

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 12 to 19 May 2008

The Government of Cyprus has requested the publication of this response. The report of the CPT on its May 2008 visit to Cyprus is set out in document CPT/Inf (2012) 34.

Strasbourg, 6 December 2012

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Response of the Cypriot authorities requested within three months

Paragraph 71, Page 31

The Administration of the Prison Department has issued an order No 32/2008, concerning the access of prisoners to toilet facilities whenever necessary. By this order the personnel of the Prison is directed to check and ensure that the call panel in the warden's room is active at all times and especially during the evening hours, so that the prisoners can be assisted and emergency cases can be prevented. It also informs the personnel that the violation of the order consists a disciplinary offence.

Text of paragraph 71 of the CPT's report CPT (2008) 70:

71. Further, the vast majority of inmates had no access to the toilet during the night, when, as the delegation learned, call bells were switched off. As a result, inmates were frequently obliged to urinate and defecate in makeshift receptacles in their cells¹. The CPT considers that to oblige an inmate to discharge human waste, and more particularly defecate, in a bucket or other receptacle in a confined space used as a shared living area, is degrading, both for the inmate concerned and for all other persons occupying the cell.

The Committee considers that a toilet facility should be located in cellular accommodation (preferably in a sanitary annexe) or means should exist to enable prisoners who need to use a toilet facility to leave their cells without undue delay at all times (including during the night). **The CPT recommends that the Cypriot authorities take immediate steps to ensure that prisoners are guaranteed access to a proper toilet whenever necessary. The Committee also trusts that the Cypriot authorities will ensure that call bells are never deactivated.**

¹ No CCTV recording could be produced of a prisoner being released from his cell at night during the four days prior to the delegation requesting to view such images.

**Other comments provided by the Cypriot authorities
at the same time as the response to paragraph 71 of the CPT's report**

Paragraph 8, page 10

Conditions of detention

Persons detained in Police Detention Centres, including migrants and asylum seekers, enjoy all the rights and accommodation facilities. In all Police Detention Centres, renovations and improvement works have already been made, so that the conditions of detention will be consistent with the specifications and recommendations of CPT and to ensure that detainees can enjoy humane and safe conditions of detention. Moreover, the old establishments are constantly renovated and improvements are being carried out in accordance with the CPT standards. Frequent visits and inspections are made to all Police Detention Centres for the submission of proposals for the improvement of the living conditions.

The Government of Cyprus has decided the construction of a Reception Centre for Illegal Immigrants Awaiting Deportation, which will accommodate 300 illegal immigrants (men, women and families with children) and it is expected to be completed by September 2012. The model is based on the standards of a similar Reception Centre in Belgium that meets all CPT standards.

Period of detention

People on remand in police establishments are rarely detained for more than 16 days, although it is provided by the Law that the maximum detention of 3 months is applied only where is necessary (by renewal of remands before the Court).

Concerning the length of detention of migrants, it has become a Government policy that the detention of irregular migrants should in principle not exceed a period of six months. If deportations cannot be executed within a reasonable period of time irregular migrants are set free and given a special residence and employment permit for a limited period of time, provided they have not been found guilty for criminal offences or they do not pose a threat to public order.

In Cyprus, there are no detention centres operating exclusively for rejected asylum seekers. The Law does not define a specific time limit for an alien to stay in detention after the rejection of his asylum claim at first and second instance, since this depends from various factors, which are mentioned below:

(a) After a second-instance rejection of an asylum claim, an alien may appeal to the Supreme Court, an action which does not have suspensive effect, unless an interim order is issued by the court. The length of the detention, apart from the provisions of the Alien's and Immigration Law, is specified in the case law of the Republic.

(b) The issuing of travel documents for the deportation of an alien may require a long procedure. For example, in the case of Iranians who got rid of their travel and other personal documents, the deportation is sometimes impossible. Furthermore, in the case of African nationals, who usually do not carry travel documents, time is required for the issuing of these documents.

The detention of asylum seekers is often necessary for reasons clearly stated in the Refugee Law the Aliens and Immigration Law, as well as the Case Law.

According to Refugee Law, detention is allowed by a Court Order and for a maximum of 32 days, in cases where the asylum seeker has destroyed or threw away his/ her travel documents or if fake documents were used. If the application has been rejected by the Asylum Service and the Refugee Reviewing Authority and a deportation order has been issued, the asylum seeker can also be detained. After the expiry of the 32 days, the asylum seeker is set free. According to Aliens and Immigration Law, detention is also possible when a

person was a prohibited irregular immigrant prior to his or her application for asylum and/or in the case the person has been sentenced to more than one month imprisonment for a criminal offence, following which the person is considered to be an “unwanted” immigrant. Execution of the deportation order is suspended pending the final determination of the asylum application. A deportation and detention order, considered to be an administrative act, may be challenged at the Supreme Court of the Republic by filing a habeas corpus application and/or filing an application under article 146 of the Constitution.

Health Care at Nicosia Central Prisons

A new General Practitioner has recently been appointed at the Cyprus Prison Department. The new General Practitioner, having received a notice concerning the re-examination of the prisoners, reported to the Administration of the Prison Department that she had examined all the prisoners in need of medical attention.

The General Practitioner has undertaken to conduct a report on the assessment of the Prison’s health care services, including proposals to ensure that the services provide proper care to all inmates. The report will be sent to the Committee as soon as it is completed².

² The report was received and may be obtained from the CPT’s Secretariat on request.

Response of the Cypriot authorities requested within six months

Page 9, paragraph 5

“The CPT calls upon the Cypriot authorities to take resolute steps to ensure that prison staff refrain from such conduct in the future”

According to the Prisons Law and Regulations, each newly admitted prisoner, as every prisoner, receives every possible and required medical attention during his/her stay in Prison. For this purpose, strict orders are given to the medical staff and the prison staff to implement regulations, to ensure confidentiality and to cooperate closely.

Page 14, paragraph 17

“One particular allegation, from a person detained at Block 10 Police Prison, referred to intimidation and severe beating by immigration police at the new immigration office premises in the afternoon of 27 August 2008. The CPT would like to be informed of the results of this investigations”

The detainee reported the incident to the Independent Authority for the Investigation of Allegations and Complaints against the Police. The Authority appointed a criminal investigator, who presented the facts to the Attorney General. The latter decided that there is no evidence to charge the Immigration police officers.

The above-mentioned detainee was deported to his country on 12/03/2009.

Page 14, paragraph 18

“any non-standard issue objects (such as wooden sticks and other implements) to be immediately removed from all police premises where persons may be held or questioned. Any such items seized during criminal investigations should be entered in a separate register, properly labeled (identifying the case to which they refer) and kept in a dedicated store”

Non-standard issue objects have been removed from police premises where persons may be held or questioned. By virtue of the Police Standing Order 3/17, items that are seized during criminal investigations (exhibits/evidence) are registered in a special book (the exhibit book) of the department that investigates the case, suitably packed and labeled in the presence of the suspect and signed by the suspect at a proper place, in a way that they cannot be replaced or damaged. These items are kept in a secure room (the exhibit room).

Page 15, paragraph 20

“The CPT reiterates its recommendation that the Minister of Justice and Public Order impress upon all police officers that the ill-treatment of persons in their custody is an affront to the values which constitute the very foundations of the State ...severe sanctions”

Cyprus authorities recognize that the ill-treatment of persons in custody is an affront to the values which constitute the very foundations of the State and it will not be tolerated. The Cyprus Government shows no tolerance of such behaviour.

The Minister of Justice and Public Order occasionally addresses this issue to the Police, recommending the Police members that they strictly implement the regulations and always respect human rights and human dignity.

Page 15, paragraph 21

“The CPT recommends that the Cypriot authorities ensure that practical professional training in managing high-risk situations is offered to police officers of all ranks and categories and is ongoing; such training should focus inter alia on the questioning of suspects, in compliance with human rights principles”

Police officers that are involved in criminal investigations, interviewing and interrogations of persons, as well as in treatment of detainees, receive theoretical and practical training. The Cyprus Police Academy offers constant training in human rights issues to police members both at the School for Sergeants and Recruits and the School for Officers.

