatment

The Ministry of Justice and Public Order shows zero tolerance towards Police ill-treatment and seeks the prompt investigation of each individual case. The Cypriot authorities pay particular attention to the issue of Police Officers' respect towards citizens and in this framework, the Minister of Justice and Public Order has sent official Orders to the Chief of the Police, asking him to take additional measures so that the members of the Cyprus Police fully comprehend the notions of responsibility, respect and protection of all citizens. It was reiterated to the members of the Police that they have an obligation to respond in a calm way to any dangerous incidents they may have to deal with in the course of their duties. In addition, all Police Officers are required to show vigilance and intervene in time, in cases where there appears to be danger of authority abuse or of violation of human rights. In this framework, instructions were given to reinforce the members' education, in cooperation with other state services or academic foundations, especially through training on protection, human rights' respect, police ethics and legal framework application.

Recommendation par. 13.(iii)

A foreign national, met by the delegation at Menoyia Detention Centre, alleged that, after a failed removal attempt on 24 February 2016, YAM escort plainclothes police officers handcuffed him, bound his mouth with masking tape and punched him outside Larnaca Airport. His health-care records showed that a doctor at the emergency department at Larnaca General Hospital recorded the following injuries: "scraps at the right hip (ischium) and right arm, irritation of right hip and left zygomatic and reddish wrists". The investigation in the case is still on-going. The CPT would like to be informed about the outcome of the criminal and disciplinary investigation.

This case (no. 48/16) was duly investigated by the competent authorities. Based on the findings of the investigation, the Attorney General of the Republic has resolved that no offences were committed by the members of the Police members involved in the case.

Recommendation par. 13 (iv)

The delegation received one allegation about the slapping of a foreign national by a police officer on 3 February 2017 at Lakatamia Police Station, which was confirmed by recorded Closed-circuit television (CCTV) footage consulted by the CPT's delegation. By communication of 31 March 2017, the Cypriot authorities informed the Committee that the police officer in question had been transferred from Lakatamia Police Station to another Police Department, where he has no contact with detained persons, and that he will be criminally prosecuted. The CPT would like to be informed about the outcome of the criminal and disciplinary investigation.

On 07/02/2017, the member of the Police involved, was transferred from Lakatamia Detention Center to another department of the Police, where he has no contact with detained persons. On the same day, the Attorney General of the Republic was informed about the incident and an independent criminal investigator was immediately appointed to investigate the incident.

The investigation of the case (no. 22/17) has been completed and the accused Police Officer was prosecuted for Cruel, Inhuman or Degrading Treatment or Punishment (article 5, LAW 235/1990) and Common assault (article 242, CAP. 154). The case was appeared before the court on 15/02/2018 and a new hearing is set for 5/10/2018 (case no. 8845/2017).

Recommendation par. 13 (v)

The delegation also received allegations from two men in respect of ill-treatment by Crime Combating Department (CID) police officers who repeatedly punched and hit them on various parts of their bodies on 4 February 2017 at Paphos Central Police Station. An official complaint had been filed by the lawyer of the two persons and the case had been publicly reported on. The investigation is still on-going. The CPT would like to be informed about the outcome of the criminal and disciplinary investigation.

The criminal investigation of the case (no. 21/17) was carried out by the Independent Authority and was sent to the Attorney General for instructions. The instructions of the Attorney General are expected, in order to proceed with the disciplinary procedure,.

Recommendation par.15.

The CPT reiterates its recommendation that the Cypriot authorities ensure that all police officers understand clearly that any form of ill-treatment of detained persons – including verbal abuse, racist behaviour, threats and psychological ill-treatment – constitutes a criminal offence and, where appropriate, a disciplinary offence and will be prosecuted accordingly. In particular, the Cypriot authorities should carry out a comprehensive inquiry into the methods used by CID officers at Limassol and Paphos Central Police Stations, when interviewing criminal suspects.

As regards countering ill-treatment the Cyprus Police has taken the following actions:

a. Circular letters

The Chief of Police following the Instructions given by the Minister of JPO, has issued Circular Letters, informing Police members that the Attorney General, after having examined various criminal interrogations and administrative investigations concerning citizens' allegations of abuse and / or exercise of violence by Police members, gave instructions that when such allegations are reported, he must be informed promptly (within maximum 24 hours), so as to enable him to exercise his powers, including the power to assign independent criminal investigators for the examination of the allegations. Furthermore, the Independent Authority for the Investigation of Allegations and Complaints against the Police which has the competence to act ex-proprio motu, must also be informed, within 24 hours.

Moreover, the Attorney General has given the following Instructions regarding the procedures to be followed by the Police:

- The previous practice of the Police to perform administrative or criminal investigation of such cases is terminated.
- Whenever a person files a complaint of having been abused or subjected to violence by Police members, he/she must be examined by a forensic pathologist, who in turn must submit a relevant report on the findings. to the Attorney General.
- If such complaint is filed by a foreign national, the Head of the Aliens and Immigration Service is also informed, so that no deportation proceedings are initiated.

In addition, Circular Letters are sent to all the members of the Police concerning human rights and treatment of detainees. Specifically, instructions were given to all Police personnel about the following issues:

- Transportation of all immigration detainees from police detention centers to Menoyia Detention Center, within 48 hours,
- Implementation of the visiting schedule, according to the relevant Police Standing Order and placement of signs indicating the visiting hours in all police stations with the visiting hours,
- Information of persons arrested and detained about their rights, both orally and in writing,
- Systematic inspection of detainees' files in order to ensure the proper completion of the files,
- Placement of copies of the Detainees Rights in the cells,
- Guaranteeing the right of the arrested person for contacting a person of his/her choice in the presence of the Police,
- Proper completion of the medical form by a medical officer, after medical examinations,
- Prohibition of isolation and any other form of punishment,
- Provision of specific personal hygiene items (soap, shampoo, toilet paper, toothpaste, toothbrush and personal hygiene items for women),
- Organization of inter-departmental training on issues relating to human rights and treatment of detainees.

b. Training

Recognizing the necessity for a more professional mindset and behavior, as well as the development of a culture in line with the respect for human rights and human dignity, Cyprus Police has enriched the content and upgraded the delivery methods of the Basic Training of Police Recruits, with the creation of two new Modules, both running the three phases of the Basic Training at the Police Academy, namely:

(a) Fundamental Rights and Freedoms, which includes, among others, issues concerning Detainees Rights, Aliens and Immigration Law, Racism, the Independent Authority for the Investigation of Allegations and Complaints against the Police, Refugees, Torture and Inhuman or Degrading Treatment and Punishment, Police Code of Conduct, Victims of Violence, etc. These issues will initially be presented through lectures, aiming to inform police officers of the laws regarding such issues, and subsequently, through workshops, in order to promote awareness of the necessity to respect the people, in all aspects.

(b) Personal Development, which aims to contribute to the self-development of the police officers. Through participation in workshops, police officers will deal with issues such as Emotional Intelligence, Communication Skills, Professionalism, Corruption, Handling Power, Decision Making, Mediation, etc. These workshops will aim to enable police officers to handle their personal feelings and emotions in a way that will enable them to function as persons and as professionals, in a positive and constructive manner, in any context.

In addition to the above, in the context of further upgrading the training of police recruits, Cyprus Police in cooperation with the University of Cyprus has created an additional module, on Human Rights and Policing. This is to be delivered during a semester at the University of Cyprus.

By creating these modules, Cyprus Police aims, through education and training, to stress the importance of such issues, as well as to create a culture of respect for human rights and dignity.

Lastly, it should be noted that departmental training is conducted regarding the protection and promotion of human rights, treatment and rights of detainees, etc.

c. Police Code of Ethics

It should be noted that the Police Code of Ethics was recently revised taking into consideration, inter alia, the European Police Code of Conduct and the Guide of Conduct and Ethics for Public Servants, which was prepared with the assistance of the Ombudsman. The Code of Ethics was enriched with new provisions concerning the behavior of the police officers during the performance of their duties. Additionally, the Code of Ethics was divided in articles in order to facilitate members of the Police and make the Code more efficient in its use.

The Code is an institutional framework of actions, behaviors and attitudes which aims to highlight the professional and moral completeness of the Police members as responsible public officials. It is a framework of principles and rules that promote mutual respect and trust between Police members and citizens.

The Code of Ethics was issued in a booklet form and was distributed to all members of the Police to create awareness strengthening public confidence towards the Police and further development of professionalism within the Police.

The Code consists of eight articles that are related to the general obligations and duties of the Police, the behavior during police actions, investigations and interviews, arrest and detention procedures, etc.

It should be noted that the Code of Ethics was uploaded on the Police Portal and the official website of the Cyprus Police, in Greek and in English.

Lastly, the Police Standing Order 1/73 "Police Code of Ethics" has also been amended.

d. Handbook on Human Rights and Manual on the treatment of juvenile offenders and victims

The Handbook on Human Rights was prepared by the Police in order to inform and sensitize police members on the protection and promotion of human rights. The Handbook includes issues relating to use of force, treatment of detainees, detention conditions, etc. The Handbook is in the process of being printed. The Handbook is going to be distributed to members of the Police and uploaded on the police portal.

The manual “Manual on the treatment on juvenile offenders and victims” was prepared and distributed to all relevant departments of the Police. The Manual aims to raise the awareness of police officers on handling juvenile offenders and victims, and to promote and protect the rights of these persons. The Manual was distributed to members of the Police and was uploaded on the police portal.

e. Conferences on Human Rights

A one day conference was organized by the Cyprus Police on 9/12/2016 on the occasion of the International Human Rights Day (10th of December). The aim of the conference was to raise awareness with regard to the respect and protection of human rights and the strengthening of human rights protection during the exercise of the duties of the Police. During the conference, speeches and presentations were made by representatives of the Ministry of Justice and Public Order, the Chief of Police, the Ombudsman’s Office, the Commissioner for Children’s Rights office, the Cyprus Red Cross, the High Commissioner for Refugees in Cyprus and relevant offices of the Cyprus Police (Human Rights Office, Office for Combating Discrimination and Office for Combating Trafficking in Human Beings). A total number of 100 members of the Police attended the conference. The conference was organized again in December 2017 entitled “Human Rights and the Criminal Justice System”, aiming at sensitizing the members of issues relating to human rights. Members of the Ombudsman’s office, the Independent Authority for the Investigation Allegations and Complaints against the Police and other relevant stakeholders were invited and attended the Seminar.

f. Folders on Human Rights and Racism

A folder was created on the internal website of the Police (portal) entitled “Human Rights”. The folder was created in order to systematically inform and raise awareness among all members of the Police about issues concerning human rights and treatment of detainees. The folder includes circular letters, conventions, legislation, reports and manuals on good practices.

A second folder titled «Racism & Diversity» was uploaded on the official website of the Cyprus Police. The folder includes information brochures, targeting primarily Third Country vulnerable groups living in Cyprus, which were published and uploaded in four languages (English, Bengali, Vietnamese and Srilankan) with all the necessary information about the existing legislation and legal protection from any discriminatory treatment.

g. Memorandum of Understanding

The Cyprus Police signed on 09/02/2017, a Memorandum of Understanding for the Protection and Promotion of Human Rights with Non-Governmental Organizations (NGOs). The purpose of the Memorandum is to further improve and develop closer cooperation between the Contracting Parties for the protection and promotion of human rights. Among the issues addressed to, the Memorandum includes “Visits in police detention centers or at Menoyia Detention Center”, “Provision of assistance in police detention centers or at Menoyia Detention Center”, “Submission of complaints / exchange of information”, “Education”, etc. The Memorandum was signed by the Chief of Police and representatives of the NGOs in a ceremony that took place at the Police Headquarters and was publicly projected.

h. Study on Human Rights

The Police is preparing a study on Human Rights and ill-treatment, which is expected to be completed in 2018. The study will be based on court cases involving human rights violations such as abuse, degrading treatment, breach of the right to privacy, illegal arrests, etc.

i. Informational leaflet

The Police published an informational leaflet entitled “Respect of Human Rights”, which was distributed to members of the Police. The leaflet was also uploaded on the Police Portal. It should be noted that a new leaflet was prepared by the Police entitled “Human Rights”, and distributed during the conference on 15/12/2017 to members of the Police.

j. Specific Criteria for placement in detention centers

Efforts are being made for setting specific criteria for placement / transfer of members of the Police in detention centers. The purpose of this effort is the placement of the most capable members in the appropriate positions, so as to prevent incidents such as those recorded.

k. Amendment of the Law 235/90

The Law ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, was amended and published on 21/07/2017. The new amended Law imposes more severe penalties in cases of ill-treatment. The amendments of the Law are attached as Annex1 .

Lastly, as regards the comprehensive inquiry into methods used by CID officers at Limassol and Paphos Central Police Stations, when interviewing criminal suspects, the Professional Standards Audit and Inspection Directorate is making every effort to perform internal inspections in order to identify the degree of readiness, vigilance and adequacy of police members' response and to ensure their compliance with the provisions of the relevant Law and Regulation. Additionally, it is worth noting that Orders have been given to conduct an inquiry, the results of which are expected within six months.

Recommendation par.15, page 14

Moreover, the Committee recommends that police officers be reminded that, where it is deemed necessary to handcuff a person at the time of apprehension or during transfer, the handcuffs should under no circumstances be excessively tight and should be applied only for as long as is strictly necessary.

As regards the use of handcuffs, instructions were given to all police officers for the proper use of handcuffs. Additionally, these instructions are included in the departmental training conducted at all department / services.

Furthermore, it is worth noting that there is a relevant Police Standing Order 5/39 entitled "Handcuffs", on the use of handcuffs. It should be noted that handcuffs are used for safety reasons, after an evaluation on a case by case basis, and only as long as this is strictly necessary. According to the above Police Standing Order (5/39) the purpose of using handcuffs is to prevent detainees from escaping or avoiding potential harm to themselves, to others or to property.

(1) Therefore, handcuffs are used on:

- Convicts or persons under trial,
- Persons who are in police custody as suspects of committing serious offenses.
- Persons who are in police custody as suspects of committing any other offenses and are dangerous.

(2) Members of the Police may not use handcuffs:

- On juveniles, elderly, injured or disabled persons. The use of handcuffs in such cases shall be made if absolutely necessary, taking into account the following:
 - Aggressive behavior of the arrested person,

- The seriousness of the offense committed, and
- Body type of the person arrested.

- Persons who are unable to escape or are unlikely to escape.
- On detainees or convicts transported on ships or airplanes, unless they are violent .
- On mentally ill persons (except upon the instructions of the police officer in charge for guarding this person, who takes into consideration the opinion of the attending physician/doctor, the chance to escape and that these will not cause undue discomfort.)
- On detainees / convicts / prisoners, who are in Court, unless the Court orders otherwise.

Furthermore, it should be noted that issues on the use of handcuffs is included in the departmental training conducted at all department / services.

Recommendation par.16.

The CPT recommends that the Cypriot authorities take proactive measures to ensure that police operational officers and investigators carry out their duties in accordance with the relevant provisions of the Criminal Procedure Code in the sole interest of establishing the truth. To this end, the Cypriot authorities should pursue their efforts to regularly provide *practical* professional training in managing high-risk situations for these officials, which should cover appropriate interview and investigation techniques, as well as the prevention of ill-treatment.

The Training Programme for Police recruits has been upgraded and improved. Specifically, in one of its main modules “Basic Principles of Policing”, special attention is given to Victims / Witnesses Interviewing Techniques, with a focus on the PEACE Model. The aim of this module is to offer trainees, not only theoretical knowledge in this field, but practical knowledge as well.

Furthermore, the Basic Training Programme will now include a new Module which focuses on the subjects of and issues related to Human Rights, Detainees Rights, Racial Discrimination, Torture and other Forms of Cruel, Inhuman or Degrading Treatment or Punishment.

Additionally, the above training programme has been extended by one Term (Semester IV) during which police recruits complete an additional Module on the subject of “Policing and Human Rights”, held at the University of Cyprus.

Moreover, lectures focusing on human rights are included in most of the other training programmes offered by the Cyprus Police Academy.

It should also be mentioned that on 20/09/2017 and 21/09/2017 one-day programmes on human rights were organized by the Cyprus Police Academy, in order to inform the participants on issues such as:

- Implementing the Provision of the Police Code of Ethics,
- Investigating Racially Motivated Crimes and Hate Crimes,
- Developing a Culture for the Respect of Human Rights.

Recommendation par.16, page 15

Further, the Committee recommends that steps be taken to monitor police interviewing standards and procedures and to introduce electronic (i.e. audio and/or video) recording of police interviews.

The national law does not provide for the electronic recording of all police interviews.

According to the relevant Laws the electronic recording of the statements is permitted only on the following cases:

(a) in the course of the trial of offenses of violence, it is possible, with the permission of the court, to submit as a testimony, any recorded statement given to a competent person by any person who is a victim of violence or a witness of committing an offense in violation of the provisions of this Law.

(b) Whenever the Police is to receive a statement from a victim who is:

- (i) under the age of 14,
- (ii) a person with mental deprivation or psychological problems regardless of his or her age, or
- (iii) deaf.

(c) in cases where a child is a witness in offenses provided for in the Law 60(I)/2014 or the victim is a child, the prosecuting authorities shall ensure that in the context of the criminal investigation of such offenses, all interviews with the child are video recorded.

(d) where a child is a witness in offenses provided for in the Law Prevention and Combating Sexual Exploitation of Children Law, prosecution authorities shall ensure that all interviews with the child-witness or victim are video-recorded in the context of the criminal investigation of such offenses and that, in the course of the proceedings, these interviews are considered as a valid testimony.

(e) the Court may accept as a main examination the video recorded statement of a witness who needs assistance according to Protection of Witnesses Law.

Recommendation par.17.

The CPT recommends that the Cypriot authorities actively promote a culture change within the ranks of the Cypriot Police. It also reiterates its recommendation that “whistle- blower” protective measures be adopted.

The actions taken by the Police in order to promote a culture change within the Cypriot Police are stated in the answer to the recommendations on paragraph 15 above.

As regards the “whistle-blower” protective measures, a draft law was prepared and submitted before the House of Representatives (Parliament). It is expected to be presented before the Plenary of the House for approval within 2018.

3. Effective investigations of ill-treatment

Recommendation par.21.

The CPT recommends that the planned legislative and regulatory amendments adequately reflect the Attorney General’s instructions to the police.

The instructions / opinion of the Attorney General were included in Circular Letters (dated 02/07/2014, 17/09/2014 and 10/03/2015) sent to members of the Police informing them that, when such allegations are reported, he must be informed promptly (within a maximum of 24 hours), so as to enable him to exercise his powers, including the power to assign independent criminal investigators for the examination of allegations. Furthermore, the Independent Authority for the Investigation of Allegations and Complaints against the Police, which has the competence to act ex-proprio motu, must also be informed, within 24 hours.

Moreover, the Attorney General has given the following instructions regarding the procedures to be followed by the Police:

- The previous practice of the Police to perform administrative or criminal investigation of such cases is terminated.
- Whenever a person files a complaint of having been abused or subjected to violence by Police members, he/she must be examined by a forensic pathologist, who in turn must submit a relevant report on his / her findings. The report is then forwarded to the Attorney General.

- If such complaint is filed by a foreign national, the Head of the Aliens and Immigration Service is also informed, so that no deportation proceedings are initiated.

Comments on par.23.

In the CPT's view, an independent authority for the investigation of complaints against the police can make a significant contribution to preventing ill-treatment, provided it is genuinely independent and adequately resourced to conduct truly effective investigations. However, the CPT's findings suggest that improvements will be required if the IAIACAP is to fulfil its potential.

As regards its independence – although the IAIACAP is not linked, hierarchically or institutionally, to the Cyprus Police – the selection process of its members is neither open nor transparent, as all five members are appointed by the Ministerial Council. More importantly, the pool of criminal investigators upon whose services it depends mainly consists of former police officers.

The CPT would like to recall that, in order for the investigation of complaints about police ill-treatment to enjoy public confidence and be effective, the police complaints mechanism must be, and must be seen to be, fully independent and impartial. The practice of employing former police officers to investigate allegations against their ex-colleagues is problematic in this respect. To put it in the words of the IAIACAP's former President, “[i]t would appear that the majority of criminal investigators have not shed the syndrome that they are no longer members of the police force but criminal investigators [for the IAIACAP]”.

Further, the natural *esprit de corps* between former and serving police officers is having a clear impact on the quality of the investigations that the IAIACAP is undertaking. This particular point was also raised in a recent judgment against Cyprus issued by the European Court of Human Rights (ECtHR). The Court found a violation of Article 3 of the European Convention for Human Rights in its procedural limb (investigation). In particular, the Court underlined that “[t]he IAIACAP, without providing reasons, gave full weight to the police officers' testimony, completely disregarding the discrepancies in their statements [...] and ignoring the applicant's testimony in its entirety”. The Court also found “that the investigation was marred by a number of deficiencies” and raised concern as regards its thoroughness. As a result, “neither criminal proceedings nor disciplinary action were taken against the officers involved”.

