

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CPT/Inf (2017) 37

Report

**to the Government of the United Kingdom
on the visit to the United Kingdom
Sovereign Base Areas on Cyprus
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)**

from 9 to 11 February 2017

The Government of the United Kingdom has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2017) 38.

Strasbourg, 5 December 2017

CONTENTS

EXECUTIVE SUMMARY	4
I. INTRODUCTION.....	6
A. Preliminary remarks.....	6
B. The visit, the report and follow-up	8
C. Consultations held by the delegation and co-operation encountered.....	8
D. National Preventive Mechanism and other inspection mechanisms	9
II. FACTS FOUND AND ACTION PROPOSED	11
A. SBA Administration.....	11
1. Preliminary remarks	11
2. Police	12
a. ill-treatment and safeguards against ill-treatment	12
b. conditions of detention	15
c. “16 Flight”, Dhekelia Garrison	16
3. HMP Dhekelia	18
a. preliminary remarks	18
b. ill-treatment	19
c. conditions of detention and regime	20
<i>i. material conditions</i>	<i>20</i>
<i>ii. regime</i>	<i>21</i>
d. health-care services	21
<i>i. health-care staffing and medical screening.....</i>	<i>21</i>
<i>ii. distribution of medication / medical confidentiality.....</i>	<i>22</i>
<i>iii. medical records</i>	<i>23</i>
e. other issues	23
<i>i. means of restraint</i>	<i>23</i>
<i>ii. discipline and isolation.....</i>	<i>24</i>
<i>iii. life and other long-term sentences.....</i>	<i>24</i>
<i>iv. contact with outside world.....</i>	<i>25</i>
<i>v. complaints procedures.....</i>	<i>25</i>
4. Immigration detention: Dhekelia Transit Facility	26

B. Military detention: British Forces Cyprus	28
1. Preliminary remarks	28
2. Ill-treatment and safeguards against ill-treatment	29
3. Conditions of detention, regime and staffing	34
 APPENDIX I:	
List of the establishments visited by the CPT's delegation	37
 APPENDIX II:	
List of the national authorities and organisations met by the CPT's delegation	38

EXECUTIVE SUMMARY

The 2017 visit was the first time that the CPT had visited the United Kingdom Sovereign Base Areas on Cyprus (SBA). The CPT's delegation examined the treatment afforded to, and conditions of detention for, persons held in various places of deprivation of liberty within the SBA. The cooperation received from the SBA authorities and the staff at the establishments visited was very good.

SBA Administration: Police

The CPT's delegation received no allegations of ill-treatment by SBA police officers, and gained the impression that detained persons were generally treated well in custody. The CPT examined the application of certain fundamental safeguards against ill-treatment for persons deprived of their liberty by the police. As regards access to a lawyer, the CPT expressed concern that in certain circumstances access to a lawyer may be delayed for up to 24 hours and that during this period detained persons may be interviewed in the absence of a lawyer. The Committee considers that as the presence of a lawyer during this critical phase of police interviewing is an important safeguard against ill-treatment, any such delay should require the authorisation of a judge or a magistrate. SBA legislation prescribes that medical examinations should take place in private, unless a police officer has reasonable cause to believe that the safety of the healthcare professional would be at risk; in the CPT's view, all medical examinations should be conducted out of the hearing and - unless the doctor concerned expressly requests otherwise in a given case - out of the sight of police offices.

As regards the length of police custody, the CPT's delegation found that persons had been held in Kolossi Police Station for up to eight days. The CPT considers that remand custody on police premises in itself presents an increased risk of ill-treatment and that a police establishment is not an appropriate environment for detaining persons for more than a few days. Thereafter, detained persons should be promptly transferred to a more appropriate detention facility. The material conditions in the police stations visited differed; they were generally good at Kolossi Police Station, whereas Dhekelia Police Station should be comprehensively renovated, to provide adequate conditions of detention.

Persons had also been held, for public order reasons, by the SBA Police in a concrete aircraft hangar known as "16 Flight". The poor material conditions of "16 Flight" rendered it unsuitable as a place of detention and it should be removed permanently from the list of "designated places of detention". The Committee is particularly concerned about the reports of the use of "16 Flight" for the detention of young children and requests details of the legal basis for their deprivation of liberty.

SBA Administration: HMP Dhekelia

An unusual feature of HMP Dhekelia is that it falls under the responsibility of the SBA Police Service and is operated and staffed by SBA police officers. The CPT recommends that the prison should be run by fully qualified specialist prison staff reporting to authorities that are separate from the police, and that a full review be swiftly conducted into whether HMP Dhekelia remains viable as a prison.

No allegations of ill-treatment by police staff at HMP Dhekelia were received, and inmates generally appeared to be treated well. However, one allegation was received regarding excessive use of force when “quick cuffs” were applied; the CPT recommends that the use of “quick cuffs” be reviewed and that handcuffs should only be used during escorts on the basis of individual risk assessments. The prison’s cells were based on a standard UK police design, with metal plinth beds and block-glass opaque windows. The CPT considers that accommodation of this nature offers a very austere environment for persons held for periods longer than a few days; it is unsuitable for persons serving long or even life sentences. As for the regime, inmates spent most of their time watching television and had no organised activities or classes to structure their days. Inmates complained of being bored. For so long as the prison remains in operation, a full regime of purposeful activities and work opportunities should be put in place.

As for health-care provision, primary care services appeared satisfactory; however, there is a need to designate a single identifiable person who is responsible for the overall delivery of health care. Further, the current practice of distribution of medication is unsafe, risks giving the wrong medication to prisoners or omitting supervision of prescribed dosages at set times and breaches medical confidentiality; the CPT recommends that the distribution of medication be reviewed urgently.

The only life-sentenced prisoner in HMP Dhekelia lacked any structured sentence plan, had no opportunities to exercise personal responsibility in daily prison life, no prospect of progression, no regime tailored to his needs and there were no formal psycho-socio support mechanisms in place. The authorities should cease to hold prisoners serving life-sentences at HMP Dhekelia until the establishment is able to offer a proper regime including a tailored sentence-planning system, as well as the provision of adequate psycho-social support.

Military detention: British Forces Cyprus

The report outlines the pertinent regulations governing Service discipline and detention and examines the availability of key safeguards against ill-treatment for persons deprived of their liberty. The CPT notes that at the Cyprus Joint Police Unit (CJPU) Headquarters, no clear record exists of the exact location in which detained people had been held at all times; it recommends that the location and movements of all persons deprived of their liberty by the CJPU be fully recorded. The CPT’s delegation learned that one juvenile (and one young adult) had been detained for several days in the Service Custody Facility (SCF) in 2016, but there appeared to be no specific juvenile-centred approach or regime in place other than visitation by a welfare officer. The CPT considers that if, exceptionally, children have to be detained on military police premises, they should be held for no longer than 24 hours after which they should be transferred to a centre specifically designed for persons of this age, offering regimes tailored to their needs and staffed by persons fully trained in dealing with the needs of juveniles.

The CPT notes that the method of operation and staffing of the SCF with riflemen of the 1st Battalion, Duke of Lancaster regiment, is unusual, as most other such overseas facilities are staffed by dedicated and experienced detention personnel from the Military Provost Staff (MPS). It requests information about whether British Forces Cyprus intends to professionalise the staffing of the SCF. The material conditions were generally adequate for short stays but detained persons lacked access to an exercise yard and to a confidential setting to talk with their lawyers; these deficiencies should be remedied. Given that persons can be deprived of their liberty for up to 14 days at the SCF, the CPT considers that a regime should be developed, particularly for civilians subject to service discipline.