The main courses offered at the Police Academy in relation to human rights issues, are listed below:

A. School of Sergeants and Recruits

Basic Recruit Training Course

Subject	Methods
Police Law / Police Authorities Duties and Responsibilities of the police - arrest / deprivation of liberty by the police / search, questioning	Simulation, Role - play
Supervision of Detainees – rights, detention conditions	Case Studies (Group Work) dealing with (i) Communication and visit by a family member (ii) communication and visit by a lawyer (iii) medical examination by a doctor (iv) use of interpreter / notification / contact with embassy authorities
Use of Truncheons and Handcuffs	Practical Training at the Emergency Response Unit
Presentation on the establishment and function of the “Independent Authority for the Investigation of Allegations against the Police”.	Lecture given by a representative of the Authority
Escorting offenders / detainees	Case Study
Police Ethics and Corruption	Lecture, workshop
Introduction to Police Psychology	Lecture, Seminar
Dealing with Stress / Police Ethics	Lecture
Communication in a Multicultural society	Lecture, seminar

Fundamental Rights Charter	Lecture, seminar
Immigration and Asylum seekers – Human rights issues	Seminar by a representative of the United Nations High Commission for Refugees
Implementation / Safeguarding of Human Rights Principles by the Police	Lecture, seminar by a representative from the General Attorney’s Office

Sergeants’ Course

Subject	Methods
Police Psychology – Questioning witnesses	Seminar, workshop
Contemporary Psychology – Issues, Methods, Principles	Lecture
Fundamental Rights Charter	Lecture
Immigration and Asylum seekers – Human Rights Issues	Lecture , Seminar by a representative from the Attorneys’ General Office
Implementation / Safeguarding of Human Rights Principles by the Police	Lecture , seminar by a representative from the General Attorney’s Office.
Police Ethics – Tolerance	Workshop, role-play

CID Course

Subject	Methods
Dealing with work-related stress	Workshop
Contemporary methods in lie-detection / Suspect Recognition – Eyewitnesses and questioning techniques	Lecture, workshop, role-play
Responsibilities of the Independent Authority for the Investigation of Allegations against the Police.	Lecture given by a representative of the Authority
Police Ethics - Tolerance	Lecture

B. Officers' School

Inspectors' Course

Subject	Methods
Psychology for Policing – Police Ethics and Corruption	Seminar, workshop, Group work
Police culture – Professional behaviour	Workshop
Dealing with work-related stress	Seminar, workshop
The implementation of Human Rights by Law Enforcement Authorities	Workshop, Lecture
Fundamental Rights Charter	Lecture

Chief Inspectors' Course

Subject	Methods
Policing a Multicultural Society	Seminar, workshop
Communication in a Multicultural Society	Seminar, workshop
Dealing with Stress and Police Behaviour	Seminar, workshop
Human Rights – International Conventions and the Police	Presentation by a representative from the Attorney's General Office.
Fundamental Rights Charter	Lecture, workshop
Police Ethics	Lecture, workshop

CID Advanced Course

Subject	Method
Policing a Multicultural Society	Lecture, workshop
Communication in a Multicultural Society	Lecture, workshop
Dealing with stress and Police Behaviour	Workshop
Human Rights – International Conventions and the Police	Presentation by a representative of the Office of the Attorney General
Fundamental Rights Charter	Lecture, workshop
Police Ethics	Lecture, workshop
Police Ethics - Tolerance	Lecture

Ethics and Internal Controls

Subject	Method
Ethic Behaviour and Decision Making	Workshop
Internal Controls in Law Enforcement Organisations	Workshop

The courses offered by the Cyprus Police Academy are currently under review. Efforts are continually being made to upgrade all programmes, including the methods and practical training involved in the courses offered.

Police training is seen as an area of utmost importance, in which concrete, effective and proactive anti-discrimination measures are taken, in order to prevent and combat certain discrimination phenomena related to the performance of policing duties. Human rights issues are included in the programmes for all trainees and recruits at the Cyprus Police Academy. Relevant courses are reinforced with the presence of professionals who have either an academic background or are experienced in the area of human rights (criminologists, lawyers, judges, psychologists, members of non-governmental organizations, university professors, etc). The aim of the Police Academy is to sensitize all Police members to human rights.

Police Officers of different ranks are constantly trained abroad in issues concerning human rights, racism, discrimination, corruption etc. and they actively participate in different CEPOL (European Police College) courses and other courses organized by foreign competent organizations. During the year 2008, representatives of the Police have participated in CEPOL courses, organized abroad, concerning human rights practices, police ethics and anti-corruption practices.

The “Citizens Rights Charter” has been issued and released by the Police in an effort to maximize citizens’ knowledge regarding police issues in relation to their rights and to facilitate public access to Police establishments, procedures and services, through the inclusion of police forms necessary for several purposes. Both the Charter and the forms are available at the Cyprus Police webpage at <http://www.police.gov.cy>.

A new version of Code of Ethics has been edited by the Human Rights Office of the Police, which is also available at the Cyprus Police webpage at <http://www.police.gov.cy>. A Police Standing Order has been issued on the subject (Police Standing Order 1/73).

The Police also translated and published leaflets and booklets on issues concerning human rights, discrimination, racism and xenophobia, which were distributed to all police officers. They are also available to the public.

Regarding training in issues of discrimination, the police training focuses on harmonizing police mentality with the new multicultural environment of the Cyprus society. Additionally, much emphasis is given on building and maintaining a positive approach by Police Members towards all individuals, regardless of their culture, customs, religious and origins. Within this framework, an additional comprehensive training program to cover Police Standing Order 3/38 on Combating Discrimination is included in the Police training curricula. In this regard, a representative of the Office against Discrimination of the Police participated in the European Roundtable Meeting Diversity that took place on 25-26/03/2009 in Amsterdam.

The Cyprus Police Academy Library holds an entire section on human rights issues and has a substantial amount of literature and other relevant editions on protection of human rights etc. Library material (books, magazines etc.) is always available to all Police officers.

Page 15, paragraph 22

“the Cypriot authorities calls upon the Cypriot authorities to put an end to the practice of holding persons for prolonged periods on police premises”

Concerning the length of detention of migrants, if a person has been arrested for violating the Aliens and Immigration Law, deportation and detention orders are issued by the Migration Department of the Ministry of Interior of the Republic of Cyprus. Detention orders are executed by the Police, following the orders of the Migration Department.

Concerning the length of detention of people on remand, if the investigation is not completed within twenty four hours, the arrested person will be brought before the Court, which may issue a remand order for no longer than 8 days per remand order and 3 months in total. People on remand are rarely detained for more than 16 days. The Police must prove to the Court that all the conditions mentioned below exist:

- A certain offence has been committed for the commission of which the suspect has been arrested,
- There is evidence that reasonably connects the suspect to the commission of the offence,
- The investigation 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 so that the investigation will not be affected (influence on witnesses, destruction of evidence, escape etc.)

Criminal offenders are held in Police Detention Centres only for a few days. As regards immigrants, 85% of them are deported 4-5 days after their arrest. Those, whose deportation is not feasible in short period of time due to various reasons (lack of traveling documents, lack of nationality evidence) are held in Police Detention Centres for no more than 6 months and the detention order is terminated by instructions of the Ministry of Interior.

It has become a Government policy that the detention of irregular migrants, should in principle not exceed a period of six months. If deportations cannot be executed within a reasonable period of time irregular migrants are set free and given a special residence and employment permit for a limited period of time, provided they have not been found guilty for criminal offences or they do not pose a threat to public order.

Concerning asylum seekers, there are no detention centres in Cyprus operating exclusively for rejected asylum seekers. The Law does not define a specific time limit for an alien to stay in detention after the rejection of his asylum claim at first and second instance, since this depends from various factors, which are mentioned below:

- (a) After a second-instance rejection of an asylum claim, an alien may appeal to the Supreme Court, an action which does not have suspensive effect, unless an interim order is issued by the court. The length of the detention, apart from the provisions of the Alien's and Immigration Law, is specified in the case law of the Republic.
- (b) The issuing of travel documents for the deportation of an alien may require a long procedure. For example, in the case of Iranians who got rid of their travel and other personal documents, the deportation is sometimes impossible. Furthermore, in the case of African nationals, who usually, do not carry travel documents, time is required for the issuing of these documents.

The detention of asylum seekers is often necessary for reasons clearly stated in the Refugee Law the Aliens and Immigration Law, as well as the Case Law. The Asylum Service may intervene in those cases, where the detention of an asylum seeker is deemed to be unjustified by the Law, and therefore makes sure that the Law is applied correctly.

More specifically, according to Refugee law detention is allowed, by a Court Order and for a maximum of 32 day, in cases where the asylum seeker has destroyed or threw away his/her travel documents or if face documents were used. If the application has been rejected by the Asylum Service and the Refugee Reviewing Authority and a deportation order has been issued, one can also be detained. After the expiry of the 32 days the asylum seeker is set free. According to Aliens and Immigration Law, detention is also possible on the basis of deportation and detention orders. Such an order can be issued when a person was a prohibited irregular immigrant prior to his or her application for asylum and/or in the case the person has been sentenced to imprisonment for a criminal offence (more than one month), following which the person is considered to be an “unwanted” immigrant. Execution of the deportation order is suspended pending the final determination of the asylum application. A deportation and detention order, considered to be an administrative act, may be challenged at the Supreme Court of the Republic by filing a habeas corpus application and/or filing an application under article 146 of the Constitution.

