



Ισότητα, Στήριξη, Αντιρατσισμός
Equality, Support, Antiracism



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Serious violations of detainee's rights in Detention Centre in Mennogeia

On Friday, 08.05.2015, delegation of KISA visited and talked to a number of detainees, the majority of who are currently on a hunger strike. Unfortunately, the findings of the meeting confirm the findings of our previous meetings according to several serious violations of the rights of the detainees.

Specifically, it has been observed that the issue of third country detainees' has been unresolved as there is no prospect of their deportation from Cyprus. These individuals are being arrested even though the authorities know in advance that they cannot be deported. Subsequently, after their stay as detainees for a significant amount of time, they are released without any substantial possibility of securing their stay in the country and as a result they are arrested again as undocumented migrants. Apart from them, the families of these individuals are victims of this vicious cycle.

Moreover, a serious issue has been observed with third country nationals that are family members of Cypriot or European citizens. Indicative is the case of Mr. Md Alias Hussein, who is being held on the grounds that his marriage to a European citizen has been considered as virtual by the competent authorities. After this development, he appealed to a lawyer in order to challenge this decision but because of mishandling of the case, the deadline for an appeal had expired and therefore Mr. Hussein was arrested and then detained in Mennogeia.

According to the executive Director of KISA *"the case of Mr. Husein exemplifies a double standard policy as his marriage was judged as virtual, but the authorities cooperate for granting him a three month residence permit in Cyprus, after he consented to move permanently to Bulgaria with his wife he has supposedly married with a virtual marriage"*.

Another case, is the illegal detention of a Pakistani national, who is the father of a Cypriot citizen. This individual was arrested after actions of his former wife and mother of his child. According to the indication, she is maintaining a family relationship with a former and current official of the Aliens and Immigration Office. In this case, the Ministry of Justice issued an aggravating statement against this person based entirely on the testimony of his wife and Mr Hussein was not even called to present his own version of events. Moreover, we believe that such a certification is illegal and abusive since the nature of the matter is not in the responsibilities of the Ministry of Justice.

In continuation, the statement mentioned above was used both to convince the Ministry of Interior for an order of detention and deportation, and even for the failed in removing his paternal rights in the judicial proceedings. We want to stress, that in case the Ministry of Justice was aware about the intentions of his wife to misuse the certificate in the family court, then the officers involved in the Ministry of Justice are considered accomplices and complicit.

It is worth noting that for the specific intention, the Commissioner for Children's Rights and the Ombudswoman are examining the case on the grounds of violation of children's rights and of the rules of governance respectively.

Significant violations occur and in the case of a detainee with serious psychological problems. More specifically, the issue started when the detainee returned to the detention center after visiting the psychiatric hospital of Athalassa for treatment. The failure of providing food to the detainee and his protest led to tension between him and members of staff which had as a result that the detainee was abused and ultimately, to be found accused as he had been prosecuted based on the testimonies of members of staff at the detention center.

In the light of all of the above, KISA demands:

- The immediate release of the two nationals of third countries who are family members to Cypriot or European citizens.
- An initiative from the Ministry of Interior for the initiation of dialogue among stakeholders including NGOs, in order to establish a policy where there no capacity for implementation of the decision on deportation from the Republic of Cyprus. We also demand for the application of the principles of European and Cypriot Law under which arrest and deportation are considered last resorts and they only apply in cases where there is the possibility of immediate deportation from the country.
- The appointment of a criminal investigator from the Attorney General for investigating the case of Mr. Md Alias Hussein, in order to determine whether the apparent commission of criminal offenses from civil servants arises.

KISA Steering Committee

