



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
13 July 2010

Original: English

Committee against Torture

Forty-fourth session

26 April–14 May 2010

**List of issues prior to the submission of the fourth periodic report of
Cyprus (CAT/C/CYP/4) ***

**Specific information on the implementation of articles 1 to 16
of the Convention, including with regard to the Committee's
previous recommendations**

Articles 1 and 4

1. Please inform the Committee of any steps taken by the State party to adopt a comprehensive definition of torture reflecting all elements contained in article 1 of the Convention, and to amend domestic penal law accordingly to ensure that all acts of torture are offences under its criminal law and punishable by appropriate penalties which take into account their grave nature, in accordance with the requirements of articles 1 and 4 of the Convention.
2. Please provide detailed information on the current criminal provisions concerning torture, attempted torture, instigation, consent, and complicity and participation in torture. May an order from a superior officer or a public authority be invoked as a justification of torture? What is the exact penalty imposed for each of these offences? Please provide information on the number and the nature of the cases and on the penalties imposed or the reasons for acquittal.

*The present list of issues was adopted by the Committee at its forty-fourth session, according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic reports. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

Article 2*

3. Please provide information on measures taken by the State party to guarantee the rights of detainees from the very outset of detention, including prompt access to legal counsel, medical examination by an independent doctor, and the right to inform family members. Please inform the Committee of any restrictions that may be imposed on these rights and the reasons for this.

4. What measures have been taken to separate minors from adults in prisons and pre-trial detention places? Are minors on pre-trial detention separated from convicted minors?

5. Further to a recommendation of the Committee of Ministers of the Council of Europe concerning prison overcrowding and prison population inflation, on improving the implementation of the European Rules on community sanctions and measures and on conditional release (parole), please provide information on the implementation of a parole system for prisoners sentenced to life imprisonment undertaken by the Attorney-General and on the establishment of non-custodial measures.

6. Please indicate how domestic violence against women and children is defined under criminal law. If it is not defined as a crime, is the law to be amended to this effect? Please provide information on complaints, investigation, prosecution and conviction in cases of domestic violence. What measures have been taken to adopt an effective strategy to combat domestic violence and to ensure that specialized shelters for victims or those at risk of violence are made available in order to ensure their security and their physical and mental integrity? Please provide further information on the National Action Plan for the Prevention and Handling of Violence in the Family.

7. Please provide detailed information on the ways in which the Government of Cyprus complies with the minimum standards for the elimination of trafficking, including action taken to prosecute and seek convictions of offenders and officials complicit in trafficking in human beings. Please also provide information on implementation of new training programmes for prosecutors and judges to improve the quality of human trafficking prosecutions in order to ensure adequate prosecution and punishment for human traffickers. Please inform the Committee about measures taken to adopt, disseminate, and implement a practical guide outlining the identification, referral and protection of potential human trafficking victims to all front-line responders and demonstrate more consistency in providing financial support to victims. Please provide statistical data on complaints, investigations, prosecutions and convictions in cases of trafficking in human beings.

Article 3

8. What measures have been taken to ensure that the obligations of the State Party under article 3 of the Convention are met? Please provide:

- (a) The number of persons seeking asylum and the number of persons returned;

* The issues raised under article 2 may also arise under other articles of the Convention, including, but not limited to, article 16. As stated in General Comment No. 2, paragraph 3, "The obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter "ill-treatment") under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. (...) In practice, the definitional threshold between ill-treatment and torture is often not clear." See further Chapter V of the same General Comment.

- (b) The number of asylum requests approved;
- (c) How the probable risk of torture is assessed in the determinations;
- (d) The possibilities for appealing refoulement decisions;
- (e) The number of persons expelled or deported, indicating whether any of these were rejected asylum-seekers;
- (f) The countries to which these persons were expelled;
- (g) The number of cases in which persons were not returned on the grounds that they would be subject to torture.

9. Please provide information on measures taken to ensure that asylum-seekers with special medical needs have access to specialized medical care, targeted welfare benefits and on facilities for the early identification and rehabilitation of the victims of torture.

Articles 5 and 7

10. Please indicate whether, since the consideration of the previous report, the State party has rejected, for any reason, any request for extradition by another State of an individual suspected of having committed an offence of torture, and has started prosecution proceedings as a result. If so, please provide information on the status and outcome of such proceedings.

Article 10

11. Please provide information on:

(a) Further educational and training programmes developed and implemented by the State party to ensure that all law-enforcement personnel, including border guards, penitentiary and detention centres personnel, as well as all members of the judiciary and prosecutors are fully aware of the State party's obligations under the Convention;

(b) Steps taken to ensure adequate training for all medical personnel dealing with detainees on the detection of signs of torture and ill-treatment and for personnel involved in the documentation and investigation of torture and ill-treatment, in accordance with international standards, as outlined in the Istanbul Protocol; please also provide information about the training of health personnel in relation to the treatment and care of torture victims;

(c) Steps taken to develop and put into effect a methodology to evaluate the implementation of the training/educational programmes, and whether this has had an impact with regard to the prevention of torture. Please inform the Committee about methods and results.

Article 11

12. It is reported (A/HRC/4/59) that the relatives of a number of Turkish Cypriot detainees were denied entry to the Republic of Cyprus from Turkey. This constitutes a violation of prisoners' visitation rights. Please explain these acts and provide information on measures taken to remedy this situation if it still exists.

