

URGENT – VIA FAX

9 September 2016

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Attorney General of the Republic

Mr. Ionas Nicolaou
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Dear sirs,

Subject: Violation of Directives 2013/32/EU regarding common procedures for granting and withdrawing international protection and 2013/33/EU regarding the standards for the reception of applicants for international protection.

On September 8 2016, as a representative of KISA, I visited the emergency camp 'Pournara' in Kokkinotrimithia with the purpose of being informed on site regarding the reopening of the area and in order to inform the 51 refugees hosted there on issues related to their rights, according to Directives 2013/32/EU and 2013/33/EU regarding common procedures for granting and withdrawing international protection and the standards for the reception of applicants for international protection, respectively.

Both these Directives are directly applicable in Cyprus, although they haven't been incorporated into national legislation, since the time period of two years predicted by the Directives for their implementation has elapsed, without Cyprus having voted the required harmonising legislation.

Lieutenant Colonel Mr. Loukas Hadjimichael, as Acting Commander of Civil Defence, which is responsible for running the camp, was present at the camp. Lieutenant Colonel Hadjimichael told me that “the hosted refugees are not being detained, but they aren’t allowed to leave the camp”. Also, he informed me that 4 of the refugees have been criminally prosecuted and are in custody awaiting trial due to their previous informal stay in Cyprus.

Finally, Lieutenant Colonel Hadjimichael told me that visits to the camp by Non-Governmental Organisations are only allowed with permission from the Permanent Secretary of the Ministry of Interior. I reported to Lieutenant Colonel Hadjimichael that I had already communicated with the office of the Permanent Secretary, which referred me to the Asylum Service, and the Asylum Service referred me to the Acting Commander of Civil Defence, therefore to him.

After this development, Lieutenant Colonel Hadjimichael communicated with the Permanent Secretary of the Ministry of Interior, who did not permit the visit, even after the mention of the aforementioned Directives, which explicitly predict the right of both applicants and potential applicants for international protection to independent support and information, as well as the right of NGO to have access to them.

It is worth noting that access to the area has been given to NGOs providing humanitarian aid as well as to journalists, including the possibility to conduct interviews with hosted refugees. This disproves the claim by Lieutenant Colonel Hadjimichael to deny a visitation permit to KISA due to the fact that “the results of the medical exams that the hosted refugees have been submitted to have not yet been evaluated”.

With this letter, KISA

1. Reports the act of the Ministry of Interior to disallow the visit by the Executive Director to the camp as illegal.
2. Believes that the restriction of the freedom of the guests at the camp is arbitrary and illegal.
3. Believes that the criminal prosecution of the 4 refugees due to a previous informal stay and placing their names on a stop list violates refugee law and asks for their immediate release and the suspension of the proceedings.
4. Believes that the 55 refugees who arrived by boat on the shores of Cyprus, but haven’t been collected by the authorities after a rescue operation, should not have been transferred to this particular camp, which has been created with an EU sponsorship for purposes pertaining to the coverage of emergency rescue incidents, and, therefore, does not satisfy the conditions predicted in Directive 2013/33/EU regarding the standards for the reception of applicants for international protection.

Also, KISA calls upon you to

1. Intervene within the context of your competences to ensure the immediate and uninterrupted access of applicants for international protection to independent support and information, as well as the immediate and uninterrupted access of NGOs to applicants for international protection during all stages of reception and submission/examination of their applications for international protection.

2. Examine the possibility that the decision by the competent authorities to disallow the visit was due to vindictive motives towards KISA, since, in the past, our organisation has asked for investigations into complaints that came to our knowledge or that were related to incidents we were eyewitnesses to and according to which a former member of the Civil Defence and then director of the camp:

- Had exerted violence on both a minor and an adult woman who were hosted at the camp,
- Had made an indecent assault, in my presence, towards an adult man, who was hosted at the camp
- Had made sexual comments against young volunteers at the camp and
- Had been transported to the Emergency Department at the General Hospital of Nicosia after a physical breakdown due to the use of controlled substances while on duty.

We remain at your disposal for further information and cooperation on this issue.

Yours sincerely,



Doros Polycarpou
Executive Director

