

EXECUTIVE SUMMARY

During the May 2023 periodic visit to Cyprus, the CPT examined the treatment and conditions of detention of persons held at Nicosia Central Prisons. The CPT also focused its attention on persons held under immigration legislation, visiting the Menoyia Detention Centre, the Initial Registration Centre of Pournara, the Limnes Immigration Centre, a shelter for unaccompanied and separated juveniles and the airports' holding facilities of Larnaca and Paphos. Further, it examined the treatment of persons deprived of their liberty by the police.

Nicosia Central Prisons (NCP)

Overall, the CPT found that the situation for persons held in the prison had significantly deteriorated since 2017. Most of the serious issues afflicting the establishment, but by no means all, could be linked to the increased overcrowding (an occupancy of nearly 1 000 prisoners for a capacity of 545 places) which impacted negatively on the conditions of detention and levels of violence for prisoners. The lack of front-line prison staff only exacerbated the situation. The prison was bursting at its seams, with some accommodation blocks operating at more than 300% of their design capacity. The overcrowding was a result of a number of factors, including the accommodation of significant numbers of persons held for short sentences (including foreign nationals sentenced for counterfeit travel documents) and persons on remand. Together these groups comprised well over one third of the prison population. An urgent review of the grounds for imprisonment of these groups should be undertaken along with the application of more alternatives to detention to decongest the prison and bring it within its official capacity.

The Cypriot authorities are requested to provide the Committee with detailed information about legislative reforms and other measures, including alternatives to detention to reduce the overcrowding. Further, a detailed strategic plan should be adopted setting out a road map for the recovery of the prison.

The vast majority of prisoners did not complain about ill-treatment by staff. However, there were a number of allegations from different blocks of staff slapping prisoners as an informal punishment for being late back to their cells, among other issues. Further, wooden sticks were carried by staff which were allegedly used to informally "herd" and intimidate prisoners. During the visit, the then Acting Director, issued an order banning the carrying of these wooden sticks by staff; which the Committee welcomes. Moreover, a number of allegations were received of verbal, including racist, abuse towards foreign national prisoners by staff. These issues should be addressed by the authorities and any alleged ill-treatment or verbal abuse should be investigated and sanctioned, if confirmed.

There were several cases of serious inter-prisoner violence, including in the most extreme form, the murder of a prisoner in Block 1A in October 2022. Many prisoners were scared for their own safety. Insufficient measures were being taken to effectively discharge the prison's obligation to keep prisoners - and staff - safe and to reduce inter-prisoner violence.

Further, the lack of front-line prison staff created a breeding ground for the development of informal prisoner hierarchies to maintain control and enforce discipline on the blocks. The CPT found that prisoner leaders ran some of the blocks, and allegedly meted out punishments, including ordering group beatings of prisoners. The incidents were not always reported, and appeared neither to be properly recorded nor investigated by staff and management. The CPT stresses that allowing informal hierarchies to develop and impose punishments resulting in prisoners not being safe raises clear issues under Article 3 of the European Convention on Human Rights (ECHR) and the authorities' duty of care to all persons held in NCP. Swift action should be taken to recruit and train more front-line prison staff to address these issues and to put in place a dynamic security approach.

Turning to the living conditions and regime, the CPT found some dire conditions: 5m² cells, which are not even appropriate for accommodating one person, were crammed with up to four prisoners. Large numbers of prisoners were sleeping on mattresses on the floor under the bunk beds, under the tables and on every available space in the cells. The situation was exacerbated by permitting smoking in communal spaces and rooms resulting in many prisoners being exposed to passive smoking and its associated health risks. Further, there was a lack of ready access to toilets at night, linked to the lack of staff available to let prisoners out of their cells to use the block's toilets, which resulted in prisoners urinating in bottles, in these hot, packed cells. Meanwhile, the open prison was operating at half of its capacity.

As for the daily regime, prisoners still had nothing meaningful to do to structure their day, including those who were there for long or life sentences. There were very few purposeful activities other than cleaner jobs on the blocks, many of which were allocated by informal prisoner leaders and some prisoners did not have any access to a regime outside of their blocks at all. The appalling material conditions and lack of regime cumulatively can only be described as amounting to inhuman and degrading treatment.