The Attorney General invited the President of the Cyprus Bar Association to notify its members that he intends to register members of the Cyprus Bar Association to the list of criminal investigators. Members of the list will be appointed as independent criminal investigators to investigate allegations of ill treatment by members of the police. For this reason, the Attorney General invited members of the Bar Association who are interested in becoming criminal investigators to submit to the Law Office their CV. This initiative is expected to enrich the list of the criminal investigators with practicing lawyers (as opposed to former police officers).

Recommendation par.27.

On 9 April 2015, eight months after the original complaint, the IAIACAP sent the file to the Law Office, which returned it for additional investigative steps to be taken. Five months later, on 3 September 2015, a member of the IAIACAP noted that there had been a series of weaknesses in the original investigation report, including the lack of witness statements, and that a new IAIACAP investigator had been appointed. On receipt of the new investigation report, the member concluded that “it transpired that officers did use excessive force and failed to give an account of themselves”. The evidence file on this case, containing the recommendation for prosecution, was finally sent to the Law Office on 11 March 2016 – a full nineteen months after the original complaint. The CPT would like to be informed about the results of the proceedings.

Regarding the case (no. 137/14), 3 police officers were prosecuted for Cruel, Inhuman or Degrading Treatment or Punishment (article 5, LAW 235/1990) and Assault causing actual bodily harm (article 243, CAP. 154). The case is before court.

Orders have been given to Counsels of the Republic and to the criminal law registry of the Law Office to respectively handle and process the IAIACAP'S cases promptly.

Comments par.30, page 22.

As regards disciplinary proceedings in cases of alleged police ill-treatment, disciplinary culpability is examined irrespective of whether police misconduct is found to constitute a criminal offence. Further, as highlighted before, the IAIACAP can direct the Police Disciplinary Committee to initiate proceedings. The police disciplinary system is regulated according to the provisions of Police Disciplinary Regulations (No. 53/1989), as amended.

However, it appears that the current disciplinary procedure does not require that disciplinary action be taken whenever the IAIACAP orders it, contrary to the provisions of Section 16(1)(b) of the Police IAIACAP Law. The disciplinary provisions

in force require that another internal police investigation be conducted, the conclusions of which are relevant for the decision on whether or not there is a need for disciplinary proceedings. As a consequence, in a number of cases, disciplinary proceedings were not carried out, despite the fact that the IAACAP has explicitly recommended such action. Such a state of affairs is unacceptable. In the CPT's view, the step of carrying out another internal police investigation should be abolished, given that the IAACAP has already investigated the case. In addition, mandatory disciplinary proceedings should be initiated immediately and conducted promptly by the police whenever the IAACAP orders it.

In all criminal investigations the suspects are charged by an investigator who is either a member of the Police, or appointed by the IAACAP, or appointed by the Attorney General. In case the investigator is appointed by the IAACAP, the file is forwarded to the investigator through IAACAP for charging the suspect. It is noted that Attorney General's Counsels act on behalf of the Attorney General. When these counsels handle criminal cases they act as criminal prosecutors before criminal courts. These counsels are not criminal investigators and as such they cannot assume the task of charging the suspect.

Recommendation par.31.

The proposed draft amendments to the Police Disciplinary Regulations that are currently pending before Parliament provide for the constitution of a permanent Police Disciplinary Committee responsible for dealing with conducting disciplinary proceedings in cases of alleged ill-treatment by members of the police. The Committee shall be composed of three members, including two members of the Law Office of the Republic (or former judges) and a senior member of the police with relevant experience. The draft amendments also provide for the possibility of making an appeal, aligning the disciplinary penalties with the type and severity of the disciplinary offence (police officers who have been subject to a criminal sanction will be dismissed and forced to resign), and require the decisions on disciplinary sanctions to be published. The Committee welcomes the proposed amendments. The CPT would like to be informed when the above-mentioned amendments have been adopted and receive a copy of the adopted text.

As regards the Police Disciplinary Regulations please be informed that the Law has recently been voted by the House of Representatives (attached as Annex 2).

Recommendation par.32, page 23.

To ensure that investigations into allegations of Police ill-treatment are effective, the CPT recommends that the Cypriot authorities take the necessary measures to ensure that:

- **the IAIACAP's budgetary and staffing resources be increased so as to enable the Authority to recruit and train its own independent investigators and to conduct its investigations in a thorough, prompt, expeditious and transparent manner;**
- **forensic medical examinations are carried out without the presence of police officers who should never be involved in the taking of photographs of injuries. Both forensic medical certificates and photographs of injuries should be directly forwarded to the Law Office and the IAIACAP;**
- **the procedures for carrying out criminal proceedings in respect of alleged police ill-treatment are streamlined with a view to reducing both the length of investigations and delays in the criminal prosecution of alleged perpetrators. As a first step, once the IAIACAP has completed its investigation, the Law Office of the Republic should carry out the task of charging the suspect itself instead of sending the file back to the IAIACAP; and**
- **disciplinary action is always taken whenever this is recommended by the IAIACAP. To this end, the additional internal police investigation should be abolished and mandatory disciplinary proceedings should be initiated immediately and conducted promptly by the police as a result of the investigations carried out by the IAIACAP, if necessary, by amending the Police Disciplinary Regulations.**

Further, the CPT would like to be informed of the number of cases out of the 158 allegations of police ill-treatment investigated by the IAIACAP between 1 January 2014 and 31 October 2016 that have led to disciplinary proceedings and of the number and type of disciplinary sanctions imposed. The Committee would also like to receive information on the outcome of the criminal proceedings in the pending cases, in which the Attorney General decided to prosecute the police officers concerned for alleged ill-treatment.

With regard to the above mentioned recommendations, the following information is provided:

- The photos of the injuries are always taken in the presence and with the indications of the doctor.

The procedures regarding internal police investigations of such cases were ended. Details on the instructions / opinion of the Attorney General, are mentioned in recommendation paragr. 21.

- A relevant table is attached as Annex 3.

Nine (9) cases out of the 158 allegations of police ill-treatment investigated by the IAICAP between 1 January 2014 and 31 October 2016, led to disciplinary proceedings. A detailed table concerning these disciplinary cases is provided below.

DISCIPLINARY CASES REGARDING ALLEGATIONS OF ILL-TREATMENT (01 JANUARY 2014 - 31 OCTOBER 2016)		
	Case no.	OUTCOME
1	34/14	1 police officer was charged with a Reprimand, for the offence of Neglect of Duty.
2	109/14	1 police officer was charged with a Reprimand, for the offence of Failure to Comply with Police Instructions
3	120/14	(a) 2 police officers were charged with a Strict Reprimand, for the offence of Failure to Comply with Police Instructions (b) 1 police officer was charged with a Strict Reprimand, for the offence of Neglect of Duty (c) 2 police officers were charged with a Reprimand, for the offence of Neglect of Duty
4	129/14	1 police officer was fined for the offence of Unlawful Exercise of Power.
5	148/14	The case was suspended because the complainant withdrew his complaint.
6	173/14	The 2 defendants were acquitted of the offense of Exercise of Unnecessary Violence.
7	182/14	The 4 defendants were acquitted of the offenses of (I) Unlawful Exercise of Power, (ii) Inappropriate Behaviour, (III) Failure to Comply with Police Instructions, and (iv) Neglect of Duty.
8	190/14	1 police officer was charged with a Reprimand, for the offences of (i) Neglect of Duty and (ii) Failure to Comply with Police Instructions

9	96/15	The defendant was acquitted of the offenses of (I) Unlawful Exercise of Power and (ii) Inappropriate Behaviour.
---	-------	---

As regards the outcome of the criminal proceedings in the pending cases, in which the Attorney General decided to prosecute the police officers concerned for alleged ill-treatment, between 1 January 2014 and 31 October 2016, a relevant table is provided below.

PENDING CRIMINAL CASES REGARDING ALLEGATIONS OF ILLTREATMENT (01 JANUARY 2014 - 31 OCTOBER 2016)		
	Case no.	OUTCOME
1	137/14	3 police officers were prosecuted for Cruel, Inhuman or Degrading Treatment or Punishment (ART.5, LAW 235/1990) and Assault causing actual bodily harm (ART.243, CAP. 154). The case is before court.
2	144/14	1 police officer was prosecuted for Common assault (ART. 242, CAP. 154). The case is before court.
3	195/14	1 police officer was prosecuted for Cruel, Inhuman or Degrading Treatment or Punishment (ART.5, LAW 235/1990). The case is before court.
4	26/15	1 police officer was prosecuted for Assault causing actual bodily harm (ART.243, CAP. 154). The case is before court.
5	50/15	1 police officer was prosecuted for Cruel, Inhuman or Degrading Treatment or Punishment (ART.5, LAW 235/1990) and for Abuse of power (ART. 105, CAP. 154). The case is before court.
6	85/15	4 police officers were prosecuted for Assault causing actual bodily harm (ART.243, CAP. 154). The case is before court.
7	127/15	1 police officer was prosecuted for Cruel, Inhuman or Degrading Treatment or Punishment (ART.5, LAW 235/1990) and Assault causing actual bodily harm (ART.243, CAP. 154). The case is before court.
8	138/15	4 police officers were prosecuted for Assault causing actual bodily harm (ART.243, CAP. 154) and Malicious Damage to

		Property (ART.324, CAP.154). The case is before court
9	140/15	1 police officer was prosecuted for Cruel, Inhuman or Degrading Treatment or Punishment (ART.5, LAW 235/1990). The case is before court.
10	177/15	The Attorney General entered a <i>nole prosequi</i> on 05/01/2017.
11	192/15	The defendant was fined €1000 for the offense of Common assault (ART. 242, CAP. 154).

4. Safeguards against ill-treatment

Recommendation par.35, page 24.

Most persons interviewed by the CPT's delegation who were or had recently been held in police custody confirmed that they had been given the opportunity to make a telephone call to notify a family member (or another person) at the outset of their deprivation of liberty by the police, with the exception of one case where the exercise of this right had been made conditional on first giving a written statement (see paragraph 13). It also remains positive that visitor facilities are available for persons who are remanded in police stations designated for custody of periods over 24 hours and the delegation found that it was not uncommon for these detainees to receive visitors. That said, no written record is kept of the fact that a detainee has requested, and been granted, access to a telephone to notify a relative or a third person of his/her situation. The CPT recommends that this shortcoming be remedied.

It should be noted that the Cyprus Police is planning to adopt and introduce a special form, in which all phone-calls of the detainees notifying a third person of his/her situation, are recorded.

Recommendation par.36, page 25.

The CPT recommends that the Cypriot authorities ensure that any person held in police custody (including foreign nationals) are able to notify (e.g. by making a free-of-charge phone call) the fact of their detention to their family or a third person of their choice.

Members of the Police inform detainees about their rights both orally and in writing. It should be noted that, when necessary, an interpreter is called, in order to help the detainee understand his/her rights. The Chief of Police, via circular letters, often reiterates the importance of the protection of detainee's rights to all members of the Police.

Nevertheless, taking into consideration the above recommendation, instructions were given, once more, to the members of the Police, reminding them of the obligation to implement all provisions of the Law for the Rights of Persons who are Arrested and Detained (L. 163(I)/2005) and especially those concerning the right of the detainee to be informed about his/her rights and the right to notify a third person of their choice.

Additionally, the Law for the Rights of Persons who are Arrested and Detained, (L.163(I)/2005) and the document "Rights of Arrested/Detained Persons" which is given to every detainee upon his/her arrest, includes the right of communicating with a lawyer and/or any other persons in order to inform them about the arrest and/or detention. When the document is not available in the language that the person understands, the person is informed about his/her rights orally, in a language he/she understands. The document is provided to the person subsequently with undue delay in the language he/she understands. The arrested person has the opportunity to read the document and has the right to keep it in his/her possession throughout his/her detention. The Cyprus Police has translated this document in 19 languages (Greek, English, Turkish, Arabic, Bulgarian, French Georgian, Persian, Ukrainian, Polish, Russian, Rumanian, Serbian, Slovak, Slovenian, German, Spanish, Italian and Hungarian). In this regard, the relevant Police Standing Order 5/3 "Rights and Treatment of Detained Persons" was amended.

The Law provides that every detained person has the right after his/her arrest and without undue delay to contact personally by telephone, in the presence of a Police member, a relative or his/her employer or other person of his/her choice and in case of a person under 18 years with any of the parents or his/her guardians, to inform them about the arrest, the police station being detained or detention center or intended detention.

The right to communicate with relatives or a person of his/her choice or with his/her employer and the right to inform the persons exercising child custody in case of a person under 18, is not provided immediately after the arrest, only when this is justified by the special circumstances of the case, for one of the following imperative reasons:

- (a) There is a pressing need to avert serious consequences regarding the life, the liberty or physical integrity of a person; or
- (b) there is pressing need to avert a situation where there may be a significant risk for the criminal proceedings, and provided that the derogation:
 - (i) is proportional and not beyond the necessary limits;
 - (ii) is within a strict time frame;
 - (iii) is not based exclusively on the type or the severity of the alleged offense; and
 - (iv) does not infringe the generally fair nature of the procedure.

In case the detained person is not permitted to exercise his/her rights for:

- (i) informing and contacting his/her relatives or a person of his/her choice or his/her employer;
- (ii) informing the persons who have custody regarding the arrest of a person under 18 years,

the detained person may, either at first appearance before a court or at first hearing of his/her case, ask the court to examine the reasons for that refusal.

In case when the above mentioned temporary derogations are enforced to a person under the age of eighteen years, the Police shall inform without undue delay, the Social Welfare Services, the Commissioner for the Protection of the Rights of the Child and any other competent authority for the protection and well-being of children of the deprivation of your liberty.

Lastly, every detained person can meet for up to one hour a day in a private area of the detention centre, in the presence of a Police member, with any relative or other person of his/her choice and, in case of a person under 18, with his/her parents or guardians.

Recommendation par.37, page 25.

The CPT once again calls upon the Cypriot authorities to take the necessary measures to ensure that all persons detained by the police can effectively benefit, if they so wish, from access to a lawyer from the very outset of their deprivation of liberty, including during any police questioning. In particular, access to a lawyer should not be subject to the prior submission of a written statement by the suspect. The clear legal provisions regarding the rights of detained persons to access a lawyer should be reiterated to all police officers.

Further, the waiver of the right to legal assistance should be systematically signed by the detained person if he/she does not wish to exercise his/her right to access to a lawyer.

Promptly upon arrest and without undue delay, arrested persons are entitled to contact in person with a lawyer of their choice, in private and without the presence of any other person. They are given a list of lawyers, with their contact details (name and telephone number). The list is reviewed annually and is placed in all police stations.

Further to the above, detained persons are entitled to hold confidential interviews with their lawyers for their defense on any day and at any time, in the detention centre where they are held, in a private space outside the visual and acoustic field of any member of the police; they can give and receive confidential written or oral instructions by/from the lawyer during the consultation.

All detained persons are entitled to send and receive letters to and from their lawyer without the letters being opened or read by any Police member except in exceptional cases in which the officer in charge of the detention place has reason to believe that an illegal object is enclosed in the envelope and in such case the letter is opened and checked by a Police member or the prison staff in the presence of the detained person, without reading the letter.

The above rights are included in the document “Rights of Arrested/Detained Persons” and the revised Police Standing Order 5/3 mentioned in recommendation paragr. 36 above.

- Access to a lawyer is granted:

- (a) before interrogation by the Police or other competent authority;
- (b) promptly before the person is brought before the Court;
- (c) during an investigation or gathering of evidence by the Police or other competent authority.
- (d) upon deprivation of the person’s liberty, without undue delay.

- Access to a lawyer includes the right to:

- (a) have a private meeting and contact with the lawyer who is representing the detained persons at any time whatsoever;
- (b) request the presence and the participation of their lawyer during the interrogation, in order to provide them with clarifications with regard to the procedure which is being followed and to advise them on the procedural rights related to the interrogation.
- (c) Request the presence of their lawyer during the investigation or gathering of evidence in the event that, according to the legislation, the detained person are entitled to attend to the specific interrogation procedure

Recommendation par.38, page 26.

The CPT recommends that the Cypriot authorities extend the legal aid system so that State-appointed lawyers can be contacted and can meet their clients while in police custody, including during police questioning. This system should be applicable as from the very outset of police custody, irrespective of the severity of the offence allegedly committed and irrespective of whether the person concerned has formally been charged with an offence.

Currently, a suspect or accused person may appoint a lawyer from the outset of his/her deprivation of liberty and simultaneously request legal aid from the court. In case the legal aid request is approved by the court, then according to the Legal Aid Law (Law 165(I)/2002, as amended), the legal aid will include not only the procedure before the court, but also every stage of investigations or other processes that took place before the initiation of the criminal process and are associated therewith.

As mentioned above, upon his/her arrest and without undue delay a detained person has the right to promptly contact a lawyer of his/her in person, and in private without the presence of any other person. A list of lawyers is given to every detained person, with their contact details (name and telephone number). The list is reviewed annually and is placed in all police stations.

The legislation (both the Legal Aid Law as well as the law concerning the rights of persons in custody) is now under review in order to be harmonized with the Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings.

Recommendation par.39, page 26

The CPT reiterates its recommendation that the Cypriot authorities take immediate steps to ensure that juveniles are never be subjected to police questioning or requested to make any statement or to sign any document concerning the offence(s) they are suspected of having committed without the presence of a lawyer and, in principle, a trusted adult person. Such arrangements will protect this age group and provide them with adult support so that they do not have to make decisions with important legal implications on their own.

According to the L. 163(I)/2005 (Detained Persons Law), in case of a person under eighteen (18) years of age, his/her questioning shall be carried out in the presence of his/her lawyer. Furthermore, during the meetings with his/her lawyer, he/she is entitled to request that his/her parents or guardians are present.

It should be noted that according to the Attorney General's instructions, in case a person under the age of eighteen (18) or his/her parents or guardians refuse to appoint a lawyer within a reasonable time, members of the Police do not incur the consequences provided for by law, if the questioning is conducted without a lawyer. Additionally, if a lawyer fails or denies appearing at the time of the questioning, members of the Police give reasonable time for the replacement of the lawyer, before the questioning begins.

Recommendation par.40,page 27.

Therefore, the CPT recommends that the Cypriot authorities ensure that all persons held in police custody can effectively make use of their right to access to a doctor from the very outset of their deprivation of liberty. As regards documenting and reporting of medical evidence of ill-treatment, reference is also made to the CPT's recommendations made in paragraph 89, which also apply to persons held in police custody.

Upon arrest or detention, every person is entitled to immediate medical treatment. In particular, under the Law 163(I)/2005 every arrested and detained person has the following rights:

- he/she is entitled at any time to have a medical examination, treatment and / or follow-up by a doctor of his/her choice and to communicate for that purpose in person by telephone with him/her in the presence of a Police member. The costs of medical examination care and follow-up by a doctor of his/her choice will be paid by the detainee. If he/she does not wish to exercise his/her right to have the doctor of his/her own choice examines him/her, he/she may receive medical examination, treatment and / or follow-up by a government doctor, and this shall be arranged by the person in charge of the detention centre.
- If he/she wishes to exercise the right referred to above, he/she can do so by filling in and signing a relevant form for this purpose and handing it over to a member of the Police. He/she is entitled to keep a copy of this form, after the Police member testifies by signing that he/she have received it (Annex 4).
- It is the duty of the detention officer to make the necessary arrangements for the above medical examinations / treatment by a doctor, as soon as possible, either in the detention centre or in a state hospital, depending on what his/her state of health requires.
- Every medical examination, treatment and follow-up takes place in a separate area, where no member of the Police can see or hear.

However, in occasions when the officer in charge of the detention centre has reasons to believe that the physical integrity of the examining physician is at risk then the examination can take place in a room where the member of the Police (same gender) can see but cannot hear.

- In case of a person under the age of eighteen, his/her parents or guardians are entitled to be present during his/her medical examination, treatment and follow-up.
- If a doctor cannot communicate with him/her in a language that he/she understands, an interpreter can be present during medical examination, treatment and follow-up, at the request of a doctor, so that he can communicate with him/her in a language he/she understands.

Recommendation par.41, page 27..

The CPT calls upon the Cypriot authorities to repeal Section 30 of the RADP.

A Bill of law pertaining to the abrogation of the article 30 has been drafted by the Ministry of Justice and Public Order. The public consultation is concluded and it will be forwarded in April 2018 to the Law Office of the Republic for legal vetting. It will then be deposited before the House of Representatives.

Recommendation par.42, page 28

The CPT trusts that the Cypriot authorities will be vigilant in ensuring that police custody records are accurately maintained.

Further, the CPT recommends that the Cypriot authorities introduce a single form for recording the rights offered to detained persons as part of the custody records.

The Cyprus Police has prepared, published and distributed to all Detention Centres a Sample Personal Detainee' s File, with all documents provided by the relevant legislation and Police Standing Order. The file has been created for the purpose of facilitating the Police members in order to establish a common practice and uniformity in the type of file used and the documents kept in this folder. The Personal Detainee's File is confidential and it is kept in a safe place at the Police Station, where only authorized persons have access. It is worth noting that the information mentioned at the recommendation is included in the file.

