



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

CPT/Inf (2003) 2

**Response of the Government of Cyprus
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Cyprus**

from 22 to 30 May 2000

The Government of Cyprus has requested the publication of the CPT's report on the visit to Cyprus in May 2000 (see CPT/Inf (2003) 1) and of its response. The response of the Government of Cyprus is set out in this document.

Strasbourg, 15 January 2003

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The Appendices to the supplementary response can be obtained from the Committee's Secretariat :

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**A. RESPONSE OF THE REPUBLIC OF CYPRUS
TO THE REPORT OF THE EUROPEAN COMMITTEE FOR
THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT (CPT)**

ON ITS VISIT TO CYPRUS FROM 22 TO 30 MAY 2000

PREFACE

This is the report of the Republic of Cyprus submitted to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment following the publication of the Report of the CPT (2000/46, December 20, 2000) which visited Cyprus from 22 to 30 May 2000.

This report gives answers to CPT's Recommendations, Comments and Requests for Information made in Appendix I of the Committee's Report.

A. Police establishments

1. Ill-treatment

(i) Human rights concepts to be integrated into practical professional training for high-risk situations, such as the apprehension and interrogation of suspects.

Answer

1. In 1998, the Cyprus Police established the “Human Rights Office” with a main task to maintain monthly statistical data, such as:

- (a) Complaints against Police for alleged violence/maltreatment of citizens, suspicious persons accused in criminal cases and prisoners.
- (b) Alleged violence/maltreatment of Police members by citizens, suspicious persons or persons in custody.

2. The Library of the Cyprus Police Academy is equipped with a large number of books and other relevant information concerning the protection (and other issues) of Human Rights and its always accessible to any Police member.

3. In an attempt to increase sensitivity in the issues of Human Rights, great emphasis has been placed on lectures and specialized courses organized at the Police Academy, regarding the respect and protection of human rights. These lectures are given by university professors, by the Attorney General of the Republic and other members of his office and qualified senior police officers. Similar lectures are also given in all regional police departments.

4. During the basic and advance training, police officers are trained in modern investigation techniques. They are also instructed to interrogate and obtain statements from suspects according to the provisions of the Criminal Procedure Law, Cap. 155 and the Judge’s Rules.

5. The Minister of Justice and Public Order as well as the Chief of Cyprus Police repeatedly remind all police officers, that although the mission of the Police is difficult and serious, they must always exercise particular attention to the Constitution of the Republic, the International Conventions safeguarding Human Rights and the Laws of Cyprus. The Chief of Police sends circular letters to all Police Divisional Commanders, Departmental and Unit Commanders to remind their members to respect Human Rights of person is under arrest, interrogation or detention.

6. Regarding the Council of Europe Programme "Police and Human Rights", the Cyprus Police have organized a Human Rights Week, between Oct. 28 – Nov. 4, 2000. During the same period the Police organized in the Police Academy, in every town and in every Police Divisional Headquarters and Police Station, seminars and lectures in order to promote the idea and send the message to the public that the Police respects and safeguards Human Rights. In fact, during that week distinguished specialists (lawyers, professors etc) had given lectures and addressed seminars attended by officials and representatives of various organizations and N.G.Os. Moreover, the Police in close cooperation with the local authorities had organized (in every Police Division) activities, which promote respect of Human Rights. The media had covered all these activities. In addition, Cyprus Police had organized a seminar on November 2nd 2000, in Nicosia, where distinguished lawyers from the General Attorney's Office, representatives of the Ombudsman, Members of Parliament and the Police, gave lectures. The seminar was attended by more than 200 people from the Police, the public and the media.

7. The Cyprus Police Human Rights Office has already translated into Greek, published and circulated to all Police officers a number of leaflets on human rights including the Declaration 690 (1979) of the General Assembly of the Council of Europe and the CPT Standing Orders.

