



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

**Mandates of 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**

5 June 2014

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/5, 25/18, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of acts of intimidation and reprisals for cooperation with the UN, its mechanisms and representatives in the field of human rights in the form of the temporary arrest and ill-treatment of Mr. **Doros Polykarpou**.

Mr. Doros Polykarpou is the Executive Director of Action for Support, Equality and Antiracism – KISA, which is a Non-Governmental Organization that works to combat racial discrimination and xenophobia in Cyprus. Recently, KISA has documented conditions in Mennogea Detention Centre according to international human rights standards. At the beginning of May 2014, KISA submitted an alternative report for the 52nd session of the United Nations Committee Against Torture (UNCAT) in preparation for the concluding observations on the fourth periodic report of Cyprus issued on 23 May 2014.

Mr. Doros Polykarpou was the subject of a previous communication regarding his participation in a multicultural anti-racism festival, which was sent on 20 July 2011 by Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders (CYP 1/2011). The Special Rapporteurs are grateful for the Government's response dated 15 September 2011.

According to the information received:

In April 2014, while travelling abroad from Larnaca International Airport, Mr. Polykarpou was reportedly informed for the first time that there was an arrest warrant pending against him in connection with a parking fine issued by Nicosia Municipality in 2007 amounting to EUR 160.

On 26 May 2014, Mr. Polykarpou reportedly informed the Director of the Mennogeia Detention Centre that he would soon be visiting some detainees in the Centre. At this point, he was allegedly warned that the arrest warrant against him would be executed should he visit Mennogeia Detention Centre. That same day, Mr. Polykarpou reportedly requested that the Cyprus Police Execution of Warrants Squad (EWS) send him the parking fine by fax. Instead, the EWS reportedly gave Mr. Polykarpou the serial number of the arrest warrant, and he informed them that he intended to pay the fine before the end of May 2014. Reportedly, Mr. Polykarpou received assurances that this would be sufficient.

On 28 May 2014, Mr. Polykarpou wrote to the Chief of the Cyprus Police – forwarded to the Director of the Mennogeia Detention Centre and the Commissioner for Administration and Human Rights – informing them in advance that he would soon be visiting Mennogeia Detention Centre.

According to reports received, on 29 May 2014, while visiting Mennogeia Detention Centre to visit unaccompanied minors, Mr. Polykarpou was reportedly arrested and held in Mennogeia Detention Centre. He was then transferred to Kofinou Police Station, and then to Central Prison in Nicosia to be placed on a wing with convicted prisoners. During this time, Mr. Polykarpou reportedly remained handcuffed, was denied the right to call his legal representative, and was not permitted to drink water. Mr. Polykarpou was released at 9:00 p.m. on the same day after the fine was reportedly paid by KISA.

Serious concern is expressed that the temporary arrest and ill-treatment of Mr. Doros Polykarpou may be related to his human rights work and his recent cooperation with the UN, its mechanisms and representatives in the field of human rights, namely the UN Committee Against Torture.

In connection to the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
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.
3. Please kindly provide details of Mr. Polykarpou's access to independent legal representation, and to drinking water during his arrest.

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.

We would appreciate a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Maina Kiai

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst

Special Rapporteur on the situation of human rights defenders

Juan E. Méndez

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Annex

Reference to international human rights law

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would also like to refer to article 22 of the International Covenant on Civil and Political Rights, which guarantees the right to freedom of association.

We would like to further refer to Human Rights Council resolution 24/5 that reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely.

We would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels. Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 6 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems.

- article 12, paragraphs 2 and 3, 12, paragraphs 2 and 3, which urges States to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of the legitimate exercise of the rights referred to in the Declaration.

We would also like to refer to resolution 24/24 of the Human Rights Council (A/HRC/RES/24/24), which calls on States to ensure **adequate protection from intimidation or reprisals** for cooperation with the United Nations, its mechanism and representatives in the field of human rights.