Furthermore, the Personal Detainee's File is under the responsibility of the respective person in charge of the detention center, whose responsibilities include regular inspections in order to ensure that the file is kept diligently. After the release of the detained persons, the files are kept in a safe place within the police station, with restricted access. The files/records are destroyed according to the Police Standing Order 1/45 i.e. after 3 years from their release.

Additionally, instructions were given to Police members to complete the custody records (both paper and electronic) in a proper and diligent way. Data are recorded in both electronic and paper form and are given a serial number and chronological order.

It is worth noting that all registers are available to the Ombudsman in both electronic and in writing form, for inspection during her visits to various Police Detention Centres. Additionally, the Professional Standards Audit and Inspection Directorate, performs internal inspections in order to identify the degree of readiness, vigilance and adequacy of police members' responses and to ensure that their actions comply with the provision of Laws and Regulations.

As regards the training of the members of the Police, it should be noted that specialized staff (core instructors) have been trained in order to impart their knowledge in this field.

It should be noted that the Police is examining the adoption of a single form for recording the rights offered to detained persons. Nevertheless, the members of the Police already record the rights offered to them either in the Personal Detainees File or in the case file.

Recommendation par.43, page 28.

The CPT recommends that these shortcomings be remedied.

With regard to access to natural light it is noted that:

- The windows in the men's and juveniles' wings in Limassol Detention Center have been replaced with opening windows that provide natural light and ventilation. As regards the female wing a small opening window was installed in each cell to provide natural ventilation.
- At the Paphos Detention Centre several glass-blocks have been replaced with windows and small opening windows were installed in each cell to provide natural ventilation.
- Inspection of the Aradippou and Pera Chorio Nisou Detention Centers, is planned for the near future by Police and other competent Public Departments, in order to investigate whether there is a solution to deal with the above shortcomings.

As regards the issue of hygiene, the detention facilities are cleaned and disinfected by professionals, 6-8 times per year. Additionally, Police cleaning staff are responsible for the every-day cleaning of the Detention Centers.

Regarding the call bells at Limassol Detention Center, a technician of the Electromechanical Service has checked the bells and fixed them.

Lastly, it is stressed that the relevant Departments of the Police are constantly trying to improve the conditions of detention, so that police detention centers nationwide fully meet the European standards.

Recommendation par.45, page 29.

The CPT calls upon the Cypriot authorities to end the current practice of detaining persons in police custody for prolonged periods (i.e. more than three days), in the light of the above remarks.

As regards the length of detention of persons during remand, the law provides that an arrested person can be deprived of his/her liberty or detained for a maximum period of twenty four (24) hours following the arrest, until he/she is brought before a court of law. At the end of that period, the person must either be released or be heard by a judge who will decide on the continuation of his / her detention.

The law also provides that the judge before whom the person arrested is brought shall promptly proceed to inquire into the grounds of the arrest in a language understandable by the person arrested. Additionally, the judge, as soon as possible and in any event not later than three days from such appearance will:

- (a) either release the person arrested on such terms as he /she may deem fit, or
- (b) where the investigation into the commission of the offence for which he / she has been arrested has not been completed, remand him / her in custody.

The judge may remand him / her in custody for a period not exceeding eight days each time (the total period of such remand in custody shall not exceed three months from the date of the arrest). On the expiration of this period every person or authority having the custody of the person arrested shall forthwith set him / her free. Any decision of the judge under this paragraph shall be subject to appeal.

The Police shall satisfy the Court that all the conditions mentioned below exist:

- A certain offence has been committed for the commission of which the suspect was arrested,
- There is evidence that reasonably connect the suspect to the commission of the offence,
- The investigation of the case has not yet been completed. The Police must also summarize what other investigation work remains to be carried out,
- The detention of the suspect is considered necessary to avoid interference with the investigation process (influence of witnesses, destroy of evidence, escape etc.)

Additionally, it should be noted that efforts are made in order to hold persons that are detained for more than 24 hours in detention facilities that fall under the category of facilities used for the detention of persons for periods exceeding 24 hours. These efforts are made so that all detainees held longer than 24 hours have access to outdoor exercise for at least one hour per day. For this purpose, a letter, dated 16/07/2013 was sent by the Chief of Police noting that Limassol and Paphos Central Detention Centers as well as Pera Chorio Nisou, Lakatamia, Aradippou, Ayia Napa and Polis Chrysochous Detention Centers can be used for periods longer than 24 hours. The rest of the detention facilities must be used only for the detention of persons for periods up to 24 hours.

It is worth noting that in the above mentioned letter the Chief of Police included instructions for all immigrant detainees to be transferred to the Menoyia Detention Center, unless they are going to be deported, within a period of 48 hours. The detention of irregular migrants in police detention centers for more than 48 hours is only permitted in exceptional cases and with the Assistant Chief of Police' s permission.

Further to the above, the Human Rights Office of the Cyprus Police continually reminds members of the Police on behalf of the Chief of Police, via circular letters and during the inspections conducted, to follow the instructions given on this matter.

Lastly, it should be noted that with regard to the improvement of detention conditions, the Police has proceeded with the following:

1. In cooperation with other public authorities, the Police is creating outdoor exercise areas in detention centers with large capacity (i.e. Kofinou, Ayia Napa, Lakatamia, Peristerona Detention Centers, new Morfou and Famagusta Divisional Headquarters).
2. The Police, in cooperation with the relevant public departments, have installed televisions and DVD players in 5 detention centres that are used to entertain a large number of persons (Paphos, Polis Chrysochous, Ayia Napa, Lakatamia and Limassol Detention Centres). There is also a TV in Aradippou Detention Centre.
3. It is also noted that Cyprus Police requested the assistance of foreign Embassies in Cyprus and the Cyprus Red Cross, to provide all detention centres, including Menoyia Detention Center, with books in different languages. These books were provided to detainees in order to occupy themselves creatively.
4. The relevant Departments of the Police are constantly trying to improve the conditions of detention, through inspections, so that police detention centers nationwide fully meet the European standards.

Recommendation par.47, page 29.

The CPT recommends that the practice of handcuffing detained persons to fixed objects be ended. Every police facility where persons may be deprived of their liberty should be equipped with one or more rooms designated for detention purposes and offering appropriate security arrangements.

The Chief of Police has given instructions to Police members to cease the above mentioned practice.

B. FOREIGN NATIONALS HELD UNDER ALIENS LEGISLATION

1. Preliminary remarks

Recommendation par.50 page 30

Nevertheless, given police stations are not suitable places to accommodate immigration detainees, the CPT considers that every effort should be made to keep the period of time spent by immigration detainees in such establishments to the absolute minimum (i.e. less than 24 hours).

It is worth noting that the Chief of Police has given instructions that all immigrant detainees be transferred to the Menoyia Detention Center, unless they are going to be deported within a period of 48 hours. The detention of irregular migrants in police detention centers for more than 48 hours is permitted only in exceptional cases and only with the permission of the Assistant Chief of Police.

As regards the length of detention it is noted that, if a person has been arrested in violation of the Aliens & Immigration Law, detention and deportation orders are issued by the Migration Department of the Ministry of Interior of the Republic of Cyprus. The Police is the executing authority of such orders and not the decision-making authority. Therefore, detention and deportation orders are only executed by the Police following the instructions of the Migration Department of the Republic. Termination or extension of such orders, fall under the responsibility of the Migration Department.

Recommendation par.52, page 31.

No information was available regarding the legal basis for this type of deprivation of liberty or on the availability of safeguards. In this respect, the CPT wishes to request that the Cypriot authorities send it information on the legal basis for the deprivation of liberty, and the regulation of safeguards, concerning the Kokkinotrimithia Rescue Camp.

There is no deprivation of liberty of persons transferred to Kokkinotrimithia Rescue Camp. During their stay at the Camp, the refugees have the opportunity to freely leave, move around in Nicosia and return to the premises, if they wish so.

Only when persons are rescued at sea, a time period of approximately three days is required for the conduct of the medical tests (e.g. tuberculosis), during which period they meet only with medical and other specialized personnel (e.g. Asylum Service, Red Cross & UNHCR).

Any restrictions concerning their freedom (to leave and return to the Camp) are only implemented according to the Refugee Law (N. 6(I)/2000), which is supervised by the Asylum Service of the Republic.

The administrative arrangements for the operation of the Kokkinotrimithia Rescue Camp are based on the Specific National Plan “Nafkratis”, which derived from the Basic National Plan “Zenon” and was approved by the Council of Ministers. The Nafkratis Plan is activated following the instructions of the Ministerial Group for Managing Crises and is put into action by the Director of the Asylum Service after receiving relevant instructions by the Minister of Interior.

Moreover the presence of a padlocked metal gate at Kokkinotrimithia Rescue Camp (former Pournara Military Camp), the presence of staff on a 24 hour basis and the presence of Police Force members, have the exclusive and sole function of the protection of the Camp and ensuring that only authorized Civil Protection members, members of cooperating Services and cooperating NGOs, members of the Press etc enter the Camp.

2. Menoyia Detention Centre

a. Introduction

Recommendation par.55

Overall, the high security fence, heavy metal shuttered slats on all windows, heavy cell doors, association rooms metal tables and stools (all fixed to the floor) and lack of any decoration created a sterile and carceral environment. The prison-like atmosphere was accentuated by the strict rules, distant and impersonal staff-detainee relations and a limited regime in place. Despite some improvements since the CPT's 2013 visit, the environment remains unnecessarily restrictive, given the nature and purpose of administrative detention of migrants.

The CPT recommends that the Cypriot authorities take further steps to put in place a less restrictive environment at the Menoyia Detention Centre (see also paragraphs 59 and 60).

Reduction of capacity: The Police in cooperation with the relevant departments of the Police proceeded to the reduction of the capacity of Menoyia Detention Center. The current capacity of the center is 128 persons.

Material conditions: As provided by the Law and Regulations for the Establishment and Regulation of Premises of Illegal Immigrants, please be informed that as regards the material conditions granted at Menoyia Detention Center, these include:

- adequate lighting,
- ventilation,
- air-conditioning,
- call-bell,
- access to water and food,
- provision of personal hygiene products, etc
- outdoor exercise area, etc.

Painting of the wings: the 4 wings were painted in colour and paintings were placed on the walls.

Funding for Menoyia Detention Center: the Police has obtained a funding (173,000 euros) from the Asylum, Migration and Integration Fund for the Menoyia Detention Center. The amount mentioned above is going to be used to improve the detention conditions at Menoyia Detention Center i.e installation of computers and exercise equipment, purchase of other means of entertainment.

It should be noted that the detainees are no longer locked in their cells during sleeping hours. The cells are opened 24/7.

Lastly, several board and outdoor games were procured and are at the disposal of the detainees. Internet service was installed and 16 personal computers were placed in every wing. All wings were repainted and paintings and posters are placed on the walls. Music and art lessons continue and the hours of physical education have doubled.

The relevant Departments of the Police are constantly trying to improve the conditions of detention, so that police detention centers nationwide fully meet the European standards.

Recommendation par.56

The CPT recommends that the senior management reiterate to all custodial staff that any form of ill-treatment of detainees – whether physical or verbal, including racist behavior is unacceptable and will be punished accordingly. Further, the Committee would like to be informed of the outcome of the investigation into the above allegation of verbal abuse.

Treatment of detainees and respect on Human Rights are included on the training programs directed at Police staff. Moreover it should be stressed that complaints reported recently have been diminished in number and severity.

All complaints of physical abuse / ill-treatment submitted by detainees to the Administration of Menoyia Detention Center are immediately forwarded to the Independent Authority for the Investigations and Allegations against the Police.

As regards ill-treatment, it should also be noted that the Police is very strict with regards to issues concerning possible ill-treatment and use of force by members of the Police. If a person believes that he/she has been discriminated, ill-treated, or his / her human rights have been violated by the Authorities, he/she has the right to file a complaint. There are several independent authorities for the investigation of such alleged cases: the Independent Authority for the Investigation of Allegations and Complaints against the Police, the Attorney General with the appointment of criminal investigators, the Ombudsman, the Commissioner for Children's Rights. These mechanisms, aim at the objective investigation of complaints, as well as the reduction and eventual elimination of any inappropriate behaviour by members of the Police. Further information on the procedure is provided in recommendation paragr. 21.

Also, a 14-week training program is offered to police officers who recently joined the Police Force and are appointed to work at Menoyia detention center. The training program started at the beginning of December 2012 and includes a separate section on Human Rights. According to article 24 (5) of the Regulations 161/2011 for the Establishment and Regulation of Premises of Illegal Immigrants the training is repeated at least every six months.

Additionally, the Minister of Justice and Public Order, according to article 28 (1) of the Regulations 161/2011 appointed a three-member Complaint Committee. The Complaints Committee is competent, either ex officio or at the request of the detainee:

- (a) to review a decision made by the person responsible for the detention center, which is made under the authority received under Regulation 11 or Regulation 13, and
- (b) to hear and investigate the complaints of the detainees for any matter related to the detention or their treatment.

In each wing of the detention centre, the Complaints Committee maintains a complaint box to which every detainee has free access.

The right to file a complaint is also included in the Document "Rights of Detainees, Rules of the Detention Area and Obligations of Detainees".

It should be noted that Menoyia Detention Center is often inspected by national (Ombudsman, Cyprus Red Cross, Parliamentary Committee Human Rights, KISA) as well as International and European Organizations, Committees and NGOs (United Nation High Commissioner for Refugees-UNHCR, Amnesty International etc.), responsible for monitoring respect of human rights. According to article 6 “Communication and Visits from National or International Organizations and NGOs for the Protection of Human Rights” of the Law and Regulations for the Establishment and Regulation of Premises of Illegal Immigrants (161/2011):

- The Sub-Committee for the Prevention of Torture (SPT) and the Ombudsman or their representatives have the right to visit and inspect the detention center without any prior notice or without showing any authorization. In case of such a visit, the members of the personnel have to allow the entry and provide all the necessary facilitation for the inspection. During the visit the representatives are allowed to:
 1. Observe the behavior of the personnel towards the detainees,
 2. Have access to any document maintained at the detention center,
 3. Interview the personnel,
 4. Interview the detainees, with their consent, without the presence of the members of the personnel (out of sight and hearing), and
 5. Have free access to all the establishment of the detention center, in order to inspect the detention and living conditions, without the presence of the member of the personnel (out of sight and hearing).

- The representatives of the United Nations High Commissioner for Refugees (UNHCR) can visit the detention center, provided they carry an authorization signed by the representative of the High Commissioner of the United Nations in Cyprus. They only have to notify, at least one hour prior to the visit, the Chief or the Deputy Chief of Police or the person responsible of the detention center about their intention to visit the detention center. During the visit they can:
 1. Talk to the detainees without the presence of the members of the personnel (out of sight and hearing), at their own responsibility, and
 2. Inspect the detention and living condition, in the presence of the members of the personnel.

- The representatives of Non-Governmental Organizations (NGOs) can also visit the detention center. They have to inform, in writing, previous to the visit, the Chief or the Deputy Chief of Police or the person responsible of the detention center about their intention to visit the detention center. During the visit they can:
 1. Talk to the detainees in the presence of the members of the personnel (in the sight and hearing), and
 2. Inspect the detention and living conditions, only with a written permission.

In this regard a Memorandum of Understanding was signed on 09/02/2017, which includes provisions regarding the visit to detention centers by representatives of NGOs.

As regards the investigation into the allegation of verbal abuse please be informed of the following:

The criminal and disciplinary case is under trial. It should be noted that the police officer involved was immediately transferred to another department of the Police.

Additionally, the Police took the following actions:

- A criminal case no. 11017/16 was filed in Larnaca District Court, and it was scheduled for first appearance on 18/01/2017. The case was heard before the court on 22/11/2017 and a new hearing is set for 28/3/2018. The member of the Police is accused of the following criminal offences:
 - (1) Insult of religious feelings in words or actions (L. 154, art. 141).
 - (2) Not showing the detainee the required respect and decent treatment (Law and Regulations for the Establishment and Regulation of Premises of Illegal Immigrants Law 83(I)/2011 and Regulations 161/2011, art. 2,3,4,9, 10).
 - (3) Psychological violence against a detainee (Law and Regulations for the Establishment and Regulation of Premises of Illegal Immigrants Law 83(I)/2011 and Regulations 161/2011, art. 2,3,4,9, 10).
 - (4) Incitement to violence by a person or group of persons or a member of a group that can be determined, on the basis of race, color, or religion (Combating certain forms and expressions of racism and xenophobia by means of criminal Law, art. 2,3,7,8,10).
 - (5) Acts that cause discrimination, hatred, violence against a person or group because of race, national origin or religion (Law which ratifies the Convention on the Elimination of all forms of racial discrimination, art. 2 (3)).

- Regarding the disciplinary case, it is pending upon the completion of the criminal case.
- The Report and recommendations of the Ombudsman about this case was shared with a circular letter to all members of the Police. The letter briefly recorded the basic principles included in the Report of the Ombudsman with instructions to Police members for zero tolerance and reporting such incidents.
- Trainings / lectures were organized for Police members and especially for members that are working in detention centers on issues concerning treatment of detainees, obligations of members of the Police, racism, etc., as well as continuous updating in order to ban such behaviors
- Instructions were given to the Cyprus Police Academy to organize trainings (lectures and workshops) for Police members working in detention centers or Menoyia Detention Center. The topics will be related to human rights, racism / xenophobia, handling / treatment of detainees, etc. These trainings will be organized with the assistance of both the competent offices of the Police and other competent governmental services (eg. Ombudsman's Office) and / or NGOs dealing with human rights.
- On 21/11/2016, the Police requested the contribution of the Ombudsman for any further action which could be taken by the police, to prevent similar incidents in the future.

Recommendation par.57

The CPT recommends that medical examinations on departure and on return from Menoyia premises be systematically undertaken, which can contribute to evidence for later complaints and act as a deterrent. Equally, the health-care service and management should ensure that allegations, or suspicions, of ill-treatment are systematically forwarded on to the competent authorities.

Upon their admission to the center all detainees are obliged by law to undergo preventive medical examinations. Additionally, during their detention, detainees are examined upon request. Furthermore, if it comes to the attention of the personnel that a detainee may be in need of medical attention, if there are allegations of ill-treatment or if a detainee declares that he is on hunger strike, he/she is examined by a doctor.

The procedures established by the Attorney General of the Republic of Cyprus regarding the investigation of detainee's complaints of ill-treatment, are followed by the administration of the detention center. Further information on the procedure is provided in recommendation paragr. 21.

According to article 6(2) of the L. 83(I)/2011 “Law for the Establishment and Regulation of Premises of Illegal Immigrants” every detained person is examined upon admission in order to avoid any contagious diseases. The Medical Center of Menoyia Detention Center is now staffed with one doctor on a daily basis between the hours 0730-1500. It should be noted that from 02/01/2017, within the framework of a funding programme, the Menoyia Detention Center is staffed with a nurse, on a 24 hour basis, a mental health nurse, three times a week, and a health visitor, once a week. Also, the detainees are transferred to the Regional Medical Center or at the Larnaca General Hospital, for medical care, if necessary. It is also worth noting that a clinical psychologist appointed by the Ministry of Health visits the Center once a week.

Recommendation par. 58

The CPT welcomes this development and trusts that the washing facilities will be maintained in a good working condition.

As it concern the malfunction of some showers, especially in the female wing, please be informed that inspection was made by the Public Work Department and the technical problems have been repaired.

Lastly, the relevant Departments of the Police are constantly trying to improve the conditions of detention, so that police detention centres nationwide meet the European standards.

Recommendation par.60

The CPT recommends that Cypriot authorities further develop the range of, and greater access to, purposeful activities for persons held at the Menoyia Detention Centre. It also recommends that detained persons be restricted in their freedom of movement as little as possible and that the detained irregular migrants at Menoyia have free access to outdoor exercise throughout the day.

The following actions were taken in order to implement the above recommendation:

Reduction of capacity: Police following the recommendation of CPT (2013) and the instructions given by the Minister of Justice and Public Order, the Police in cooperation with the responsible governmental departments has reduced the capacity in the multi-occupancy cells to four persons instead of the eight. The current capacity of Menoyia Detention Centre is 128 persons in contrast with 256 that were in 2013.

Education courses: the Police in cooperation with the Ministry of Education and Culture, provides detainees at the Menoyia Detention Centre with education courses i.e. gymnastics, painting, choir. The main objective of these courses is to provide purposeful activities and cultural development to the detainees. These activities were chosen by the majority of the detainees, after filling a questionnaire prepared by the detainees of the Detention Centre.

Funding for the Menoyia Detention Center: the Police has obtained a funding (173,000 euros) from the Asylum, Migration and Integration Fund for the Menoyia Detention Centre. This amount is used to improve further the detention conditions at Menoyia Detention Centre i.e. painting of the four wings in colour, installation of computers and outdoor exercise equipment, purchase of other means of entertainment (balls, board games, etc.). It is worth noting that the Police have already proceeded with the purchase of 2 ping pong tables, 2 soccer tables, 16 computers, 33 balls, 29 books, handicraft, personal exercise equipment and table games. At the end of 2017, exercise equipment will also be installed in the outdoor area.