(ii) Steps to be taken to ensure that investigations into cases involving complaints of ill-treatment by police officers are, and are seen to be, totally independent and impartial.

(iii) The Attorney General to be awarded the power *proprio motu* to appoint independent investigations, in cases where he seems necessary.

Answer

1. It is no longer a prerequisite for the appointment of criminal investigators by the Attorney General, to investigate instances of alleged commission of criminal offences by members of the Police (including offences contrary to ss.242 and 243 of the Criminal code and s.3 of United Nations Convention Against Torture (Ratification Law of 1990), that a written complaint be submitted to him. This prerequisite, which existed since 1996, when the Council of Ministers had delegated for the first time to the Attorney General, the power to appoint criminal investigators (which is afforded to it by s.4 of the Criminal Procedure Law Cap.155) has been eradicated through a new decision of the Council of Ministers, taken on 22.3.2001. The new decision adopted a recommendation made to it by the Attorney General in the light of the CPT's Report, to extend the ambit of the delegation, so as to afford power of appointment of criminal investigators in all instances of alleged commission of criminal offences by members of the Police, coming to his knowledge in any manner whatsoever and not only upon submission to him of a written complaint. This extension of ambit of the Attorney General's power to appoint criminal investigators, means that the Attorney General, can now order a criminal investigation by investigators appointed by him, concerning allegations of criminal conduct on the part of members of the Police, which come to his knowledge, through inter alia newspaper reports, television broadcasts and reports by any organization, committee, body or tribunal, domestic or otherwise.

2. The criminal investigators are appointed from a list compiled following applications and interviews, which is renewable every two years. Persons appointed as criminal investigators, are now chosen only among former Judges and lawyers in private practice, included in the list. Moreover, in carrying out a criminal investigation, the investigators are vested with all the powers and duties afforded to criminal investigators in all cases of criminal investigation under the Criminal Procedure Law and act under the direction of the Attorney General and in accordance with his instructions. Such criminal investigations, can lead to prosecution following decision by the Attorney General, of persons identified by the investigation as culprits, and to the trial thereof.

3. As soon as the ambit of the Attorney General's power to appoint criminal investigators, was extended as above by the said decision of the Council of Ministers taken on 22.3.2001, the Attorney General acted upon the extended powers afforded to him, by proceeding in exercise thereof, to appoint on 23.4.2001, two criminal investigators, to carry out criminal investigations in relation to the three instances of alleged ill-treatment by members of the Police, which came to his knowledge through the CPT's Report (par. 10 thereof). The criminal investigators appointed by the Attorney General, a former President of the Supreme Court of Cyprus, who was a member of the CPT, and a lawyer in private practice, have in fact completed their investigation and submitted their investigation report to the Attorney General on 18.9.2001. The Attorney General has studied and evaluated the investigation file, and the evidence collected, and has decided the institution of criminal proceedings against two Police officers, regarding the two incidents of allegations of ill-treatment at Paphos Police station, referred to in the CPT Report as "Case one" (para.10 of the Report). Concerning the third incident of alleged ill-treatment of a foreign national arrested by Police officers based in Ayia Napa, referred to in the CPT Report as "Case two", the investigation is considered as still open, since the possible complainant's whereabouts have not been traced, and the Criminal Investigators have not, therefore, been able to obtain any account from him. Efforts are being made, however, to obtain information as to the said possible complainant's whereabouts.

(iv) Whenever an apprehended person brought before a judge alleges ill-treatment by the police, the judge to immediately request a forensic medical examination of the person concerned and to bring the matter to the attention of the relevant public prosecutor, irrespective of whether the person concerned leaves visible injuries.

(v) Even in the absence of an express allegation of ill-treatment, a judge should request a forensic medical examination and inform the relevant public prosecutor whenever there are grounds to believe that an apprehended person brought before him could have been the victim of ill-treatment.

