



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE:CAT/Cyprus/letter on reprisals

Geneva, 26 November 2014

Excellency,

I have the honour to address you once again in my capacity as rapporteur on reprisals under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

I am writing in pursuance of the letter that I addressed to Your Excellency on 5 June 2014 (copy attached for ease of reference) drawing the attention of Your Excellency's Government to the arrest of, and alleged ill-treatment while in detention of Mr. Doros Polykarpou, Executive Director of the non-governmental organisation called Action for Support, Equality and Antiracism – KISA, an organization that works to combat racial discrimination and xenophobia in Cyprus. As indicated in my letter, KISA submitted an alternative report to the Committee, prior to the examination of Cyprus' fourth periodic report during the 52nd session of the Committee, held in Geneva from 28 April to 23 May 2014.

To date, the Committee has not received a reply to the letter from Your Excellency's Government. In this connection, allow me to reiterate the Committee's request to receive information with regard to the exact situation of Mr. Polykarpou as well as on the measures taken by Your Excellency's Government to implement articles 13 and 16 of the Convention to ensure that Mr. Polykarpou and KISA are not subjected to any reprisals as a result of their legitimate activities, including providing information to the Committee against Torture in the context of procedures provided for in the Convention and under its Rules of Procedure.

I would appreciate it if Your Excellency's Government could kindly provide the Committee with the information requested above at your earliest convenience.

Accept, Excellency, the assurances of my highest consideration.

George Tugushi
Rapporteur on reprisals under
article 19 of the Convention
Vice-Chair of the Committee against Torture

His Excellency
Mr. Andreas Ignatiou
Ambassador Extraordinary and Plenipotentiary
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Geneva, 5 June 2014

Excellency,

I have the honour to address you in my capacity as rapporteur on reprisals under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In this connection, I would like to draw the attention of Your Excellency's Government to information received regarding the arrest of, and alleged ill-treatment while in detention received by, Mr. Doros Polykarpou, Executive Director of the non-governmental organisation called Action for Support, Equality and Antiracism – KISA. KISA works to combat racial discrimination and xenophobia in Cyprus and, in this context, monitors places where undocumented immigrants are detained, such as Mennogeia Detention Centre. In this regard, KISA submitted an alternative report to the Committee, prior to the examination of Cyprus' fourth periodic report during the 52nd session of the Committee, held in Geneva from 28 April to 23 May 2014. The Committee's concluding observations on the fourth periodic report of Cyprus, issued on 23 May 2014, expressed concern, *inter alia*, about the conditions of detention in Mennogeia Detention Centre and the detention of unaccompanied undocumented minors.

According to the information received:

On 26 May 2014, Mr. Polykarpou reportedly informed the Director of the Mennogeia Detention Centre of his intention to visit some detainees at the Centre. The Director allegedly warned him that if he were to visit the detention facility, he would be arrested for an unpaid court warrant. The said warrant related to an unpaid parking fine issued by Nicosia Municipality in 2007 amounting to EUR 160.

On 28 May 2014, Mr. Polykarpou reportedly sent a letter to the Chief of the Cyprus Police, which was also forwarded to the Director of the Mennogeia Detention Centre and the Commissioner for Administration and Human Rights, informing them in advance that he was going to visit some detainees at Mennogeia Detention Centre.

His Excellency

Mr. Andreas Ignatiou

Ambassador Extraordinary and Plenipotentiary

Permanent Mission of the Republic of Cyprus

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On 29 May 2014, Mr. Polykarpou went to Mennogela Detention Centre with the intention of visiting unaccompanied minors allegedly held unlawfully at the Centre. On arrival, and according to various reports, Mr. Polykarpou was arrested, allegedly by the administration of the Detention Centre, for failing to pay the municipal parking fine. He was then allegedly transferred to Kofinou Police Station and then to the Central Prison in Nicosia, where he was placed in a wing with convicted prisoners. Throughout his detention, Mr. Polykarpou reportedly remained handcuffed, was denied the right to call his counsel, and was not permitted to drink water.

On 29 May 2014, at 9:00 p.m., Mr. Polykarpou was released, after the fine was reportedly paid by KISA.

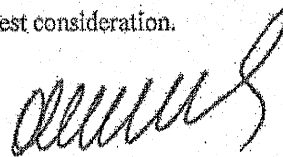
I am concerned that in accordance with the information received, the arrest of, and alleged ill-treatment while in detention received by, Mr. Polykarpou may be related to the professional activities of Mr. Polykarpou and KISA in monitoring and documenting the conditions of detention at Mennogela Detention Centre, in the context of KISA's cooperation with the Committee during the examination of Cyprus' fourth periodic report in May 2014.

In regard to these allegations, I would like to refer to Your Excellency's Government the following articles of the Convention against Torture:

- Article 13: "Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given."
- Article 16, paragraph 1: "Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment."

In view of the seriousness of the above-mentioned allegations, I would appreciate, as a matter of urgency, to receive information with regard to the exact above mentioned situation of Mr. Polykarpou as well as on the measures taken by Your Excellency's Government to implement articles 13 and 16 of the Convention to ensure that Mr. Polykarpou and KISA are not subjected to any reprisals as a result of their legitimate activities, including providing information to the Committee against Torture in the context of procedures provided for in the Convention and under its Rules of Procedure.

Accept, Excellency, the assurances of my highest consideration.



George Tugushi
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article 19 of the Convention
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