Cooperation with the Cyprus Red Cross: the Cyprus Red Cross in cooperation with the Police implemented a Programme, funded by the Norwegian Funds, which provided psychosocial support to the detainees of Menoyia Detention Centre, as well as to their families.

Outdoor exercise: Detainees can use the outdoor exercise area for 3 hours daily during winter months and 4 hours daily during the summer months, where they can play basketball, volleyball, football, etc.

Communication: the Police installed Skype and internet, in order to enable the detainees to have better contact with the outside world. Additionally, more regular visits are allowed and the use of mobile phones is allowed 24 hours/day. Lastly, 16 computers (offering internet access) were bought in order to be installed in the common use areas to be used by the detainees.

Books, games and TV: every wing is equipped with a TV, books and games.

Detainees are no longer locked in their cells during sleeping hours. The cells are open during all hours of the day and night.

Furthermore, the Police is in the process of applying for a funding for the employment of a social worker and a physical educational trainer.

As mentioned above, the activities programme continues to include music, painting and physical education classes offered by the State Educational Center. Responding

to our request, the Ministry of Education has increased the physical education classes by 6 hours a week.

Recommendation par.61

The CPT reiterates its recommendation that staff be encouraged to interact more with the detained irregular migrants and to take a proactive role towards resolving potential problems. To this end, officers should be more regularly present inside the accommodation areas and consideration should be taken to removing the blacked-out glass on the doors.

The personnel is encouraged to interact more closely with the detainees, play a more active role in problem solving situations and to stay inside the wings several times a day and for as long as necessary.

The members of the staff immediately respond to the calls of the detainees and enter/inspect the wings of the Menoyia Detention Center every 30 minutes in order to ensure the safety and welfare of the detainees. Additionally, they are continuously in contact with the detainees and try to solve any problems and fulfill their requests related to their accommodation, nutrition, etc.

Additionally, the importance of interaction between staff and detainees is also mentioned during the training offered by the Cyprus Police Academy.

As regards the removal of the blacked-out windows, the Cyprus Police will inspect the above mentioned Detention Centers with the relevant Public Departments, in order to find a solution.

Recommendation par. 62.

CPT invites the Cypriot authorities to review the current training and requirements of police staff at Menoyia, to ensure that only specially trained custodial staff, designated to work in the specific environment, and with the specific needs of immigration detainees, work at the establishment.

Menoyia Detention Center is, in accordance with relevant legislation, staffed by members of the Cyprus police who are posted to the Center. However, every effort is made to provide them with specific and adequate training.

The personnel of Menoyia Detention Center is specially trained and the training programme is repeated at least every six months.

Additionally, it is worth noting that the training program of the detention center personnel

has been revised according to the CPT suggestions. The personnel which was recently positioned in the detention centre, also participated in the training program.

Seminars for the personnel that are employed at Menoyia Detention Center are organized twice a year (within six months), both at the Cyprus Police Academy and at the Emergency Response Unit. Those seminars include subjects such as Combating Xenophobia and Racism, Communicating in a Multicultural Society, Respecting Human Rights and Police Code of Ethics.

It is worth mentioning that the subjects in the above seminars have been revised and workshops have been added (e.g Anger Management and Interpersonal Skills), in order to offer the trainees a more interactive approach.

Recommendation par.63

Generally, health-care services at Menoyia have improved significantly since the CPT's 2013 visit to the Centre. At the time of the visit, one general practitioner was working at the establishment from Monday to Friday from 7.30 a.m. to 14.30 p.m.; the provision of 24-hour nursing services was organised under the auspices of the Assistant Matron at Larnaca General Hospital which drew from a pool of 39 nurses. Additionally, access to specialists happens through referrals to local clinics, as required. A psychiatric nurse visits Monday, Wednesday and Friday and a public health nurse on Wednesday. A clinical psychologist also visits the establishment once a week.

It is noted that services provided by the Clinical Psychologists at Menoyia Detention Centre have been increased to 2 days per week during working hours. In addition, twice a week a Psychologist is visiting the premises on an after working hour basis (part time). There is a Mental Health Nurse on duty in the mornings for five days a week and a General Practitioner offers services from Monday to Friday, 07.30-15.00.

Recommendation par.66

The CPT recommends that all instances of self-harm be recorded in a dedicated register.

The Ministry has given careful consideration to the recommendations and further action is taken on the documentation and recording of incidents of self-harm.

Recommendation par.68

The CPT recommends that if any form of separation, for more than a few hours, is imposed, the person concerned should be provided with a copy of the relevant decision and information on the possibilities to appeal the measure to an outside authority, separation should be time-limited and a separate register should be established with time of arrival and exit. The decision to separate should also systematically trigger a visit by a medical professional to the separated person, to assess if the person concerned has urgent medical needs and to take action, if necessary.

Further, it recommends that the frequency, duration and use of the waiting room, as well as other measures such as the use of means of restraints, use of force or other extraordinary incidents, should be systematically recorded in a central register.

The CPT also recommends that the disciplinary procedures should be explained clearly in the House Rules.

In case of a decision for separation is taken by the responsible Authority, the Ministry of Health, in the framework of its responsibilities, will assure that the person is been examined by a health professional to assess the need for medical assistance.

Recommendation par.69

The CPT recommends that the Cypriot authorities adopt the proposed new House Rules (that should be available in the most commonly spoken languages) as swiftly as possible and ensure that staff and detained persons (immediately upon admission) are made fully aware of their rights and their obligations.

The new booklet has been translated and issued in 18 languages (Greek, English, Turkish, Polish, Hindi, Vietnamese, Bulgarian, Arabic, French, Georgian, Chinese, Urdu, Persian, Serbian, Romanian, Filipino, Sri-Lankan and Russian).

Additionally, the rights of detained persons are expressly explained to each foreign national without delay and in a language which they understand. Moreover, they are immediately handed out the booklet of their rights and communication rights, according to the *Law and Regulations for the Establishment and Regulation of Premises of Irregular Immigrants* and they are respectively asked to sign a statement attesting that they have received a copy of their rights, so as to avoid any discrimination practices. These rights are also placed inside the detention centre so that the detainees have access to them, at any time.

Recommendation par.70

The CPT recommends that the management of Menoyia introduce a central register on complaints to ensure that management retains an accurate oversight of the key issues. It also recommends that detainees due to be escorted for deportation, or returned from failed deportations to the establishment are made fully aware of the complaints' processes in place (see also paragraphs 12, 13 and 57).

The complaints are examined by a committee established by the Minister of Justice and Justice and Public Order under Regulation 28 of the Prohibited Immigrants Detention Center Regulations. The CPT's recommendation will be examined.

Further, the CPT would like to be provided with information about how many complaints were received during the first nine months of 2017, how many were upheld and what action the internal Complaints' Commission can take if it finds a substantive violation.

Two complaints for ill-treatment were received by the management of the Menoyia Centre and submitted directly to the Independent Authority for the Investigation of Allegations and Complaints against the Police. Moreover, the Complaints Commission in 2017 has received one complain but it was not examined due to the deportation of the interested person.

Recommendation par.72

CPT recommends that the Cypriot authorities ensure that any foreign national who is deprived of their liberty at Larnaca and Paphos Airport holding facilities in excess of 24 hours should be transferred to another suitable holding facility.

Persons deprived of their liberty at Larnaca and Paphos Airport holding facilities, are persons refused landing and entry in the Republic of Cyprus; therefore they cannot be transferred to another facility outside the airport.

The foreign nationals refused landing are returned to their country of origin with the next available flight. Efforts are made in order for the facility to be used only for the shortest possible period of time.

C. Nicosia Central Prisons

The following comprises the answers of Cyprus Prisons Department on recommendations at par. 73-106.

1. Overcrowding

Concerning overcrowding issues, remand prisoners and their lengthy periods of pre-trial detention as mentioned in pages 5, 9, 39 (para. 73), 40 (para. 75), and 43 (para. 80), please be informed that these issues (alternative measures to imprisonment) are not within our powers and jurisdiction to alternate but instead that power is vested in the Court of Justice. Further, since the last visit of CPT in Cyprus Prisons Department (02-10/02/17) there have been many changes in respect of the building infrastructure of the Prisons in order to address many issues, one of them being the continued overcrowding and attempt to provide a solution by minimising it. For instance, the new Block 3 is now being used in its full capacity by female convicts and thus all pre-trial detainees are accommodated in the old Block 3 which used to accommodate all female prisoners. Recently, another Block was inaugurated.

Presidential pardons

Following the inauguration of the new president of Cyprus, presidential pardon was granted in March 2018 to all inmates, from which 66 of them were released immediately and the rest of them had a considerable reduction in their sentence.

At the moment, the prison capacity is increased from 528 to 566.

2. Disciplinary system

As to references made regarding the disciplinary system in the executive summary (page 5, paragraphs 6 and 7) and also in pages 39 and 40, positive changes have indeed taken place in the past three years due to the initiatives of the new leadership to make reforms which have had an impact on the individual but also on the collective level, regarding prisoners and staff. Regarding disciplinary system, additional measures have been adopted in order to minimise the fundamental procedural deficiencies within it.

3. Allegations regarding abuse of prisoners by staff

In the executive summary (page 5) and also pages 39 (para. 74), 40-41 (para. 76) and 54 regarding several allegations of staff physically abusing prisoners and even threatening them with reprisals, the Prison leadership has imposed policies and procedures to prevent ill-treatment, abuse of power and reprisals, which reflect the Department's zero tolerance to such actions, and the attempt to diminish such incidents. To date although we have no significant number of allegations regarding incidents of violation of human rights or inmates abuse, we have given explicit orders/instructions and clear messages to

the prison staff (all ranks) so as to understand the philosophy behind the reforms that promote respect to human dignity and safeguard the human rights of all inmates, encouraging reporting of every incident that comes into their attention.

In the framework of the implementation of the above, staff members attend pertinent courses and training in Cyprus and abroad, and special orders have been issued on how to deal with such incidents. For allegations which concern ill-treatment (i.e. verbal and physical abuse), abuse of power and threats with reprisals on behalf of the staff, we have adopted certain procedures (Annex 5 – ill treatment). In addition, in the procedure described in Annex 5 the alleged ill-treated person or threatened inmate with reprisals can communicate the incident to the Department's management via the locked complaint's boxes available in each Block for the Director, without involving any member of staff in the process, if they fear that further abuse will take place following the submission of a complaint.

Moreover, there are two similar boxes, that of the Ombudsman and that of the Council of Prisons, which only the officers of the Ombudsman's office and members of the Council have access respectively. Also, the prisoners have access to phone calls from 08:00 to 18:00 where this is another channel to communicate any allegation. Still, in the past three years (2015-2017), only 6 such complaints were made and all of them were duly investigated both internally and by the police. Specifically, regarding the criminal investigations, in 2 of the cases the allegations were vice versa and the allegations of inmates proved to be false, 2 are still under investigation whereas the other 2 complaints were withdrawn and unsubstantiated.

In all 6 cases, an internal investigation was carried out and 2 of the cases were withdrawn and no evidence were found, 2 cases proved to be false allegations whilst the other 2 cases are still pending where in one of the 2 cases one officer is still suspended.

With regard to pertinent training of the staff it is noted that in December 2017 the Prison Academy was inaugurated and 34 recruits received a twelve-week training (introductory and in-service training) including seminars and lectures that promote a culture for combating ill treatment. This year the Prisons Academy is organising training for the middle managers for improving their communication interpersonal skills to exercise adequate oversight.

4. Ill-treatment, Prisoner A

As regards Prisoner A (page 10, para. 8), it is noted that the gatehouse's room is not in any case used as a permanent living space/ accommodation for prisoners. In this case it was used as a temporary living space in order to safeguard not only the individual's physical integrity but also to protect the other prisoners, as the particular person has a very distinctive aggressive, manipulative and/ or self-harming/ suicidal behaviour. Prisoner A, many times threatened prisoners, attacked prisoners and staff, and committed a series of serious disciplinary and criminal offences for which the prisoners

were afraid to make a formal report to the police but they informed their Embassy which in turn, made representations and warned the Department to take measures for the protection of lives of their citizens and for the removal of prisoner A, from the Close Supervision Unit where he was staying at that time with the complainants. All the measures we have taken were merely proportionate for the protection of the physical integrity of the other inmates, staff and for his own protection.

Besides that, regarding the alleged beatings in the gatehouse area please be informed that the area is equipped with CCTV cameras and thus it would be possible to detect any incidents that have allegedly taken place there.

5. Ill-treatment, Prisoner B

As regards the incident mentioned in your report in pages 10 (para. 8), 41 and 43 (para 79) about Prisoner B, that it was not brought to the attention of the management, it is noted that the Police has been called to investigate into the matter. Prisoner B mentioned to the Police that he had no complaint to make.

Further, the internal investigation progressed and from the evidence collected it seems that the prisoner who has hit the stainless steel tray on bar in the kitchen, while he was escorted outside of kitchen, had started being very aggressive towards the prison staff when they told him that he had to go to the gatehouse. Specifically, apart from the testimonies of the prison staff, there were two independent testimonies – one from the social worker (from the Ministry of Labour who works in the prison department) and another one from the psychologist (from the Ministry of Health who works for the prison department). They both mentioned that they heard someone screaming and shouting, and therefore they came out of their offices to check what was happening. They saw and listened to the prisoner that he was using an improper language and generally his behaviour was improper by acts and gestures against the prison staff, while prison officers were trying to wear handcuffs to the prisoner and escort him to the gatehouse area by using the necessary and proportionate force under the circumstances. Although it was the inmate who demonstrated aggressive and improper behaviour against the personnel, as from the same day that the incident came into the attention of the prison leadership, instructions were given to the prison staff referred to the management by the delegation, not to come in contact with the inmate.

Further, the Prison leadership have repeated and made clear to the members of staff that there is no tolerance with regard to any abuse or reprisals by the prison staff, and has alerted the staff the necessity to demonstrate more diligence to any incident that requires investigation in finding any form of violence and to inform the Prison management in due time.

However, the same prisoner in the past, has insulted a prison officer who had not come in contact with him before, by using improper words, after the inmate was told by that prison officer that he was not allowed to trespass a forbidden area of the prison and has committed several disciplinary offences in Prison, and has showed problematic and disrespectful behaviour in multiple occasions, before and after CPT's visit. Regarding this particular incident, as stated above, the investigation showed that the staff merely used the proportionate force not as a punishment but as a means to protect themselves from his aggressive behaviour.

As pre-mentioned, Prison leadership demonstrates zero tolerance with regard to any abuse and/or reprisals by the staff. To this end, the Director reiterates at regular intervals (during meetings with the staff and via prison orders) that all forms of ill treatment are unacceptable as they do not reflect the culture promoted by the leadership.

CCTV

What's more, regarding the recommendation in para. 78 (page 42), the past three years the leadership of the Prisons has signed a contract for the regular maintenance of the CCTV and action has been taken (the competent authority of the government was informed about the needs of our Department in respect of the CCTV system) in order for the locations of concern to be covered by CCTV.

6. Complaints; system

Regarding the complaints; system in page 54 (para. 106), this has dramatically changed in a positive way. From the feedback we receive by independent institutions/mechanisms, such as the Ombudsman's office and the Council of Prisons, is that they did not receive any complaints for ill-treatment, in 2017. Further, the cameras over the locked boxes of Ombudsman and Council of Prisons have been removed as from the appointment of the Director. Moreover, as described above in paragraph 4, there are many channels for conducting the outside world and make any complaint they wish without any obstacles. Ostensibly the corporate culture promotes zero tolerance to ill-treatment. Any complaints are registered and statistics are kept as an indicator for improvement. Further, staff started receiving training in the subject through an interdisciplinary approach.

7. Call bells

As regards the response to call bells, in the executive summary (page 6) and also in page 44 (para. 81), it is noted that during night time, the staff opens the cells on average 75 times per night, in a block of 60 inmates. However, the Prison facilities are very old and hence there are no toilets in the cells, nor it is possible to place any extra toilets within the cells according to the individual living space allocated for each inmate. In Block 3 the in-cell toilets are partitioned.

8. Block 10

It is important to clarify that Block 10 as mentioned in the executive summary (page 6) and in page 48 (para. 94) about, it is not exclusively used as a psychiatric care unit. Instead, Block 10 accommodates vulnerable inmates such as psychiatric patients, inmates with suicidal trends and thoughts, or inmates with impulsive or/and self-harming/self-destructive behaviours for their own protection and the protection of other inmates and staff, after being referred by the Mental Health Services (MHS), for 24-hour monitoring. Therefore, Block 10 does not exclusively accommodate mentally ill detainees. Likewise, the inmates of Block 10 - which are no more than 10 at a time - have their own weekly school program and sports activities three times a week (starting from January, 2018). Further, in a few cases inmates of Block 10 participate in the Lemvos program (Substitution program). What is more, all of the cells have a sleeping platform except the 2 cells that are high security padded, equipped with a mattress on the floor, that are used for the protection of physical integrity of the inmate, following the referral of the MHS. As regards the lighting in Block 10, it is mentioned that the inmates are out of the cells for most of the time, where they enjoy natural lighting. They return to their cells every night at 21:00 and during weekends at 22:00. Further, in many occasions they were allowed out of the cells for watching TV series in the communal association room until 01.00 (a.m). Moreover, inmates participate in purposeful activities, school lessons, rehabilitative and therapy-based programs. In addition, 2-3 times per week a physical educator visits the premises of Block 10 for outdoor exercise and basketball games. Last but not least, we agree with the recommendation that the mentally-ill inmates should be transferred to a designated mental health facility.

Furthermore, as it concern patients at Block 10 (para. 93), it is noted that at the moment, Mental Health Services provide a multidisciplinary team visiting Block 10 on a regular basis. In addition to the psychiatrist, the other members of the team (psychologist and occupational therapist), examine and provide follow up for the prisoners. The mental health nurses provide additional support on a 24-hour basis.

Certain difficulties in providing more non- pharmacological programmes in block 10 are faced because of:

- a. The different diagnostic categories of the patients
- b. Lack of motivation in many patients
- c. Lack of specially designed and equipped rooms for rehabilitation programmes

Since Block 10 was originally established to hospitalize patients on a short-term basis, a change in the operating framework of the block, as well as the development of rehabilitation spaces is being discussed, in order to provide mental health services to prisoners on the long – term.

The recommendation (para. 94) for changes in block 10 so that it becomes a more therapeutic environment are under consideration. Block 10 is considered as a high security unit because of the hospitalization of prisoners with self-destructive behaviour, as well as with prisoners with destructive behaviour against others.

The responsible department of Mental Health Services has already asked for teachers, as well as other educational trainers, to visit block 10 regularly, while more specific personalized programmes are under consideration.

Finally, inmate patients are transferred to Athalassa Hospital if their mental condition sorequires after a thorough evaluation.

9. Prevention of suicide and self-harm

As regards the prevention of suicide and self-harm, mentioned in page 49 (para. 95) as you noticed there were positive developments resulting in zero suicides in the past three years (2015-2017), 1 attempt of suicides in 2015 and zero attempts in 2016 and 2017 (whereas there were thirteen attempts of suicide on average annually the previous years), self-harms 5 in 2015, 3 in 2016 and 1 in 2017 (whereas there were 2-3 self-harms daily the previous years). Further, all these incidents (suicides, attempted suicides and self-harms) are all registered.

10. Medical orderlies

As regards medical orderlies, medical confidentiality and the system of dispensation of medication discussed in the executive summary (page 6) and in page 47 (para. 87, 90, 91), these can be waived by replacing the prison staff with medical staff, according to CPT's recommendation with which we are in full convergence. It is noted that the adoption of this recommendation has many different aspects, including, for example, the extension of the building's capacity and the increase of staff. The Ministry of Health and the Prison's Department of the Ministry of Justice and Public Order will cooperate in order to re-assess the situation and agree on the most suitable solution, based on the recommendation of CPT.

Medical confidentiality

The Ministry of Health and the Prison's Department of the Ministry of Justice and Public Order are discussing different options for the adoption of this recommendation, taking into consideration all the necessary preconditions.

As regards the confidentiality, the prison officers are only informed by the healthcare staff on a need-to-know basis about the state of health of an inmate. Further, medical orderlies, during medical examination, are not present except in cases when there is a need (e.g. staff safety).

Medical Screening

During morning hours, medical screening can be carried out by the Medical Doctors on duty. Throughout the afternoon and night hours, this can be carried out by the General Nursing Personnel who is on duty on a 24hour basis.

Medical examination - Recording of medical findings

The Prisons management and the doctors working in the Prisons Department, have meetings every trimester and also when is necessary. Regarding recommendation in page 46 (para. 89), during the meetings it is stressed that the medical examination and recording of medical findings (i.e. injuries), especially in cases when there are allegations made by inmates following a violent incident, are very crucial. Further, a procedure is adopted for the medical screening of an inmate upon admission to the prison facilities within 24 hours.