Answer

In practice, it is in fact usual for judges in Cyprus, to order a medical examination to be carried out by Government physicians, when a complaint of ill-treatment is aired in Court by or on behalf of a person apprehended or an accused, and the public prosecutor is invariably present during the proceedings, and is aware at the outset, of the complaint made, and the Judge's order respecting it. When such a complaint is made to the Judge, the order for medical examination is made irrespective of whether the complainant bears visible injuries or no.

(vi) Provide information on the selection criteria currently applied for the recruitment of police officers.

Answer

A nominee to be recruited in Cyprus Police Force must:

- (a) be a citizen of the Republic of Cyprus
- (b) have good recommendations concerning his or her character

- (c) be between 18 to 25 years old unless or he or she is a College or University graduate, where he or she can be recruited up to the age of 35
- (d) be certified that he or she is in good health, after a medical check up by a doctor working in the Public Service, that he or she is in excellent physical shaping, physical and spiritual fitness in order to execute his or her duties which he or she will deal with after his or her recruitment. Among other things it must:
 - i. be ascertained that his or her eyesight and hearing are good, with or without the use of eyeglasses and hearings;
 - ii. be ascertained that he or she is not suffering from monochromatism, flatfoot or any other physical disability or physical defacement of any parts of his or her body;
 - iii. be in a good physical and spiritual fitness.
- (e) With the exception of some special reasons, which are approved by the Minister of Justice and Public Affairs and with the suggestion of the Chief of Police, the height for men must be more than 1.67 cm and for women more than 1.65 cm
- (f) be a graduate of a secondary school, have good knowledge of the Greek or Turkish language and of another foreign language. Moreover, the Chief of Police has to be satisfied that the nominee is well educated passing written and oral examinations
- (g) to be selected by the Recruiting Board.

2. Safeguards against the ill-treatment of detained person

(i) The Cypriot authorities to take necessary steps – without further delay – formally to entrench in law the right of a defined person to notify someone of his situation as from the very outset of custody.

(ii) Specific legal provision to be made for a person to be examined by a doctor including, if he so wishes, by a doctor of his own choice.

Answer

The Office of the Attorney General, is in the process of completing in collaboration with the Law Commissioner, the drafting of new relevant legislation, which could contain provisions in the light of the CPT's recommendations, to be submitted to the Council of Ministers for approval and then to be introduced to Parliament for enactment into law. Such legislation, could inter alia introduce new provisions in the United National Convention Against Torture (Ratification) Law, rendering persons in charge of police stations criminally liable for ill-treatment, contrary to s.3 of the said Law, of persons detained at the stations, in instances in which a medical examination carried out immediately after arrest or admission at the station, does not disclose the presence of injuries on the person arrested or admitted at the station, but nevertheless such injuries are subsequently ascertained by medical examination, to be present after the first examination or upon release.

(iii) Action to be taken without further delay to effectively guarantee in practice access to a lawyer from the very outset of police custody.

Answer

The rights of the persons in custody, including the communication with an attorney of their own choice, is regulated by the Cyprus Constitution and the Police Standing Orders. Specifically, the Police Standing Orders, define the conveniences, offered in order to facilitate the communication between the detainee and his lawyer.

There is a notification regarding the persons in custody rights in every Police Station in Greek, Turkish and English, for the information of all the detainees, nationals or foreigners.

(iv) A code of conduct for police interrogations to be introduced without further delay.

Answer

Cyprus Police has adopted the Recommendation of the Council of Europe on “The European Code of Police Ethics”, which is in the process of translation and soon will be circulated to all Police members. The Cyprus Police Human Rights Office has already published numerous leaflets and texts including the Declaration 690 (1979) of the General Assembly of the Council of Europe and the CPT Standing Orders, which were distributed to all Police Officers.

(v) Ensure that police officers fulfill their obligations to complete the relevant custody record of every person that they deprive of their liberty.