I. INTRODUCTION

A. Preliminary remarks

1. The United Kingdom Sovereign Base Areas (SBA) of Akrotiri and Dhekelia are those parts of the island of Cyprus that remained under British jurisdiction upon the creation of an independent Republic of Cyprus in 1960. The Akrotiri Base (Western SBA) covers 47.5 square miles and, 60 miles to the east, the Dhekelia Base (Eastern SBA) covers 50.5 square miles. The SBA have an approximate population of 18,000 residents: 11,000 Cypriot civilians and 7000 Service personnel, their dependents and UK-based civilian personnel.

2. Under the 1960 Treaty of Establishment and its associated Declaration (Appendix O), the United Kingdom retains sovereignty over the SBA as a British Overseas Territory.¹ The SBA is a distinct legal jurisdiction, with its own “Constitution” in the form of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI No 1960/1369) and a number of “Ordinances” that have the force of law.² Some United Kingdom legislation also applies in the SBA, principally in relation to air, maritime and environmental matters.³

3. The SBA are used in support of United Kingdom defence objectives and primarily are run as military bases. The SBA is administered by the UK Ministry of Defence. The Sovereign Base Area Administration (SBAA) reports to the Ministry of Defence rather than the Foreign and Commonwealth Office, unlike the operational models governing the other British Overseas Territories. The SBA is governed by the SBA Administrator who both heads the civilian administration and is the Commander of the British Forces Cyprus.

The SBA Administration is the civil government of the SBA; many of its functions,⁴ particularly in respect of the Cypriot inhabitants of the SBAs, are carried out by officials of the Republic of Cyprus on behalf of the Administration under delegated powers. The SBAA itself carries out functions directly related to the exercise of sovereignty and the fulfilment of the UK’s commitments under the 1960 Declaration on the Administration of the Areas, including the enactment of legislation, maintenance of the SBA law and order and the control of immigration.

¹ It is one of 14 British Overseas Territories.

² For an up-to-date listing of SBA legislation in force see [here](#).

³ For details see [here](#).

⁴ Such as the collection of tax and revenues from the Cypriot population within the SBA and the delivery of various public services within the SBA (such as health, social services, education) under a legal delegation by the Cypriot authorities.

4. The Treaty of Establishment and Appendix O place two main responsibilities on the SBA Administration. The first is that the laws of the SBA should be broadly equivalent to those of the Republic of Cyprus. Steps to update or reform the legislative and regulatory framework that applies to detention facilities within the SBA are therefore mainly driven by developments within the Republic of Cyprus. Second, where Cypriot nationals are arrested and charged with an offence, they can request that the SBA authorities allow their case to be tried through the Republic of Cyprus system. If the SBA authorities agree and the person is convicted by a Cypriot court, they serve their sentence in the Republic. If sentenced to a period of imprisonment by the SBA Court, Cypriot nationals can also request to serve their sentence in facilities based in the Republic.

5. Within the SBA territory are garrisons of the Western SBA (Episkopi Garrison and Akrotiri Garrison) and the Eastern SBA (Dhekelia Garrison); these military-run areas are located in UK Ministry of Defence managed land (some 20% of the total SBA area) and surrounded by a guarded perimeter (the “Wire”). In addition to being subject to SBA law, members of the British Forces Cyprus (Army, Royal Air Force and Navy), civil servants and their families are also subject to Service discipline pursuant to the UK Service Justice system. Depending on the nature and location of the alleged criminal offence, procedures are in place for making the decision as to which jurisdiction should have primacy. In short, there are two concurrent jurisdictions operating on the territory of the SBA: the civil SBA law⁵ (based on a mixture of UK and Cypriot law) governing the area outside of “the Wire”, and, additionally, the UK Service law governing the conduct of Service personnel on duty and the residents inside “the Wire”.

6. Places of detention for most civilians⁶ falling within the CPT’s mandate include HMP Dhekelia (the only prison in the SBA) and SBA police stations at Kolossi, Dhekelia and Ayios Nikolaos. In addition, “16 Flight” (a concrete aircraft hangar) and a facility for immigration detention purposes, the so-called “Temporary Migrant Facility” have, previously, been designated as places of detention.

7. Military detention (of Service personnel and “civilians subject to service discipline”) may take place at the Service Custody Facility, Salamanca Barracks, located “inside the Wire” at the Episkopi Garrison (the headquarters of British Forces Cyprus) and in the Cyprus Joint Police Unit Headquarters, located just “outside the Wire” at the entrance to the Episkopi Garrison.

8. In a letter dated 10 October 2013, the Government of the United Kingdom of Great Britain and Northern Ireland declared that, in accordance with Article 20(2) of the European Convention for the Prevention of Torture, the United Kingdom’s ratification of the Convention was extended to the SBA. Consequently, the CPT may visit any place where persons are, have been, or may be, deprived of their liberty within the United Kingdom SBA.

⁵ This includes the SBA of Akrotiri and Dhekelia Order in Council 1960 (SI No 1960/1369) (the Constitution of the SBA); the Interpretation Ordinance 2012 (provides for the interpretation of legislation); the Declaration by Her Majesty’s Government of the UK regarding the Administration of the SBA (sets out UK policy relating to the SBA); the Delegation of Functions to the Republic Ordinance 2007 (provides for statutory functions placed on officers of the Administration to be exercised by officers of the Republic of Cyprus); the European Union (Protocol Measures) Ordinance 2004 (provides for the direct application in domestic law of the EU legislation set out in Protocol 3 to the 2004 Treaty of Accession of the Republic of Cyprus); the Human Rights Ordinance 2004 (provides for the limited incorporation of the European Convention on Human Rights and Fundamental Freedoms (ECHR) in domestic law. Protocol 1 of the ECHR has not been extended to the SBA.

⁶ Other than for “civilians subject to service discipline”, see paragraphs 7 and 66.

B. The visit, the report and follow-up

9. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, a delegation of the CPT carried out a visit to the United Kingdom SBA on Cyprus from 9 to 11 February 2017. It was the CPT's first visit to the SBA.

10. The CPT's delegation consisted of the following members, Mark Kelly, Head of delegation, and Georg Høyer. They were supported by Francesca Gordon of the CPT's Secretariat and assisted by Melpomeni Konstantinidi (interpreter).

11. The list of police, prison and immigration establishments visited by the CPT's delegation can be found in Appendix I.

12. The report on the visit was adopted by the CPT at its 93rd meeting, held from 3 to 7 July 2017, and transmitted to the UK authorities on 28 July 2017. The various recommendations, comments and requests for information made by the CPT are set out in bold type in the present report. The CPT requests the UK and SBA authorities to provide within **three months** a response containing a full account of action taken by them to implement the Committee's recommendations and replies to the comments and requests for information formulated in this report.

C. Consultations held by the delegation and co-operation encountered

13. During the visit, the delegation held consultations with the outgoing Administrator of the Western and Eastern SBA and Commander of the British Forces Cyprus, Air Vice-Marshal Mike Wigston, the Chief of Staff of the British Forces Cyprus, Brigadier Nick Orr, the Chief Officer of the SBA Administration, Philip Rushbrook, the Chief Constable of the SBA, Chris Eyre and the SBA Attorney General and Legal Advisor, Stuart Howard, among other senior officials. A full list of the national authorities and organisations met by the delegation is set out in Appendix II to this report.

14. The co-operation received by the CPT's delegation throughout the visit, from both the national authorities and staff at the establishments visited, was very good. The delegation enjoyed rapid access to all the places it visited (including those that had not been notified in advance), was provided with the information necessary for carrying out its task and was able to speak in private with persons deprived of their liberty.

The CPT would also like to express its appreciation for the assistance provided before and during the visit by its SBA liaison officer Nicolas Rees from the United Kingdom Ministry of Defence.

Further, the Committee appreciates the information provided to it by the SBA authorities by communication of 7 February and 25 April 2017, in preparation for the visit and in response to certain additional requests made by the CPT. This information has been taken into account by the visiting delegation and is reflected in the relevant sections of the present report.

