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*Permanent Mission of the Republic of Cyprus  
Geneva*

NOTE VERBALE

Ref. 24.11.006.013 (1000/1)

**URGENT**

The Permanent Mission of the Republic of Cyprus to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Secretariat of the Special Procedures of the Human Rights Council, Office of the United Nations High Commissioner for Human Rights, and, with reference to the joint letter of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the human rights of migrants dated 21 October 2019 and with Reference no.: AL CYP 2/2019, has the honour to enclose herewith the requested information as prepared by the competent authorities of the Republic of Cyprus.

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

Geneva, 11 December 2019



To:  
Secretariat of the Special Procedures of the Human Rights Council,  
Office of the United Nations Higher Commissioner for Human Rights  
Palais des Nations  
CH-1211 Geneva 10.

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**JOINT COMMUNICATION FROM SPECIAL PROCEDURES REGARDING**  
**MR. DOROS POLYKARPOU**

Following the joint communication sent by the *Special Rapporteur on the situation of human rights defenders* and *Special Rapporteur on the human rights of migrants* (with ref. AL CYP 2/2019, dated 21 October 2019), please find here below the answers to the questions raised in the above-mentioned report:

Concerning the claims raised by KISA, a Non-Governmental Organisation in Cyprus, about police abuse including arbitrary detention of Mr. Doros Polykarpou on 2 August 2019, it is noted that on 2 August 2019 and approximately 10:35 am at Arsinoes Street in Nicosia, a Police Officer from the Nicosia Traffic Department, during regular patrol, saw the driver of a motorcycle who was not wearing the required safety helmet. The Officer indicated to the driver to stop, but instead the driver drove off, and was eventually stopped

During the police check of the driver, Mr. Doros Polykarpou, Director of KISA, [REDACTED] [REDACTED] approached the scene and continuously addressed questions to the driver about the incident (i.e. what happened, the reasons to be stopped etc).

The Police Officer asked Mr. Polykarpou to leave the scene in order to handle the incident, since the preliminary checks showed that the motorcycle had been reported stolen. Mr. Polykarpou didn't conform to the indication and he replied to the Officer that what he was doing was not the Officer's business. Mr. Polykarpou continued asking the driver his age and nationality as well as assuring him not to be worried and that in case he needed any help to let him know.

Consequently, at 10:40 am, the Police Officer informed Mr. Polykarpou that he was under arrest for the offence of obstructing the exercise of police duties. Following the appropriate procedure, Mr. Polykarpou was informed about his rights, to which he replied, "Who are you to arrest me?".

Until this time Mr. Polykarpou had not been handcuffed and he continued talking to the driver of the motorcycle, obstructing the procedure of recording the personal data of the driver.

Eventually, the driver reported his name and stated that he was 18 years old. Furthermore, he claimed that he was the owner of the motorcycle and he had a valid driving license. The Officer though, possessing the information from the Message Control Centre about the stolen motorcycle, proceeded with the proper procedure and arrested the driver for the offences of illegal possession of property, driving without insurance and the consent of the owner. The driver was handcuffed and transferred to the Nicosia Central Police Station for further investigation. At the Police station it was ascertained that the driver was a 16-year-old Romanian citizen.

In the meantime, other police officers arrived at the scene and saw Mr. Polykarpou walking back to his office. He was stopped and by using necessary and proportional force was handcuffed, and transferred to the Nicosia Central Police Station. At 11:30 am, in the police station he was informed about his rights, signed them and stated that he would file a complaint to the Independent Authority for the Investigation of Allegations and Complaints Against the Police. Following the relative procedure, Mr. Polykarpou, between 13:05 pm and 14:25 pm on that same day was interviewed in the presence of his lawyer. He was charged at approximately 14:35 pm and subsequently released at 14:38 pm. Mr. Polykarpou has since submitted a complaint to the Independent Authority and an investigation is still pending regarding the allegations raised.

The members of the Cyprus Police handling the above incident acted within the framework of their duties under the law on the basis of professionalism and any arguments about intentional harassment and discrimination against Mr. Polykarpou as well as a broader retaliation against KISA due to its mission are not justified.

The Government recognizes and values the significant role of human rights defenders, NGOs and civil society organisations in the promotion and protection of human rights. Moreover, the Cyprus Police, among other core priorities, exerts every effort that in *all* circumstances the respect of human rights and fundamental freedoms of any person is absolute, with no discrimination based on any ground such as race, age, sexual orientation, ethnic or social origin etc. In the past few years, the Cyprus Police have

revised the Code of Ethics, further strengthening its human rights dimension. Furthermore, stringent trainings of officers on human rights, police misconduct and the use of force issues have been undertaken.

The Universal Declaration of Human Rights and all relevant international and European legal instruments in this field are fully respected and implemented. Any alleged use of force or ill treatment incidents are monitored and promptly investigated by the independent bodies, such as the Independent Authority for the *Investigation of Allegations and Complaints against the Police*. Adding to this, it is noted that a Memorandum of Understanding exists between the Cyprus Police and KISA, concerning issues of protection and promotion of human rights.

The available statistical data concerning reported complaints of ill-treatment of non-citizens by members of the police in years 2016-2019 are enclosed as an Annex.

Nicosia, 9 December 2019

## ANNEX

**STATISTICAL DATA ON COMPLAINTS OF ILL-TREATMENT OF NON-CYPRIOIS BY MEMBERS OF THE POLICE (2016-2019)**

The IAACAP has received 89 complaints:

- Criminal prosecution was exercised for 3 (see table below)
- 14 complaints were retracted by the complainants
- 39 complaints are still being investigated
- The investigation of 7 complaints was suspended due to the complainants' failure to communicate with the IAACAP
- No criminal offences were justified for the remaining 26 complaints.

<b>CRIMINAL CASES REGARDING ALLEGATIONS OF ILLTREATMENT (2016-2019)</b>				
	<b>Case No</b>	<b>ACCUSED POLICE OFFICER(S)</b>	<b>OFFENCES COMMITTED</b>	<b>OUTCOME OF CRIMINAL PROCEDURE</b>
1	22/17	1 POLICE OFFICER	1) Cruel, Inhuman or Degrading Treatment or Punishment (ART.5, LAW 235/1990 & ART.20, CAP. 154) 2) Common assault (ART. 242, CAP. 154)	Before court
2	175/17	1 POLICE OFFICER	1) Cruel, Inhuman or Degrading Treatment or Punishment (ART.5, LAW 235/1990 & ART.20, CAP.154) 2) Assault causing actual bodily harm (ART.243, CAP. 154) 3) Abuse of power (ART. 105, CAP. 154)	Before court
3	225/17	3 POLICE OFFICERS	1) Cruel, Inhuman or Degrading Treatment or Punishment (ART.5, LAW 235/1990 & ART.20, CAP.154) 2) Assault causing actual bodily harm (ART.243, CAP. 154)	Before court

Independent Authority for the Investigation of Allegations and Complaints  
Against the Police (IAACAP)

November 2019