



*Permanent Mission of the Republic of Cyprus
Geneva*

Ref: 24.11.006.013 (1000/2)

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 Office of the High Commissioner for Human Rights and, following the Joint Communication from Special Procedures with reference AL CYP 2/2021, dated 12 July 2021, has the honour to transmit herewith an information Note comprising the response of the Government 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 Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 8 September 2021



Encl.: As stated

To the
Office of the High Commissioner for Human Rights
Geneva
Email: registry@ohchr.org

With reference to the Joint Communication dated 12 July 2021 by the Special Rapporteur on the human rights of migrants; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial summary or arbitrary executions; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, please find attached the information received from the competent authorities of the Government of Cyprus, in response to your questions:

1. Cyprus is strongly committed to upholding and fulfilling its obligations as laid down by international law, including international human rights law and international humanitarian law, as well as its responsibilities arising from the EU acquis.
2. Concerning allegations of pushbacks of migrants from Cyprus to Lebanon and Turkey, and the alleged incidents of unreasonable use of force within these operations, according to the Port and Maritime Police Unit (PMPU), no such incidents have taken place, nor allegations of misconduct by police personnel were made or brought to the attention of any competent authority of the Republic, so as to trigger an investigation.

In many instances, the PMPU, while surveilling the Republic's sea borders, has spotted boats moving towards the areas of the Republic not under the effective control of the Government, and a few days later, increased irregular arrivals via the ceasefire line (the so called "Green Line") were observed which confirm the initial suspicions of the competent authorities of the Republic, that these boats arrived in the occupied areas and with the facilitation of the so-called 'authorities' in the occupied areas of the Republic of Cyprus, crossed the ceasefire line to the Government-controlled areas..

3. It is noted that in 2020 there were 26 cases of irregular arrivals of migrants by sea directly to the areas under the effective control of the Government of the Republic of Cyprus (the majority of them during the period August-September 2020). By the end of August 2021, 26 additional irregular arrivals of migrants by sea were recorded.

4. Police investigations have shown that the majority of boats to the Famagusta district that had reached Cyprus illegally from Lebanon, carried mainly Lebanese nationals. In order to address this phenomenon, measures were taken by the Cypriot authorities, among others:

(a) Strengthening bilateral cooperation with the Lebanese authorities to prevent the departure of vessels illegally transporting migrants to Cyprus,

(b) Exchange of information with the Lebanese authorities with a view to identifying and arresting people smugglers,

(c) Cooperation on the surveillance of the maritime borders of the two countries and

(d) Interception of vessels which departed illegally from Lebanon.

Following the reaffirmation of the commitment by Lebanon and Cyprus to implement the 2002 Agreement between the two countries, as well as the signing in October 2020 the Protocol for the implementation of the aforementioned Agreement, irregular arrivals from Lebanon have been effectively curbed.

5. With the outbreak of the Covid-19 pandemic in Cyprus, measures were put in place which affected the movement of persons to and from the territory of the Republic of Cyprus. Consequently, migrants arriving to Cyprus, either from the areas not under the effective control of the Government of the Republic of Cyprus, across the Green Line or by sea, were transferred to the quarantine areas of the First Reception Centre 'Pournara' for a period of 14 days, in accordance with the relevant health protocols for the containment of the pandemic.

6. All migrants who arrive irregularly to the Government-controlled areas of the Republic of Cyprus undergo an individual interview, where without fail they are asked whether they wish to apply for international protection.

7. Concerning the allegations on pushbacks and the alleged use of excessive police force mentioned in the Joint Communication, the following is underlined:
- (a) The incident of 20/03/20 concerned an unidentified boat that was sailing in international waters offshore, south-south-east of Cavo Greco. The boat was approached by a police vessel for identification purposes and it was confirmed that an unknown number of people were on board. Through the interpreter a request was made by those on board for food and other supplies as they wished to continue their journey. The request was satisfied and the boat continued sailing with a north westerly direction. No police personnel boarded the boat (this is the reason why the exact number of those onboard is unknown) and no personal items were removed.
- (b) The allegation that, on 3/9/2020, a police vessel rammed a boat with migrants injuring a number of them, including a child and endangering the boat is completely unfounded. A police vessel intercepted offshore Cavo Greco a boat of 52 persons. Assessing the situation, the PMPU personnel concluded that the boat was at risk of sinking, as it was taking on water and swiftly proceeded to towing it to Larnaca port, where all on board were safely disembarked. Medical teams awaiting ashore assessed the state of the migrants' health and two women and several children showing symptoms of nausea and heatstroke were transferred to Larnaca hospital. The rest followed the reception procedures applicable to all migrants arriving irregularly, in accordance with national protocol. This was clearly a rescue operation, and no use of force took place. The primary concern of the crew of police vessels, is the safety and physical integrity of the migrants. In all operations, police personnel are assisted by interpreters and a nursing team, who are responsible for the medical screening of migrants, the provision of first aid or their referral to a hospital.
- (c) It is also noted that in early September 2020, a number of migrants from Lebanon, who had arrived irregularly were referred to the First Reception Centre 'Pournara', and had expressed their desire to be repatriated as soon as possible. According to their statements, they had left Lebanon with Italy as their desired final destination in order to find work and improve their life conditions, but had, as stated in their oral statements, had been deceived by

the smugglers. It is noted that all, without exception, were asked if they wish to apply for asylum and they replied negatively. On the contrary, they strongly and persistently expressed their wish to return to Lebanon as soon as possible. Due to the Covid-19 pandemic, flights to and from Lebanon had been interrupted, so they were transferred to Lebanon by vessels chartered for this purpose by the Republic.