Page 16, paragraph 25

The Independent Authority for Investigation of Allegations and Complaints against the Police (IPCA) was established by Law 9 (1) of 2006.

Page 16, paragraph 26

“the large number of allegations of ill-treatment heard by the delegation during the 2008 visit to Cyprus, together with certain deficiencies observed in the follow-up given to allegations of ill-treatment, indicate that closer examination of the accountability system is warranted”

The large number of allegations of ill-treatment heard by the delegation of the CPT may be due to the encouragement the complainants felt, because of the presence of the CPT. On the other hand, convicts or suspects use every opportunity to eliminate their responsibility by alleging ill-treatment or inhuman behaviour by the Police. This is proved by the fact that out of the 100 complaints which IPCA investigates approximately every year, for only 6-7% evidence is found for commission of criminal or disciplinary offences by police officers. Most of these complaints are rejected, either because of lack of evidence or because of unfounded allegations on behalf of the complainants.

Page 17, paragraph 28

“the outcome of the criminal proceedings referred to in paragraph 28 and of any disciplinary action taken”

This case concerns the ill-treatment of the two students by a number of police officers.

Eleven police officers were presented before the Assize Court. One of the defendants was remitted to the District Court and the case is going to continue on 28/05/2009. The remaining ten police officers were acquitted of all charges on 19/03/2009. The Attorney General’s Office appealed to the Supreme Court. The disciplinary procedure was adjourned until the decision of the Supreme Court is issued. The above mentioned police officers were suspended from duty.

Page 18, paragraph 30

“the Committee requests that it be informed in due course of the results of the criminal investigation and of any disciplinary measures taken”

The case mentioned in paragraph 30 concerns the complaint of the Kurd which has been investigated by a team of three investigators including one prominent lawyer, under the supervision of the President of the IPCA on the request of CPT.

The investigators of the Authority, who investigated the complaint, have anonymously concluded that there was no offence, criminal or disciplinary, committed by the Police, as they found the evidence of the complainant inconsistent. Additionally, based on the evidence of the forensic surgeon that the injuries do not correspond to the complainant's allegations and furthermore, that there was no internal or external evidence of sexual abuse in accordance with the scientific evidence, they did not accept the allegations of the complainant.

Although the IPCA acknowledged some weaknesses of the evidence and the difficulties that this case would face in court, it suggested that the officers involved should be prosecuted.

The conclusions of the investigators and the suggestion of the Authority had been submitted to the Attorney General for his opinion. The Attorney General, who has the final word to prosecute or not, on the basis of the evidence received by the investigators and in particular on the scientific evidence that the injuries do not correspond to the complaint, has resolved that there is no sufficient evidence to justify prosecution.

In view of the above, the Authority considers that the investigation has come to an end and the case is closed.

Page 19, paragraph 34

“police training to incorporate the precepts set out in paragraph 34 and all law enforcement officials (including police officers and prison directors) to be formally required to notify the Attorney-General or the IPCA immediately- either directly or through a clearly established reporting line- whenever they become aware of any information indicative of ill-treatment; if necessary, whistle-blower protective measures should also adopted”

A series of training courses on discrimination, human rights, constitutional rights, multi-culturalism etc., are taught at the Cyprus Police Academy at various levels, in order to promote such culture as mentioned in paragraph 34.

Anyone who fails to act to prevent or report incidents of ill-treatment is considered to be a perpetrator of a criminal offence (as if he/she had himself/ herself done the act), violating provisions of The Penal Code, Cap 154, section 20.

Prison Directors attend training courses, during which they are informed that in cases of prisoners being ill-treated, the Attorney General must be notified immediately – either directly or through a clearly established reporting line.

Additionally, in each ward or cell in Prisons, there is a warning bell, which may be used by prisoners to call for help in emergency cases. If a prisoner informs the Prison Administration of an incident of ill-treatment, the Administration will take protective measures, including the placement of the ill-treated prisoner in another block.

Page 19, paragraph 35

“where evidence of ill-treatment by law enforcement officials comes to light, that issue must be investigated and prosecuted as a separate issue; the relevant legislation should be reviewed accordingly”

When the trial court holds a trial within trial in order to examine the accused's objection that his statement during police interrogation was an involuntary statement, and the trial court decides that the accused's statement was involuntary due to ill treatment, the following administrative procedure will be followed:

The counsel for the Republic who dealt with the case shall forward the above decision of the trial court to the Attorney General. A circular has already been circulated to all law officers of the Republic and all public prosecutors informing them of the above obligation. Once the Attorney General receives the relevant decision, the usual procedure will be followed: he will peruse the decision and either appoint independent criminal investigators to investigate the issue of ill treatment, or forward the above decision to the Independent Police Complaints Authority for investigation.

Page 20, paragraph 36

“the CPT recommends that the necessary steps are taken to ensure that the presumption of ill-treatment (referred to at paragraph 24) operates effectively in the conduct of inquiries”

According to the Ratification Law of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as amended (Rat. Law 235/1900), article 6, when an arrested person is ill-treated by a member of the Police during or shortly after police custody, the police officer in charge of the station and the investigative officer responsible for the arrest can be held responsible for the ill-treatment unless they can reasonably explain that the injuries had not been caused by a police officer.

Page 20, paragraph 37

“the Cypriot authorities to take the necessary steps, in the light of the remarks in paragraph 37, to ensure that judicial authorities are duly sensitised to their obligations to take appropriate action in respect of cases of possible ill-treatment. Whenever there are grounds to believe that a person brought before a judge could have been the victim ill-treatment, the judge should immediately request a forensic medical examination of the person concerned and bring the matter to the attention of the relevant authorities”

If an allegation of ill-treatment is raised at the stage of a remand or detention application, then the judge will examine such allegation if this is relevant as to whether he will decide for the remand in custody of that person. The practice that has been followed is that the judge may give directions to the police to investigate such allegations

Page 21, paragraph 39

“the comments of the Cypriot authorities on the fact that the police officers involved in the case referred to in paragraph 28 had not been suspended from duty pending the results of the investigation”

The police officers involved in the incident have been suspended since the beginning of the criminal and disciplinary proceedings.

Page 22, paragraph 43

“The CPT recommends that the necessary steps be taken to ensure that the right to inform a relative or a third party of one’s situation, from the very outset of detention, is effectively enjoyed”

Persons taken into police custody, either on criminal charges or in violation of the Aliens and Immigration Law, are expressly informed of their rights without delay and in a language that they understand. They are immediately handed out a leaflet about their rights, according to the Rights of Detained Persons Law 163(I)/2005 and they are asked to sign a statement attesting that they have received a copy of this leaflet, so as to avoid any discrimination practices. These rights have been translated and are available in nine languages.

A person in custody is provided with the necessary and reasonable facilitations as regards communication with his/her lawyer as well as personal contact with relatives or friends concerning his/her detention. Relevant are also Articles 30(3)(d) and 11(4) of The Constitution of the Republic, which state that any person has the right to have a lawyer of his/her choice. The above Articles must be read in conjunction with Section 13 of the Criminal Procedure Law, Cap. 155, which has similar provisions, as well as with the Law 163(I)/2005, Article 3(a-b), 4, 6, 12, 13, 16, 17.

If the person in police custody is not a Cypriot citizen, he/she is allowed to notify the Embassy or the Consulate of his country of his/her retention. If a representative of the Embassy or Consulate of the foreigner's country wishes to visit him/her and arrange legal aid for him/her, such arrangements are provided. If the person in custody is convicted to imprisonment, the representative of the Embassy/Consulate of his/her country has the right to visit him/her in reasonable time and in line with the Rules of Detention of Annex E', which is included in the leaflet handed out in the first place of his/her custody. Relevant is the Law 163(I)/2005, article 5.

In case that a third person requests access to the suspect or vice versa, this is allowed, unless it is reasonable to delay the exercise of the right (up to 12 hours) e.g. in the interests of the investigation, the prevention of crime or the apprehension of offenders. A delay in the exercise of the right of communication of a detainee with a person of his/ her choice and vice versa, should be recorded by giving full explanation of the reasoning for such a decision, in line with the provisions of the Police Standing Order 5/3. The exercise of the right to communication with a lawyer cannot be delayed. The communication with a lawyer is safeguarded by article 3 of the Law 163(I)/2005 and is also stated in the "Notice to Persons in Custody" (Annex D, articles 1, 2), which is handed to all detainees by the Police.