D. National Preventive Mechanism and other inspection mechanisms

15. Two of the twenty-one bodies that make up the United Kingdom NPM, namely, Her Majesty's Inspectorate of Prisons (HMIP) and Her Majesty's Inspectorate of Constabulary (HMIC), may visit HMP Dhekelia and the SBA police stations respectively, but only upon invitation of the authorities.

HMIP has visited HMP Dhekelia three times and publishes its reports.⁷ HMIC⁸ has visited various SBA police stations in 2013⁹ upon invitation by the SBA authorities; however, its reports remain confidential.

No independent oversight body is mandated to inspect the SBA Services Custody Facility (SCF) of the British Forces. HMIP may inspect UK SCFs, again, on an invitation only basis.¹⁰

Within the SBA, there is a Prison Board,¹¹ with a non-executive Chairman and representatives from the Greek and Turkish Cypriot communities. The Board has the right to visit the prison regularly and to raise any concerns to the Superintendent of Prisons and the Administrator and produces an Annual Report to the Administrator.

As regards the SBA Police Service, the CPT recommends that the UK and SBA authorities establish more regular independent oversight and monitoring of the SBA police stations.

In addition, the Committee recommends that regular independent monitoring is undertaken of the SBA Service Custody Facility (SCF) of the British Forces Cyprus. In this regard, it invites the UK authorities to consider extending arrangements that currently allow HMIP to visit UK SCFs to the SCFs of British Overseas Territories, including the SBA SCF.

16. The CPT believes that regular independent oversight of all types of deprivation of liberty is an essential safeguard against ill-treatment. To be fully effective, visits by monitoring bodies should be both frequent and unannounced. Further, such bodies should be empowered to access all places of detention, to interview detained persons in private and examine all issues related to their treatment (material conditions of detention; custody records and other documentation; exercise of detained persons' rights, etc.).

⁷ HMIP has inspected HMP Dhekelia in 2004, 2010 and 2013.

⁸ HMIC derives its legal responsibilities under section 54 of the Police Act 1996 which gives the authority to inspect police forces in England and Wales and to report on their efficiency and effectiveness.

⁹ HMIC visited the SBA Police Service in October to November 2013 (Report (confidential) dated April 2014).

¹⁰ Report on an announced inspection of Her Majesty's Armed Forces Service Custody Facilities by HM Chief Inspector of Prisons, 24 February–6 March 2014.

¹¹ Mandated under the SBA Prisons Ordinance 1971.

An NPM, as mandated by OPCAT, should have unfettered access to all types of deprivation of liberty¹² and should have the right to publish reports on its visits.¹³ However, this appears not to be the case for the UK NPM as regards places of detention within the British Overseas Territories, falling under British sovereignty, as OPCAT has not been extended to cover most of the Territories, including the UK SBA. The lack of an automatic right for the NPM to inspect British Overseas Territories is a significant shortcoming.

This leaves protection gaps where certain places of deprivation of liberty may not be subject to regular, if any, independent oversight and monitoring. This is a matter of concern to the CPT.

In order to ensure that no place of deprivation of liberty under the responsibility of the United Kingdom is excluded from regular and independent monitoring, the CPT urges the United Kingdom authorities to consider extending OPCAT to all British Overseas Territories, including the SBA. In this respect, it recommends that the authorities adopt specific legislative powers for the mandate of the NPM of the United Kingdom, which should include the automatic right to visit all places of deprivation in the United Kingdom, as well as in British Overseas Territories and the SBA.

¹² OPCAT, article 20; SPT Guidelines to NPMs, CAT/OP/12/5, 9 December 2010; SPT's Analytical Assessment - A Tool for NPMs, CAT/OP/1/Rev.1, 25 January 2016.

¹³ OPCAT, article 23; SPT Guidelines 2010; SPT's NPM Self-Assessment Tool 2016 [supra].

II. FACTS FOUND AND ACTION PROPOSED

A. SBA Administration

1. Preliminary remarks

17. The SBAA is responsible for civil law and order enforcement within the territory of the SBA. The SBA Police Service is responsible for the prevention and detection of crime, the apprehension of offenders and the operation of Her Majesty's Prison, Dhekelia. The Cyprus Joint Police Unit (the Royal Military Police and the Royal Air Force Police) has concurrent jurisdiction over military offences committed by Service personnel and “civilians subject to service discipline” within the garrisons and other retained military sites within and outside the SBA. They both work in co-operation and any jurisdictional issues are managed through an agreed Memorandum of Understanding.

18. The SBA Police Service is led by the Chief Constable, who is responsible to the Administrator. He holds the additional post of Superintendent of HMP Dhekelia (see paragraph 37). The SBA Police Service is funded by the UK Ministry of Defence. With the exception of the Chief Constable, Deputy Chief Constable, and the two Divisional Commanders, all officers are locally employed and trained and equipped to UK policing standards. The SBA Police Service has a complement of 241 officers.

19. The legal framework governing the SBA criminal justice system and the operation and powers of the SBA Police are established in various SBA Ordinances, including the Criminal Code 1960 (as amended),¹⁴ the Criminal Procedure Ordinance 2016,¹⁵ Police (Detainees and Volunteers) Ordinance 2007 (3/2007) (the “2007 Ordinance”)¹⁶ and the Criminal Legal Services Ordinance 2005 (17/2005).¹⁷ The law in the SBA is intended “broadly to replicate” the main effects of the law in Cyprus.¹⁸

20. There are three SBA police stations licenced for custody, situated at Kolossi , Dhekelia and Ayios Nikolaos with a total capacity to hold nine persons (five, two and two respectively). At the time of the visit only one person was detained (at Dhekelia Police Station). Also under the SBA Administration’s responsibility is an aircraft hangar previously used by “16 Flight Army Aircorps”, the so-called “16 Flight” (see Section 2(c)).

¹⁴ Cap 154, in force on 16 August 1960, most recently amended by Criminal Code (Amendment) Ordinance 2016, which came into force on 1 February 2016.

¹⁵ Ordinance 9 of 2016, Published in Gazette No. 1803 of 8 March 2016.

¹⁶ Most recently updated in 2016 by the Police (Detainees and Volunteers) (Amendment) Ordinance 2016 (16/2016).

¹⁷ As updated most recently by the Criminal Procedure Ordinance 2016, which came into force on 1 May 2016.

¹⁸ Explanatory Note to the 2007 Ordinance.

21. HMP Dhekelia is a small, multi-purpose prison, governed by the Superintendent (who is also the SBA Chief Constable); it is the only prison on the SBA. The legal framework governing the administration of the prison, rights of prisoners and international regulations is contained in a variety of SBA Ordinances, including the amended Prisons Ordinance 1971,¹⁹ the Prisons General Regulations 2005²⁰ and the Police and Prison Officers General Regulations 2007.

Despite recent amendments, some aspects of the legislation remains rooted in the past, and reminiscent of previous English Prison Law and Regulations. For example, prisoners were still formally required to shave or to be shaved regularly unless excused or prohibited on medical or other grounds²¹.

The SBA Authorities should update the relevant prison legislation, in particular the Prison Ordinance and Prison Regulations in light of modern developments, as reflected in the United Kingdom prison law.

2. Police

a. ill-treatment and safeguards against ill-treatment

22. The CPT's delegation received no allegations of ill-treatment by the SBA police officers at the SBA police stations, and gained the impression that detained persons were generally treated well in custody.

23. The CPT attaches particular importance to three rights for persons deprived of their liberty by the police: the right of those concerned to have the fact of their detention notified to a close relative or third party of their choice, the right of access to a lawyer and the right of access to a doctor. It considers that these three rights are fundamental safeguards against the ill-treatment of persons deprived of their liberty, which should apply from the very outset of their deprivation of liberty (i.e. from the moment when the persons concerned are obliged to remain with the police). These rights should be enjoyed not only by criminal suspects, but also by all other categories of persons deprived of their liberty. Furthermore, persons detained by the police should be expressly informed, without delay and in a language they understand, of all their rights, including those referred to above.

