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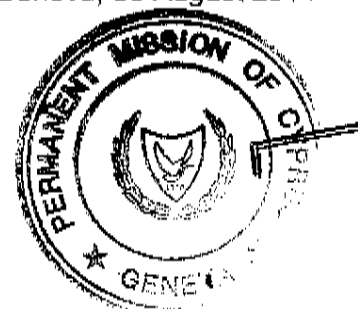
**Permanent Mission of the Republic of Cyprus  
Geneva**

Ref.: 24.11.006.013 (1000/1)

The Permanent Mission of the Republic of Cyprus to the Office of the United Nations at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, further to the latter's facsimile dated 05 June 2014, concerning a Joint Communication by the Special Rapporteur on the rights to freedom of peaceful assembly and association, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, has the honour to convey herewith the responses of the Government of the Republic of Cyprus to the issues raised there within.

The Permanent Mission of the Republic of Cyprus to the Office of the United Nations at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 05 August 2014



To:  
Office of the United Nations  
High Commissioner for Human Rights  
(Attention: Ms. Jane Connors, Chief  
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Ref. AL CYP 3/2014, 5 June 2014

**Subject: Joint Communication from special procedures**

Following the joint communication sent by the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, with ref. AL CYP 3/2014, dated 5 June 2014, here-below are the answers to the questions raised in the above mentioned report:

**Question 1:**

*Please provide any additional information and any comment you may have on the above-mentioned allegations.*

**Answer:**

The District Court of Nicosia issued three (3) warrants against Mr. Doros Polykarpou, the Executive Director of Action for Support, Equality and Antiracism (KISA). The first warrant dated May 2007 concerned a fine of 162,32 Euro or 5 months imprisonment for which he was duly informed by letter sent to him by the Warrant Execution Department (W.E.D) of Nicosia on 9/5/2007. The second warrant was issued in October 2012 and concerned a fine of 220 Euro or 6 months imprisonment for which he was duly informed by letter sent to his address by the W.E.D on 30/10/12. The third warrant was issued in October 2013 and concerned a fine of 575 Euros or 1 year imprisonment for which he was duly informed by letter sent to his address by the W.E.D on 22/10/12

The warrant for the amount of 575 Euro was paid by Mr.Polykarpou on 12/12/13.

The Police informed Mr. Polycarpou that he had still two pending warrants against him and he was asked to settle them. Mr.Polykarpou visited Ayios Dometios Police Station, on 1st April 2013 and paid the amount of 220 Euro settling the second warrant.

For the remaining warrant of 162,32 Euro (pending since May 2007), a written warning was issued urging Mr. Polycarpou to settle it by the 4th April 2013.

On 28/05/2014, Mr. Doros Polykarpou called the Detention Center for irregular immigrants and asked for permission to visit four detainees. At that time, he was orally informed once again about the pending warrant and asked to settle it before his visit to the Detention Center, otherwise the warrant would be executed.

On 29/05/2014, Mr. Polykarpou sent a letter to the Chief of Police asking for permission to visit the Detention Center for irregular immigrants as provided by Law.

At this point, he was orally informed once again about the pending warrant against him and was asked to settle it prior to his visit to the Detention Center, otherwise the warrant would be executed. On the same day, Mr. Polykarpou was granted permission by the Chief of Police to visit the Detention Center. On his arrival, he was asked to settle the pending warrant. As he could not pay it, the warrant was executed.

Mr. Polykarpou was fully aware of the warrant issued against him by Nicosia's District Court, which ordered the "Chief of Police and all Police to execute (the warrant)", as he was asked several times to settle it:

- On 09/05/2007 he was informed by written notice from the Execution Warrant Squad.
- On 04/04/2013 he was informed again through a written notice issued by Ayios Dometios Police Station.
- In April 2014, he was again informed of the pending warrant against him, by the Immigration Officer in Larnaca International Airport, when he was travelling abroad.
- On 28/05/2014 and 29/05/2014 he was again orally informed by an officer of the Detention Center regarding the pending warrant against him and he was asked to settle it prior to his visit or upon his visit there.

