

Response 1: Allegation Letters and Urgent Appeals on specific alleged acts or risks of torture or ill-treatment – Prevention, Procedure applied by the Cyprus Prisons Department, regarding the investigations into allegations of ill-treatment/ abuse of power/authority in prisons and measures taken for the protection of the victim

STEPS FOR INVESTIGATING ILL-TREATMENT

A. PROCEDURE FOR ILL-TREATED INMATES DURING IMPRISONMENT

The Prisons Department applies certain safeguards for an ill-treated person (either by prison staff or other inmate, Police or any other person before imprisonment). When Prisons receive a plausible allegation or other sufficiently clear indications that ill-treatment might have occurred, an investigation is promptly undertaken even in the absence of a (formal) complaint (collected information from whistleblowing, doctors, psychologists, psychiatrists, etc.).

Immediate steps:

1. Prisons immediately call the police for an independent investigation and for impartiality and transparency purposes, although prisons investigate the case internally.
2. A preliminary examination is carried out by the doctors in Prisons. Note that the doctors are employed by the Ministry of Health and not by the Prison Department.
3. The ill-treated person is sent right away to the Nicosia General Hospital for medical examination (forensic evidence) by a coroner and other specialist doctors outside prisons for medical and psychological evaluation according to the Istanbul Protocol provisions.
4. The doctors/ coroner prepare a report with the findings which is used for the criminal prosecution of the perpetrator/s.
5. Prisons within 24 hours inform the Independent Authority for the Investigation of Allegations and Complaints Against Police to investigate the case if the ill-treatment concerns the police. In case, that the perpetrator is prison staff, the ill-treated person is immediately removed from the wing of his/her stay and placed into a close supervision unit (for better supervision and for protection purposes).

This unit has a capacity of ten to twelve persons, and it is used for increased supervision of the vulnerable inmates including those who need protection (i.e. ill-treated inmates).

6. Usually the perpetrator (from prison staff) is suspended off duty until the investigation is completed. If the perpetrator is not suspended off duty he is never assigned a duty in the unit where the person is placed for protection.
7. An internal investigation is carried out collecting relevant evidence (testimonies, CCTV footage etc.), and disciplinary measures are taken against the perpetrator.
8. The perpetrator is prosecuted before the court and disciplinary measures are taken against him/her respectively.
9. In cases of ill treatment (by the prison staff) the Prisons Director usually asks from the Minister to appoint public officers to carry out the disciplinary investigation for transparency and impartiality purposes.
10. The Prison Department never involves or intervenes in any of the investigations (criminal and/or disciplinary) in any way. However, it provides any evidence/ findings in its capacity and assists the investigators when asked to do so.
11. All the above actions are recorded in the file of the inmate.

Note that, up on admission and during imprisonment, all inmates have the right to notify a third party, to access to a lawyer, and to access a doctor and communicate any information related to ill-treatment.

B. INITIAL MEDICAL EXAMINATION ON ADMISSION – EARLY IDENTIFICATION OF ILL-TREATED PERSONS UP ON ADMISSION

The past five years Prisons Department applies procedures for prevention of ill-treatment and for the early identification of ill-treated persons especially up on admission, and implements legal safeguards for the protection of ill-treated inmates. Further, the consistency of the medical screening upon admission and the thorough recording of evidence, as well as the information collected through an interview by trained staff initial stage of all newly admitted inmates, are key to the prevention of ill-treatment and protection of the ill-treated inmates.

The medical screening upon admission is for all newly admitted inmates and is carried out by doctors or medical staff in case the newly admitted inmates arrive after the doctors' timetable. The doctors and nursing staff are employed by the Ministry of Health, who contact the on-call doctor in case of an ill-treated person, and then, the above 11-step procedure takes place for the management of the ill-treated inmate.

Note, that the European Centre for Disease Prevention and Control (ECDC) upon their last visit to Prisons, expressed contentment for the procedures of the Department, for

the consistency in the initial and medical screening upon admission and the systematic recording of findings the past five years.

Cyprus Prisons Department
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