The legal safeguards for persons deprived of their liberty by the SBA Police are set out in the Police (Detainees and Volunteers) Ordinance 2007 (3/2007) (the "2007 Ordinance")²² and the Criminal Legal Services Ordinance 2005 (17/2005).²³ During the visit, the CPT's delegation was able to verify that they operated reasonably well in practice, with a few exceptions (see below).

¹⁹ Amended by the Prisons (Amendment) Ordinance 2014, entered into force on 07/05/2014.

²⁰ Amended by the Prison (General)(Amendment) Regulations 2014, entered into force on 07/05/2014.

²¹ Regulation 31.

²² Most recently updated in 2016 by the Police (Detainees and Volunteers) (Amendment) Ordinance 2016 (16/2016).

²³ As updated most recently by the Criminal Procedure Ordinance 2016, which came into force on 1 May 2016.

24. Section 9 of the 2007 Ordinance establishes the right of notification of custody. According to section 9(1), a detained person is entitled, if he/she so requests, to have a friend, relative or other person who is known to him/her or is likely to take an interest in his/her welfare told, as soon as is practicable except to the extent that delay is permitted by this section, that he/she has been arrested and is being detained at the relevant police station. The findings of the 2017 visit indicate that, in practice, detained persons were fully aware of their right of third party notification and frequently exercised it.

A delay in notification of custody is only permissible under Section 9 if the detained person is suspected of a very serious offence and on the authority of a police officer of at least the rank of Chief Inspector. Such a delay may only be authorised if there are reasonable grounds for believing that informing a named person of the arrest will lead to interference with or harm to evidence, alerting other suspects or hindering the recovery of property. If a delay in notification of custody is authorised, the detained person must be told the reason and the reason must be noted on the custody record. Even in cases when a delay is authorised, “a detainee must in any case be permitted to exercise the right within 24 hours from the time of his arrest”.²⁴ Detained persons also have a right to make a telephone call²⁵ and to send and receive letters,²⁶ subject to the same (above) provisions on delay. The CPT notes that these legal provisions on notification of custody are broadly consistent with its own standards.

25. The right of access to a lawyer is set out in Part 2 of the 2007 Ordinance and (as regards legal aid) in the Criminal Legal Services Ordinance 2005 (17/2005). Persons detained by the SBA Police (and volunteers) have a statutory right of access to legal advice and “must be permitted to consult an advocate as soon as practicable” (section 5(a)), must not be interviewed until they have received advice and assistance (section 5(b)) and may have the advocate present when interviewed (section 5(c)). Custody records examined of detained persons in the SBA police stations indicate that the majority of detained persons were informed of this right and most exercised it.

Access to a lawyer may be delayed for up to 24 hours under the same terms and conditions as for a delay in the notification of custody (see above). It is a matter of particular concern that detained persons suspected of very serious offences who have requested legal advice and assistance may be interviewed in the absence of a lawyer during that 24 hour period (section 7(3)(a), read in conjunction with section 7(1) and (2)). The CPT recalls that the European Court of Human Rights (ECtHR) has repeatedly stated that the absence of a lawyer during this critical phase of police interviewing may result in irretrievable prejudice to the rights of an accused person.²⁷ The Committee considers that the presence of a lawyer during this critical phase of police interviewing is an important safeguard against ill-treatment.

²⁴ Section 9.

²⁵ Section 16(1).

²⁶ Section 16(2).

²⁷ See, in particular, *Salduz v. Turkey* (Application no. 36391/02), judgment of 27 November 2008 and *Ibrahim And Others v. the United Kingdom*, (Applications nos. 50541/08, 50571/08, 50573/08 and 40351/09), Grand Chamber judgment, 13 September 2016.

The CPT fully recognises that it may exceptionally be necessary to delay, for a certain period, a detained person's access to a lawyer of his choice. However, this should not result in the right of access to a lawyer being totally denied during the period in question. In such cases, access to another independent lawyer who can be trusted not to jeopardise the legitimate interests of the investigation should be organised.²⁸ **The CPT recommends that the 2007 Ordinance be amended to ensure that a detained person is afforded the right of access to another lawyer from the outset of their deprivation of liberty by the SBA Police whenever access to their own lawyer has been denied. Moreover, in the CPT's view, any delay to the right of access to a lawyer²⁹ should also require the authorisation of a judge or a magistrate. It recommends that the above-mentioned legislation be amended accordingly.**

26. As regards legal aid, Section 6 of the Criminal Legal Services Ordinance 2005 (17/2005) (the "2005 Ordinance") provides that legal advice and assistance shall be free for persons arrested and held in custody at a police station or other premises and for volunteers.³⁰ Lawyers are selected from a list of advocates willing to provide criminal legal aid compiled by the Cyprus Bar Association (section 9(1) of the 2005 Ordinance) and a "detainee or volunteer must be provided with a copy of the Register of Practising Advocates compiled by the Cyprus Bar Association under the relevant Republican Law" (Section 5(5), 2007 Ordinance). The CPT welcomes these provisions.

27. Section 17 of the 2007 Ordinance sets out the right to medical assistance and provides that a detained person is entitled to "receive appropriate clinical attention as soon is reasonably practicable if he (a) appears to be suffering from a physical illness; (b) is injured; (c) appears to be suffering from a mental disorder; or (d) appears to need clinical attention" (section 17(1)).

Moreover, section 17(3) specifies that the "detainee may, at his own expense, elect to be examined by an appropriate healthcare professional of his own choice" and section 17 (4) clarifies that if a detainee does not exercise his right to see a doctor of his own choice, "the examination will take place by such healthcare professional as may be nominated by a police officer dealing with his case". Examinations are to take place "in a private area where a police officer can neither see nor hear the examination" (section 17(5)), unless a police officer "has reasonable cause to believe that without his presence, the safety of the healthcare professional would be at risk". If that is the case, a "police officer of the same sex as the detainee may be present" (section 17(6)). Section 17(7) of the 2007 Ordinance provides that the "healthcare professional must record in the custody record his findings and any clinical directions and advice given to the police officer dealing with the detainee as a result of the examination".

The CPT's delegation found that there was no record in the custody records of whether information had been given about, and whether the detained had exercised, his/her right to access a doctor.

²⁸ See, for example, the Police and Criminal Evidence Act (PACE) of England and Wales, Code H, the detention, treatment and questioning by Police Officers of persons under Section 41 of, and Schedule 8 to, the Terrorism Act 2000 and Section 22 of the Counter-Terrorism Act 2008.

²⁹ In line with *Ibrahim And Others v. the United Kingdom*, (Applications nos. 50541/08, 50571/08, 50573/08 and 40351/09), Grand Chamber judgment, 13 September 2016.

³⁰ Persons attending the police station voluntarily to help with an investigation.

The CPT recommends that all medical examinations should be conducted out of the hearing and - unless *the doctor* concerned expressly requests otherwise in a given case - out of the sight of police staff. Further, custody records should accurately reflect whether detained persons are systematically given information about access to a doctor and whether they have exercised this right.

28. Information on rights is set out in Section 3 of the 2007 Ordinance, which provides for a written “Notice to Persons in Custody” to be read out, and provided, to detainees. Detainees are also required to sign the custody record to certify that they have been informed of their rights.

The 2007 Ordinance also explicitly provides that the police officer in charge of the police station must ensure that a list of the rights established by this Ordinance is displayed in the custody area in Greek, Turkish and English.

An examination of the custody records indicated that all detained persons in the SBA police stations visited were informed of their rights. The delegation also saw that the list of rights was displayed in the custody areas in Greek, Turkish and English. Moreover, a foreign national detained in Dhekelia Police Station at the time of the visit, confirmed that he had been provided with a (Romanian) language interpreter, and this had been duly recorded in the custody records.