Answer

Police Officers follow and apply strictly the Police Standing Order regarding the rights of persons in custody. Indeed, there is a systematic check and control by all Divisional and Unit Police Commanders and other high-ranking Police Officers who take all appropriate steps, assure the knowledge and application of all Police Standing Orders in every Police Station.

3. Conditions of detention

(i) The Cypriot authorities to put an end to the practice of holding persons in police stations for periods of longer than a few days.

Answer

Cypriot Authorities follow strictly the Court Decisions regarding the holding of persons in Police Stations. Moreover, the holding of criminal suspects is no longer than the period specified in the Court remand, which never exceeds the eight days, issued by the District Judge.

(ii) The Cypriot authorities to carry out an urgent review of the use being made of the Police Prison. In the event that it is decided that it should continue to be used to hold immigration detainees, appropriate steps to be taken to ensure that it complies with the criteria outlined in the report.

Answer

It is a fact that during the last few years, Cyprus has been the target of illegal immigration. Due to this and the over crowded of the Police detention cells, sometimes, but rarely, illegal immigrants awaiting to be deported, were detained in the same detention cells with criminal suspects. However, this procedure no further continues.

(iii) Immediate action to be taken to ensure that all persons held at the Police Prison, for whatever reason, are offered at least one hour of outdoor exercise every day.

Answer

The Government of Cyprus takes all necessary measures, regarding the safety, health-care and catering of the illegal immigrants, while they are in detention or awaiting deportation.

B. Nicosia Central Prisons

1. Conditions of detention

(i) The Cypriot authorities to continue to make efforts to tackle the problem of overcrowding at Nicosia Central Prisons, and all beds which are surplus to requirements to be removed.

Answer

The problem of overcrowding will be finally solved with the renovation of the old Blocks 5 and 8, which is expected to be finished by the end of 2002.

The extra beds cannot be removed at present, because of the overcrowding. Although the total number of inmates, at the time of the visit, did not exceed the 267, in reality the daily average is more than 300.

(ii) Vigorous efforts to be made to render the provisions in the new Prison Regulations concerning activities for prisoners meaningful for all inmates at Nicosia Central Prisons.

Answer

Inmates not working, or being at school, are either off due to medical problems or people who might have a day off because they are working on Saturdays or Sundays or people awaiting trial, or people with mental/psychological problems.

It is practically impossible to have separate workshops in Block 4. It should be mentioned here that since the CPT's visit in May, 2000 a new gym-room had been added in Block 4 complete with all the necessary equipment.

Regarding Block 3 (women's Block), again due to the small number of women prisoners, it is practically impossible to offer them more than what is already done in terms of training and work. The majority of the prisoners are foreign women with very short sentences awaiting deportation. Work has already been started for the construction of a small playground to be used for volleyball and basketball.

(iii) Ensure that prison officers do not impose informal sanctions.

Answer

Strict instructions were given to all commanding officers that such behaviour by any of their subordinates will not be tolerated. It should be mentioned here, that according to the Prison Regulations, sec.155 staff members have the right to confine a prisoner, who is to be charged with a disciplinary offence, to his cell pending the investigation of the case. The confinement of the prisoner cannot exceed the four (4) days without the Director's approval.

(iv) In addition to the provisions of section 158(1) of the Prison Regulations, all prisoners facing disciplinary charges to be formally guaranteed the following rights:

- **to call witnesses on their own behalf and to cross-examine evidence given against them;**
- **to be heard in mitigation of punishment, in cases were found guilty by the Governor;**
- **to remain seated during adjudications and to have facilities to take notes;**
- **to appeal to a higher authority against any sanctions imposed;**

Answer

- The practice is that they have the right to call witnesses on their own behalf.
- Again, this is always the practice before the passing of the sentence.
- Instructions were given to all officers involved in the adjudication of cases to fully implement if.
- According to Prisons Law N.12(I)/97, sec.11 26Γ.(1) the Prison Board has the authority to reduce or quash any sentence passed by the Director or the Disciplinary Board.