13. Please provide information on any new interrogation rules, instructions, methods and practices and on arrangements for the custody of persons subject to any form of arrest, detention or imprisonment that may have been introduced since the consideration of the last

periodic report, and the frequency with which these are reviewed, with a view to preventing cases of torture or ill-treatment.

14. Please provide information on:

(a) The ongoing work on the new Code of Conduct for Police Interrogations, prepared by the Human Rights Office and incorporating the provisions of the European Police Code of Ethics;

(b) The provisions of Police Standing Order 3/3, regarding the rights of persons in custody, and on the incorporation of relevant standards set by the European Committee for the Prevention of Torture (CPT) into domestic law.

15. Please provide updated information on compliance with the requirements concerning the size of cells and the living space per prisoner set out in the Prisons Regulations, including renovation of blocks 1 and 2 and the building of new sanitary facilities.

16. Please provide information on the planned construction of a Retention Center for Illegal Immigrants Awaiting Deportation to accommodate 200 immigrants, and 4 separate centres in the new airport in Larnaca, with an exercise area, and with all the facilities as set out in the CPT standards, for detainees/deportees.

17. According to the CPT report of 2008, no provisions specify a maximum duration of deprivation of liberty. Please inform the Committee of the maximum duration of detention for irregular migrants and on measures taken to ensure that conditions of detention for migrants meet United Nations standards.

18. Please provide information on measures taken to address the situation of mentally ill prisoners in urgent need of specialized hospital care and whether it is possible to transfer them to an appropriate facility. Please provide detailed information on the project for the creation of a psychiatric unit attached to Nicosia Central Prisons.

Articles 12 and 13

19. Please describe the ways in which prompt and impartial investigation into all alleged cases of torture and cruel, inhuman or degrading treatment are ensured as well as the measures taken to prosecute and punish the perpetrators.

20. Please provide:

(a) Detailed statistical data, disaggregated by crime committed, ethnicity, age and gender, on complaints relating to torture and ill-treatment allegedly committed by law-enforcement officials and

(b) Data with respect to persons tried and convicted, including the punishments received, for the crimes of torture, attempted torture and complicity or participation in torture. Please state which sections of the Penal Code apply in such cases and what penalties have been imposed.

21. Please provide information about the procedures for preliminary investigation of possible ill-treatment by the police. Indicate whether all law-enforcement officials are under a specific obligation to notify the relevant authorities immediately whenever they become aware of any information that might indicate torture and ill-treatment. Please explain whether all this information is systematically brought to the attention of the Attorney General.

Article 14

22. Please provide information on redress and compensation measures, including the means of rehabilitation, ordered by the courts and actually provided to victims of torture, or their families, since the examination of the last periodic report in 2002. Please provide data on the number of requests made, how many requests for compensation were granted, the amount and nature of the compensation awarded, and whether it included both rehabilitation and financial compensation.

Article 15

23. Please provide information on the allegations reported in 2008 by the CPT of psychological pressure, including threats of an indecent or sexual nature, exerted during questioning in order to obtain a statement or confession. Please provide examples of any cases where the courts have declared statements inadmissible on the grounds that they have been obtained through torture.

24. Please indicate steps taken to ensure that, in practice, evidence obtained by torture shall not be invoked as evidence in any proceedings, in accordance with article 15 of the Convention. Indicate which provision in the Penal Code applies in this case.

25. Please provide information on the case mentioned in the CPT report 2008 (para. 17), on a foreign national interviewed at the Central Prisons and allegedly ill-treated on two occasions. According to the police file, he was then taken to CID Paphos Gate station in Nicosia. After his discharge from Nicosia Hospital, the detainee gave a nine-page statement concerning the charges against him and was taken back to the police prison. Please state whether any investigation, prosecution or conviction in connection with this case has taken place. Was the statement of the detainee invoked as evidence?

Article 16

26. Please provide information on the planned construction of new police cells in Paphos, and of the planned improvement of Limassol police cells and Ayia Napa police station, in particular on the time schedule involved, in order to combat prison overcrowding and prison population inflation.

27. With reference to the previous conclusions and recommendations of the Committee, please provide information on measures taken to address cases of ill-treatment of detainees by police. Please provide detailed statistical data relevant to monitoring the implementation of the Convention at the national level, including complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment.

Other issues

28. Please provide updated information on measures taken by the State party to respond to any threats of terrorism and please state whether, and in what way, these anti-terrorism measures have affected human rights safeguards in law and practice and how it has ensured that those measures comply with all its obligations under international law, especially the Convention, in accordance with relevant Security Council resolutions, in particular resolution 1624 (2005). Please describe the relevant training given to law-enforcement officers; the number of persons convicted under such legislation, their nationality and details about their offences; the legal safeguards and remedies available to persons subjected to anti-terrorist measures in law and in practice; whether there have been

complaints of non-observance of international standards; and the outcome of these complaints.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention.

29. Please provide detailed information on any relevant new developments in the legal and institutional framework within which human rights are promoted and protected at the national level since the third periodic report, including any relevant case law decisions.

30. Please provide detailed relevant information on any new political, administrative and other measures taken to promote and protect human rights at the national level since the third periodic report, including on any national human rights plans or programmes, and the resources allocated to them, their means, objectives and results.

31. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations since the consideration of the third periodic report in 2002, including the necessary statistical data, as well as on any developments in the State party which are relevant under the Convention.