As for healthcare in the NCP, the Committee's long-standing recommendations remained unimplemented. Medical confidentiality remained a problem which put prisoners at unnecessary risk. Prison officers still distributed medication instead of nurses. Psychiatric services were insufficient to meet the needs of the prisoner population, and the lack of a permanent psychiatrist at the prison represented a serious deficiency.

Significant delays remained in the application of disciplinary procedures. The default disciplinary measure remained the immediate imposition of an investigatory lock-up for 4+2 days, and thereafter prisoners had to wait some seven months on average, before the disciplinary hearing was held and any sanction thereafter imposed. This system of perceived double punishment, as well as delayed justice, was criticised previously in 2013 and 2017 by the CPT and concerted action is now required to change the current approach.

As was the case in 2017, the CPT found a lack of an effective complaints system. The Prison Board had not been collecting complaints since January 2022, although this had not been indicated to the prisoners, which meant that there was in effect no internal complaints system. The Prison Board should be rendered effective as soon as possible and prisoners informed accordingly.

Police establishments

The CPT visited several police stations and police detention centres across Cyprus, which were holding three categories of persons: administratively detained persons held pursuant to the aliens legislation, suspects held under the criminal law, and some sentenced prisoners. Lengths of stay at police stations varied greatly depending on the nature of the grounds of detention and ranged from days and weeks (criminal suspects) to many months (foreign nationals held under aliens legislation) and, in one witness protection case, years. However, treatment and conditions were generally similar for all persons. The Committee reiterates its long-standing view that persons should not be detained in police custody for prolonged periods of time.

The majority of persons with whom the delegation spoke said that they had been treated correctly by the police. While the delegation received no allegations of physical ill-treatment by police officers during their custody in police stations, it did receive a few allegations relating to the time of apprehension and questioning by police investigators. The alleged ill-treatment consisted of slaps, punches to the head, and in one case blows with a metal bar, which resulted in a fractured arm. Further, the delegation received a number of allegations of verbal abuse by police officers, including racist comments. The CPT underlines the need to reinforce a zero-tolerance approach as regards ill-treatment. The safeguards offered to persons deprived of their liberty, namely notification of custody, access to a lawyer and to a doctor were reviewed. The CPT highlights that ready access to a lawyer by detained persons from the outset of their deprivation of liberty and access to an effective legal aid system were not fully guaranteed at the time of the visit.

As for the living conditions and regime, the CPT found that the police detention cells visited were generally suitable for short-stays; however, as noted above, many detained persons were held in such cells for prolonged periods. Furthermore, many cells were generally dirty and poorly maintained. At the end of the visit, the delegation urged the Cypriot authorities to take immediate measures to remove at least a part of the opaque plastic covering the roof of police stations' yards to allow access to fresh air and sunlight and to help regulate the hot temperatures in police facilities. The Cypriot authorities had responded positively and the CPT would like to receive detailed information on the steps taken to address the immediate observation. Regarding the regime, the CPT found that detained persons held on remand in police facilities did not benefit from similar programmes to the ones offered at the Prison; this lack of regime also affected the foreign nationals held under administrative grounds for weeks and months.

The CPT found that at all the police facilities visited, there was a lack of sufficient dedicated police custody staff. This was a problem, not only for the staff members obliged to work under stressful conditions, but also because it impacts on the quality of assistance offered to persons deprived of their liberty. The Committee also underlined the lack of existence of a formal written internal complaints system in police facilities, obliging detained persons to complain directly to police officers.

Immigration establishments

Menoyia Detention Centre

The delegation did not receive any allegations of physical ill-treatment by staff towards detained persons, either by Menoyia staff or by police transferring persons to Menoyia from police stations.

The overall living conditions remained too carceral for the nature of the Centre. The sanitary facilities were not in a good condition, with many showers and toilets not working in Blocks A and C. The regime of purposeful activities was almost non-existent, with the exception of a weekly visit by the Red Cross to provide some group art sessions. Detained persons had nothing to structure their days. Access to outside exercise was staggered per block and detained persons were only allowed one and a half hours of access to the fresh air per day despite the existence of two well-maintained yards. Persons in immigration detention should be allowed as much outdoor exercise as possible and considerably more than one hour and a half hours per day, as well as access to a variety of regular and purposeful activities.