(v) The question of the right of prisoners to be legally represented to be addressed.

Answer

At present is not a priority for the Government of Cyprus but nevertheless the issue will be under consideration by the Director of Prisons in cooperation with the Ministry of Justice and Public Order and the Legal Service of the Republic.

3. Complaints

(i) Appropriate action to be taken to ensure direct access for prisoners to bodies, which are entirely independent of the prison system, including the Ombudsman.

Answer

According to the Prisons Law sec.115(6) "Letters addressed by prisoners to any official authority of the Republic or to Political persons or to any other official person or to the mass media shall always be sent through the Director". Prison authorities certainly enforced this Section without however delaying, altering or censoring the contents of the correspondence.

4. Staffing issues

(i) Steps to be taken to develop structured training programmes (both initial and ongoing) for prison staff.

Answer

It is the intention of the Prisons' Director as soon as he gets the new recruits to revisit the subject matter and in co-operation perhaps with the Cyprus Police Academy to improve the standard of training for prison staff.

(ii) The underlying reasons for the high level of absenteeism at Nicosia Central Prisons should be examined. In this connection, particular attention might be given to the efficacy of the current staff attendance system.

Answer

Regarding the high level of absenteeism by staff members, the Prisons' Director has already initiated an investigation in close consultation with the Ministry of Justice and Public Order as well as with representatives from the Ministry of Health.

5. Health care services

(i) Urgent steps to be taken to ensure that the provision of medical cover by a doctor at Nicosia Central Prisons is in accordance with sections 63 and 79 of the Prison Regulations.

Answer

There is now a medical officer on a daily basis (i.e. weekdays), and steps are being taken in order to ensure compliance with Sections 63, 73, and 79 of the Prison Regulations, which, among other things, call for the doctor to carry out hygiene inspections of the prison premises, and to inform the director of the arrangements that have been made for his replacement when not at work.

(ii) Concrete action to be taken to ensure that the health care service at Nicosia Central Prisons begins to operate effectively as a team.

Answer

Two medical officers visit regularly the prison's clinic, ensuring continuous operation and contact with prisoners. One of the doctors visits the clinic every Monday, Tuesday, Wednesday and Friday and the other every Thursday. The two doctors work in close cooperation and have easy access to

all the other specialists of the Nicosia General Hospital which is located in the nearby area. Whenever necessary, the doctors refer patients from the prison to the appropriate specialist. These doctors, apart from examinations and sessions with the patients, engage in public health activities through awareness presentations and exchange of information.

(iii) The necessary steps to be taken to ensure the prompt and proper medical examination of newly arrived prisoners.

Answer

Every newly arrived prisoner is visiting the doctor and undergoes a thorough medical examination. His or her medical history is recorded. A number of basic blood medical examinations concerning Hepatitis, Syphilis and AIDS are routinely carried out and in case further examinations are required, the doctor on duty proceeds accordingly.

(iv) Immediate steps to be taken to guarantee the confidentiality of medical information at Nicosia Central Prisons.

Answer

Instructions were given to the staff responsible for records to keep any medical information out of the prisoner's personal file. In short, medical info should be recorded only on the individuals' medical file.

(v) The health education programme in the prisons to be reviewed and a more comprehensive attempts made to ensure that both staff and inmates are provided with suitable information on transmissible diseases. The goal of that programme must be to ensure that the current segregation of prisoners who are hepatitis or HIV positive is brought to an end.

Answer

The Prison Authorities in Co-operation with the Ministry of Health and other NGO's are developing a more comprehensive programme of lectures and visits by qualified practitioners.

(vi) The informed consent of inmates to be sought prior to any screening for transmissible diseases.

Answer

The Prisons Regulations will be amended to provide for the consent of inmates prior to any screening for transmissible diseases.

(vii) The CPT trusts that the four new full-time qualified nurses will take up their posts forthwith.