29. As regards the length of police custody, SBA law allows persons to be remanded in police custody for up to eight days. At the time of the visit, no one was in custody at Kolossi Police Station, but the delegation noted that of the nine persons held in the station since January 2017, two had been held for periods of, respectively, 6 and 8 days.

The CPT considers that remand custody on police premises in itself presents an increased risk of ill-treatment and that police establishments are not an appropriate environment for detaining persons for more than a few days. Consequently, persons remanded in custody beyond three days should be promptly transferred to a more appropriate detention facility, such as HMP Dhekelia (as was the case for all persons held at Dhekelia Police Station); such an approach does not preclude the police from carrying out further questioning, if necessary, of persons remanded in custody.

The CPT recommends that the SBA authorities end the current practice of detaining persons in police custody for prolonged periods, in the light of the above remarks.

b. conditions of detention

30. Kolossi Police Station is a modern facility and material conditions were generally good. There were four cells measuring some 7m² (three for men and one for women) and equipped with a bed and a toilet, but no washbasin. They were heated and sufficiently lit (natural light through block glass windows and artificial lighting) and equipped with call bells. Detained persons have access to a shower and to a 55m² exercise yard with a wire mesh roof. That said, the female shower area was screened from the main custody reception area by only a half door. **The CPT invites the SBA authorities to review the design of the female shower area to ensure adequate privacy.**

In contrast, the material conditions at Dhekelia Police Station were much poorer. The police station is an older building with two cells measuring less than 6m², equipped only with a metal plinth bed and a call bell. Mattresses, blankets, sheets and pillows were provided. Almost no natural light entered the cells because of the steel grilles fitted to the inside of the windows and artificial lighting was poor. In one of the two cells, the heater had been removed for repairs and had not been replaced. A shower, lavatory and washbasin were located outside the cells. There was no exercise yard. The Police officers interviewed described the custody area as “unhealthy and not proper”.

There was one detained person at the time of the 2017 visit who had been there for two days (and was about to be transferred to HMP Dhekelia). However, he had not been provided with information about access to the shower, a towel or toothbrush/toothpaste. These were given to him at the CPT delegation’s request.

The CPT recommends that the cells at Dhekelia Police Station be comprehensively renovated or replaced, in order to provide detained persons with adequate conditions of detention.

c. “16 Flight”, Dhekelia Garrison

31. For public order reasons, persons may also be held by the SBA Police in half of a large concrete aircraft hangar, previously used by “16 Flight Army Aircorps”, and now known as “16 Flight”.

At the time of the visit, there were no records kept at this facility or any persons detained there. The CPT requested details of the legal basis for detention and regulation of safeguards from the SBA authorities; by communication of 25 April 2017, the SBA authorities informed the Committee that this site has been used on a number of occasions between 16 March and 30 April 2015 when various peaceful protests had intermittently spilled over into minor public order incidents and 187 arrests were made over this period.

During that period, some five women (one of whom who was aged 17 at the time) accompanied by 4 to 13 children, aged between 18 months and 12 years were held in “16 Flight” on a number of occasions for periods ranging from several hours to all day (until 6 p.m.), and, occasionally, overnight.

According to the information provided by the SBA authorities, those held at “16 Flight” had access to seating and bedding and were provided with food, water and, if required, medical support. They were informed of their rights and were able to access legal advice if they so requested. Additional efforts and expenditure had been made to make the area more child-friendly. The area was inspected by the SBA social services, and in response to their suggestions further improvements had been made.

32. The CPT considers that all persons deprived of their liberty by the police should be afforded the full range of safeguards against ill-treatment, irrespective of the setting in which they are detained. These are set out in detail in the above paragraphs and include the right of notification of custody, the right of access to a lawyer, access to legal aid, the right to medical assistance and information on rights, in a language that the detainees understand. The exercise of all these rights should be comprehensively and systematically recorded by the police in custody records for each person deprived of their liberty.

The CPT believes that these fundamental safeguards should apply from the very outset of their deprivation of liberty and for every person deprived of their liberty, whatever the reason. As no custody records were available, the CPT has been unable to verify whether the above-mentioned safeguards were actually afforded to each person detained (including the children).

The CPT requests further information regarding the availability in practice of these safeguards to persons held at “16 Flight” since January 2015, including copies of the custody records concerned.

33. In addition, the CPT has grave concerns about the use of this facility for the detention of young children and babies. The children concerned were aged between 18 months and 12 years old and the SBA authorities confirmed that, although they were not ‘arrested’ *per se*, they were detained, along with their mothers, for a considerable number of hours on several occasions. The CPT is of the view that the detention of young children and babies can be traumatic for them and harmful to their well-being; as a matter of principle, such young children should not be detained in police custody.

The CPT would like to be informed of whether or not there is a legal basis for the deprivation of liberty in police custody of children and babies under the age of criminal responsibility and, more generally, to receive the comments of the SBA authorities on this subject.

34. As for its material conditions, “16 Flight” is situated in half of a very large concrete hangar (with the other half used by the RAF for storage), located in remote scrub-land by a small airstrip. It was mainly an empty concrete hangar, but was equipped, at the far end, with four toilets, two showers and three washbasins. There were 15 camp beds available in the storage rooms as well as a variety of children’s toys and books and a child car seat.

35. The CPT notes that “16 Flight” is not at this point a registered detention facility but it understands that this facility can be easily designated again as a detention site, should the need arise. The CPT considers that “16 Flight” is totally unsuitable as a place of detention given that it is essentially an aircraft hangar offering poor conditions of detention. **It recommends that it – and any similar facilities - be removed permanently from the list of “designated places of detention” and not re-opened as a place of detention for any person or for any reason.**

3. HMP Dhekelia

a. preliminary remarks

36. HMP Dhekelia is a small, multi-purpose detention facility, built in 1955 and renovated in 1997 with additions in 2013 and in 2017; in total, it has 13 single-occupancy cells (11 for men and two for women). The capacity can be increased to 18. On the day of the visit, it was holding seven inmates: two women (one sentenced and one on remand) and five men (three sentenced, including one sentenced to life and two on remand).

37. An unusual feature of HMP Dhekelia is that it falls under the responsibility of the SBA Police Service and is operated and staffed by SBA police officers. The SBA Chief Constable is also the Superintendent of HMP Dhekelia, and has responsibility for its management and security. He delegates the day-to-day running of the prison to a Deputy Superintendent, supported by two police sergeants and 11 police constables, on rotation.

The regulation of the relationship between the “Prison Service” and the Police Force is set out in the Prison Ordinance.³¹

The police ‘prison’ staff had apparently received some training in prisoner care, but they were essentially still police officers. Indeed, as they rotated duty shifts it was possible for them to arrest, investigate and subsequently to perform the role of prison officer in relation to the same detained person (this was, in fact, the case during the visit). As underlined by HMIP after its 2013 visit, HMP Dhekelia’s “staff are trained police officers, not prison officers. They would not, in other circumstances, be responsible for the long-term care and rehabilitation of offenders – their priorities are different.”³² The small size of the SBA exacerbates this situation, and increases the likelihood of police ‘prison’ staff and prisoners knowing each other well. The potential for tension between the police ‘prison’ staff and prisoners was high and the CPT’s delegation received several complaints from both staff and prisoners that this mix of roles created a tense atmosphere and needed to be addressed urgently.

38. The CPT has serious reservations about staffing a prison with regular police officers, and considers as a basic premise that prisons should be run by fully qualified specialist prison staff reporting to authorities that are separate from the police. This is in line with the European Prison Rules, that clearly state that prisons shall be the responsibility of public authorities separate from military, police or criminal investigation services.³³ This is to ensure that prison staff thoroughly understand the purpose of the prison system,³⁴ and that the duties of staff go beyond those required of mere guards and take account of the need to facilitate the reintegration of prisoners into society after their sentence has been completed through a programme of positive care and assistance. All staff should be professionally trained to work in the specific prison context and with specific

³¹ Prisons Ordinance 1971 (as amended), Part 6.