Moreover, it is noted that a central trauma register has already been introduced by healthcare professionals and a body chart for reporting traumatic injuries based on the Istanbul Protocol is already used (para. 89).

During morning hours, medical screening can be carried out by the Medical Doctors on duty. Throughout the afternoon and night hours, this can be carried out by the General Nursing Personnel who is on duty on a 24hour basis.

First Aid training

Regarding your recommendation in page 6 (i.e. first aid training of prison staff), 66 prison officers (including prison officers medical orderlies) have received First Aid training (2017). This year more staff will be receiving training in the subject.

11. Purposeful activities

As regards the contentions about the lack of purposeful activities for inmates and no sentence planning, [in the executive summary (pages 6) and also page 45 (para. 83)], it should be mentioned that there is a sentence planning in place and the current schedule of activities i.e. school lessons, work, ergo-therapy sessions, group-therapy, individual sessions, psychology workshops, music band, dancing and theatre team, arts and crafts etc., as well as sports activities that have been enhanced with the gyms in all blocks, programs with the supervision by physical educators like personal training, body combat, yoga etc., football, volley-ball and basket-ball. In addition, other programs have been recently introduced with the European project "Ready to Go" like badminton and other athletic games that improve cardiovascular system and blood-circulation, promote weight loss and increase metabolism, increase speed and agility, improve social skills, flexibility and physical well-being. Furthermore, other events, such as exhibitions and activities are organized for the socialization of inmates within the prison facilities such as musical

concerts, numerous football tournaments, art exhibitions, DJ events, movie nights, cooking activities, bingo nights, competitions, Iranian music concert for foreign nationals, Greek music concerts etc. Further, we participate in events outside prisons like pink silhouettes (Europa Donna-International Day Against Breast Cancer), Cyprus pride parade, theatrical performances, International Day Against Drugs, charity events, arts and crafts exhibitions, blood donations, Cleaning Cyprus competition and other similar events. Prison leadership have always participated along with the inmates in all above events inside and outside prisons. Moreover, there are rehabilitation programs for mentally-ill inmates and drug-users.

Therefore one can attest that there is a range of purposeful activities and a variety of works from which all inmates may choose as to what to include in their individual sentence plans, with the guidance of the school coordinator, MHS, and Social and Welfare Services. However, the participation in all abovementioned activities is voluntary and exclusively upon the wish of the inmate, including lifers. Few of the lifers, have their own individual sentence plan and they participate in most of the activities of the prison, having their individual schedules.

12. Allegations about discrimination of foreign nationals

The allegations made by foreign national prisoners in the executive summary (page 6) and also pages 39 ,44 (para. 82), 52 and 53 (para. 104), in respect of discrimination regarding access to education, health care, work and recreation, do not respond to reality. Instead there are statistical evidence to suggest the exact opposite, that is to say that foreign detainees are actively involved in all above-mentioned activities/ education/ health care/ work, and the principle of non-discrimination is fully respected. To begin with, the total foreign population of our Prison makes up the 40% as you noticed, whereas the other 60% are the Cypriot detainees.

- (i) For the year 2016-2017 a total of 396 prisoners attended school, 102 of them being foreign nationals.
- (ii) The Prison's football team is consisted of 10 foreign nationals and 9 Cypriot prisoners, whilst the basic players are 5 foreign nationals and 5 Cypriot inmates.
- (iii) The theatre team included 3 foreigners out of 11 participants in 2017 and two out of 7 participants in 2018.
- (iv) In the Department's orchestra, choir, dance group, arts and crafts exhibitions participated since March 2015, a total of 38 foreign prisoners and 63 Cypriot prisoners.
- (v) Events organised by Prison leadership such as DJ events 38 foreign national inmates participated out of 83 inmates.
- (vi) Events organised by the Red Cross, like Bingo, 52 foreign national inmates and 82 Cypriot inmates have participated.

- (vii) The department enables and assists all prisoners to have regular contact with relatives and friends, and for people that are abroad or unable to visit Prison, communication takes place via telephone and Skype meetings. Indicatively, in 2017, 796 Skype calls were conducted, 9 of which were made by Cypriot detainees and the rest 787 by foreign nationals. Each year, from the average 75-80 active users of Skype, the 68 are foreign nationals.
- (viii) In 2017, as regards MHS staff, have provided services to 563 Cypriots and 395 non-Cypriots. Further, they had 1993 sessions with Cypriots and 1398 sessions with non-Cypriots. In addition, 7 foreign nationals out of 11 inmates, participate in the Substitution program (Lemvos). As regards the Healthcare Services, the doctors in prison provide services to more than 600 cases monthly. Indicatively in January 2018 they have provided services in 753 cases, out of which 318 were for foreign nationals. Also, in 2017, 382 foreign nationals have visited the General Hospital for various medical examinations. Concerning transmittable diseases in 2017, 8 non-Cypriots and one Cypriot were diagnosed with Hepatitis B, 7 non-Cypriots and 3 Cypriots were diagnosed with Hepatitis C, one non-Cypriot and zero Cypriots was diagnosed with Aids and 5 non-Cypriots and zero Cypriots were diagnosed with an STD. Any of those who consented to therapy they received treatment.
- (ix) In Prisons, 447 people are currently working and receiving payment, and 171 of them are foreign nationals.
- (x) In 2017, 37 interpreters visited our Department and provided their services, with an amount reaching the €896.75. The interpretation services are always provided for free from the Prisons when required. Further, we ensure in a written form that the writing obligations of inmate are provided upon their admission in a range of languages. As regards immigration procedures, twice monthly, immigration officers visit the prison facilities they interview inmates and they provide information about immigration procedures.
- (xi) From 152 inmates who use the prison gyms, 63 of them are foreign national inmates.
- (xii) Representatives of each religious group, visit inmates every week and most of them are for foreign nationals.
- (xiii) As regards foreign national liaison officers, we have appointed two prison officers from the Director's office -one male and one female- who liaise with foreign nationals according to their individual needs.

As regards Open Prison, the regime has very light security measures where the inmates are all day out of the Open Prison and they visit their families every 2 months without escort. Foreign nationals that have no legal status of stay in the Republic of Cyprus cannot enjoy the privileges of Open Prison, as it will be a violation of the Immigration Law.

13. Voice-over-Internal Protocol technology (Skype)

As you noticed, the open visits, the general practice and visiting facilities, have been upgraded. What is mentioned in page 53 (para. 105) about Voice-over-Internal Protocol technology (Skype), does not reflect the actual state of play; there are three computers and not one, it is not available only for certain categories of inmates and it is not available only once per month for each inmate. Specifically, for the period 2015-2017, 199 inmates requested use of Skype and only 10 of them were rejected, as they had regular visits in prison. Each month 80 Skype calls are conducted on average. Only within 2017, 796 Skype calls were conducted. Each year, there are 75-80 active users of Skype. The use of Skype in our facilities, it was considered as a good practice and it was included in the edition of the Council of Europe (2016) "*A handbook for prison staff with focus on the prevention of ill-treatment in prison*".

Financial assistance to foreign nationals by Prisons Management

With regard to the comment on page 53 (para. 105) about the lack of financial resources of foreign nationals, the leadership provides financial assistance to those that they have restricted financial resources and shares for free tele-cards of €5 each. Specifically, in 2017, the leadership have shared the amount of €14789, approximately in 400 cases for financial assistance, as well as 200 coupons of €20 each for the canteen, and distributed 1650 tele-cards of €5 each. What is more, the Department offers clothing items (shoes, underwear, clothing, pyjamas, slippers, shirts, pants, training suits, overcoats and so on). Furthermore, we provide for free items for personal hygiene.

14. Staffing issues

As regards staffing issues, referred in the pages 49 (para. 96, 98) and 50 (para. 99), this is another subject which the Prison leadership attempted to solve by hiring 34 more prison officers whilst 3 of the temporary members of staff have become permanent staff. Thus from the 52 prison officer vacancies which we had requested since 2015, 34 positions have been filled in 2017, whereas another 18 vacancies are expected to be filled. Furthermore, the promotion system has changed regarding the length of service as it takes up to 18 years to gain the first promotion (sergeant) whilst previously the length of service for taking a promotion was up to 23 years.

Moreover, with the establishment of Prisons Academy, prison officers are receiving introductory and in-service training which strengthens their expertise and know-how. In 2017, 246 prison officers have received training and participated in seminars, workshops and conferences in Cyprus and abroad.

As regards reward for overtime working hours, the prison officers are properly rewarded as this was agreed with the Ministry of Finance of the Republic of Cyprus.

The senior management has regular meetings with the middle management, stressing the responsibility for oversight.

15. Alleged incident of attempted rape

Regarding what is mentioned in page 42 (para. 77), please be informed that the alleged rape was investigated by the police and from the coroner's evidence there was no abuse, or any evidence that matched his allegations. Specifically, following his allegations, he was transferred immediately to the General Hospital where he was thoroughly examined by a coroner who he had found no evidence that matched his allegations. Further he was transferred to a protection unit until the end of the investigations. Neither police investigation nor internal investigation, showed that the inmate was raped. Hence, it turned out that he made a false allegation for which he apologised to the Prisons management.

Prevention of inner-prisoner violence

As regards your recommendation in page 42 (para 78), we have established policies and procedures to prevent inter-prisoner violence and bullying, regular risk assessments are conducted by the MHS and trained staff regarding allocation and placement of inmates. Further, during 2016-2017, 78 prison officers received training for identifying vulnerable inmates and any risks of inter-prisoner violence/ suicidal behaviours etc. Indicatively, the previous years there were 2-3 incidents of inter-prisoner violence daily whilst in the past three years (2015-2017) 15 incidents of inter-prisoner violence, were registered.

Integration of the CCTV

As regards the CCTV system, note that this was delivered by the previous Prison administration by the end of 2014 and although more than half of a million euro were spent, the system was not working properly. The integration of the CCTV system was completed by the end of 2016 and the maintenance was completed early in 2017.

16. Disciplinary issues

Regarding disciplinary issues and investigative lock-ups, as mentioned in, pages 50 and 51 (para. 100-101) and 52, please be informed that this measure is used in exceptional and serious (disciplinary) cases after an initial screening by a senior prison officer with due respect to the rights of the prisoners, their safety and the safety of the other prisoners. Furthermore, it is mentioned that the Prisons Department keeps a record of all disciplinary cases.

The number, the actual length of "investigative lock- ups" and solitary confinement sanctions for 2016 and 2017 that the Committee has requested are provided below:

155 investigative lock ups for the period 01.01.2016- 31.12.2016

- 38 Cases – 6 days restriction
- 53 Cases – 4 days restriction
- 12 Cases – 3 days restriction
- 25 Cases – 2 days restriction
- 27 Cases – 1 day restriction

125 investigative lock ups for the period 01.01.2017 - 31.12.2017

- 32 Cases – 6 days restriction
- 36 Cases – 4 days restriction
- 34 Cases – 3 days restriction
- 13 Cases – 2 days restriction
- 10 Cases – 1 day restriction

The above Statistics show significant decrease in the last year, in relation to the use of provisional or precautionary disciplinary isolation both in terms of number of cases and duration.

Moreover, as far as the disciplinary sanctions are concerned, the following data are provided:

Disciplinary sanctions for the period 01.01.2016 - 31.12.2016

- 2 cases – 10 days restriction without privileges
- 1 case – 6 days restriction without privileges
- 4 cases – For 10 days, the inmate was outside of his cell from 0600 – 1800 hours, having all privileges i.e. having visits, attending school, having access to telephone calls. After 1800 hours he was locked in his cell while the rest of the inmates were typically locked in their cells at 2100 hours.
- 1 case - For 15 days, the inmate was outside of his cell from 0600 – 1800 hours, having all privileges i.e. having visits, attending school, having access to telephone calls. After 1800 hours he was locked in his cell while the rest of the inmates were typically locked in their cells at 2100 hours.
- 1 case – For 20 days, the inmate was outside of his cell from 0600 – 1800 hours, having all privileges i.e. having visits, attending school, having access to telephone calls. After 1800 hours he was locked in his cell while the rest of the inmates were typically locked in their cells at 2100 hours.
- 1 case – For 30 days, the inmate was outside of his cell from 0600 – 1800 hours having all privileges i.e. having visits, attending school, having access to telephone calls.

After 1800 hours he was locked in his cell while the rest of the inmates were typically locked in their cells at 2100 hours.

Disciplinary sanctions for the period 01.01.2017 – 31.12.2017

- 2 cases – 6 days restriction without privileges
- 3 cases – 5 days restriction without privileges

The cases that were not adjudicated, received a different type of disciplinary penalties that they seemed that they enjoyed i.e. in one of the cases the prisoner was instructed to help in the kitchen by making crepes for all inmates in 2-3 days' time, as he was the owner of a crepe shop outside prison, whilst in another case the prisoner who was a painter in profession, was instructed to help in painting walls in the Prison. In another case where the inmate was a baker, he was instructed to bake individual cakes for all inmates as a disciplinary penalty.

17. Provisions of the new Prison Regulations and Prisons Law

Following consultations between the Ministry of Justice and Public Order, the Prison Service and the Law Office of the Republic, the drafting of the new Prison Regulations and an amendment to the Prisons Law have been completed. **On 9 January 2018 the Council of Ministers approved the new Prison Regulations and the amendment to the Prisons Law. These have been tabled before the Parliament for adoption.**

The new Prison Regulations and the amendment to the Prisons Law provide safeguards in order to avoid any risk of arbitrariness resulting from a decision to place a prisoner in solitary confinement, either as a formal disciplinary measure or as another measure. The decision is accompanied by procedural safeguards guaranteeing the prisoner's welfare and the proportionality of the measure. Total prohibition on contact with the outside world is not imposed as prisoners in solitary confinement retain the right to send and receive letters in the same manner as all prisoners and have by law minimum visitation and telephone communication rights. Prisoners in solitary confinement, as all prisoners, can send letters to and receive letters from certain national and international bodies and officials without restriction or monitoring. Moreover, the new composition of the Prisons Board renders the Board an effective remedy for prisoners who wish to lodge an appeal to an outside authority when solitary confinement is ordered and for prisoners who wish to lodge a complaint on the conditions of detention in solitary confinement.

Information on the main provisions of the new Prison Regulations and Prisons Law (as approved by the Council of Ministers) are summarized in the Republic's Action Plan dated 12/1/18 in the case of *Onoufriou v Cyprus*. The Action Plan was submitted to the Department for the Execution of Judgments of the European Court of Human Rights and can be found at the following link: <https://www.coe.int/en/web/execution/submissions-cyprus>

18. Remission of prison sentence

As regards remission, mentioned in page 52 (para. 102 and 103), the power of the Director to remove remission, does not concern the sentence imposed by the Courts. The inmates, due to their good conduct and service, they are granted remission off the initial sentence by the Director of Prisons. The Director may remove the remission provided by prison only in case a prisoner does not demonstrate good conduct and behaviour until the end of the sentence. Following the commission of a disciplinary offence if they demonstrate good conduct and behaviour, which is mostly the case, the remission is not removed. In 2016, in all cases that the remission was removed due to disciplinary sanction, this was returned by the Director before release. Further, in 2017, in only 2 cases the remission of Prison was removed, whilst for the rest of the cases that the remission was removed due to disciplinary sanction, this were returned by the Director before their release. Apparently, the remission is never used as a disciplinary punishment, but as an incentive for the inmates to maintain good conduct and service, as in nearly every case the remission is returned.

D. Psychiatric establishments

Recommendation par.107

The CPT calls upon the Cypriot authorities to prioritise, without further delay, the building of a new Mental Health Centre. Further, it wishes to be informed of the timescale within which it is envisaged that this will be done.

At present, the Cypriot authorities are in the process of renovating the Athalassa Hospital. Two renovated wards were delivered on February 2018, and in 2018 / 2019 another 2 wards are planned to be fully renovated.

The administrative process for the New Building of Mental Health Hospital has already been initiated. During 2018 the required plans for the new building will be drafted and provision for the necessary funds for the cost of its architecture design will be included in the state budget of 2019.

Recommendation par.108

While welcoming these positive steps, the CPT recommends that the Cypriot authorities make further efforts to also transfer the remaining ten patients with severe learning disabilities from Athalassa Psychiatric Hospital to homes in the community.

Already four out of the ten patients with several learning disabilities were placed in homes in the community and efforts continue to transfer the remaining patients to homes in the community.

Recommendation par.109

The CPT would like to be informed by the Cypriot authorities of the legal basis on which juveniles will be deprived of their liberty at the secure unit of the Psychiatric Clinic of Nicosia General Hospital.

The mentioned Psychiatric Unit at Nicosia General Hospital has been established by Ministerial Order. This order has been issued under the «Psychiatric Care Law» 77(1)1997, 2007, which consist the legal basis for such actions.

This Unit has been declared as a “Psychiatric Center of Safe Hospitalization”, for Juveniles drug users with violent delinquent or dangerous behavior, for whom a court order for obligatory mental examination is pending and who are suffering from serious mental disorder. The examination will be carried out by the on-duty child psychiatrist, who will decide whether the patient should be obligatorily hospitalized.

Recommendation par.111.

By communication of 31 March 2017, the Cypriot authorities informed the Committee that the investigation into the case was still on-going. The CPT would like to be informed of the outcome of the investigation.

Regarding the incident on the 7/9/2016 an investigation was carried out by a criminal police investigator and the finding showed that no offence was committed by nurses or police officers. (Γ.Ε.12/99/Y175)

Recommendation par.112.

In the light of the information gathered during the 2017 visit, the CPT recommends that the management of Athalassa Psychiatric Hospital exercise continuous vigilance and regularly remind staff that any form of ill-treatment (including verbal abuse) or disrespectful behaviour towards patients is unacceptable and will be sanctioned accordingly.

This is a policy already practiced by the Management of Athalassa Hospital. The staff is continuously reminded of need for vigilance for the prevention of any incidents of ill treatment, including through targeted and continuous training and education provided.

Recommendation par.113.

The CPT would like to be informed of the composition of the special investigation committees as well as of the number of ill-treatment allegations by staff at Athalassa Psychiatric Hospital investigated by these committees during the years 2012 to 2017 and the outcome of these investigations, including any follow-up action taken by the hospital management.

All complaints are investigated according to the Public Services Laws and Regulations.

Also, it is worth mentioning the existence of the Cyprus Mental Health Commission, operating on an independent basis, having as part of its terms of reference the investigation of any allegation for abuse received.

Recommendation par.114.

The CPT recommends that these shortcomings be remedied.

Reference is made to the CPT's recommendation in paragraph 107. In the meantime, the Cypriot authorities should take further steps to improve the living conditions in the light of the above remarks and make increased efforts to render patients' rooms less austere and impersonal.

As mentioned in point 107, the renovation of Wards 21 and 34 is completed. Ward 21 is now functioning as an acute male clinic and Ward 34 as an intermediate male clinic. During 2018 / 2019 two more wards are planned to be fully renovated.

Renovated buildings are fully refurbished and all the safety measures are taken under consideration, including making the ward environment more personal and less austere, a policy that will be followed in the case of renovation of Wards 23 and 24.

The administrative process for a New Building of the Mental Health Hospital has already been initiated.

Recommendation par.115.

The CPT recommends that the Cypriot authorities take steps to put in place a clear policy for promoting and facilitating the possibility for all patients from the closed wards, including the two admission wards, to access the outdoors every day at Athalassa Psychiatric Hospital. To this end, better use should be made of the existing outdoor facilities. The CPT would like to receive information on how this policy is being implemented.

When circumstances permit, the outdoor walks are carried out at the Hospital's yard.

With the completion of Phase -1 of Athalassa's Hospital renovation, a secure yard has been built in the two renovated clinics (Ward 21 and Ward 34). Ward 23 – admission male ward- and Ward 24 – admission women's' ward- are expected to be renovated during 2018/2019. Their architecture designs include a secure court yard as well.

Recommendation par. 117.

The CPT reiterates its recommendation that the Cypriot authorities ensure the provision of continuous mandatory training and refresher courses for mental health nurses.

The Continuous Professional Development (CPD) of Nursing (General and Mental Health Nurses) personnel is mandatory and is stipulated under the provisions of the Nursing and Midwifery Law of 1988 according to an amendment in 2012. Mandatory CPD is directly connected with the issuance of a License to Practice, every four years. Specifically, according to the Law, a professional must achieve 32 hours and/or 20 international credits over the four-year period in order for her/his license to practice to be renewed by the Nursing and Midwifery Council.

Opportunities for Continuous Professional Education for Nursing Personnel are constantly expanding. For mental health nursing care, seminars are held at the public and private Universities. It is noted that a Master's Degree Level course is now available. Furthermore, the Nursing Services have an Educational Branch staffed by Nurses educated at Doctorate level, with the mandate to diagnose educational needs of the nursing staff and provide the necessary training as indicated.

Recommendation par.118.

The CPT recommends that the Cypriot authorities take steps to increase the number of psychologists and occupational therapists at Athalassa Psychiatric Hospital.