Answer

The Ministry of Health has promoted the necessary procedure for the appointment of the right staff. The procedure is now at the final stage, at the Public Service Commission (the Authority responsible for appointing Government's personnel) and it is expected to be finalized early June.

Once the decision of the Commission is reached the four qualified nurses will take up their posts at the Central Prisons.

(viii) Confirmation that the nurses appointed to the prisons will provide both somatic and psychiatric care.

Answer

The Schemes of Services of the above personnel guarantee that they are fully qualified to provide both somatic and psychiatric care.

C. Athalassa Psychiatric Hospital

1. Preliminary remarks

(i) The transfer of mentally handicapped patients to centers within the community where they can receive appropriate care from properly trained personnel to be accorded a very high priority.

Answer

The Mental Health Services continue their efforts towards the promotion of a Mental Health Reform, targeting to the deinstitutionalization of patients hospitalized at the Athalassa Psychiatric Hospital and their integration in community facilities.

This involves two parallel processes:- a) Finding suitable premises in the community (in all cities) for the establishment of small housing units and b) promoting psychosocial rehabilitation programs for the long term inpatients. This process is already underway with the re-assessment of 90 of the patients in order to establish their level of function and the kind of rehabilitation needed in each case. This project was carried out by a multidisciplinary team (psychiatrist, clinical psychologists, occupational therapists and psychiatric nurses) with the guidance and supervision of an expert-consultant clinical psychologist from the U.K. The findings of this project will be used for the planning and implementation of individual psychosocial rehabilitation programmes. It's expected that, the first 9 patients will be ready to resume their life in the community, in a few months.

In relation to the 54 mentally handicapped residing at the Athalassa Hospital, our Services are in the process of collaboration with the Social Welfare Services for the establishment of suitable community facilities, 12 persons are expected to be moved soon. At the same time applications have been forwarded to a private residential institution for adult mentally handicapped persons; We are awaiting for the admission committee's reply.

(ii) Developments in respect of transforming Athalassa Psychiatric Hospital into a Mental Health Center by 2003.

Answer

The building of a New Mental Health center in the grounds of the existing Hospital has been programmed by the Ministry of Health. The first step taken in the contact with a consultant recommended by HOPE (Hospitals of Europe) who will consult on the preparation of the building project, according to contemporary standards in order to facilitate the process of deinstitutionalization and psychosocial rehabilitation.

In this new framework, the patients' living conditions will greatly improve. At this stage the following changes/improvements have taken place. Some of the Hospital wards, characterized by the committee as impersonal, have closed up, while the number of hospitalized patients has been reduced.

(iii) Detailed information on the manner in which it is intended to apply the 1997 Law on Psychiatric Care and, in particular, whether any regulations governing its implementation have been adopted, or are envisaged.

Answer

The implementation of the new Psychiatric Treatment Law 1997 does not present any difficulties in relation to voluntary admissions. Regarding the functioning of the Supervisory Committee there still exist difficulties, due to the fact that the authorities have not yet satisfied the committee's requests. For the same reason the Regulations have not yet been prepared. The remark made by the CPT on the participation of the Director of Mental Health Services along with other professionals - in the Committee, will be seriously considered.

2. Patient's living conditions and treatment

(i) Appropriate steps to be undertaken to improve further patients' living conditions, having regard to the remarks of the Report.

Answer

See answer in Para C.1.(ii).

(ii) In the context of the above-mentioned transformation of Athalassa Psychiatric Hospital into a mental health center, efforts to be made to ensure that patients can be provided with accommodation structures based on small groups (paragraph 58);

Answer

See answer in Para C.1.(ii);

(iii) An individualized therapeutic programme to be drawn up for each psychiatric patient. It should involve a wide range of rehabilitative and therapeutic activities, including access to occupational therapy, group therapy, individual psychotherapy, art, drama, music and sport;

Answer

The Mental Health Services agree with the principle above. Therefore, after a re-evaluation of all patients carried out in 2000, multidisciplinary teams are involved in the implementation of individual therapeutic plans for each patient.