³² Report on an announced inspection of HMP Dhekelia by HM Chief Inspector of Prisons, 4 to 7 November 2013, page 5.

³³ Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules (Adopted by the Committee of Ministers on 11 January 2006 at the 952nd meeting of the Ministers' Deputies) (the ‘EPR’), Rule 71.

³⁴ EPR, Rule 72.2.

(and vulnerable) groups of prisoners, such as foreign nationals, women and juveniles. Additionally, professional prison staff should be generally appointed on a permanent basis along with security of employment.³⁵

The practice at HMP Dhekelia of relying on police officers to serve as prison staff and management and the regular rotation of police officer staff and inter-changeability between regular police duties and prison service does not comply with the above precepts.

As a rule, prisons should be run by fully qualified specialist prison staff reporting into authorities that are separate from the police. In this respect, the CPT recommends that the SBA Administration conduct a full review, as recommended by HMIP in 2013, into whether HMP Dhekelia remains viable under its current model, as swiftly as possible, and requests that a copy of this review be sent to it, when completed.

b. ill-treatment

39. The CPT's delegation received no allegations of ill-treatment by police staff at HMP Dhekelia, and inmates generally appeared to be treated well.

That said, one allegation was received about excessive use of force when "quick cuffs" were applied, for the purpose of escorting the detained person out of the prison, resulting in a bruised wrist. The prisoner (Prisoner A) alleged that this was not unusual and that prisoners were routinely handcuffed with "quick-cuffs"³⁶ during escort to and from the prison. An entry in Prisoner A's medical file, dated 9 February 2017, noted bruises on their left distal ulnar and concluded that this was the result of too tight hand-cuffing from the day before.

The CPT recommends that the use of "quick cuffs" in the prison be reviewed and that all handcuffs be applied in a correct manner. Moreover, handcuffs during escort should only be used on the basis of an individual risk assessment and not as a routine practice.

³⁵ EPR, Rule 78.

³⁶ Handcuffs designed to applied rapidly, in times of urgency.

- c. conditions of detention and regime
 - i. material conditions

40. The prison comprised several one-storey blocks. The main accommodation block consisted of a male wing (11 cells) and a female wing (two cells), and had three common rooms (two on the male wing, and one on the female wing) with televisions and DVD players as well as table football in the male communal area. The prison also had a large, well-equipped gym and two new multi-faith facilities in separate small cabins located next to the exercise yard. Prisoners had access to an “ablutions” area, containing two baths, five showers, five washbasins and a washing machine. There were four outdoor exercise yards: one for male inmates and one for female inmates, both of which were empty small concrete yards with a makeshift roof and lacking any means of rest. An additional outdoor area, which was larger and much more pleasant, was available to male prisoners with a small gazebo, a grassed garden area and wooden benches.

There was also a newly-built annex with a large living room, a bedroom, sanitary facilities, a kitchen, a laundry and its own grassed exercise area. This annex had been built for low-risk female sentenced prisoners or juveniles, should they be imprisoned.³⁷ The delegation was informed that the annex could only be used as a “day room”, and, even then, only when the prison was accommodating only one woman, due to inadequate staffing to ensure secure custody.

The CPT recommends that female prisoners be systematically permitted daily access to the exercise yard next to the annex. It also recommends that the staffing situation is reviewed to ensure that inmates can make full use of the facilities in the annex.

41. The cells, all in principle for single occupancy, measured approximately 7 m². They each had an unscreened toilet, a drinking fountain, a perforated steel plinth (measuring 180 cm) on which a mattress was placed and a perforated steel locker. Most cells had access to ventilation, adequate artificial lighting and access to some natural light (through block-glass windows), save for one of the female cells, which did not have a window. In the male section, there were two unoccupied observation cells monitored by CCTV, where inmates were placed for their first two nights, as part of the prison’s risk-assessment process. The two cells in the female wing had been originally designed as the disciplinary unit and one was equipped with CCTV. **The CPT recommends that the cell for women that lacks a window be refurbished, including by fitting a window, as a matter of priority. It would also like to receive confirmation that the CCTV is not switched on in the cell on the female wing, unless an individualised risk assessment necessitates otherwise. In addition, all toilets should be provided with some privacy screening, especially considering that, in the event of over-capacity at HMP Dhekelia, prisoners may be held two to a cell.**

42. The CPT considers that accommodation of this nature is perfectly suitable for short spells in initial police custody, but offers a very austere environment for persons held for longer periods. It is entirely unsuitable for persons serving longer sentences and does not provide an appropriate environment in which to hold a life-sentenced prisoner.

The CPT recommends that HMP Dhekelia not be used to hold prisoners serving long-term (including life) sentences. It is also necessary to redesign the current facility in line with relevant international norms, including the European Prison Rules

³⁷ The prison had not held a juvenile for many years.

ii. regime

43. There was an open-door regime in place in the prison. Cell doors were kept open from 7 a.m. to 11 p.m., during which time inmates had free access to the yards and common rooms. There was also a prison library.

In theory, various activities and education were on offer to the inmates, including language tuition (upon prisoner request), computer-skills training, painting and gardening. In practice, other than access to the gym and to the prayer rooms, no activities or work opportunities were available. Inmates spent most of their time watching television in the common rooms and had no organised activities, sports or education classes to structure their days. Male and female inmates alike complained of being bored.

For most inmates with short sentences, this was hard but bearable. For those serving long sentences, and especially for the one life-sentenced prisoner (Prisoner B), this is a totally unacceptable situation (see also paragraphs 54 and 55).

The CPT recommends that a full and varied regime of purposeful activities and work opportunities be put in place for all prisoners.

d. health-care services

i. health-care staffing and medical screening

44. The prison is staffed with a Senior Medical Officer (qualified General Practitioner (GP)), based at Dhekelia Garrison, but who is responsible for delivering primary care service for inmates at HMP Dhekelia and was on call seven days a week. Where secondary support is required, this is provided by health-care institutions in the Republic of Cyprus.

45. All newly-arrived inmates underwent a comprehensive medical examination by the medical doctor on the day of arrival or the next day. The examination included a full medical history, screening for contagious diseases, a full risk assessment including suicide risk and a physical examination. If there were signs of injuries, they were recorded in detail, including by using a body chart.

46. In general, the primary care services appeared satisfactory, both in terms of access (the waiting time to see a GP in non-emergency cases was short) and quality. However, the CPT's delegation was concerned that there was no single identifiable person responsible for the overall delivery of health care to prisoners. **The CPT recommends that one medical doctor be made responsible for the overall coordination of treatment of individual prisoners.**

ii. distribution of medication / medical confidentiality

47. Medication for both male and female inmates was kept in their personal metal locker in the corridor outside the male inmates' cells, and only the police guards had access to the keys. Many other personal items, as well as medication that was not in use, were also contained within these same lockers.

When the medication was distributed, a police guard would open the locker and take the actual medication from its original package, and give it to the prisoner. The intake was supervised if there was a possibility of non-compliance, or if it was especially important that the medication was taken as prescribed and, supposedly, recorded by the police officer.

An examination of the medical records showed that the signature attesting that the medication had been given to the prisoners was generally missing. In the case of one prisoner, who needed his medication to be given at strictly precise times as an abrupt interruption to the dosage could increase the risk of self-harm or suicide, the intake had been witnessed only three times for the previous two week period. This was in spite of a special note attached to the outside of the inmate's medical file highlighting that the intake of the patients medication should be supervised to ensure that his medication was taken as prescribed.

The current practice of distribution of medication is unsafe and risks giving the wrong medication to prisoners or omitting supervision of prescribed dosages at set times. The CPT recommends that distribution of medication be reviewed as a matter of urgency. The current distribution practice also breaches the principle of medical confidentiality. Further, police officers should not be responsible for preparing the prisoners' medication; this should be undertaken by medical staff. Moreover, information on whether prisoners have actually taken the prescribed dosages should be accurately recorded.