During their stay in Cyprus and during the trip to Lebanon, there was no incident of maltreatment of any kind, nor were any such complaints received. Food and basic necessities are provided to all, while those who are in need are transferred to hospitals for healthcare. If, during the initial screening, unaccompanied minors are identified, the Social Welfare Services are immediately involved, and according to the Law, act as the children's guardians. The application of the relevant Protocol is then initiated. It is noted that, as a matter of policy, no minor or other vulnerable persons is detained.

Cyprus, also, pays particular attention to the rights of migrant children. Regardless of the parent's/parents' migratory status, children are entitled to their rights to health, education, and social care. Since 2014, in the event of an arrest of a parent of a minor for illegal entry, the other parent is not detained. Where children are accompanied by a single parent, that parent is not detained. In this context, migrant children are never detained. Recently, the Council of Ministers approved the operation of a new Reception Centre for Unaccompanied Minors, which will be operated by the IOM Office in Cyprus.

- (d) The allegation that a man from Syria on board a vessel chartered by the Republic was handcuffed and then beaten with batons and electric stun guns is also unfounded. The Cyprus police does not possess tasers and consequently does not use stun or other similar devices. The use of handcuffs on board vessels, for safety reasons, is a measure of last resort and it is very unlikely that a person would be restrained just for raising their voice.

- (e) The incident of 16 May 2021 concerned a fishing boat with 56 Syrians which had departed Lebanon. The Lebanese authorities informed the Cypriot

authorities on 15 May 2021, that the day before (14 May) an attempt was made on their part to stop a suspicious fishing boat leaving the country, but due to bad weather conditions the effort was unsuccessful. The same vessel was detected by the Republic's coastal surveillance systems on 16 May 2021 and was stopped at 16 nautical miles from the coast (outside territorial waters). In the framework of close cooperation with the Lebanese authorities, they were safely transported back to Lebanon by a vessel chartered by the Government of the Republic of Cyprus.

8. It is also noted that the Larnaca Joint Rescue Coordination Centre (JRCC) is the designated, responsible authority to provide search and rescue services within the Cyprus Search and Rescue Region, including locating and rescuing people in distress as a result of an aircraft or naval accident. All the SAR procedures and coordinating instructions are provided in the National SAR Plans, which are fully harmonized with the international regulations of IMO and ICAO and national legislation. Additionally, JRCC monitors, on a 24/7 basis, distress frequencies, and is available to scramble air and/or naval assets in order to confront any incident, at any time. Specifically, SAR helicopters are stationed throughout the Government-controlled area. On a twenty-four hour basis, at least one helicopter is ready to respond to a SAR incident. Moreover, naval assets located within Cyprus Ports and Marinas, are ready to be scrambled at all times.

Therefore, the allegations of pushbacks of migrants from Cypriot authorities are, as described above, clearly unfounded.

Concluding, over the past four years, Cyprus is facing an ongoing, systematic influx of migrants arriving irregularly, rendering it the EU Member State with the highest per capita number of applications for international protection in relation to its population.

The division of Cyprus by a 180-kilometre-long ceasefire line, , creates unique conditions for the development of irregular migration. Notwithstanding the substantial efforts of the Government to adequately address the increasing numbers, the influx continues as a result of the systematic, deplorable instrumentalization of migrants by Turkey. More than 70% of applicants for

international protection arrive either directly by sea or through the areas of the Republic of Cyprus which are not under the effective control of the Government of the Republic.

The Government of the Republic of Cyprus is fully committed to adhering to international law, including international human rights law, international humanitarian law, including international refugee law.

Cyprus' commitment to fully respecting the core principle of non-refoulement is further proven by the data showing the increasing recorded numbers of applicants and beneficiaries of international protection in Cyprus. Only in the first trimester of 2021, 527 persons were disembarked and were provided full access to the asylum procedures. It is noted that in 2021, in the framework of the Operating Plan to Cyprus, in accordance with its mandate, the European Asylum Support Office has agreed to provide support to the competent authorities during such disembarkations.

In recent years, the migratory and refugee flows have created a considerable burden on the Government, especially due to our geographic proximity to conflict areas. There has been a sharp increase in applications for international protection. For the fourth consecutive year, Cyprus has recorded the highest per capita rate of registered first-time applications for asylum within the European Union. Despite these challenges, Cyprus continues to fulfil its international human rights obligations and is working towards the implementation of the recently adopted Global Compacts on Migration and on Refugees. To this end, the Government continues to advance policies to protect migrants and refugees in all sectors, including integration into Cypriot society.

In addition, the policy on detention of migrants gave priority to voluntary return and enhanced cooperation with the IOM, for the safe return and reintegration of returnees into their countries of origin, always with respect to their dignity.

In dealing with this unprecedented pressure, the Government has requested and received assistance from the regional EU agency on asylum for processing and examining applications. The Asylum Service has been reinforced with additional personnel and has streamlined the asylum application procedures. Reception

conditions have improved, including the provision of trained interpreters. Asylum seekers have free access to health care (including for victims of FGM, as well as mental health care). Priority is granted to possible victims of torture. A special Administrative Court of International Protection came into operation to speed up the examination of asylum applications.

The Cyprus Government remains steadfast in its commitment to international law.