(iv) Practice concerning the provision of electro convulsive therapy (ECT) at Athalassa Psychiatric Hospital to be reviewed, in the light of the remarks in the Report.

Answer

The ECT recommendations have been adopted.

(v) The comments of the Cypriot authorities on the apparent over reliance on pharmacotherapy and overmedication of some patients.

Pharmacotherapy has been limited following assessment of all patients. At present non-typical drugs are issued with positive results.

3. Safeguards

(i) An introductory brochure to be drawn up and systematically issued to patients and their relatives.

Answer

The brochure is under editing.

(ii) The Supervisory Committee to be allocated the resources necessary to enable it effectively to fulfill its duties under the Law on Psychiatric Care.

Answer

See answer in Para C.1.(iii).

(iii) A court required to decide whether to continue an involuntary psychiatric placement should, in every case, have access to objective psychiatric expertise (e.g. a reasoned report from an independent psychiatrist).

Answer

The recommendation will be seriously considered.

(iv) The comments of the Cypriot authorities on the advisability of staff of Athalassa Psychiatric Hospital being members of the Supervisory Committee.

Answer

The Director of Mental Health Services, agree with the above comment. The Ministry of Health will undertake the responsibility to promote the necessary changes.

(v) Further details on the right of “freedom of communication”, as provided for in the new Law on Psychiatric Care.

Answer

Patients held in any Psychiatric Centre under the current Law have the right to communicate freely with any person outside the Center, as long as this communication does not adversely affect their treatment or the optimum functioning of the Centre.

Any person systematically without a sound reason, obstructs with any way the patient to exercise the above rights, commits a crime that it's punished with a fine of CY£100.

4. Treatment of mentally ill prisoners

- (i) **The manner in which mentally ill prisoners are treated to be reviewed.**

Answer

The Ministries of Health and Justice and Public Order are examining the possibility to establish an additional special Center for criminal mental patients. The Center will be staffed by a multidisciplinary mental health team, which will also provide services to other inmates detained in prisons.

**B. SUPPLEMENTARY INFORMATION PROVIDED BY
THE REPUBLIC OF CYPRUS IN RESPONSE TO
THE REPORT OF THE EUROPEAN COMMITTEE FOR THE
PREVENTION OF TORTURE AND INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT (CPT)**

ON ITS VISIT TO CYPRUS FROM 22 TO 30 MAY 2000

PREFACE

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) received the Report of the Republic of Cyprus in response to the Committee's remarks on its visit to Cyprus in the year 2000 and in its letter dated September 13, 2002 requested additional information on the action taken on specific points.

The additional information is given herebelow as a supplementary report which should be considered in relation with the Report dated January 2002.

A. POLICE

(a) Medical examination of persons detained by the police who may have been ill-treated

Regarding the above issue, by practice, the Court has power to give instructions to the Police, after a request by the detainee or his/her lawyer to be examined by a doctor.

Relevant also is the Law ratifying the “Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment Law 235/1990” and the Draft Law (2002) amending the above Law, which is before the House of Representatives for approval. A copy of the Draft Law is attached to this text (Appendix 1).

Additionally, relevant to the above issue is the Criminal Procedure Law, Cap. 155, Part II Arrest and Search.

Moreover, of relevance is the Police Standing Order 3/3 para 3, which refers to the Medical Examination of suspects, accused persons and persons in custody. The above Standing Order is attached to the text (Appendix 2).

Also, a Draft proposal is under examination for the purpose of amending the Criminal Procedure Law, Cap. 155, regarding Body Search, Refusal of Search, Taking of Personal Samples. A copy of this Draft proposal is attached to the present text (Appendix 3).

(b) The right of the above persons (a) to have access to a lawyer and to a doctor.