48. The content of all prisoners' medical files were readily available to the police guards. The files were kept in a locked cabinet in the multi-purpose staff room, also used by the GP when examining prisoners, and police officers had access to the key to the cabinet at all times. Further, the current medication for all detainees was written on a whiteboard in the guards' station in the cell wing and in the administration block and was thus visible to all persons who entered these areas. Police guards distributing medication all had the same information as the GP about what medication the prisoner was taking. In short, medical confidentiality was virtually non-existent.

The CPT recommends that police officers working as guards in HMP Dhekelia should not have access to the inmates' medical files and should only be informed about medical issues of inmates on a need to know basis and with the consent of the prisoner. Without consent, only information necessary to prevent an imminent danger to the prisoner or others should be conveyed to the guards on duty.

iii. medical records

49. An examination of the inmates' medical records revealed that records were scant, cursory in nature, often missed crucial signatures and contained little information.

The CPT recommends that medical records be fully completed with thorough and accurate information and properly maintained.

e. other issues

i. *means of restraint*

50. Upon examination of the full records of all the prisoners for 2016 and early 2017 by the CPT's delegation, only one entry (on 29 December 2016) showed one application of a means of restraint. Prisoner B had refused to go back into his cell and two police officers had physically restrained him; after searching him, they placed him back in his cell.

51. The so-called "Personal Protection Equipment" (PPE) held at the prison included six riot helmets, six retractable batons and six pepper spray (PAVA) canisters. There was no specific register for the use of this equipment and apparently neither the "PPE" nor the PAVA spray had been deployed in recent years; however, in the absence of a specific log, this was impossible to verify. Moreover, given that the prison is run by police officers, the independence of a review process apparently involving only other police officers is open to question.

In the "PPE" cupboard next to the above-mentioned equipment lay five wooden and five aluminium broom handles, unattached from the broom heads. When questioned about these staff said they were for cleaning purposes only.

The CPT considers that brooms should never be stored in the same place as instruments of restraint or so-called "PPE". **The CPT recommends that the "PPE" be stored in a specially-designated locked area.**

The CPT recommends that a special register be introduced at HMP Dhekelia to record all cases in which recourse is had to means of restraint (including manual and chemical restraint, as well as use of "PPE"); the entries should include the times at which the measure began and ended, the circumstances of the case, the reasons for resorting to the measure, the name of the person who ordered or approved it, and an account of any injuries sustained by the prisoner or staff.

ii. discipline and isolation

52. The Superintendent may directly adjudicate some disciplinary cases and impose disciplinary measures.³⁸ While serving of a disciplinary sanction, a prisoner can have his/her right to all correspondence curtailed for one month (Prisons Ordinance and Regulations)³⁹ and visits curtailed for one month (Prisons Ordinance). In the CPT's view, a disciplinary punishment should never involve a total prohibition on contact with the outside world. Further, visits between a prisoner and his/her family should not be withdrawn, unless the offence relates to such contacts. **The CPT recommends that steps be taken to ensure that disciplinary punishment of prisoners does not include a total prohibition of family contacts and that any restrictions on family contacts as a form of punishment should be used only where the offence relates to such contacts; and recommends that the UK and SBA authorities amend the relevant provisions of the Prison Ordinance and Regulations, as well as any other relevant legislation accordingly.**

53. There had been no recorded disciplinary incidents in 2017 and very few recorded incidents in previous years: one in 2016, one in 2015 and two in 2014. From the records examined, the disciplinary procedures employed at the prison appeared to be fair and respectful of the rights of prisoners.

iii. life and other long-term sentences

54. The CPT recalls that long-term imprisonment can have a number of desocialising effects upon inmates. In addition to becoming institutionalised, long-term prisoners may experience a range of psychological problems (including loss of self-esteem and impairment of social skills) and have a tendency to become increasingly detached from society, to which almost all of them will eventually return.

In the view of the CPT, the regimes which are offered to prisoners serving long sentences should seek to compensate for these effects in a positive and proactive way. The prisoners concerned should have access to a wide range of purposeful activities of a varied nature (work, preferably with vocational value, education, sport, recreation and association). Moreover, they should be able to exercise a degree of choice over the manner in which their time is spent, thus fostering a sense of autonomy and personal responsibility. Additional steps should be taken to give meaning to their period of imprisonment; in particular, the provision of individualised custody plans, targeted rehabilitation programmes, and appropriate psychological and social support are important elements in assisting such prisoners to come to terms with their period of incarceration and, when the time comes, to prepare for release. Moreover, the provision of such a regime to life-sentenced prisoners enhances the development of constructive staff/inmate relations and hence reinforces security within the prison.⁴⁰

³⁸ Regulation 86, Prison Regulations.

³⁹ Regulation 86(f), Prison Regulations.

⁴⁰ See, in particular, the objectives and principles for the treatment of life-sentenced prisoners enunciated by the Committee of Ministers in Recommendation Rec (2003) 23 on the management by prison administrations of life sentence and other long-term prisoners.

55. The only life-sentenced prisoner in HMP Dhekelia lacked any structured sentence plan, had no opportunities to exercise personal responsibility in daily prison life, no prospect of progression, no regime tailored to his needs to help him reduce the level of risk he poses and minimise the damage that indeterminate sentences necessarily cause (the only difference to the other prisoners was that his lock-up time in the evening was two hours later), and no formal psycho-socio support mechanisms were in place to help him cope with the gravity of his sentence.

The CPT recommends that the UK and SBA authorities cease to hold prisoners serving life-sentences at HMP Dhekelia until such time as the establishment is able to offer a proper regime; this should include, in particular, the adoption of a tailored sentence planning system that enables progression throughout the sentence, as well as the provision of adequate psycho-social support. The CPT would like to be informed, as soon as possible, of the action taken to implement the preceding recommendation.

iv. contact with outside world

56. All prisoners had access to the prison telephones, however, the phone cards were expensive, especially for foreign national prisoners or for prisoners with family abroad. There was one computer offering Voice over Internet Protocol facilities at the prison, to which access was permitted, but limited. That said, some prisoners did not know about its existence and the life-sentenced prisoner, for example, alleged that he had never used Skype as he had never been offered it, despite having his family abroad and complaining about the restrictive costs of long-distance calls. Visits were open (i.e. unscreened and across a table) and were granted for one hour every week, and took place in the visiting room in the administrative building located just inside the main gate.

The CPT welcomes the recently installed facilities for Voice over Internet Protocol at the prison and **encourages the SBA authorities to proactively give inmates information about the existence of these facilities upon their arrival and to ensure that all inmates have regular access to them.**

v. complaints procedures

57. There was no formal written complaints' procedure. In practice, an inmate who wished to make a complaint could do so by writing it down and giving it to a police officer, for transmission to the Sergeant in day-to-day charge of the establishment.

An examination of a complaint made on 29 January 2017, pertaining mainly to alleged staff incompetency, records that the Deputy Divisional Commander went through the complaint in person with the prisoner and apologised to the prisoner on some minor issues, while rejecting the general allegations of staff incompetency.

While the one recent written complaint appears to have been dealt with reasonably well, the CPT considers that the overall complaints' procedure at the prison needs to be improved.

The CPT recommends that a formal complaints policy, including a right of appeal, should be drawn up and information about this policy systematically given to prisoners on admission, in a language that they understand. Further, confidentiality of inmates' complaints should be guaranteed (i.e. with a locked complaints' box). In all cases, prisoners should be informed in writing within clearly defined time periods of the action taken to address their concern or of the reasons for considering the complaint not justified.

4. Immigration detention: Dhekelia Transit Facility

58. The delegation visited a large fenced area on the remote outskirts of Dhekelia that had, in the past, been used as a transit facility to house considerable numbers of migrants. The area had been “designated” as a place of detention by the SBA Administrator⁴¹ and fell under the authority of the SBA Customs Office. The Transit Facility was established in October 2015 following the arrival of 115 migrants in the SBA. The facility was formally disestablished in May 2016 following the departure of the last of the migrants from the SBA.