The number of psychologists and occupational therapists at Athalassa Hospital has changed. There are now 2 Clinical Psychologists working for 3 days per week each and 3

Clinical Psychologists trainees are trained at the two acute wards. There also 2 Occupational Therapists serving on a full basis and 1 additional Occupational Therapist serving twice a week. The number of Occupational Therapist will be soon increased.

Recommendation par.120.

The CPT recommends that the Cypriot authorities take further steps to ensure that patients' individual files contain all the relevant information and documentation.

All new patients' individual files contain all the relevant information and documentation. Only a number of old files of patients appear to be missing certain documents.

Recommendation par.121.

The CPT reiterates its recommendation that the Cypriot authorities make greater efforts to involve patients on closed wards at Athalassa Psychiatric Hospital in activities adapted to their psychosocial status and diagnosis. It also reiterates its recommendation that the range of therapeutic, occupational and rehabilitative activities on offer be increased.

In the framework of the current renovation of Athalassa's hospital, the Occupational Therapy Department has been renovated and is fully operational, offering individual and group activities and therapy, using appropriate and improved infrastructure.

An "occupational therapy pavilion" exists, and it is used for the conduct of occupational therapy programmes but also to cover entertainment needs of all patients.

Recommendation par. 122.

The CPT recommends that the Cypriot authorities review the Law on Psychiatric Care to explicitly regulate the use of all means of restraint applied at Athalassa Psychiatric Hospital and other psychiatric establishments in Cyprus and the criteria for their use, in line with the CPT's revised standards on means of restraint.

Two committees have been established. One to study all the suggestions and to promote the revision of Psychiatric Care Law and one to provide a new protocol for Athalassa Psychiatric Hospital that will include the suggestions of CPT as well.

The first Committee, for the revision of the Psychiatric Care Law was established on December 2017, with the participation of the Director of Clinic/Department Mental Health Services, a Clinical Psychologist, an Occupational Therapist, a Mental Health Nurse and the Psychiatrist of the female acute ward of Athalassa Hospital. Four meetings of the said Committee have already taken place.

The second Committee, mandated to discuss and suggest a new protocol for the Athalassa Psychiatric Hospital, was established on November 2017. The members of this Committee are the Directors of Athalassa Hospital, the Security Officer of Mental Health Services who is a Mental Health Nurse, an Occupational Therapist, a Clinical Psychologist and the Psychiatrists of acute male clinic. They meet once a week.

Recommendation par.123

The CPT recommends that the Cypriot authorities ensure that all nursing staff are provided with mandatory specialised training and refresher courses on de-escalation and restraint techniques for mental health nurses involved in restraining patients at Athalassa Psychiatric Hospital and other psychiatric establishments in Cyprus.

This issue is included in the training that Nursing Services offers to all nursing staff

Recommendation par.125

The CPT recommends that steps be taken at Athalassa Psychiatric Hospital to ensure that whenever a patient is subjected to mechanical restraint, he/she always benefits from the continuous, direct and personal supervision of a trained member of staff nearby

This is a policy already applied and further measures will be taken. This is an issue being discussed in the framework of the preparation of the new protocol for the Athalassa Hospital (please see comments on para 122 re relevant Committee established).

Recommendation par.126

The CPT recommends that these precepts be applied at Athalassa Psychiatric Hospital.

These precepts will be applied.

Comment on par. 127

The CPT also examined the use of chemical restraint (i.e. forcible administration of medication for the purpose of controlling a patient's behaviour). The internal guidelines for nursing staff also contain instructions on the procedure for the administration of medication to restrain agitated or violent patients and require the prior authorisation and prescription by a psychiatrist. In practice, chemical restraint was frequently applied at Athalassa Psychiatric Hospital by way of administering rapidly acting tranquilisers, regularly in combination with other means of restraint. That said, the delegation found that instances of recourse to chemical restraint were not adequately recorded (see paragraph 129).

If recourse is had to chemical restraint such as sedatives or rapidly acting tranquilisers, they should be subjected to the same safeguards as mechanical restraints. The side effects that such medication may have on a particular patient need to be constantly borne in mind, particularly when medication is used in combination with mechanical restraint or seclusion.

Recommendation par.128.

The CPT recommends that this shortcoming be remedied.

The Recommendation has been taken under consideration and a committee is established, (please refer to comments on para 125), in order to devise protocols accordingly. With the renovation of the Hospital, the mentioned problems do not exist.

Recommendation par.129.

The CPT reiterates its recommendation that the Cypriot authorities introduce a specific central register to systematically record all instances of recourse to means of restraint (including chemical restraint) at Athalassa Psychiatric Hospital. This should supplement the records contained within the patient's personal medical file. The entries in the register should include the time at which the measure began and ended; the circumstances of the case; the reasons for resorting to the measure; the name of the doctor who ordered or approved it; and an account of any injuries sustained by patients or staff. Patients should be entitled to attach comments to the register, and should be informed of this entitlement; at their request, they should receive a copy of the full entry.

The suggestions of CPT are partially being practiced and will be further improved by the new protocols planned by the Committee mentioned in point 125.

Recommendation par.132.

In the light of the above, the CPT recommends that the Cypriot authorities take the necessary steps to ensure that:

- all patients who are admitted on an involuntary basis have the effective right to be heard in person by the court during involuntary placement procedures. In this respect, the possibility of a court hearing at the hospital should be considered;***
- all indigent patients or their personal representatives benefit from free legal representation;***
- the independence and impartiality of the personal representative is guaranteed;***
- all patients receive a copy of any court decision on involuntary placement in a psychiatric hospital and are informed both orally and in writing about the reasons for the decision and the avenues/deadlines for lodging an appeal.***

The above recommendations are duly taken into consideration and are being discussed in the framework of the preparation of the new protocol for the Athalassa Hospital (please see comments on para 122 re relevant Committee established).

Recommendation par.133.

The CPT reiterates its recommendation that this provision be abrogated. All patients admitted to a psychiatric institution without their consent should benefit from the safeguards associated with involuntary placement as from the moment of their admission and before being subjected to treatment without their consent.

Same as above. A committee is established, as per comments in para 122, to study all above recommendations and suggestions.

Recommendation par.134.

The CPT recommends that the Cypriot authorities take steps – including of a legislative nature – to distinguish clearly between the procedure for involuntary placement in a psychiatric institution and the procedure for involuntary psychiatric treatment to allow patients to appeal involuntary treatment decisions separately.

Same as above.

Recommendation par.135.

The CPT would like to receive a copy of the revised documentation provided to newly admitted patients at Athalassa Psychiatric Hospital. Further, it reiterates its recommendation that the Cypriot authorities take steps to ensure that patients unable to understand the information receive appropriate assistance.

The request is noted and the revised documents are under preparation.

Recommendation par.136.

The CPT recommends that the Cypriot authorities take the necessary steps to ensure that the Mental Health Supervisory Committee is allocated adequate staffing and budgetary resources to be in a position to effectively perform its duties, including conducting frequent and unannounced visits to places where involuntary psychiatric patients are admitted.

Further, patients at Athalassa Psychiatric Hospital should be provided with information on how to address complaints to the Ombudsman's Office.

In accordance to the Psychiatric Nursing law, the Mental Health Supervisory Committee has its own Premises and staff, while its Secretary is a permanent Public Employee. The running expenses of the Committee are covered also by the state budget, as well as the reimbursement for the services provided by its President and members. The Ministry acknowledges the importance of Mental Health Supervisory Committee's role and details about its role and other relevant information will be included in the revised leaflet that is provided to the patients.

The patients are informed about their rights through the existing leaflet; moreover their rights are explained to them orally by the staff in a systematic manner. The suggestions above will be included in the revised leaflet.

Recommendation par.137.

The CPT calls on the Cypriot authorities to take the necessary measures to ensure that all patients at Athalassa Psychiatric Hospital are able to communicate by telephone during the day and under conditions allowing privacy, unless there is a reasoned doctor's order to the contrary. The Committee also reiterates its recommendation that more frequent contact with the wider community be offered to patients unless there are serious medical reasons preventing such contact.

Access to land line exists. For security reasons, the telephone equipment is kept in the office of nursing staff. There are continuous efforts to satisfy such requests, based always on respective evaluation by medical or nursing staff.

Recommendation par.138.

The CPT calls upon the Cypriot authorities to amend the Law on Psychiatric Care to ensure that:

- patients are granted the right to be heard in person and/or through their legal representative at all court hearings prior to any decision concerning the renewal of their involuntary placement;***
- patients are permitted to request the termination of their hospitalisation measure without having to first obtain a positive assessment from their treating psychiatrist.***

Further, the Committee reiterates its recommendation that patients be informed of the possibility of submitting the opinion from an independent psychiatrist of their own choice at public expense, if necessary, during a discharge procedure.

The recommendation is duly noted. A committee, as mentioned in comments on par. 122, has already been established in order to revise the Psychiatric Care Law.

Recommendation par.139

In the light of the above, the CPT encourages the Cypriot authorities to consider the possibility of creating a secure dedicated psychiatric unit for forensic patients with an appropriate security and therapeutic environment aimed at their rehabilitation.

In the meantime, the Committee recommends that the Cypriot authorities take the necessary measures to ensure that at Athalassa Psychiatric Hospital appropriate security arrangements are in place and adequate training for nursing staff is provided to enable them to deal with prisoners. Further, procedural safeguards should be strengthened by involving an independent judicial authority in the context of the involuntary placement procedure for prisoners. The relevant legislation should be amended accordingly.

The above matter demands the involvement and cooperation of the two involved Ministries – Ministry of Justice and Public Order and Ministry of Health - and is under discussion.

E. Social care homes

Recommendation par.140.

The current system of social care homes in Cyprus was established in the 1970s and consists of both homes that provide shelter, protection and care to children⁷⁷ and homes for the elderly and the disabled. The majority of homes are private with the authorities only running a handful of state institutions for the elderly and the disabled. In addition, the de-institutionalisation process of the Nea Eleousa Institution for persons with severe learning disabilities has led to the opening of six small state-run homes to accommodate the former residents of Nea Eleousa.

Nea Eleousa ceased operating in January 2015 with the accommodation of the last six male residents in a new home in the community run by the Social Welfare Services. The Committee welcomes this development and the approach taken by the Cypriot authorities to prioritise deinstitutionalisation.

A new Scheme for the inclusion of Persons with Severe Disabilities in Supported Living Programs was approved by the Council of Ministers in September 2017. The purpose of the Scheme is to support people with severe disabilities who need specialized services to live within the community with security, dignity, quality of life, skills development and maximum autonomy.

Related to the above Scheme, the Council of Ministers also approved the new project “Homes in the Community for Persons with Severe Disabilities”, which provides for the operation of five to ten homes in the community for persons with severe disabilities. This project will provide various supporting services to enable persons with severe disability to live with maximum autonomy and quality of life in family-type homes in the community. These homes in the community will be established by

assignment to NGOs or other entities, through financing and supervision by the Department for Social Inclusion of Persons with Disabilities. Supporting services based on the needs of the persons with disabilities living in the house, will be provided (specialized care, rehabilitation services, communication support, training of daily routine skills, recreation, inclusion in community activities etc). The project will be supported by the European Social Fund.

Recommendation par.141.

The CPT would like to be informed by the Cypriot authorities of the planned timeline for the revision of the legislative frameworks governing the operation of social care homes, community care for mental health patients and children. Further, the Committee would like to receive in due course a copy of the adopted legislation.

A new draft Law revising the legal framework for the social care of the elderly and two draft Laws along with four sets of Regulations revising the legal framework for the social care of children are pending before the Attorney General's office for legal vetting. Further clarifications have been provided and consultations with involved stakeholders have recently been held. Upon conclusion of the process, the CPT will receive a copy of the legislation.

The final draft for the legal framework governing the operation of care homes for mental health patients is currently under discussion in the House of Representatives.

Recommendation par.144 and 146

The CPT recommends that the Cypriot authorities take the necessary steps to improve the material conditions at Ariadni Home.

The CPT recommends that the Cypriot authorities take the necessary measures to ensure that staff at Ariadni Home actively promote and care for the residents' personal hygiene, including through increased interaction with all residents. Staff working at Ariadni and Ayios Georgios Homes should benefit from regular professional training (including training that leads to qualifications).

Further, the CPT would like to receive information about steps being taken by the Cypriot authorities to ensure that social care homes are sufficiently funded to carry out their care task and that regular inspections and controls are being carried out by the competent hygiene and sanitary authorities.

The Social Welfare Services acknowledge that living and material conditions at Ariadni Home, as well as the personal hygiene of the residents are poor. The situation described by the CPT has been verified during the last inspection of Ariadni by Welfare Officers on 27/9/2017.

Due to the fact that conditions were found in violation of the relevant legislation, a 30- day notice has been given to the institution to resolve all pending issues. The Ariadne social care home management has proceeded to make small improvements of the building and facilities (i.e modifications of the yard, kitchen, painting work). An application for major modifications of the building, has also been submitted to the relevant authority. Regarding the hygiene conditions, an improvement has also been noted (recent visit, March 2018). There is, however, need for further improvement.

Regular professional training of the staff for social care homes has been set as a requirement within the draft Laws pending before the Attorney General.

Funding of private social care homes is not provided by the state. However, the state covers the living expenses for residents who are eligible to receive minimum guaranteed income (previously public assistance), provided that the social care home has an official license.

In addition, non-profit NGO'S are eligible for a state aid for the operation of social care programmes, provided they satisfy the requirements of the relevant funding Scheme.

According to the relevant legislation for social care homes, once a year, the competent Hygiene and Sanitation Authorities inspect social care homes and renew their Certificate of Compliance.

Recommendation par.145

The CPT recommends that the Cypriot authorities take steps to increase the range of purposeful activities on offer to residents accommodated at Ariadni Home and actively encourage residents to participate in these activities. Occupational therapy should play an important part in the long-term treatment programme, provision being made for motivational work, evaluation of learning and relational skills, the acquisition of specific knowledge and improvement of self-esteem.

In addition to the remarks made for paragraphs 144 and 146, during the inspection of Ariadni Foundation by Welfare Officers, it has been noted that a number of recreational activities and rehabilitation services such as occupational therapy are offered as part of the weekly program available to residents.

Paragraph 148

Involuntary placement and stay of people in social care homes is linked to their legal capacity and the support they are entitled to. This is why, as far as people with disabilities are concerned, the Department for Social Inclusion of Persons with Disabilities is drafting a new relevant Law, in consultation with the Organizations of People with Disabilities.

Recommendation par.150

The CPT considers that consent to admission/ stay and consent to treatment are two distinct issues and residents should be requested to express their position on both of these issues separately. **The CPT recommends that the practice of linking the requirement to take medication with consent to admission and stay by means of the admission contract should be reviewed.**

Regarding this recommendation, we **acknowledge that consent to admission and consent to treatment are two distinct issues and that the current practice can be better regulated.** The Social Welfare Services will address this issue, in the revision of the legal framework mentioned in paragraph 141.

Recommendation par.151

The CPT recommends that the Cypriot authorities take the necessary steps to ensure that social care homes are regularly visited – including on an unannounced basis – by bodies which are independent of the Social Welfare Services.

The existing legislation for social care homes provides for an independent body (article 9) to carry out unannounced visits to care homes to examine the quality of services provided and the respect of human rights of residents. Such visits are carried out regularly.

Recommendation par.152

At *Ariadni Home*, none of the residents the delegation spoke with was aware of his/her right to submit complaints to independent outside bodies, such as the Ombudsman's Office.

The CPT recommends that steps be taken to ensure that residents are informed of their rights and possibilities to lodge formal complaints, on a confidential basis, with clearly designated outside bodies. This information should form part of the contracts signed by residents or their legal guardians. Residents unable to understand the contracts should receive appropriate assistance.

The existing legislation does provide for the lodging of formal complaints. In the proposed revision of the legislation for social care homes mentioned in Par. 141, it is explicitly stated that, during admission, the social care home must inform clients (and relatives) of their right to submit a complaint regarding the services provided and any possible violation of their rights, as specified in the law, to the Director of the Social Welfare Services.

A specific complaints form has been provided for as part of the Regulations, which must be made available at the main entrance or in other easily accessible areas within the social care home. The complaint must be submitted to the Director of the SWS and the Director must respond to the complaint.

Oral complaints can also be made during the visits carried out by welfare officers.

A N N E X 1



**ΕΠΙΣΗΜΗ ΕΦΗΜΕΡΙΔΑ
ΤΗΣ ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ
ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ
ΝΟΜΟΘΕΣΙΑ - ΜΕΡΟΣ ΙΙΙ**

Αριθμός 4236	Παρασκευή, 21 Ιουλίου 2017	381
---------------------	-----------------------------------	------------

Ο περί της Σύμβασης κατά των Βασανιστηρίων και Άλλων Μορφών Σκληρής, Απάνθρωπης ή Εξευτελιστικής Μεταχείρισης ή Τιμωρίας (Κυρωτικός) (Τροποποιητικός) Νόμος του 2017 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 12(III) του 2017

ΝΟΜΟΣ ΠΟΥ ΤΡΟΠΟΠΟΙΕΙ ΤΟΥΣ ΠΕΡΙ ΤΗΣ ΣΥΜΒΑΣΗΣ ΚΑΤΑ ΤΩΝ ΒΑΣΑΝΙΣΤΗΡΙΩΝ ΚΑΙ ΑΛΛΩΝ ΜΟΡΦΩΝ ΣΚΛΗΡΗΣ, ΑΠΑΝΘΡΩΠΗΣ Ή ΕΞΕΥΤΕΛΙΣΤΙΚΗΣ ΜΕΤΑΧΕΙΡΙΣΗΣ Ή ΤΙΜΩΡΙΑΣ (ΚΥΡΩΤΙΚΟΥΣ) ΝΟΜΟΥΣ ΤΟΥ 1990 ΕΩΣ 2002

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

Συνοπτικός τίτλος.

235 του 1990.
35 (III) του 1993
36 (III) του 2002.

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Σύμβασης κατά των Βασανιστηρίων και Άλλων Μορφών Σκληρής, Απάνθρωπης ή Εξευτελιστικής Μεταχείρισης ή Τιμωρίας (Κυρωτικός) (Τροποποιητικός) Νόμος του 2017 και θα διαβάζεται μαζί με τον περί της Σύμβασης κατά των Βασανιστηρίων και Άλλων Μορφών Σκληρής, Απάνθρωπης ή Εξευτελιστικής Μεταχείρισης ή Τιμωρίας (Κυρωτικό) Νόμο του 1990 και τους περί της Τροποποιήσεων της Σύμβασης κατά των Βασανιστηρίων και Άλλων Μορφών Σκληρής, Απάνθρωπης ή Εξευτελιστικής Μεταχείρισης ή Τιμωρίας (Κυρωτικούς) Νόμους του 1993 και 2002 (που στο εξής θα αναφέρονται ως «ο βασικός νόμος») και ο βασικός νόμος και ο παρών Νόμος θα αναφέρονται μαζί ως οι περί της Σύμβασης κατά των Βασανιστηρίων και Άλλων Μορφών Σκληρής, Απάνθρωπης ή Εξευτελιστικής Μεταχείρισης ή Τιμωρίας (Κυρωτικοί) Νόμοι του 1990 έως 2017.

Τροποποίηση του βασικού νόμου.

2. Ο βασικός νόμος τροποποιείται με την αντικατάσταση του όρου «σταθμός», οπουδήποτε απαντά στο κείμενο, με τον όρο «αστυνομικός σταθμός», στην ανάλογη γραμματική παραλλαγή.

Τροποποίηση του άρθρου 3 του βασικού νόμου.

3. Το άρθρο 3 του βασικού νόμου τροποποιείται ως ακολούθως:

- (α) Με τη διαγραφή στην παράγραφο (β) του εδαφίου(1) του σημείου του κόμματος μεταξύ των λέξεων «βαρειά» και «σωματική» (πρώτη γραμμή):
- (β) με την προσθήκη στο εδάφιο (4) αυτού του σημείου του κόμματος μεταξύ των λέξεων «άρθρου» και «ο» (πρώτη γραμμή).