As for the safeguards that should be afforded to detained persons, notably access to information about their immigration cases and access to a lawyer, the management should make more efforts to adequately and regularly inform persons about their situation, any ongoing legal cases and the content of decisions received from different immigration authorities. The level of frustration among detained persons observed indicated that communication needed to be improved. More immigration officers should be appointed to Menoyia, as well as more awareness-raising among NGOs to provide free legal advice to persons in immigration detention. It was positive that all detained persons had unhindered access to their mobile phones and the internet, which allowed them to maintain communication with the outside world. However, family visits were being systematically rejected, and the Committee stressed that it was unacceptable in the post-Covid era, for the pandemic to still be used as an excuse to curtail the right to receive visits. Despite the director's recent order lifting the ban, the situation had not changed and immediate action should be taken to provide detained persons and their family members and other visitors with clear information of the new order's implementation.

Pournara Initial Registration Centre

At the time of the visit, the Pournara Centre accommodated more than 1 000 foreign nationals, many of whom were waiting for the result of mandatory initial assessments, including vulnerability assessments, age assessments and medical results, before they were allowed to leave the Centre. Foreign nationals were not permitted to leave the Centre before the registration and tests results

were completed. Certain tests results were taking many weeks to arrive back to Pournara from the local health services.

Persons held in the Centre were accommodated in severely overcrowded living conditions frequently offered only 1 to 2m² of personal living space in either prefabricated plastic containers, plastic shelters or tents. Many of these structures were in a dilapidated and worn-out condition, with broken doors and earth floors. The lack of windows and often broken air-conditioners contributed to making the containers poorly ventilated, mouldy and humid. Persons placed in containers, including single mothers and children and unaccompanied and separated children, were often forced to share beds and dirty sheets. Further, the tents and plastic containers were inappropriate for the long lengths of stays due to the lack of electricity and hot water. Persons were forced to sleep on worn out mattresses or directly on sheets placed on the ground, crammed next to each other like 'sardines' in unhygienic conditions. When it rained the mattresses absorbed water, causing mould to form on the walls and in the corners of the structures. Pests were commonplace. The temperature inside these facilities was well over 32°C (in Spring) when the temperatures inherent to Cyprus were not even close to their maximum. The toilets and showers in almost all parts of the Centre were dilapidated causing the water to leak all around, including outside, creating puddles of stagnant water. Some residents refused to use the dirty toilets and showers and instead used the communal outside areas for their toilet needs, resulting in piles of excrement and rivulets of urine. These factors cumulatively led to a foul smelling unsanitary situation which represent a clear health hazard. The security staff were unwilling to do their rounds of control due to this situation, as noted many times in the official records.

In the CPT's view such living conditions may well amount to inhuman and degrading treatment and made recommendations to address these issues urgently.

Moreover, the serious level of overcrowding, along with the poor conditions, had created a breeding ground for tensions and frustration among the detained population, leading to outbreaks of violence and clashes between different groups of detained persons, as well as attacks on staff. To begin to combat such violence, prevention strategies should be put in place.

The CPT found that the quality of certain initial assessments, such as the vulnerability assessment procedures, were of a good standard, despite the impact of delays in receiving the results. Nevertheless, once identified as vulnerable, other than being placed in "safe zones", these persons were still subject to the above-described living conditions and poor regime while very few protective safeguards were afforded.

Overall, the CPT considered that placement in Pournara may amount to arbitrary deprivation of liberty, undermining access to basic safeguards against ill-treatment, and could last for an undefined period from several weeks to several months and even longer than a year in some cases, leaving detained persons in a state of uncertainty. Indeed, the situation was worse for minors undergoing age assessments, who on average stayed for more extended periods than the average adult. At the end of the visit, the CPT's delegation urged the Cypriot authorities to take immediate action to provide decent living conditions to unaccompanied and separated children, as well as to vulnerable categories of persons such as single mothers with small children, elderly and sick persons and survivors of sexual and gender based violence and other forms of exploitation. The CPT welcomed the subsequent action taken by the Cypriot authorities to remove a number of vulnerable persons from Pournara; however, it requested further clarification and details concerning the categories and numbers provided with alternative accommodation.