### **The Policy/procedure for executing a warrant**

The procedure for executing a warrant is as follows: before executing a warrant, the debtors are always informed in writing about the pending warrants against them and are asked to settle them. In a number of occasions, the debtors are also informed orally. In the case of Mr. Polycarpou, he was informed both in written and in oral form.

The members of the Police, take into account several conditions, before executing a warrant, such as the amount due, the debtors' living conditions, their means for supporting their families as well as the number of under-aged children of the debtors in order to avoid the execution of warrants at residence. For this reason, Police did not execute the warrant at Mr. Polycarpou's residence.

### **Question 2:**

*Please provide information concerning the legal grounds for the arrest and detention of Mr. Polykarpou, and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR.*

### **Answer:**

The District Court of Nicosia issued three (3) warrants against Mr. Doros Polykarpou. According to respective decisions of the District Court, the first warrant (May 2007) concerned a fine of 162,32 Euro or 5 months imprisonment. The second warrant (issued in October 2012) concerned a fine of 220 Euro or 6 months imprisonment. The third one (issued in October 2013) concerned a fine of 575 Euros or 1 year imprisonment. The Police executed the warrants according to relevant decisions issued by the District Court of Nicosia.

**Question 3:**

*Please kindly provide details of Mr. Polykarpou's access to independent legal representation, and to drinking water during his arrest.*

**Answer:**

Mr. Polykarpou was allowed to make phone calls in order to settle the warrant. He contacted his wife Ms. Nicoletta Charalambidou, who is a lawyer. During the process, when he was in custody, he did not express the wish to contact any other lawyer.

As a general rule, when in custody, water is offered. During his arrest and transportation to the Central Prison, which took less than one hour, he did not ask for drinking water.

**Question 4:**

*Please kindly indicate what measures have been taken to ensure that human rights defenders in Cyprus are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.*

**Answer:**

The Government attributes significant and legitimate role to human rights defenders, NGOs and civil society in the promotion of human rights, democracy and the rule of law as an essential component of ensuring their protection. Human rights defenders are protected by the Law, as well as their freedom of speech and expression, in any form which is safeguarded by the Constitution. There is also a number of provisions in the Press Law amendment draft of 2011 regarding the protection of freedom of expression.

The Government has launched a series of new specialized courses on human rights issues, relating to police custody and detention. These courses are provided by the Cyprus Police Academy, through participation in seminars, conferences and projects in Cyprus and abroad, in order to raise awareness and reinforce strong commitment to police ethics and develop strong will to combat ill treatment and any form of police misconduct and inappropriate behaviour.

Any alleged use of force or ill treatment incidents are monitored and promptly investigated, *ex proprio motu*, by a number of independent mechanisms. There are several mechanisms and procedures within the Police that ensure prompt and impartial investigation of allegations about police misconduct and ill-treatment i.e. administrative investigations, disciplinary procedures, criminal procedures, the Police Audit and Inspection Unit and the Police Standards Directorate. There are also independent mechanisms for monitoring and investigating, such as Independent Authority for the Investigation of Allegation and Complaints against Police (IAIACAP), the Attorney General with the appointment of independent criminal investigators, the Ombudsman and the Commissioner for Children's Rights (CCR).

**Concluding remarks**

The Government is determined to intensify its efforts to further promote and improve policy measures for combating torture and all forms of ill-treatment. It is committed to maintain and secure the necessary resources for the effective operation of the independent control mechanisms relating to detention and prisons and continue working for the further advancement of human rights in general, and elimination of torture in particular. The Government attributes great significance to the human rights instruments and especially the instruments regarding the battle against torture. The Government takes seriously into consideration the recommendations made by the UN treaty bodies, in the framework of Government policy on the elimination of torture and any cruel, inhuman or degrading treatment or punishment.

Nicosia, 1 August 2014