Page 22, paragraph 43

"the necessary steps to be taken, in the light of the remarks in paragraph 43, to introduce additional safeguards in cases when the exercise of the right to notification of custody is exceptionally delayed"

The exercise of the right to inform a relative or a third party of one's detention immediately upon his/ her arrest is safeguarded by the Law 163(I)/2005, article 3 and the Police Standing Order 5/3.

The exercise of the right to communication with a lawyer cannot be delayed. The delay in the exercise of the right to inform a relative or a third party of his/her choice is not allowed, unless it is reasonable (i.e. in the interests of the investigation, the prevention of crime or the apprehension of offenders) to delay the exercise (up to 12 hours). By virtue of Police Standing Order 5/3, the reasons of such delay are recorded by giving full explanation of the reasoning for such a decision in the criminal record/file.

Page 22, paragraph 44

"clarification as to whether it is possible for communication with a lawyer to be delayed"

Communication with a lawyer cannot be delayed. It is safeguarded by article 3 of the Law 163(I)/2005 and is also stated in the "Notice to Persons in Custody" (Annex D, articles 1, 2), which is handed to all detainees at the very outset of their detention.

A person who is arrested by a Police member is entitled immediately after his/her arrest to communicate personally by telephone:

- (a) with a lawyer of his/her choice out of the presence of any person
- (b) in the presence of a Police member, with any relative or other person of his/her choice and in the case of a person under the age of eighteen with any of his/her parents or guardians, in order to inform them about his/her arrest and the police station or the place of detention or intended detention.

In the case of sub-paragraph (b) above, no right to communicate immediately after the arrest is granted for a period that does not exceed twelve hours after the arrest, if there is a reasonable suspicion that the exercise of the right to communicate, immediately after the arrest, with a person referred to on the said sub-paragraph may:

- lead to destruction or concealment of evidence connected with the investigation of the offence or,
- lead to the commission of another offence or to the death or bodily harm of any person or,
- harm the interests of the security of the Republic or the constitutional or public order or lead to obstruction of the administration of justice or,
- prevent the arrest or interrogation of another person in connection with the offence or lead to his/her escape.

Page 23, paragraph 45

“the CPT recommends that a fully-fledged and properly funded system of legal aid for persons in police custody who are not in a position to pay for a lawyer – including persons detained under the aliens legislation – be developed, so that this right may be effectively enjoyed from the very outset of police custody”

The article 30(3)(d) of the Constitution provides that every person has the right to have a lawyer of his own choice and to have free legal assistance where the interests of justice so require and as provided by law. Furthermore, according to the Legal Aid Law of 2002 legal aid is granted in all criminal proceeding and this includes any procedure before the commencement of the criminal trial. Legal aid covers legal advice, assistance and representation at all stages of a criminal procedure. Legal aid may be granted in cases involving violations of human rights and in family court cases.

An application for legal aid is filed before the court, before which the case is pending, or in any other case at the court of the district in which the applicant has his usual residence. Therefore, the procedure whereby persons in police custody, including persons detained under the aliens and migration law can apply for legal aid.

Page 23, paragraph 47

“the CPT recommends that the Cypriot authorities ensure that persons detained on police premises benefit from effective access to a doctor. Further, for as long as detention periods on police premises remain potentially lengthy, the health-care services provided must be proactive, including systematic medical screening at an early stage and adequate attention to the health-care needs of detained persons”

The right of access to a doctor is safeguarded by the articles 23-28 of the Law 163(I)/2005. Persons in custody are transferred to governmental hospitals, where they are examined, following their request, free of charge (article 23 of the Law 163(I)/2005). If a detainee requests medical care from his/her private doctor, the police officers arrange an appointment with that doctor. The person remanded in custody has to pay for his/her medical expenses. All the necessary arrangements are made in order to enable the detainees to continue any medical treatment received before their detention.

The right of access to a doctor is safeguarded by the Law 163(I)/2005 and is also stated in the “Notice to Persons in Custody”, which is handed out to all detainees from the very outset of detention.

A person taken into police custody, either on criminal charges or in violation of the Aliens and Immigration Law and regardless of the length of his/her detention, cannot be examined by a doctor, unless he/she wishes to. A person in custody, either upon entry or during his/her detention, cannot be forced into any medical examination without his/her consent. This right is safeguarded by the Police Law, 73(I)/2004, article 25 and Prisons Law 62(I)/96, Regulations No. 576/2002.

Page 24, paragraph 48

“a comprehensive policy to be developed on the management of hunger strikes by persons in police custody. Such a policy must include detailed logbook recording and close medical supervision”

Whenever a detainee is on hunger strike, he/she is frequently examined by a doctor. Furthermore, the police officers:

- Register the incident in the Station Diary of the Police Station and they formally inform their superiors,
- Continuously encourage the detainee to give up hunger strike,
- Observe his/her health condition every one hour, in order to transfer him/her to the General Hospital, if his/her health condition deteriorates.

Page 24, paragraph 49

“the forms attesting that the detained persons have been informed of their rights to cover all the rights available to detained persons, and officers on duty to ensure that the forms are understood by the persons concerned”

Persons taken into police custody, either on criminal charges or in violation of the Aliens and Immigration Law, are expressly informed of their rights without delay and in a language which they understand.

They are immediately handed out a leaflet about their rights, according to the Rights of Detained Persons Law 163(I)/2005, and respectively they are asked to sign a statement attesting that they have received a copy of the leaflet in a language they understand, so as to avoid any discrimination practices (Annex D, Part B). These rights have been translated and are available in nine languages. Additionally, these rights are also placed inside the detention centres, so that the detainees can have access to them at any time.

Page 24, paragraph 49

“the information sheets should state clearly that detained persons who request access to a government doctor will not be obliged to pay for the doctor’s services”

The detainees’ right to access to a government doctor is safeguarded by articles 23-28 of the Law 163(I)/2005. According to the Law 163(I)/2005, article 23, the government doctor’s services are free of charge for the detainees. This provision is also stated in the “Notice to Persons in Custody” (Annex D, article 18), which is handed out to all detainees at the very outset of their detention.

Every detained person is entitled, at any time, while in custody, to receive medical examination and/or treatment by, and/or to be under the care of a physician of his/her own choice and to communicate for this purpose personally by telephone with him/ her, in the presence of a Police officer. In this case, the detainee has to pay for his/her medical expenses.

All the necessary arrangements are made in order to enable detained persons to continue any medical treatment received before their detention.

A detained person, whether he is a foreign national or not, cannot be examined by a doctor, unless he/she wishes to. A person in custody, either upon entry or during his/her detention, cannot be forced into any medical examination without his/her consent. This right is safeguarded by the Police Law 73(I)/2004, article 25 and Prisons Law 62(I)/96, Regulations No. 576/2002.

Page 25, paragraph 50

“the CPT trusts that the Cypriot authorities will ensure that police officers fulfill their obligation to complete custody records in a diligent manner in respect of every person deprived of his or her liberty “

Such records are kept at all Police Detention Centres, for every detainee separately. These records are constantly inspected by the person in charge of the Detention Centre, in order to certify that they are completed in a diligent manner and in respect of every person deprived of his/her liberty. This is safeguarded by the Police Standing Order 5/3.

Page 25, paragraph 51

“the Cypriot authorities to ensure that the deficiencies outlined in paragraph 51 are duly rectified”

A person in police custody, whether is a foreign national or not, is equal before the Law, according to the Constitution of the Republic of Cyprus, article 28. Thus, the right to inform a person of one’s choice upon his/her arrest and the right to access to a lawyer, a doctor and to free legal aid are exercised in the same way by all detainees, regardless the Law by which they were deprived of their liberty.

Regarding the right to free legal assistance of foreign nationals deprived of their liberty under the Immigration or Refugee Law, Legal Aid is offered to all detained persons who are not in a position to pay for a lawyer from the very outset of their custody. Relevant is the Legal Aid Law 165(I)/2002 (as amended by Laws 22(I)/2005 and 77(I)/2005). Any person who is unable to pay for a lawyer, he/she can apply to receive legal aid, following the procedures as set in the Legal Aid Law. Also, relevant is the Constitution of the Cyprus Republic, article 30(3)(d) and the Criminal Procedure Law, Cap 155 (section 64).

The Legal Aid Law 165(I)/2002 states that any person who applies for legal aid and is granted such aid, following the investigation carried out by the relevant authorities to decide if such a person is eligible for legal aid, can have a registered lawyer to represent him/her on the very outset of the judicial proceedings, meaning from the outset of the deprivation of his/her liberty.