- i. Regarding the issue of access of the persons (mentioned in paragraph (a) above) to a lawyer, relevant is the Constitution of the Republic, Article 30(3)(d) and Article 11(4) which state that any person has the right to have a lawyer of his/her choice. The above Articles must be read in conjunction with Section 13 of the Criminal Procedure Law, Cap. 155, which has similar provisions. Additionally, the Court orders that the services of a lawyer are paid if after investigation it is proved that the person has no financial means of his own to pay for his lawyer. This is provided by Article 30(3)(d) of the Constitution, by Section 64 of the Criminal Procedure Law, Cap. 155 and by the Law providing for the “Provision of Legal Aid, Law 165(1)/2002”, whose purpose is the better application of human rights and the compliance with international conventions in the framework of harmonization of the Cyprus legislation with the *acquis communautaire*.

Moreover, the Police Standing Orders define the conveniences, offered in order to facilitate the communication between the detainee and his/her lawyer. Indeed there is a notification concerning the persons in custody rights in every Police Station in Greek, Turkish and English for the information of all the detainees, national or foreigners. The above notification is attached to this text (Appendix 4).

ii. As regards the issue of access of the persons (mentioned in paragraph (a) above) to a doctor, the answer in paragraph (a) above is applicable.

(c) The practice of holding persons in police station for prolonged periods and the use being made of Police Prison.

The period of holding persons in police stations is regulated by the Criminal Procedure Law, Cap. 155, Part II, Arrest and Search.

It provides that an arrest or search warrant must be issued by a Judge. Every person arrested on any such warrant shall be brought, as soon as possible, before the Court which has power to remand, from time to time, such arrested person in the custody of the police for such time not exceeding eight days at any one time as the Court shall think fit, the day following the remand being counted as the first day (Section 24 of the Criminal Procedure Law, Cap. 155). Section 24 of the Criminal Procedure Law, Cap. 155, should be read in conjunction with Article 11(6) of the Constitution of the Republic which provides the following:

“The judge before whom the person arrested is brought shall promptly proceed to inquire into the grounds of the arrest in a language understandable by the person arrested and shall, as soon as possible and in any event not later than three days from such appearance, either release the person arrested on such terms as he may deem fit or where the investigation into the commission of the offence for which he has been arrested has not been completed remand him in custody and may remand him in custody from time to time for a period not exceeding eight days at any one time.

Provided that the total period of such remand in custody shall not exceed three months of the date of the arrest on the expiration of which every person or authority having the custody of the person arrested shall forthwith set him free.

Any decision of the judge under this paragraph shall be subject to appeal”.

Additionally, according to the Criminal Procedure Law, Cap. 155, when a person has been taken into custody without a warrant of arrest, the police officer in charge of his/her custody, is responsible for taking such person before the Court within twenty four hours after his/her arrest.

It should be mentioned that the relevant Sections of the Criminal Procedure Law, Cap. 155, should be read in conjunction with Article 11 of the Constitution of the Republic.

B. PRISONS

(a) Activities offered to prisoners

It is very significant to point out that prisoners in Cyprus Prison, apart from work, vocational and education training, they are offered the opportunity to participate in the “prisons theatrical group” offering performances inside and outside the prison, in municipalities and communities all over Cyprus.

In parallel, the prisoners football team, which is supervised by a well trained prison officer, arrange meetings with other football groups inside and outside prisons.

In the female wing, the playground for basketball and volleyball has already been constructed and it is now being used by inmates.

In addition to any other educational and recreational programmes, at least once a week female prisoners accept visits from volunteer ladies from the community. During these visits, discussions on various subjects take place.

At least twice a year prisoners in the open prison and female prisoners, are given the opportunity to travel by bus in excursions to many places all over the Republic.

(b) Health Care Services

The health care of inmates is achieved by the placement of suitably trained staff nurses on duty for 24 hours. These nurses are able to tackle any incident at any time. For any further medical treatment, which cannot be offered in the prison's medical centre, all inmates are transferred to the Nicosia General Hospital.