Τροποποίηση του άρθρου 5 του βασικού νόμου

4. Η παράγραφος (β) του εδαφίου (1) του άρθρου 5 του βασικού νόμου τροποποιείται με την αντικατάσταση σ' αυτήν του αριθμού «τρία» (πρώτη γραμμή) με τη λέξη «πέντε»

Τροποποίηση του άρθρου 6 του βασικού νόμου

5. Το άρθρο 6 του βασικού νόμου τροποποιείται ως ακολούθως

- (α) Με την τροποποίηση του εδαφίου (1) αυτού και την προσθήκη, αμέσως μετά τις λέξεις «που διενεργείται» (τέταρτη γραμμή), των λέξεων «από ιατρικό λειτουργό» και
- (β) με την αντικατάσταση των παραγράφων (α), (β) και (γ) του εδαφίου (3) αυτού με τις ακόλουθες νέες παραγράφους, αντίστοιχα, και με την προσθήκη, αμέσως μετά, των ακόλουθων νέων παραγράφων (δ) και (ε)

«(α) Σε ποινή φυλάκισης που δεν υπερβαίνει τα τέσσερα έτη, αν η κακοποίηση στην οποία υποβλήθηκε ο συλληφθείς ή ο κρατούμενος στον αστυνομικό σταθμό συνιστά σκληρή, απάνθρωπη ή ταπεινωτική μεταχείριση ή τιμωρία κατά την έννοια του άρθρου 5

(β) σε ποινή φυλάκισης που δεν υπερβαίνει τα πέντε έτη, αν η κακοποίηση στην οποία υποβλήθηκε ο συλληφθείς ή ο κρατούμενος στον αστυνομικό σταθμό συνιστά «βασανιστήρια» κατά την έννοια του άρθρου 3

(γ) σε ποινή φυλάκισης που δεν υπερβαίνει τα επτά έτη, αν προκληθεί πραγματική σωματική βλάβη από κακοποίηση στην οποία υποβλήθηκε ο συλληφθείς ή ο κρατούμενος στον αστυνομικό σταθμό, η οποία κακοποίηση συνιστά σκληρή, απάνθρωπη ή ταπεινωτική μεταχείριση ή τιμωρία κατά την έννοια του άρθρου 5

(δ) σε ποινή φυλάκισης που δεν υπερβαίνει τα δεκατέσσερα έτη, αν προκληθεί βαριά σωματική βλάβη στο βασανιζόμενο και η κακοποίηση στην οποία υποβλήθηκε ο συλληφθείς ή ο κρατούμενος στον αστυνομικό σταθμό συνιστά «βασανιστήρια» κατά την έννοια του άρθρου 3

(ε) σε ποινή φυλάκισης διά βίου, αν συνεπεία των βασανιστηρίων ή της σκληρής, απάνθρωπης ή ταπεινωτικής μεταχείρισης ή τιμωρίας κατά την έννοια των άρθρων 3 και 5 επέλθει ο θάνατος του συλληφθέντος ή του κρατούμενου»

Τροποποίηση του βασικού νόμου με την προσθήκη νέου άρθρου 7

6. Ο βασικός νόμος τροποποιείται, με την προσθήκη αμέσως μετά το άρθρο 6 αυτού, του ακόλουθου νέου άρθρου

«Διεξαγωγή ιατρικής εξέτασης

7 Η ιατρική εξέταση που διεξάγεται στα πλαίσια της διερεύνησης των αδικημάτων που προβλέπονται στα άρθρα 3 και 5 του παρόντος Νόμου, γίνεται με βάση το Παράρτημα Ι του Πρωτοκόλλου της Κωνσταντινούπολης και περιλαμβάνει προσωπική συνέντευξη και εξέταση για σωματική και ψυχική κακοποίηση

Νοείται ότι ο ιατρικός λειτουργός ετοιμάζει ακριβή γραπτή αναφορά σύμφωνα με τις πρόνοιες του Παραρτήματος Ι του Πρωτοκόλλου της Κωνσταντινούπολης

A N N E X 2

Αριθμός 463

Οι περί Αστυνομίας (Πειθαρχικοί) (Τροποποιητικοί) Κανονισμοί του 2017, οι οποίοι εκδόθηκαν από το Υπουργικό Συμβούλιο, δυνάμει του άρθρου 13 των περί Αστυνομίας Νόμων του 2004 έως 2017, αφού κατατέθηκαν στη Βουλή των Αντιπροσώπων και εγκρίθηκαν από αυτή, δημοσιεύονται στην Επίσημη Εφημερίδα της Δημοκρατίας σύμφωνα με το εδάφιο (3) του άρθρου 3 του περί της Καταθέσεως στη Βουλή των Αντιπροσώπων των Κανονισμών που Εκδίδονται με Εξουσιοδότηση Νόμου, Νόμου (Ν. 99 του 1989 όπως τροποποιήθηκε με τους Νόμους 227 του 1990 μέχρι 3(I) του 2010).

ΟΙ ΠΕΡΙ ΑΣΤΥΝΟΜΙΑΣ ΝΟΜΟΙ ΤΟΥ 2004 ΕΩΣ 2017

Κανονισμοί δυνάμει του άρθρου 13

Το Υπουργικό Συμβούλιο, ασκώντας τις εξουσίες που του παρέχονται δυνάμει του άρθρου 13 των περί Αστυνομίας Νόμων του 2004 έως 2017, αφού έλαβε υπόψη τη γνώμη του Αρχηγού, εκδίδει τους ακόλουθους Κανονισμούς:

73(I) του 2004
94(I) του 2005
28(I) του 2006
73(I) του 2006
153(I) του 2006
93(I) του 2008
36(I) του 2010
169(I) του 2011
52(I) του 2012
115(I) του 2012
4(I) του 2013
84(I) του 2015
64(I) του 2016
99(I) του 2016
114(I) του 2016
...(I) του 2017.

Συνοπτικός
τίτλος.
Επίσημη Εφημερίδα,
Παράρτημα
Τρίτο (I):

03.03.1989
25.05.1993
08.04.2004
23.10.2015.

Τροποποίηση
του Κανονισμού 3
των βασικών
κανονισμών.

Τροποποίηση
του Κανονισμού 5
των βασικών
κανονισμών.

Τροποποίηση
του Κανονισμού 8
των βασικών
κανονισμών.

Τροποποίηση
του Κανονισμού 9
των βασικών
κανονισμών.

1. Οι παρόντες Κανονισμοί θα αναφέρονται ως οι περί Αστυνομίας (Πειθαρχικοί) (Τροποποιητικοί) Κανονισμοί του 2017 και θα διαβάζονται μαζί με τους περί Αστυνομίας (Πειθαρχικούς) Κανονισμούς του 1989 έως 2015 (που στη συνέχεια θα αναφέρονται ως «οι βασικοί κανονισμοί») και οι βασικοί κανονισμοί και οι παρόντες Κανονισμοί, θα αναφέρονται μαζί ως οι περί Αστυνομίας (Πειθαρχικοί) Κανονισμοί του 1989 έως 2017.

2. Ο Κανονισμός 3 των βασικών κανονισμών τροποποιείται με την αντικατάσταση, στην παράγραφο (2) αυτού, της φράσης, «από οποιοδήποτε νόμο που τον τροποποιεί ή τον αντικαθιστά» (πέμπτη γραμμή) με την ακόλουθη φράση:

«...(I) του 2017. τον περί Σύστασης και Λειτουργίας της Υπηρεσίας Εσωτερικού Ελέγχου της Αστυνομίας Νόμο».

3. Ο Κανονισμός 5 των βασικών κανονισμών, τροποποιείται με την κατάργηση της επιφύλαξης της παραγράφου (2) αυτού.

4. Ο Κανονισμός 8 των βασικών κανονισμών, τροποποιείται με την προσθήκη, αμέσως μετά την λέξη «Νόμο» (τέταρτη γραμμή), της φράσης «ή στον περί Σύστασης και Λειτουργίας της Υπηρεσίας Εσωτερικού Ελέγχου της Αστυνομίας Νόμο».

5. Ο Κανονισμός 9 των βασικών κανονισμών τροποποιείται με την προσθήκη, αμέσως μετά την παράγραφο (8) αυτού, της ακόλουθης νέας παραγράφου (9):

«(9) Ο Ερευνών Αξιωματικός ζητά την εξαίρεσή του, σε περίπτωση κωλύματος ή αδυναμίας που έγκειται σε ιδιαίζουσα σχέση ή συγγενικό δεσμό εξ' αίματος ή εξ' αγχιστείας μέχρι και τέταρτου (4^{ου}) βαθμού με το υπό εκδίκαση μέλος, ή σε περίπτωση που έχει συμφέρον από την έκβαση της έρευνας.».

Τροποποίηση του Κανονισμού 11 των βασικών κανονισμών.

6. Ο Κανονισμός 11 των βασικών κανονισμών τροποποιείται με την προσθήκη, στην παράγραφο (2) αυτού, αμέσως μετά τη λέξη «ανεπαρκής» (τρίτη γραμμή), της φράσης, «ή αφορά αδίκημα διαφθοράς».

Τροποποίηση του Κανονισμού 12 των βασικών κανονισμών.

7. Ο Κανονισμός 12 των βασικών κανονισμών, τροποποιείται με την αντικατάσταση της υποπαραγράφου (γ) της παραγράφου (2) αυτού, με την ακόλουθη υποπαραγραφο:

«(γ) έχει διαπραχθεί αδίκημα διαφθοράς ή οποιοδήποτε άλλο αδίκημα που, λόγω της σοβαρότητάς του ή των περιστάσεων και συνθηκών κάτω από τις οποίες διαπράχθηκε, ενδείκνυται κατά την κρίση του, να εκδικαστεί από την Επιτροπή που ορίζεται δυνάμει των προνοιών του Κανονισμού 13, θα διατάσσει να επιστραφεί η υπόθεση στο Βοηθό Αρχηγό, για να κατηγορηθεί το υπό καταγγελία μέλος, και να παραπεμφθεί η εκδίκασή της στην Επιτροπή που θα την εκδικάσει.».

Τροποποίηση των βασικών κανονισμών με την αντικατάσταση του Κανονισμού 13.

8. Ο Κανονισμός 13 των βασικών κανονισμών αντικαθίσταται με τον ακόλουθο Κανονισμό:

«Ορισμός Επιτροπής.

13. (1) Για σκοπούς εκδίκασης υποθέσεων που παραπέμπονται από τον Αρχηγό Αστυνομίας δυνάμει των προνοιών της υποπαραγράφου (γ) της παραγράφου (2) του Κανονισμού 12, ο Αρχηγός καταρτίζει, με την έγκριση του Υπουργού, τριμελή Επιτροπή η οποία απαρτίζεται από δύο (2) λειτουργούς της Νομικής Υπηρεσίας, που υποδεικνύει ο Γενικός Εισαγγελέας της Δημοκρατίας, με κλίμακα ανώτερη του βαθμού του υπό κατηγορία μέλους της Αστυνομίας και έναν (1) Ανώτερο Αξιωματικό και της οποίας προεδρεύει το ιεραρχικά ανώτερο μέλος σε θέση ή κλίμακα μισθοδοσίας.

(2) Σε περίπτωση που δεν είναι δυνατός ο ορισμός λειτουργού της Νομικής Υπηρεσίας, ως μέλους της τριμελούς Επιτροπής, ο Υπουργός ορίζει στη θέση αυτή, μετά από συνεννόηση με τον Γενικό Εισαγγελέα της Δημοκρατίας, πρώην Δικαστή, η οποία καταβάλλεται από τα Κεφάλαια του εκάστη Ομοσπονδιακού Προϋπολογισμού που αφορούν την Αστυνομία και καθορίζεται από τους Υπουργούς Οικονομικών και Δικαιοσύνης και Δημοσίας Τάξεως.

(3) Η Επιτροπή έχει δικαιοδοσία να εκδικάζει υποθέσεις εναντίον μελών της Αστυνομίας μέχρι και του βαθμού του Ανώτερου Υπαστυνόμου, η δε ακρόαση της υπόθεσης διεξάγεται, κατά το δυνατόν, με τον ίδιο τρόπο όπως η ακρόαση ποινικής υπόθεσης που εκδικάζεται συνοπτικά.

(4) Μέλος της Επιτροπής ζητά την εξαίρεσή του σε περίπτωση κωλύματος ή αδυναμίας που έγκειται σε ιδιαίτερη σχέση ή συγγενικό δεσμό εξ' αίματος ή εξ' αγχιστείας μέχρι και τέταρτου (4^{ου}) βαθμού με το υπό εκδίκαση μέλος ή σε περίπτωση που έχει συμφέρον από την έκβαση της υπόθεσης:

Νοείται ότι, σε περίπτωση εξαίρεσης μέλους της Αστυνομίας από την Επιτροπή, αυτό αντικαθίσταται από άλλο μέλος της Αστυνομίας με απόφαση του Αρχηγού και έγκριση του Υπουργού και σε περίπτωση εξαίρεσης λειτουργού της Νομικής Υπηρεσίας από την Επιτροπή, αυτό αντικαθίσταται από άλλο λειτουργό της Νομικής Υπηρεσίας που υποδεικνύει ο Γενικός Εισαγγελέας της Δημοκρατίας.

(5) Την υπόθεση ενώπιον της Επιτροπής, παρουσιάζει μέλος της Αστυνομίας που ορίζει ο Αρχηγός, το οποίο διαθέτει επαρκείς εμπειρίες σε δικαστικές διαδικασίες και κατέχει πτυχίο νομικής και βαθμό μέχρι αυτό του Ανώτερου Υπαστυνόμου.

(6) Το υπό κατηγορία μέλος έχει το δικαίωμα να υπερασπίζεται τον εαυτό του, με ή χωρίς συνήγορο.

(7) Η Επιτροπή συγκαλείται με νέα σύνθεση, μόνο σε περίπτωση που το Συμβούλιο Εφέσεων διατάσσει την επανεκδίκαση της υπόθεσης, σύμφωνα τις πρόνοιες της παραγράφου (α) του Κανονισμού 29.».

- Τροποποίηση του Κανονισμού 14 των βασικών κανονισμών.
9. Ο Κανονισμός 14 των βασικών κανονισμών τροποποιείται με την αντικατάσταση, στη παράγραφο (2) αυτού, της φράσης, «(α) και (β)» (τρίτη γραμμή), με την φράση «(α), (β) και (γ)».
- Τροποποίηση του Κανονισμού 16 των βασικών κανονισμών.
10. Ο Κανονισμός 16 των βασικών κανονισμών τροποποιείται ως ακολούθως:
- (α) Με την αντικατάσταση των υποπαραγράφων (ε) και (στ) της παραγράφου (1) αυτού, με τις ακόλουθες υποπαραγράφους:
- «(ε) χρηματική ποινή που δεν υπερβαίνει τις δέκα χιλιάδες ευρώ (€10.000),
- (στ) πειθαρχική μετάθεση για περίοδο ενός (1) μέχρι πέντε (5) ετών.»
- (β) με την αντικατάσταση της τελείας στο τέλος της παραγράφου (1) αυτού με άνω και κάτω τελεία και την προσθήκη, αμέσως μετά, της ακόλουθης επιφύλαξης:
- « Νοείται ότι, η προβλεπόμενη στην υποπαράγραφο (δ) ποινή της κατακράτησης, διακοπής ή αναβολής ετήσιας προσαύξεσης επιβάλλεται στις περιπτώσεις που η μισθολογική κατάσταση του μέλους το επιτρέπει και αφού προηγουμένως γίνει αποτίμηση της ποινής.» και
- (γ) με την προσθήκη, αμέσως μετά την παράγραφο (2) αυτού, των ακόλουθων νέων παραγράφων (3) και (4):
- «(3) Η Επιτροπή δύναται να επιβάλει σε μέλος της Αστυνομίας που καταδικάστηκε για αδίκημα για παράβαση των προνοιών των παραγράφων (5), (6), (8), (10) και (20) του Πειθαρχικού Κώδικα, οποιαδήποτε ή οποιοσδήποτε από τις ποινές που ορίζονται στις υποπαραγράφους (α), (β), (γ), (δ) και (στ) της παραγράφου (1).
- (4) Σε μέλος της Αστυνομίας που καταδικάστηκε από Δικαστήριο για ποινικό αδίκημα διαφθοράς, η Επιτροπή, ανεξάρτητα από την ποινή που επιβλήθηκε από το Δικαστήριο, επιβάλλει την ποινή της απόλυσης ή της υποχρεωτικής αφυπηρέτησης.»
- Τροποποίηση των βασικών κανονισμών με την αντικατάσταση του Κανονισμού 20 αυτών.
11. Ο Κανονισμός 20 των βασικών κανονισμών αντικαθίσταται, από τον ακόλουθο νέο Κανονισμό:
- «Ορισμός Προεδρεύοντος Αξιωματικού.
20. (1) Ο Αρχηγός με την έγκριση του Υπουργού, ορίζει τον απαραίτητο αριθμό Ανώτερων Αξιωματικών για χρονική περίοδο τριών (3) ετών, για να ασκούν τα καθήκοντα Προεδρεύοντος Αξιωματικού προς εκδίκαση υποθέσεων που δεν εκδικάζονται από την Επιτροπή.
- (2) Για την εκδίκαση των υποθέσεων που δεν εκδικάζονται από την Επιτροπή, ορίζεται σύμφωνα με τις πρόνοιες των Κανονισμών 11 ή 12, ένας από τους Προεδρεύοντες Αξιωματικούς που έχουν οριστεί όπως προβλέπεται στην παράγραφο (1) του παρόντος Κανονισμού.
- (3) Ανώτερος Αξιωματικός που ορίστηκε Προεδρεύων Αξιωματικός για εκδίκαση υπόθεσης όπως προβλέπεται στην παράγραφο (2), ζητά την εξαίρεσή του σε περίπτωση κωλύματος ή αδυναμίας που έγκειται σε ιδιαίτερη σχέση ή συγγενικό δεσμό εξ' αίματος ή εξ' αγχιστείας μέχρι και τέταρτου βαθμού με το υπό καταγγελία μέλος ή σε περίπτωση που έχει συμφέρον από την έκβαση της υπόθεσης.
- (4) Την υπόθεση ενώπιον του Προεδρεύοντος Αξιωματικού, παρουσιάζει μέλος της Αστυνομίας που ορίζει ο Αρχηγός, το οποίο διαθέτει επαρκείς εμπειρίες σε δικαστικές διαδικασίες και κατέχει πτυχίο νομικής και βαθμό μέχρι τον βαθμό του Ανώτερου Υπαστυνόμου.».

Τροποποίηση του Κανονισμού 22 των βασικών κανονισμών.

12. Η παράγραφος (1) του Κανονισμού 22 των βασικών κανονισμών τροποποιείται ως ακολούθως:

(α) Με την αντικατάσταση των υποπαραγράφων (ii) και (iii) αυτής, με τις ακόλουθες υποπαραγράφους:

«(ii) χρηματική ποινή που δεν υπερβαίνει τις δέκα χιλιάδες ευρώ (€10.000),

(iii) πειθαρχική μετάθεση για περίοδο ενός (1) μέχρι πέντε (5) ετών.»

(β) με την αντικατάσταση της τελείας στο τέλος αυτής με άνω και κάτω τελεία και την προσθήκη, αμέσως μετά, της ακόλουθης νέας επιφύλαξης:

«Νοείται ότι η προβλεπόμενη στην υποπαραγράφο (i) ποινή της κατακράτησης, διακοπής ή αναβολής επίσης προσαύξησης, επιβάλλεται στις περιπτώσεις που η μισθολογική κατάσταση του μέλους το επιτρέπει και αφού προηγουμένως γίνει αποτίμηση της ποινής.»

Τροποποίηση του Κανονισμού 23 των βασικών κανονισμών.

13. Ο Κανονισμός 23 των βασικών κανονισμών, τροποποιείται με την αντικατάσταση της παραγράφου (2) με την ακόλουθη παράγραφο:

«(2) Την υπόθεση εναντίον του κατηγορούμενου παρουσιάζει μέλος της Αστυνομίας, που ορίζεται από τον Αρχηγό όπως προβλέπεται στους Κανονισμούς 13 και 20.»

Τροποποίηση του Κανονισμού 25 των βασικών κανονισμών.

14. Ο Κανονισμός 25 των βασικών κανονισμών, τροποποιείται ως ακολούθως:

(α) Με την αντικατάσταση, στην παράγραφο (1) αυτού –

(i) της φράσης «που δε θα υπερβαίνει τις €5» (έκτη γραμμή), με τη φράση «που δεν υπερβαίνει τα πεντακόσια ευρώ (€500)», και

(ii) της φράσης «ποινή μέχρι €5» (δωδέκατη γραμμή), με τη φράση «ποινή που δεν υπερβαίνει τα πεντακόσια ευρώ (€500)»·

(β) με την αντικατάσταση, στην υποπαραγράφο (α) της παραγράφου (2) αυτού, της φράσης, «ποινή που δε θα υπερβαίνει τις €5» (τέταρτη γραμμή), με τη φράση «την ποινή της επίπληξης ή ποινή που δεν υπερβαίνει τα χίλια ευρώ (€1000)»· και

(γ) με την αντικατάσταση, στην υποπαραγράφο (β) της παραγράφου (2) αυτού, της φράσης, «ποινή που δε θα υπερβαίνει τις €5» (τρίτη και τέταρτη γραμμή), με τη φράση «την ποινή της επίπληξης ή ποινή που δεν υπερβαίνει τα χίλια ευρώ (€1000)».

Τροποποίηση του Κανονισμού 28 των βασικών κανονισμών.