As regards the information leaflets, it is noted that the Asylum Service has issued them in eleven (11) languages, which are handed out by the Police to any person who applies for asylum at our District Aliens and Immigration Offices.

These information leaflets are available at our detention centres, so as to hand them over to any detainee who wishes to apply for asylum while being detained, or to any person who has already applied for asylum and is still detained.

“Although asylum seekers may be provided with free legal assistance by organisations dealing with refugee matterssuch arrangements do not meet the standard of safeguards required in respect of access to a lawyer”

Recently, a Bill entitled “The Legal Aid (Amendment) Law of 2009” has been approved by the Council of Ministers and has been tabled by the Ministry of Interior to the House of Representatives. This Bill provides for free legal aid, under certain circumstances, to Asylum Seekers who appeal to the High Court against a decision, made either by the Head of the Asylum Service or by the Refugees Review Body according to the Refugees Laws.

Page 12, paragraph 13

“the Cypriot authorities to ensure that if children, including unaccompanied migrant minors, have to be detained on police premises, they be held for an absolute minimum period and no longer than the time required for the judge to order release or remand in custody. Beyond this short period, detained children must be held in an appropriate secure setting offering material conditions and a regime tailored to their specific needs”

Page 25 , paragraph 52

“the Cypriot authorities to take immediate steps to ensure that every minor is provided with effective access to a lawyer from the very outset of his or her detention and before signing any statement. To this end, minors must be made aware of the special safeguards from which they are to benefit. Thus, such information must be explicitly included in information on rights provided to them in writing and which they are obliged to sign”

With reference to the comment on the detention of the children and unaccompanied migrant minors, if they have to be detained in police premises, they will be held for an absolute minimum period and no longer than the time required for the Court to order either release or remand in custody. The Police gives emphasis on the special needs and rights of children and unaccompanied migrant minors, which are safeguarded by the Law 163(I)/2005, as follows:

- In case that a Police member arrests a person under the age of eighteen, he/she is entitled to communicate personally by telephone with any of his/her parents or guardians in order to inform them about his/her arrest and the police station or place of his detention or intended detention (article 3). A Police member must immediately inform the parents or guardians and it should be recorded in the case file. The Social Services are informed by a Police member, if this is considered to be necessary and in the interest of the arrested person (article 6).
- The interview of a person under the age of eighteen is always conducted in the presence of his/her lawyer, whether he/she understands fully his/her rights or not (article 10).
- Every detained person, regardless of his age is entitled to meet his/her lawyer of his/her choice at any day and time in a private area of the detention place, out of the sight and hearing of the police (article 12(1)(2)).
- Every detained person, whether he/she is under the age of eighteen or not, is entitled to meet daily of up to one hour any relative or other person of his/her choice and his/her parents or guardians in a private area of the detention place, in the presence of a Police member. (article 16).

In the case of a detained foreign national, this right is granted in relation to any representatives of the Embassy, Consulate or Diplomatic mission of his/ her country in the Republic. In the same framework, where there is no Embassy, Consulate or Diplomatic mission in the Republic, the detained foreign national has the right to be visited by representatives of any international or national organization or authority of human rights (article 16).

- Detained persons, who are under the age of eighteen, are kept in separate cells from the cells of the detainees over the age of eighteen (article 20(a)). These cells are designed specifically to offer appropriate living conditions.
- In the case of a detained person under the age of eighteen, his/her parents or guardians are entitled to be present at every medical examination or treatment (article 27(2)) and at any interview conducted by his/her lawyer (article 12(3)).

Detained persons under the age of eighteen, enjoy all the rights mentioned in the Rights of Detained Persons Law 163(I)/2005, the Children's Law, Cap. 352, and the Police Standing Order 5/3.

Page 25, paragraph 52

“whether, in practice, minors might be obliged to sign a statement without the benefit of the presence of a lawyer or a trusted person”

Minors are not obliged to sign a statement without the benefit of the presence of a lawyer or a trusted person. The Law 163(I)/2005 provides that:

- The interrogation of a person under the age of eighteen whether he/ she understands fully his/ her rights or not, is always conducted in the presence of his/her lawyer (article 10).

Page 26, paragraph 53

“the CPT would like to be informed about the current and planned arrangements as regards independent, unannounced inspections of police premises”

The Police Detention Centres are often inspected by National Organizations (National Organization for the Protection of Human Rights- ETHNOPAD), as well as International and European Organizations and Committees (United Nation High Commissioner for Refugees-UNHCR, Committee on Civil Liberties and Home Affairs (LIBE) of the European Parliament, Human Rights Commissioner of the Council of Europe etc.), which are responsible for the monitoring of Human Rights. Moreover, non-governmental Organizations – national (KISA) and non-national (STEPS) –have recently visited the police detention centres.

A circular letter, dated 7/2/2008, was sent to all Police Divisions, Departments, Offices in relation to the procedure which is followed during the access and inspection of Police Detention Centres by the representatives of the National Organization for the Protection of Human Rights- ETHNOPAD, the United Nation High Commissioner for Refugees-UNHCR and the Committee for the Prevention of Torture-CPT. The aim of the above mentioned circular letter is to facilitate the visits by the above mentioned Organizations and Committees to Police detention centres and for a better coordination and cooperation between them.

Page 26, paragraph 55

“the material deficiencies observed at Limassol Station to be remedied without delay”

With reference to the recommendation that some cells at Limassol Police Station had no windows, hence there is no access to natural light and ventilation, the above deficiencies have been covered by the installation of glass block windows, central ventilation and air condition system.

Page 26, paragraph 55

“the Committee recommends that the Cypriot authorities to ensure that corridors are not used as ad hoc detention facilities, and that all detained persons are accommodated in rooms/ cells designed specifically for that purpose, offering appropriate living conditions”

Every effort is made to meet the CPT standards regarding detained persons' right to accommodation facilities.

In this framework, in all Police Detention Centres, renovations and improvement works have already been made, in order for the conditions of detention to be consistent with the specifications and recommendations of the CPT.

Page 26, paragraph 55

“persons never to be held for longer than a few hours in the existing detention facilities at Larnaca Airport, unless the shortcomings mentioned in paragraph 55 are remedied”

The facilities at Larnaca Airport are used only for refused landing, as well as for persons who are going to be deported. The maximum stay there is 12 hours.

The facilities are equipped with adequate artificial lighting, ventilation system, as well as air condition system.

Page 26, paragraph 55

“the CPT trusts that the new Larnaca Airport will offer adequate conditions of detention for persons held pending deportation”

All the necessary actions are taken in order to provide adequate conditions to persons held pending deportation or to persons who are refused landing. The new Refused Landing Room is designed specifically for this purpose and in compliance with the standards set by the CPT.

In relation to this, the Police had a meeting on 17/03/2009 with the Project Coordinator of Hermes Airlines and a representative of the Public Works Department, concerning security issues and conditions of living in the new Refused Landing Room. The Police made proposals for improvement and changes according to the CPT standards (air condition, bell in every room, ventilation, fixed table and chair in every room, etc.).

Page 27, paragraph 56

“the CPT recommends that all persons held on police premises are provided with appropriate food at regular intervals (including at least one full meal every day)”

Detainees that are held in Police Detention Centres, either for a short period of time or for a prolonged period, are provided with sufficient food three times a day (Meal times: breakfast time 0700-0900, lunch time 1200-1400, dinner time 1800-2000), according to the provisions of the Police Standing Order No. 5/3. All detainees receive at least one cooked meal per day. As regards the quantity and quality of food provided to detained persons and the provision of food to persons in police custody is safeguarded by the provisions of the Police Standing Order No. 5/5, which stipulates certain food to be provided to detainees. Relevant is also the Decision of the Council of Ministers, no. 48.599, dated 05/11/1998.

Those, who do not like the meals offered by the Police, can be provided with food according to their wish at their own expenses, after informing in advance the officer in charge of the detention place and after it has been checked for security purposes. This right is safeguarded by the provisions of the Police Standing Order No. 5/3 (Annex E- Rules of detention).

Page 27, paragraph 57

“the CPT calls upon the Cypriot authorities to ensure that all persons detained in police stations for longer than 24 hours are offered one hour of daily outdoor exercise”

Detainees who are in police custody for prolonged periods are transferred to police detention centres, where an outdoor exercise area exists. In other cases, the detainees are allowed daily to move in the custody area, outside their cells. This area can be used for walking, exercising or relaxing.

