

Current Situation of Prisoners and Prison in Cyprus as described by NGO Prisoners Rights Protection Cyprus

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The following points are in random order and are in no way categorised as to their priority or seriousness. All matters below are considered equally important and serious. More for each subject can be provided if needed.

- Foreigners, meaning non Cypriots, both European and Third Country nationals, do not get equal opportunities in prisons. The ombudsman has made a report on this. (Example <https://docdro.id/qFlAhbs>) Foreign prisoners in Cyprus are not given the right to be placed in Open Prison systems and are not given the right to Electronic Monitor. They are always rejected by the Parole Board and are not even allowed to leave the prison for a few hours as Cypriots are allowed. They are also denied any early release with a Presidential Pardon and are also denied by the Attorney General most of the times the chance to be transferred back to their country even if themselves are agreeing to the transfer and even if they have the money to pay for their own ticket. Given the fact that they are also away from their families and friends, and have no one to visit them, added to the above limitations, are considered to be in an extremely worse situation than Cypriot prisoners only due to the fact that they are from a different country.
- Recent statistics show that almost 65% of the prison population is doing a sentence of 12 months or less. This means that the general population of prison is not doing heavy sentences which is also a general indication that these are people that have NOT committed a serious criminal offence. Meaning at the same time that the Courts could have managed these cases very differently than imposing prison sentences. This would cure immediately the most popular problem that prison has which is overpopulation. Alternative to Prison sentences are not used in Cyprus since the specific law that allows for these type of sentences not accessible to everyone and not every Cour is aware of it and how it used. Also the State is lacking people that can monitor these Alternative to Prison sentences, meaning they are not willing to promote them.
- Presidential amnesty was only given to a very small fraction of the prisoners since the Attorney General decided to exclude most serious categories as a group with no valid or legal reasoning. Drug cases, sex offences, manslaughters and other categories where all excluded completely from receiving the Presidential pardon / amnesty which would have given all prisoners at least ¼ reduction to their sentences, meaning for some cases an earlier release. We consider this to also be in violation of the prisoners' human rights since they have not examined the prisoners case by case but have made their decision only on the grounds of the offence that was committed without examining the facts of each case and the person file of each person.

- No proper file keeping is being done for every prisoner and the prisoners or their lawyers are not allowed access to their own file. This is a violation of general rules and regulations and general law, but the prison still denies access to the file. The files have only a hard copy and are not digitalised and the content of the file (if there is any) is not compiled of numbered pages. Meaning that any person can add or remove documents from the file and their would be now way for a third person to monitor this or know about it.
- Prisoners being transferred to court for their trials are kept in holding cells for long hours. Holding cells that have no proper ventilation and no room to meet with lawyers in private. The police personnel on location is extremely understaffed meaning that lawyers and prisoners do not have the luxury to meet anywhere else outside the holding cell. A report by the ombudsman was also made in regard to one of the cities (Nicosia - <https://docdro.id/I9X4y8d>) which is an example of all of the cities in Cyprus.
- Police departments holding cells are currently being used not only for temporary police arrests and investigations but also for prisoners. The Ministry of Justice has issued an ordinance that basically allows all police departments to be legally acknowledged also as a prison. Police departments have no common areas for the prisoners, have no gyms, have nothing in common with the daily prisons regime. And most importantly are not staffed by prisons staff and wardens but by police. This again is in complete violation of European Prison Rules that specifically mentions that police, military and any other state forces should be excluded from the prison system.
- Prisoners remanded pending trial are held with prisoners that have already received their sentences. This is in complete violation of the European rules of prisoners and regulations and has catastrophic consequences for both the person that is waiting for trial but also for the person that is doing his/her sentence. A person waiting for trial needs to have better access to legal support and lawyers preparing for trial and is considered innocent until a court says otherwise. This is a person that is being held only because their might be a risk of not appearing in court, or doing other offences or tampering with evidence. The person doing a sentence has a different mindset and the Prison itself should have a different regime for this person. Recent statistics show that in 2022, 1143 people where imprisoned pending trial and almost 40% of them where deemed innocent after trial. They have no right to claim damages or be compensated for the damage caused due to their remand. Persons will stay in remand pending trial anything between 6 months to 24 months. National Hight Court has decisions that support the fact that 2 or 3 years under remand pending trial is not considered to be an excessive time to be kept in prison for this reason. It is a well know fact that the State overuses its right to request that a person be remanded pending trial and the courts will in general agree with this request most of the times (if not all of the times) on the grounds that the case is considered to be a serious case and because it's a serious case there is a high risk of flight.
- Electronic Monitoring is currently not allowed by law to be granted as an alternative to remand pending trial and in general is not used sufficiently even for prisoners doing a sentence. It is also not given as an alternative to prison sentence. If Electronic Monitoring was given as an alternative to both pending trial remand and as an alternative to sentence, most probably 50% of the people currently in prison will be outside prison given the numbers as shown in statistics but also in this document. As mentioned elsewhere in this

document 60% of the people in prison doing a sentence are doing a 12 month sentence, thus being eligible for alternative to prison sentence, ie Electronic Monitoring as an option and out of the 1143 people that were remanded pending trial surely more than half could have been placed on Electronic Monitoring and not be transferred to prison. Currently these are not options for the Court since the current law in place does not allow it. Change of the legislation has been in Parliament since 2019 and still pending review.

- Prisoners access to their lawyer is limited because of the overpopulation and hence not all prisoners can have planned visitations from their lawyers since space and time is limited. But also because prisoners are only allowed certain days and certain hours to have visits from their lawyers. Lawyers are now allowed to bring laptops or any other electronic devices in with them which makes it in most cases extremely difficult to go over the case the prison is faced with since most the cases now days have evidence on usb format. Prison has only 2 laptops that can be given if the lawyer has made previous arrangements and if the laptops are available. Certain blocks allow for visitation only 2 or 3 days of the week and only during morning hours meaning between 08.30am till 13.00pm. Lawyers cannot call and ask to speak with their clients, only prisoners can call the lawyer and it is extremely difficult to book a visit since the phone lines are always busy and the requests are many.
- Persons doing life imprisonment are not given the same opportunities as the rest of the people doing different sentences in regards to their right to re-enter society. They are not given the right to be transferred from the closed prison to the open prison system. They are only give the right to leave for a few hours (if they are Cypriot) only after a minimum of 8 years has passed. They are not given the same opportunity to create a positive image for themselves in order to have the same chances to be released from the Parole Board after they do the minimum time in prison as stated by national law.
- Prisoners are not being transferred to the Open Prison based on the crime they have committed and not on their performance during their sentence. Again in complete violation of their right to be treated equally and to have equal opportunity and equal chances to the correct way to re enter society. Both the national legislation but also the prisons management deny prisoners this right to be transferred to the Open Prison if the prisoner is a foreigner and if the prisoner was sentenced for specific crimes with no indication as to person it self and the character the person has shown during the time he has remained in closed prison.
- Prisons system is understaffed and most of the times underpaid is struggling due to the overpopulation. This, as a consequence, creates problem for the prisoners themselves, since any request of the prison will take its time to be processed, any visitation rights the prisoner might have will be delayed, any health issues a prisoner might face are not treated promptly or adequately.
- There is a lack of pro-active steps taken by the State and the Prisons system in regards to the prisoners rights and generally for the work that needs to be done by the Prison to the prisoners and the prisoners image to society. A person failing his/her Parole examination is proof that the prison system did not work on this person during the time that was under the complete control of the prison.