15. Η παράγραφος (2) του Κανονισμού 28 των βασικών κανονισμών αντικαθίσταται από την ακόλουθη παράγραφο:

«(2) Ο Βοηθός Αρχηγός (Διοίκησης) δύναται, εντός δεκατεσσάρων (14) ημερών από την ημερομηνία έκδοσης της απόφασης, να εφεσιβάλει ενώπιον του Συμβουλίου Εφέσεων την απόφαση της Επιτροπής ή του Προεδρεύοντα Αξιωματικού, ανάλογα με την περίπτωση, για το λόγο ότι, η επιβληθείσα ποινή ήταν ανεπαρκής ή να εφεσιβάλει την αθωωτική απόφαση της Επιτροπής ή του Προεδρεύοντα Αξιωματικού, για το λόγο ότι –

(α) δεν υπήρξε απόδειξη βάσει της οποίας η Επιτροπή ή ο Προεδρεύων Αξιωματικός μπορούσε εύλογα να διαπιστώσει πραγματικό γεγονός ή γεγονότα αναγκαία για τη θεμελίωση της απόφασης αυτής.

(β) απόδειξη πλημμελώς έγινε δεκτή ή αποκλείστηκε,

(γ) ο νόμος εφαρμόστηκε πλημμελώς επί των πραγματικών γεγονότων,

(δ) υπήρξε αντικανονικότητα στη διαδικασία.»

Τροποποίηση του Κανονισμού 30 των βασικών κανονισμών.

16. Ο Κανονισμός 30 των βασικών κανονισμών τροποποιείται με την αντικατάσταση της τελείας στο τέλος της παραγράφου (1) αυτού, με άνω και κάτω τελεία και την προσθήκη, αμέσως μετά, της ακόλουθης νέας επιφύλαξης:

«Νοείται ότι, σε περίπτωση που έχει επιβληθεί η ποινή της απόλυσης ή του εξαναγκασμού σε παραίτηση, η άσκηση έφεσης δεν έχει ανασταλτικό αποτέλεσμα.»

Τροποποίηση του Κανονισμού 38 των βασικών Κανονισμών.

17. Ο Κανονισμός 38 των βασικών κανονισμών, τροποποιείται ως ακολούθως:

(α) Με την αντικατάσταση, στην παράγραφο (α) αυτού, των λέξεων «τους έξι μήνες» (δεύτερη γραμμή) με τις λέξεις «τα δύο (2) χρόνια»·

(β) με την αντικατάσταση της παραγράφου (β), με την ακόλουθη παράγραφο:

«(β) πειθαρχική μετάθεση για περίοδο ενός (1) μέχρι πέντε (5) ετών,»·

(γ) με την προσθήκη, αμέσως μετά την παράγραφο (β) αυτού, της ακόλουθης νέας παραγράφου:

«(β1) χρηματική ποινή που δεν υπερβαίνει τις τρεις χιλιάδες ευρώ (€3.000),»· και

(δ) με την αντικατάσταση της τελείας στο τέλος αυτού με άνω και κάτω τελεία και την προσθήκη, αμέσως μετά, της ακόλουθης νέας επιφύλαξης:

«Νοείται ότι, η προβλεπόμενη στην παράγραφο (α) ποινή της κατακράτησης, διακοπής ή αναβολής ετήσιας προσαύξησης, επιβάλλεται στις περιπτώσεις που η μισθολογική κατάσταση του μέλους το επιτρέπει και αφού προηγουμένως γίνει αποτίμηση της ποινής.»·

Τροποποίηση του Κανονισμού 41 των βασικών κανονισμών.

18. Ο Κανονισμός 41 των βασικών κανονισμών τροποποιείται, με την αντικατάσταση της υποπαραγράφου (β) της παραγράφου (1) αυτού με την ακόλουθη υποπάργραφο:

«(β) ένα πρόσωπο που κατέχει θέση στην Αστυνομία ή, σε περίπτωση που δεν υπάρχει πρόσωπο που κατέχει θέση ανώτερης ιεραρχικής τάξης ή οργανικής θέσης από αυτή του κατηγορουμένου, ένα Εισαγγελέα της Δημοκρατίας που υποδεικνύεται από τον Γενικό Εισαγγελέα, και»·

Τροποποίηση του Κανονισμού 44 των βασικών κανονισμών.

19. Ο Κανονισμός 44 των βασικών κανονισμών τροποποιείται, ως ακολούθως:

(α) Με την αρίθμηση του υφιστάμενου κειμένου αυτού ως παραγράφου (1)·

(β) με την αντικατάσταση των υποπαραγράφων (ε) και (στ) της παραγράφου (1) αυτού, όπως αυτή έχει αριθμηθεί, με τις ακόλουθες υποπαραγράφους:

«(ε) χρηματική ποινή που δεν υπερβαίνει τις δέκα χιλιάδες ευρώ (€10.000),

(στ) πειθαρχική μετάθεση για περίοδο ενός (1) μέχρι και πέντε (5) ετών,»·

(γ) με την αντικατάσταση στο τέλος της υποπαραγράφου (η) της παραγράφου (1) αυτού όπως αυτή έχει αριθμηθεί, με άνω και κάτω τελεία και την προσθήκη, αμέσως μετά, της ακόλουθης νέας επιφύλαξης:

«Νοείται ότι, η προβλεπόμενη στην υποπάργραφο (δ) ποινή της κατακράτησης, διακοπής ή αναβολής ετήσιας προσαύξησης, επιβάλλεται στις περιπτώσεις που η μισθολογική κατάσταση του μέλους το επιτρέπει και αφού προηγουμένως γίνει αποτίμηση της ποινής.»· και

(δ) με την προσθήκη, αμέσως μετά την παράγραφο (1) αυτού όπως αυτή έχει αριθμηθεί, των ακόλουθων νέων παραγράφων (2) και (3):

«(2) Η Επιτροπή, δύναται να επιβάλει σε μέλος της Αστυνομίας που καταδικάστηκε για αδίκημα για παράβαση των παραγράφων (5), (6), (8), (10) και (20) του

Πειθαρχικού Κώδικα, οποιαδήποτε ή οποιασδήποτε από τις ποινές που ορίζονται στις υποπαραγράφους (α), (β), (γ), (δ) και (στ) της παραγράφου (1).

(3) Σε μέλος της Αστυνομίας, που καταδικάστηκε από Δικαστήριο για ποινικό αδίκημα διαφθοράς ή Επιτροπή, ανεξάρτητα από την ποινή που επιβλήθηκε από το Δικαστήριο, επιβάλλει την ποινή της απόλυσης ή της υποχρεωτικής αφυπηρέτησης.».

Τροποποίηση του Κανονισμού 46 των βασικών κανονισμών.

20. Ο Κανονισμός 46 των βασικών κανονισμών τροποποιείται με την αρίθμηση του υφιστάμενου κειμένου αυτού ως παραγράφου (1) και την προσθήκη, αμέσως μετά την παράγραφο αυτή, της ακόλουθης νέας παραγράφου (2):

«(2) Ο Υπουργός δύναται εντός δεκατεσσάρων (14) ημερών από την ημερομηνία έκδοσης της απόφασης, να εφεσιβάλλει ενώπιον του Συμβουλίου Εφέσεων την απόφαση της Επιτροπής, για το λόγο ότι η επιβληθείσα ποινή ήταν ανεπαρκής ή να εφεσιβάλλει την αθωωτική απόφαση της Επιτροπής για το λόγο ότι -

- (α) δεν υπήρξε απόδειξη βάσει της οποίας η Επιτροπή ή ο Προεδρεύων Αξιωματικός μπορούσε εύλογα να διαπιστώσει πραγματικό γεγονός ή γεγονότα αναγκαία για τη θεμελίωση της απόφασης αυτής,
- (β) η απόδειξη πλημμελώς έγινε δεκτή ή αποκλείστηκε,
- (γ) ο νόμος εφαρμόστηκε πλημμελώς επί των πραγματικών γεγονότων,
- (δ) υπήρξε αντικανονικότητα στη διαδικασία.».

Τροποποίηση των βασικών κανονισμών με την προσθήκη νέου Κανονισμού.

21. Οι βασικοί κανονισμοί τροποποιούνται με την προσθήκη, αμέσως μετά τον Κανονισμό 56 αυτών, του ακόλουθου νέου Κανονισμού 56Α :

«Δημοσίευση σύνοψης αποφάσεων.

56Α. Σύνοψη των αποφάσεων που εκδίδονται από τα Συμβούλια Εφέσεων που συγκροτούνται σύμφωνα με τους Κανονισμούς 27 και 46, τις Επιτροπές που συγκροτούνται σύμφωνα με τους Κανονισμούς 13 και 41, τον Προεδρεύοντα Αξιωματικό που ορίζεται όπως προβλέπεται στον Κανονισμό 20, και τον Αρχηγό, όπως προβλέπεται στον Κανονισμό 38 περιλαμβανομένης και της επιβληθείσας ποινής ή του αθωωτικού πορίσματος αναλόγως της περίπτωσης, γνωστοποιούνται εντός είκοσι μία (21) ημερών, στις Εβδομαδιαίες Διαταγές της Αστυνομίας, με σκοπό την ενημέρωση των μελών της Αστυνομίας.».

Οι βασικοί κανονισμοί τροποποιούνται με την κατάργηση του Κανονισμού 57 αυτών.

22. Ο Κανονισμός 57 των βασικών κανονισμών καταργείται.

Τροποποίηση του Πρώτου Πίνακα των βασικών κανονισμών.

23. Ο Πρώτος Πίνακας των βασικών κανονισμών τροποποιείται ως ακολούθως:

- (α) Με την αντικατάσταση της παραγράφου 8 αυτού με την ακόλουθη παράγραφο:

«8. ΔΙΑΦΘΟΡΑ

Δηλαδή, αν μέλος της Αστυνομίας έχει διαπράξει «πράξη διαφθοράς» ή «πράξη εν δυνάμει διαφθοράς» όπως οι όροι αυτοί καθορίζονται στο άρθρο 2 του περί Αστυνομίας Νόμου ή αδίκημα που προβλέπεται στον περί Σύστασης της Υπηρεσίας Εσωτερικού Ελέγχου Νόμο και ειδικότερα διαπράττει οτιδήποτε από τα ακόλουθα:

- (α) Άμεσα ή έμμεσα, δωροδοκείται ή δωροδοκεί άλλο πρόσωπο για προσωπικό όφελος ή όφελος τρίτου προσώπου.
- (β) Καταχράται την ιδιότητα του μέλους της Αστυνομίας για αποκόμιση προσωπικού οφέλους ή οφέλους για τρίτο πρόσωπο.

- (γ) Αποδέχεται ή λαμβάνει από τρίτα πρόσωπα δώρα, υλικό, κέρδος ή υπηρεσίες λόγω της θέσης του, εν γνώσει του ότι η προσφορά και αποδοχή των υπηρεσιών ή δώρων γίνεται για απόκτηση της εύνοιάς του ή για τη δημιουργία πελατειακών σχέσεων.
- (δ) Σφτεριζεται προς όφελος του ιδίου ή τρίτου προσώπου ξένη περιουσία η οποία περιήλθε στη κατοχή του κατά την εκτέλεση των καθηκόντων του.
- (ε) Προστατεύει παράνομες δραστηριότητες που αφορούν οργανωμένο έγκλημα, ηλεκτρονικό τζόγο, πορνεία, ναρκωτικά, προστασία ιδιωτικών επιχειρήσεων και γενικά εγκληματικές δραστηριότητες που εντάσσονται στο πλαίσιο σοβαρών ποινικών αδικημάτων.
- (στ) Επεμβαίνει με σκοπό να αλλοιώσει ή να παρακωλύσει ή δυσμενώς να επηρεάσει ποινική ή πειθαρχική έρευνα, παραποιεί ή αφαιρεί τεκμήρια ή παραβλέπει σκόπιμα την διάπραξη ποινικών ή τροχαίων αδικημάτων.
- (ζ) Αποκαλύπτει υπηρεσιακές πληροφορίες σε εγκληματικά στοιχεία ή άλλα αναρμόδια πρόσωπα ή υποβοηθά τέτοια πρόσωπα με οποιοδήποτε τρόπο.
- (η) Διαρρέει πληροφορίες ή ενημερώνει πρόσωπα για επικείμενες αστυνομικές επιχειρήσεις, ή αποκαλύπτει σε εγκληματικά στοιχεία ή άλλα αναρμόδια πρόσωπα την ύπαρξη ενταλάτων σύλληψης και έρευνας.
- (θ) Διαρρέει πληροφορίες ή ενημερώνει Μέσα Μαζικής Ενημέρωσης ή Κοινωνικής Δικτύωσης για ζητήματα διαβαθμισμένα ως άκρως απόρρητα, απόρρητα ή εμπιστευτικά υπηρεσιακά, ή για την πρόοδο ή/και πορεία ή/και διερεύνηση σοβαρών ποινικών υποθέσεων.
- (ι) Αναζητεί από τις βάσεις δεδομένων της Αστυνομίας στοιχεία ή/και πληροφορίες χωρίς εξουσιοδότηση ή νόμιμο λόγο και παραδίδει ή γνωστοποιεί αυτά τα στοιχεία σε τρίτα πρόσωπα.
- (ια) Χωρίς εξουσιοδότηση, κάνει χρήση ανθρωπίνων ή υλικών πόρων της Αστυνομίας για προσωπικό όφελος ή όφελος τρίτου, νομικού ή φυσικού προσώπου, η οποία χρήση συνδέεται με ύποπτες δραστηριότητες.
- (ιβ) Χωρίς την έγκριση του Αρχηγού, απασχολείται στον ιδιωτικό τομέα κατά τρόπο που προκαλεί σύγκρουση συμφερόντων, σχέση εξάρτησης ή αδυναμία εκτέλεσης των καθηκόντων του.
- (ιγ) Παραλείπει να λογοδοτήσει ή να προβεί σε πρόθυμο και αληθή απολογισμό για χρήματα ή περιουσιακά στοιχεία που έλαβε υπό την υπηρεσιακή του ιδιότητα ή την ιδιότητά του ως αξιωματούχου εγκριμένου αστυνομικού ταμείου ή συνδέσμου.
- (ιδ) Άμεσα ή έμμεσα, επιζητεί ή λαμβάνει φιλοδώρημα ή δώρο, εισφορά ή προσφορά χωρίς τη συγκατάθεση του Αρχηγού ή του Υπουργού, για λόγους που σχετίζονται με την υπηρεσιακή του ιδιότητα.
- (ιε) Δημιουργεί οικονομικές υποχρεώσεις έναντι του ιδιοκτήτη καφενείου, εσπιατορίου, κέντρου διασκέδασης ή νυκτερινού κέντρου ή έναντι προσώπου που κατέχει άδεια για την έκδοση ή ανανέωση της οποίας η Αστυνομία, ενδέχεται να κληθεί να υποβάλει αναφορά ή να δώσει μαρτυρία.» και
- (β) με την προσθήκη, στην παράγραφο 10 αυτού, αμέσως μετά την παράγραφο (δ) αυτού, των ακόλουθων νέων παραγράφων (ε) και (στ):
- «(ε) Υπό την ιδιότητά του ως μέλος της Αστυνομίας, γράφει, υπογράφει ή παρέχει, χωρίς την έγκριση του Αρχηγού, πιστοποιητικό καλού χαρακτήρα, ή άλλο συστατικό έγγραφο, με σκοπό την εξασφάλιση εργασίας σε οποιοδήποτε πρόσωπο ή την υποστήριξη αίτησης για την έκδοση οποιοδήποτε είδους άδειας.
- (στ) Χωρίς την έγκριση του Αρχηγού, υποστηρίζει αίτηση για την έκδοση οποιοδήποτε είδους άδειας.».

A N N E X 3

Statistics on the cases reported concerning Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Law 235/90, Art. 3,5,6), in which Police Officers were involved

2013			
Reported Cases	Detected	Number of Victims	Number of Offenders
1	1	2	2

Reported Cases	VICTIMS			
	Persons	Country of origin	Gender	Age
Case 1	2	Russia	Male	26 and 31

Persons	OFFENDERS		
	Country of origin	Gender	Age
2	Cyprus - police officers	Male	37 and 41

CONVICTIONS
Pending

2014			
Reported Cases	Detected	Number of Victims	Number of Offenders
1	1	1	3

Reported Cases	VICTIMS			
	Persons	Country of origin	Gender	Age
Case 1	1	Shri lanka	Female	42

Persons	OFFENDERS		
	Country of origin	Gender	Age
3	Cyprus - police officers	1 Males and 2 Female	27 and 28, 28

CONVICTIONS
Withdrawn

2015			
Reported Cases	Detected	Number of Victims	Number of Offenders
2	2	2	4

Reported Cases	VICTIMS			
	Persons	Country of origin	Gender	Age
Case 1	1	Cyprus	Male	31
Case 2	1	Cyprus	Male	27

Persons	OFFENDERS		
	Country of origin	Gender	Age
2	Cyprus - police officers	Males	31 and 35
2	Cyprus - police officers	Males	36 and 40

CONVICTIONS
Pending
1 year imprisonment for each offender

2016			
Reported Cases	Detected	Number of Victims	Number of Offenders
4	4	4	4

Reported Cases	VICTIMS			
	Persons	Country of origin	Gender	Age
Case 1	1	Cyprus	Male	49
Case 2	1	Cyprus	Male	17
Case 3	1	Cyprus	Male	21
Case 4	1	Syria	Male	21

Persons	OFFENDERS		
	Country of origin	Gender	Age
1	Cyprus - police officers	Males	41
1	Cyprus - police officers	Males	41
1	Cyprus - police officers	Males	37
1	Cyprus - police officers	Males	32

CONVICTIONS
Pending
Acquitted
Pending
Pending

A N N E X 4

RIGHT OF DETAINEE TO MEDICAL EXAMINATION, TREATMENT AND FOLLOW-UP

L.163(I)/2005, Section 24(1)

PART A'

Every detainee is entitled at any time, while in detention, to receive medical examination or medical treatment or a follow-up by a doctor of his own choice and to communicate for that purpose in person by telephone with him in the presence of a Police member or, if he/she does not wish to exercise the right to choose his/her own doctor, to undergo medical examination or treatment and / or follow-up, to be arranged by the person in charge of the detention centre, by a government doctor.

The cost of medical examination, treatment and follow up by a doctor of the choice of the detainee shall be burdened by the detainee himself.

I, have received a copy of this form.

Date

Time.....

Detainee's Signature.....

Σε περίπτωση άρνησης του/της να παραλάβει αντίγραφο του εν λόγω εντύπου ή άρνησης να το υπογράψει να σημειώνονται οι λόγοι της άρνησης του
.....
.....
.....

.....
Υπογραφή μέλους της Αστυνομίας
(Βαθμός, αριθμός και ονοματεπώνυμο)

PART B

I have been informed of my rights as referred to in PART A' above and I wish to inform you that I wish to be subjected to a medical examination / follow-up/ treatment by a:

(a) Government doctor

(b) Private Doctor (name and surname).....and the costs shall be paid by myself.

Date..... Signature of detainee.....

Ημερομηνία

Ώρα παραλαβής.....

.....
Υπογραφή μέλους της Αστυνομίας
(Βαθμός, αριθμός και ονοματεπώνυμο)

* Σε περίπτωση συμπλήρωσης του ΜΕΡΟΥΣ Β' από τον/την κρατούμενο/η να δίδεται σ' αυτόν/ην αντίγραφο του εντύπου υπογεγραμμένο από το μέλος της Αστυνομίας που το παρέλαβε.

ANNEX 5

Annex 5

Procedure regarding the investigations into allegations of ill-treatment/ abuse of power in prisons

1. The Prison Department applies certain safeguards for an ill-treated person (either by staff or by any other inmate). As soon as a complaint/ allegation about ill treatment/ abuse of power comes into the attention of the Prison management, either in a formal manner or even in the absence of a formal complaint (collected information from whistleblowing, doctors, psychologists, psychiatrists, etc.), immediately we:
 - Call for the police to investigate the incident.
 - Preliminary examination by the doctors of the Department. Note that the doctors are employed by the Ministry of Health and not by the prison department.
 - The ill-treated person is transferred to the General Hospital for medical examination (forensic evidence), by coroner and other medical specialists.
 - The doctors/ coroner prepare a report with the medical findings/ forensic evidence which are used for the criminal prosecution of the perpetrator/s.
2. Usually the perpetrator (from prison staff) is suspended off duty until the investigation is completed. If the perpetrator is not suspended off duty he is never assigned a duty in the unit where the person is placed for protection.
3. The ill-treated person is placed into a small unit for better supervision and for protection purposes with a capacity of ten persons, which we use it for increased supervision of the vulnerable inmates and for those who need protection (i.e. ill-treated inmates).

4. An internal investigation is carried out collecting evidence (testimonies, CCTV footage etc.) and disciplinary measures are taken against the perpetrator.
5. The perpetrator is also prosecuted before the criminal court, by the police.
6. In cases of ill treatment (by the prison staff) the Prisons management usually enquires that the Minister appoints public officers to carry out the disciplinary investigation for the purpose of ensuring transparency and objectiveness.
7. The Prison Department never involves or intervenes in any of the investigations (criminal and disciplinary investigation carried out by police and public officers respectively) in any way. However, it provides any evidence/ findings in its capacity and assists the investigators when asked to do so.
8. All the above actions are recorded in the file of the inmate.

*Cyprus Prisons Department
Ministry of Justice and Public Order*