- Lakatamia Police Station- Nicosia

At Lakatamia Police Station detainees can exercise within the custody area, in the vicinity of cells. There is a place within the police station where detainees are allowed to watch television, read books and magazines, listen to music, play games etc, for more than three hours per day.

- Former Famagusta Police Station in Larnaca

At former Famagusta Police Station, detainees can exercise within the custody area, in the vicinity of cells.

- Police Detention Centre (Block 10) at the Central Prisons in Nicosia

As regards the police detention centre (Block 10) at the Central Prisons in Nicosia, there is a yard where the detainees can do outdoor activities and a basketball field, where detainees can exercise or play. Both are now accessible for more than one hour per day.

Page 28, paragraph 61

“the CPT once again recommends the Cypriot authorities urgently review the conditions in the existing centres designed to hold persons deprived of their liberty under aliens/asylum legislation, in the light of the standards referred to in paragraph 61, and to ensure that any additional centres they establish comply with those standards”

Persons detained in police detention centres, including foreign nationals, enjoy all rights and accommodation facilities, according to the C.P.T. standards. During the last few years the police detention centres have been renovated and improvement works have already been made, in order for the conditions of detention to be in consistence with the specifications and recommendations of the CPT and to ensure that detainees can enjoy humane and safe conditions of detention. Frequent visits and inspections are made to all police detention centres by Police Headquarters officers for the improvement of the living conditions.

The Council of Ministers has decided to construct a building with a capacity of 256 people (next to the Reception Centre for Illegal Immigrants Awaiting Deportation that is expected to be completed by September of 2012) which is scheduled to start in November 2009 and finish at September 2010.

Paragraph 61, 75, 86 and 105

The State is taking steps to eliminate if not to extinguish all such problems of suppression of human rights and ill treatment, by legislations or by setting up several organizations for this purpose.

Cyprus has ratified all international treaties and conventions for the protection of human rights, such as the European Convention for the protection of human rights and the fundamental principles of freedom, the Convention against torture and other cruel, inhuman or degrading treatment or punishment and a great part of its Constitution deals with protection of human rights.

Additionally to the above there are: the National Authority for the protection of human rights, the ombudsman, the Independent Authority for the Investigation of Allegations and Complaints against the Police, the Committee of the House of Representative for Human rights and the Courts, which often deal with matters affecting human rights when anybody refers his complaint to them.

Page 29, paragraph 64

“the Committee would invite the Cypriot authorities to consider broadening the scope of the Law on Parole to include categories of inmates other than those sentenced to life imprisonment”

The Prisons (Amendment) Law no.37(I)/2009, which establishes a Board for the granting to convicts of leave for serving the remainder of the imprisonment term outside Prisons, is not restricted only to those inmates sentenced to life imprisonment. The Law at section 14 A specifically states that inmates who have been sentenced to two years imprisonment or more and have completed half of their sentence, as well as those who have been sentenced to life imprisonment and have completed 12 years imprisonment, can apply to the Board to serve the remainder of their sentence outside Prisons. Therefore, the scope of the Law is already broad as it applies to inmates who have been sentenced to two years imprisonment or more.

Page 30, paragraph 66

“The Committee requests up-to-date information on progress in the plans to transform Block 9 into entirely separate accommodation for juveniles, including details of the services, mixed-gender staffing and special facilities to be provided, which are adapted to the needs of juveniles”

All procedures have been carried out, so that Block 9 will be transformed into an entirely separate accommodation for juveniles. Architectural designs for the transformation of Block 9 are ready and the construction works are expected to be completed within the year 2011. Mixed-gender staffing requires legislation amendment and is under consideration.

Page 30, paragraph 67

“The CPT recommends that the management of the Prisons deliver a clear message custodial staff and reiterate it at regular intervals that all forms of ill-treatment are unacceptable and will be the subject of severe sanctions”

The Director of the Prison Department has already delivered a clear message to custodial staff that all forms of ill-treatment are unacceptable and will be the subject of severe sanctions. The Order No. 5/2009 has been issued in order to determine the behaviour of the staff towards the prisoners.

Page 30, paragraph 68

“the Cypriot authorities to take the necessary measures, in the light of the remarks in paragraph 68, to prevent inter-prisoner violence”

According to the Prisons Law and Regulations, the prison staff should behave in such a way so that violence is prevented. The Administration of the Prisons Department inspects to ensure that rules are obeyed and in cases of violence by the staff or the prisoners, disciplinary measures are taken. Moreover, the Administration takes the following measures to prevent inter-prisoner violence:

- It evaluates the prisoners' behaviour and places them in different Blocks, accordingly.
- It provides various activities, educational and vocational programmes, in order for the prisoners to develop new aptitudes.
- It organizes enlightening meetings related to behavioural and hygiene matters, as well as meetings for psychological support.
- It provides cultural activities, such as musical and theatrical shows, exhibitions of handicrafts, which help prisoners to develop their sense of self-worth.

Page 31, paragraph 69

“The CPT recommends that all indications of possible ill-treatment, including inter-prisoner violence, be properly investigated and appropriate action taken”

According to the Prisons law and Regulations, all indications of possible ill-treatment, including inter-prisoner violence, are properly investigated and appropriate actions are taken. Records of such sanctions are kept.

Page 31, paragraph 71

“The CPT recommends that the Cypriot authorities take immediate steps to ensure that prisoners are guaranteed access to a proper toilet whenever necessary. The Committee also trusts that the Cypriot authorities will ensure that call bells are never deactivated”

The Director of the Prison Department has issued the order No 32/2008, concerning the access of prisoners to toilet facilities whenever necessary. By this order, the Prison staff is directed to check and ensure that the cell panel in the warden’s room is active at all times and especially during the evening hours, so that the prisoners can be assisted and emergency cases can be faced. It also informs the staff that the violation of the order consists a disciplinary offence.

Page 32, paragraph 74

“immediate action to be taken to rectify the deficiencies identified at paragraph 72 in the material conditions of detention in Blocks 1 and 2, with a view to ensuring that they fully comply with the legal requirements in terms of lighting (natural and artificial), ventilation, cell size and equipment and sanitation facilities”

Sanitary facilities are already in use and construction works for the wings are expected to begin on the 15th of June 2009 in order to improve the conditions of detention in Block 1 and 2 in terms of lighting (natural and artificial), ventilation, cell size and equipment. The installation of central heating system, as well as air conditioning and ventilation central system are provided.

Page 32, paragraph 74

“steps to be taken to ensure adequate provision for the specific hygiene needs of female prisoners”

Recently, construction works have been carried out in Block 3 (female Prisoner’s Block) and hygiene needs have been met to a great extent.

Page 32, paragraph 74

“measures to be taken to reduce as soon as possible the occupancy levels in Blocks 1, 2, 3, 5 and 8. As occupancy rates are reduced, it should be ensured that those cells measuring just under 7m² are only used to accommodate one prisoner and that the living space in multi-occupancy cells is at least 4m² per prisoner”

Recently, a new block (upper floor of Block 5 - Block 5A) has operated. In order to reduce the occupancy levels, the Administration of the Prison Department proceeded as follows:

- (i) In order to expand the Prison areas, renovations are being made in Blocks 1A, 1B, 2A, 2B, so that 40 new cells as well as additional hygienic places will be built. Renovations are expected to be completed within the year 2011.
- (ii) The west upper floor of Block 5 has been renovated and has operated for persons remanded in custody since March 2009.

- (iii) Construction works for the expansion of the Open Prison are expected to start in October 2009 and to be completed within 15 months. The renovation includes 50 new cells and offices for the staff.
- (iv) Block 9, where juvenile prisoners will be placed, will be renovated. The construction and renovation works are expected to be completed within the year 2011. By the completion of the works, 24 new cells with a capacity of 40 people will operate.
- (v) A Multifunctional Medical Centre will be constructed, where mentally ill prisoners and drug addicted prisoners will be held. In January 2008, a tender was announced in the Official Gazette for the preparation of the architectural designs for the Multifunctional Medical Centre. Recently, the tender has been cancelled due to legal questions. The procedure is before the Tenders Review Authority for its final decision.

Page 32, paragraph 74

“steps to be taken to ensure an adequate ratio of sanitary facilities to inmates in the new cells on the upper floor of Block 5”

Construction works for Block 5 have been completed. Sanitary facilities have been provided ensuring an adequate ratio of sanitary facilities to inmates.

Page 33, paragraph 75

“vigorous efforts to be made to increase the range of purposeful activities for inmates: work, vocational training, sports, educational and other activities must be available so that all prisoners may be purposefully engaged for most of the day. Particular efforts should be made to offer juveniles and persons serving long sentences a programme of activities adapted to their respective needs”

Prison Administration is continuously trying to increase the range of activities for prisoners, such as sports, painting, handicraft, bookbinding. At the same time workshops (woodworking, smithery and bookbinding), various educational programmes and vocational training are introduced. They are given the opportunity to obtain certificates, which are acknowledged by the Ministry of Education, so that prisoners will be able to work in relevant areas after their release.

Concerning juvenile prisoners there is a special approach and for this purpose a staff member is appointed in order to encourage juveniles to attend these programmes.

Page 34, paragraph 80

“The CPT reiterates its recommendation that the nursing team should be progressively reinforced with a view to replacing all medical orderlies by qualified nursing staff from the Medical Services of the Ministry of Health”.

Bearing in mind the problem of shortage of nurses, the nursing team is gradually increased.

Page 35, Paragraph 82

“Another prisoner with serious psychiatric disorder was receiving a combination and dose of anti-psychotic medicine which, in the delegation’s view, was excessive; further, due to a transcription error, the patient was receiving a dose of one particular drug in excess of that prescribed.”

This is the case of a severe psychotic patient who tried to kill his brother under the influence of delusion and hallucination and who was initially treated at the Athalassa Mental Hospital and subsequently continued his medication and follow-up in prison. He has been examined by three psychiatrists who agreed on the given medication and the treatment plan. The patient continued this regime, and the recent (15.7.2008) evaluation shows that the patient improved considerably, he is almost free from psychotic symptoms, has insight. Regarding the transcription error, the problem has been discussed and the responsible doctor and nurses agreed to exercise close supervision, regarding the procedure of the administration of medicines.

Page 36, paragraph 84

“the Cypriot authorities to ensure the adequate provision of psychiatric care to prisoners, in the light of the remarks in paragraphs 81 to 83 and that prisoners’ health-care records give a complete picture of their physical and mental health”

All prisoners receive adequate psychiatric services by a permanent psychiatrist. For every prisoner a separate record is held for his medical condition. Every effort is made that the records kept are adequate.

Page 36, paragraph 84

“the Cypriot authorities to ensure that mentally ill prisoners who require specialised hospital treatment benefit, without undue delay, from such treatment, and in accordance with the precepts set out in paragraph 83”

Whenever a prisoner’s mental condition requires specialised hospital treatment, the prisoner is immediately transferred to the Government Psychiatric Hospital.

Page 36, paragraph 85

“the necessary steps to be taken to ensure that the whole health-care service works effectively as a team”

The Administration of the Prisons Department, in cooperation with the Ministry of Health, has taken decisions to ensure that the whole health-care services will work effectively as a team.

Page 36, paragraph 86

“the CPT reiterates its recommendation that the Cypriot authorities immediately take the necessary measures to ensure that every newly admitted prisoner is given a proper medical examination as soon as possible after admission. Save for exceptional circumstances, this examination should take place on the day of admission”

The Prison Administration takes the necessary measures to ensure that every newly admitted prisoner is given a proper medical examination:

- (a) if the inmate is admitted during working hours, the examination will occur on the admission date
- (b) if the inmate is admitted after the working hours, he will be examined the next day of admission.

Page 36, paragraph 86

“the CPT reiterates its recommendations that the Cypriot authorities immediately take the necessary measures to ensure that every newly admitted prisoner is given a proper medical examination as soon as possible after admission ...the doctor’s conclusions in the light of i and ii”

The medical file drawn up after examination of newly admitted prisoner contains:

- (i) A full account of statements made by the prison doctor concerning the prisoner's medical examination (including the description of his or her state of health and any allegations of ill-treatment)
- (ii) A full account of the objective medical findings based on a thorough examination
- (iii) The doctor's conclusions in the light of i and ii

Page 37, paragraph 87

“the Cypriot authorities to take the necessary steps in the light of the remarks in paragraph 87 concerning blood-testing procedures”

There is a framework for nursing job description which provides for blood-testing procedures. There is a clear guideline on carrying out the blood-testing procedure, according to which nurses must explain to the newly admitted prisoner the reasons for blood-testing, giving them the right to sign their consent or denial.

Page 37, paragraph 88

“the CPT recommends that these shortcomings be addressed, so as to ensure medical confidentiality for prisoners. In particular, all prisoners must be able to request and obtain a medical consultation in a confidential manner, without such requests being filtered or controlled in any way by non-medical staff”

The Prison Administration has issued strict and specific orders to the prison staff in order to ensure prisoner's medical confidentiality. Only the doctor has access to the medical records.

Page 38, paragraph 91

“the CPT recommends that a service arrangement for the provision of health care at Nicosia Central Prison be clearly defined in a protocol and it would like to receive a copy of the protocol”

There is a framework concerning the way nurses work in prisons. The Nursing Services are trying to establish the co-operation based on trust of the Medical Services and Prison Authorities, in order to ensure that nurses working in this sensitive environment receive the necessary support for the patients' and their own safety. For this reason, it is anticipated that this facilitation will safeguard working conditions on which further nursing reinforcement will depend. A job description of a prison nurse is enclosed.

Page 40, paragraph 94

“The Cypriot authorities to review the provisions of the Prisons regulations on disciplinary rules and procedures, in the light of the remarks in paragraph 94”

The Administration of the Prison Department has as a principle to oppose the penalty of confinement as the last disciplinary penalty. Also, the Administration has stopped imposing penalties concerning the deprivation of the prisoners' right to be visited.

The prisoners are informed in writing of the charges against them and they also have the right to call witnesses to their defence. The Administration examines the possibility of the prisoners facing disciplinary charges being legally represented. The Administration also aims to cooperate with the Attorney-General concerning this particular matter.

Page 40, paragraph 95

“The CPT recommends that the Cypriot authorities put an end to the practice of prison staff having recourse to informal disciplinary isolation measures”

According to the Prison Law and Regulations, if an inmate commits a disciplinary offence, then he may be confined for up to 4 days until the end of the investigation into the offence. The prison warders may confine a prisoner, only after the order of the officer in charge, therefore the decision on confinement is taken by the Prison Administration.

Page 40, paragraph 97

“The CPT reiterates its recommendation that the Cypriot authorities ensure that all prisoners placed in an isolation cell or confined to their cells, for whatever reason, benefit from at least one hour of outdoor exercise every day”

The Prison Regulations do not provide that an inmate placed in an isolation cell or confined to his cell has the right to outdoor exercise. However, the Administration intends to amend this particular regulation.

Page 41, paragraph 99

“The Cypriot authorities to take the necessary steps to increase prisoners’ access to the telephone, in the light of the remarks in paragraph 99”

The Prison Administration provides prisoners with no financial means with telephone cards, so that they can communicate with their families. The time differential and other particularities are taken into consideration.

Page 41, paragraph 100

“the CPT therefore reiterates its recommendation that the Cypriot authorities give high priority to the development of prison staff training – both initial and ongoing – placing considerable emphasis on the acquisition on interpersonal communication skills”

Prison staff training – both initial and on going- is high on the list of priorities of the Prison Administration, with an emphasis on acquisition of interpersonal communication skills. For this purpose, it organizes several seminars and courses.

Page 42, paragraph 102

“The comments of the Cypriot authorities as regards the effectiveness of the complaint boxes”

The allegations made by some prisoners concerning the effectiveness of the complaint boxes are not valid. Complaint boxes are located in a particular place, so that all prisoners can have access to them, without being required to hand the complaint to a prison officer, for it to be forwarded.

Page 43, Paragraph 105

“The CPT recommends that the Cypriot authorities take a firm decision, without further delay, either to start building the new Mental Health Centre or to completely renovate Athalassa Psychiatric Hospital”

It is expected that the new Mental Health Centre will be ready by 2013, given that the competent Public Works Department has already started the tenders procedure for the architectural designs of the buildings. The delay in the construction of the new Mental Health Centre is mainly due to the fact that the Ministry of Health is planning the construction of two other buildings very important for Health, the State General Laboratory and a Unit for rehabilitation and detoxification of patients with alcohol and other legal substances, in the same place.

However, in the 2009 budget over €130.000 have been allocated for renovation of the Athalassa Psychiatric Hospital.

Page 43, Paragraph 106

“the delegation also received a few allegations of occasional disrespectful behaviour by staff towards patients, especially in the wards subject to a closed regime.”

In an effort to reduce the possible occasional disrespectful behaviour by staff towards patients in closed wards, the following measures will be implemented: there will be more frequent transfers of staff from these wards so that they do not work for long periods in the same ward. Moreover, staff will attend seminars and receive training in the proper approach of such patients.

Page 44, paragraph 108

Regarding the case of the patient of Athalassa Psychiatric Hospital, the report by a forensic doctor and the investigative report carried out by an independent nurse as well as the report of the Director of Mental Health Services to the Supervisory Committee on the incident on 7.4.2008 regarding the above patient are enclosed.

Page 45, Paragraph 112

“The CPT reiterates its recommendations that all patients from the closed regime wards, whose state of health so permits, benefit immediately from at least one hour of outdoor exercise every day in a reasonable spacious and secure setting, which should also offer shelter from inclement weather”

Instructions have been given to the staff in all closed wards, so that all the patients can benefit from at least one hour of outdoor exercise provided that their mental condition allows it.

Arrangements have also been made to build a football pitch, which can also be used for basket ball. The arrangements are expected to be completed by the beginning of next year

Page 47, Paragraph 117-118

“The CPT recommends that each patient`s file contain diagnostic information (including the results of any special examinations which the patient has undergone) as well as an ongoing record of the patient`s mental and somatic state of health and of his treatment”

Since the beginning of July 2008, a new filing system has been adopted. On the application of this new system, the doctors, the psychologists, the Occupational Therapists and nurses have been encouraged to give more detailed, accurate and up-to date information regarding the patients` mental state and medication. This system is in the process of being computerised and this will enable authorised personnel to have quicker access to information.

Page 47, paragraph 116

“recommends that the hospital carry out a thorough inquiry into these three particular deaths and that the Cypriot authorities establish a practice of carrying out thorough inquiries into any deaths at the hospital with a view to improving operating procedures within the hospital; it also recommends that an autopsy be carried out in all cases where a patient dies in hospital unexpectedly, unless a clear diagnosis of a fatal disease has been established prior to death”

Although after each death in a hospital, a forensic examination and a police investigation are carried out, the Management Committee of the Mental Health Services has decided to create a committee headed by the Director of the Hospital, which will investigate and draw conclusions regarding the conditions and causes of death as well as the measures to be taken.

Page 48, paragraph 119

“The CPT recommends that steps be taken to guarantee appropriate access to a dentist for patients at Athalassa Psychiatric Hospital”

A dentist from the Dental Services visits the Dental Clinic at Athalassa Psychiatric Hospital once a week.

Page 48, paragraph 122

“The CPT recommends that the Cypriot authorities take the necessary steps at Athalassa Psychiatric Hospital to increase the effective presence of nurses on the wards”

There is a severe shortage of psychiatrists. The effort for recruiting psychiatrists is constant and is not limited within Cyprus only, but it is extended to other European countries, as well.

Concerning the Nursing staff, various measures have been taken aiming to resolve this matter. Within the next two years all the Nursing Staff of Athalassa Hospital will attend seminars in managing stress. The seminars started in September 2008. Another measure taken was the increase of the nursing staff.

Steps were also taken by the Nursing Administration to motivate nurses to reduce their sick-leave rate. These steps have been successful and have resulted in the increase of the nurses in the wards.

Regarding the nurses concern about the effect of the construction of the new mental health centre on their employment and status, from what is already known, there will be no effect for the nurses who are already in service. Nothing has been decided for the personnel who will be employed, after the New Health System will be implemented.

Page 49, paragraph 123

“recommends that specialised on-going training also be developed for all nurses working with psychiatric patient”

Regarding the physical and manual control techniques, a protocol has been developed and the nurses use it when they deal with these situations.

As regards the nursing training, all psychiatric nurses receive special training. Until the year 2003 they attended a three year course and from 2003 they have to attend an one-year specialisation course after a four-year course in General Nursing. Since September 2008 nearly all psychiatric Nurses have been attending a two year course, at the Technological University of Cyprus, leading to a Bachelor degree in Nursing.

Page 49 paragraph 124

“Immobilisation of patients should never take place in the presence of other patients”

It is the policy of the Ministry of Health and efforts are made not to apply restraint in the sight of other patients by encouraging the other patients to move away from the scene, but this is not always possible as aggressive (violent) behaviour by patients can take place anywhere and at any time.

Page 53, paragraph 136

“the measures taken in the light of the investigation referred to in paragraph 136 and of the Ombudsman’s report”

In order to improve the building infrastructure, there was an initial plan to reconstruct a part of the Institution. Having taken several parameters into consideration, the Social Welfare Services (Ministry of Labour and Social Insurance) finally decided to look for a house in the community for residents under the age of 18 years. A house has already been located and works are underway so that the building will satisfy the residents’ needs. The project is expected to be completed by the end of 2009.

Within the framework of the deinstitutionalisation policy of the Ministry of Labour and Social Insurance, 6 more residents will move into a new Home in the Community also by the end of this year.

As concerns the quality of the care provided, a number of measures are underway:

- a child-psychiatrist has been hired for weekly staff sessions dealing with residents under the age of 18 years (training and support);
- the services of another child-psychiatrist will be used for supervision of residents under the age of 17 years;
- a clinical psychologist is to be seconded by the Ministry of Health on the Nea Eleousa staff;
- a multidisciplinary team (staff hired by the Advisory Committee of “Nea Eleousa” Home) has drafted preliminary individual care plans for all residents under the age of 18 years.
- an ongoing staff training programme is planned.

Page 55, paragraph 143

“the CPT recommends that the practice of locking the residents in their rooms for the above – mentioned periods of time be immediately stopped”

The practice of locking the residents in their rooms for the periods of time described in paragraph 139 is expected to change with the adoption of the measures mentioned in the above paragraph. Furthermore, a “crisis room” will be arranged in the new Home in the Community. The child-psychiatrist and the clinical psychologist are expected to supervise the implementation of a Protocol for the use of the “crisis room”.

“the Committee would like to receive updated information on the content and implementation of the programmed”

A multidisciplinary team, under the supervision of a social worker, has prepared individual care plans for residents under the age of 18 years. Care plans include short- and long-term goals for the residents in terms of specific therapeutic interventions, relations with the resident’s family and other social goals.

Page 55, paragraph 145

“The CPT recommends the introduction of a separate PRN register”

Instructions have already been given and PRN medication is recorded according to the CPT’s recommendations.

Page 56, paragraph 147

“recommends that steps be taken to ensure that staff receive appropriate initial and on-going training”

An ongoing staff training programme is planned.

Page 57, paragraph 148

“the Cypriot authorities to ensure the sustainability of the therapeutic project referred to in paragraphs 142 and 148”

The therapeutic project referred to in paragraphs 142-148 will continue. The multidisciplinary team is expected to be completed this year by the hiring of a clinical psychologist and the services of a child-psychiatrist.

Page 57, paragraph 149

“The CPT recommends that a post of social worker be created at Nea Eleousa Institution, with a view to maintaining a genuine link between the residents and their families”

A social worker has actively been involved with the residents under the age of 18 years and their families. Social work services will be extended to the rest of the residents this year.

Page 57, paragraph 150

“immediate steps to be taken to improve conditions in the old wing, in the lights of the remarks in paragraph 150”

The old wing will not be renovated at this stage, as initially planned. Residents living in the old wing are expected to move to a new Home in the Community by the end of this year.

“steps to be taken to ensure that the yard used for outdoor activities offers shade and shelter from inclement weather”

The “Nea Eleousa” Home has three yards used for outdoor activities. Depending on the time of the day, a different yard is used so that residents are not exposed to inclement weather.

“detailed information on the contents of the project referred to in paragraph 150 and of its timeframe”

“detailed information on the state of implementation of the plans to further refurbish the new wing”

As mentioned above, an initial plan to reconstruct the old wing of the Institution has been abandoned. Having taken several parameters into consideration, the Social Welfare Services (Ministry of Labour and Social Insurance) finally decided to look for a house in the community for residents under 18 years of age. A house has already been located and works are underway so that the building satisfy residents’ needs. The project is expected to be completed by the end of 2009.

Page 58, paragraph 151

“a brochure to be drawn up and systematically distributed to residents’ families and representatives/guardians”

In addition to a “Nea Eleousa” brochure, another brochure is planned to include the recommended information.

Page 58, paragraph 152

“the CPT recommends that steps be taken to improve the possibilities for residents and their families to maintain proper family links”

As mentioned above a social worker has been assigned to the residents under the age of 18 years, in order to improve residents' links with their families.

Page 58, paragraph 153

“the Cypriot authorities to take steps to ensure regular visits to Nea Eleousa Institution for Persons with Severe Mental Retardation (as well as other such specialized institutions in Cyprus) by bodies which are independent of the social care authorities”

The Ministry of Labour and Social Insurance has informed respectively the Commissioner for the Protection of Children's rights.