Migrants had been housed in tents inside a secure perimeter, as well as in a large concrete hangar,⁴² which, at the time of the visit, was completely empty.⁴³ No records were held at the facility at the time of the visit.

When open, food and shelter was provided and voluntary groups and nearby villages organised the collection and distribution of clothing, toys and other items.

It might be added that an informal sign at the entrance of the facility which reads “Welcome to the Transit Warehouse and Technical Supply (TWATS)” could be construed as disrespectful to the persons who had been or may be held there. It should be removed.

59. By communication dated 25 April 2017, the SBA authorities provided the Committee with additional information pertaining to the transit facility. The SBA authorities state that between October 2015 and May 2016, for the vast majority of the time the transit facility operated as an open camp, and the migrants were free to come and go while their asylum claims were being considered. The initial period during which migrants were not allowed to leave the camp was between 27 October and 25 November 2015, where detention was ordered⁴⁴ on the basis that the migrant's presence within the SBA was likely to prejudice peace, good order or good government and specifically the security and public order of the SBA. This order included the designation of the Transit Facility as a detention facility. The decision was reviewed every seven days while the SBAA, and the UK on its behalf, considered the asylum claims. There was also a requirement to undertake health checks for TB and other communicable diseases and conduct initial security checks.

⁴¹ Pursuant to section 11A(4) of the SBA Control (Entry, Settlement and Commercial Enterprises).

⁴² Numbered KL/1164 ESH3.

⁴³ It might be noted that there were at least two other similar hangars (Numbered KL/1166 ESH3 and DKL/1168 ESH 1) inside this fenced area, although the CPT was informed that that only the first-mentioned had been used.

⁴⁴ Pursuant to section 11A(4) of the SBA Control (Entry, Settlement and Commercial Enterprises) Ordinance.

According to the SBA authorities, after a number of the migrants formally applied for asylum, the basis for their detention changed and they were detained⁴⁵ for an initial detention of eight days extendable by the court up to a maximum of 32 days. From 5 November 2015, those migrants who had applied for asylum were free to come and go, and the Transit Facility operated on a dual basis, with residents who had applied for asylum not being detained, while those who had not done so remained under detention. When the migrants applied for asylum, they were also released. On 19 November, 59 of the migrants left the SBA to be transferred to the Republic of Cyprus asylum system.⁴⁶ Between November 2015 and May 2016 there were further transfers of asylum cases to the Republic of Cyprus's immigration service, while other migrants voluntarily abandoned their asylum claims and left the territory of the SBA. In May 2016, the 12 migrants who remained in the SBA and whose asylum applications had been declined following appeals were returned to Lebanon. For around 48 hours immediately prior to their deportation, these individuals were detained at the Dhekelia Transit Facility,⁴⁷ according to the SBA authorities "in order to prevent absconding and obstruction and to facilitate their safe and orderly removal. No specific security measures, apart from the guarding of the gates and perimeter of the Facility, were taken."

60. As regards safeguards available for detained migrants, the SBA authorities told the CPT that in the letter informing the failed asylum-seekers of the decision to detain them, they were informed of their legal rights and explained the possibilities and means to seek legal assistance, including how to claim legal aid. They were also apparently given a list of Advocates who were known to accept work funded by legal aid. They had access to interpreters to deal with any language difficulties and to a Cypriot NGO (KISA) which provided information and assistance. The transit facility was visited by the Office of the UN High Commissioner for Refugees and the International Committee of the Red Cross.

The SBA authorities also informed the CPT that from January 2016, arrangements were made with the Republic of Cyprus' Ministry of Education to put in place classes for English and Greek, both for children and adults. Prayer facilities were made available to the residents and were supplemented by a regular visit by a local Imam during Friday prayers. A complaints' mechanism was apparently also introduced to allow the migrants to raise any concerns they might have. A building at the site was renovated and equipped with new laundry facilities and televisions.

61. The CPT takes due note of the detailed information provided by the SBA authorities on the operation of the Transit Facility. That said, it would still like confirmation that every instance of deprivation of liberty was covered by a proper individual detention order, readily available in the Transit Facility and drawn up at the outset of the deprivation of liberty or as soon as possible thereafter. It also recalls that the fundamental safeguards of persons detained are reinforced if a single and comprehensive custody record is kept for every such person, recording all aspects of his/her custody and all action taken in connection with it, including the documentation of whether the above-mentioned various rights and safeguards were exercised by detained migrants.

The CPT would like to receive a sample of detention orders and custody records over the two periods of deprivation of liberty within the Transit Facility.

⁴⁵ Pursuant to section 7(4) and (6) of the Refugees Ordinance.

⁴⁶ Pursuant to the terms of the existing Memorandum of Understanding between the UK and the Republic of Cyprus (and section 9(2) Refugees Ordinance).

⁴⁷ Pursuant to Section 11(1) of the Control (Entry, Settlement and Commercial Enterprises) Ordinance.

B. Military detention: British Forces Cyprus

1. Preliminary remarks

62. This was the first visit of the CPT to the British Forces Cyprus, and as such, a brief outline of the pertinent governing regulations and jurisdiction is required.

In 2006, the three Service Discipline Acts (covering the British Army, Royal Air Force and Royal Navy) were combined into a single statute: the Armed Forces Act 2006 (the “2006 Act”). The 2006 Act “creates offences and provides for the investigation of alleged offences, the arrest, holding in custody and charging of individuals accused of committing an offence, and for them to be dealt with summarily by their commanding officer or tried by court-martial. Instead of courts-martial being set up to deal with particular cases, the Act provides for a standing court-martial, called the Court Martial. Like the Crown Court, the court may sit in more than one place at the same time, and different judge advocates and service personnel will make up the court for different trials. More serious cases must be notified to the Service police and passed directly to the independent Director of Service Prosecutions for a decision on whether to prosecute. In other cases the commanding officer will consider whether to deal with the matter summarily (if it is within his jurisdiction) or to refer the case to the Director of Service Prosecutions with a view to proceeding to trial by the Court Martial.”⁴⁸ Additional legal provisions are set out in sources including the Manual of Service Law (JSP 830 MSL) and its Annexes.⁴⁹

An initial distinction should be made between “Service Police Investigations”, which are regulated by the “Service Police Codes of Practice”⁵⁰ and “Commanding Officer’s Investigations”, which are the subject of a specific “Defence Instruction”⁵¹.

63. The “Service Police” is the Cyprus Joint Police Unit (“CJPU”) for the British Forces Cyprus. It is composed of members of the Royal Military Police and the RAF Police. It has jurisdiction over “service offences”⁵² committed within the SBA and conducts “Service Police Investigations”.

64. The CJPU may arrest and detain Service personnel whom they reasonably suspect of having committed service offences (section 67, the 2006 Act), those whom they suspect may be about to commit a service offence (section 69, the 2006 Act) and persons “unlawfully at large” (section 303, 2006 Act). The maximum period for which a person may be held in custody without charge is 48 hours from the time of their arrest, which may be extended to 96 hours if a Judge Advocate⁵³ agrees. If a detained person has not been charged within 96 hours, they must be released.

⁴⁸ An Historical Summary of Development of Discipline in the Armed Forces, Ch. 44, JSP 380 MSL, p.20.

⁴⁹ [JSP 380 MSL](#)

⁵⁰ [Service Police Codes of Practice, effective from 19 March 2015](#)

⁵¹ [2014DIN01-115 - The statutory powers of arrest, and investigation of Service Offences by persons other than the Service Police.](#)

⁵² The offences listed in Part I of the Armed Forces Act 2006.

⁵³ A Judge Advocate is a legally-qualified civilian appointed by the Lord Chancellor in the same manner as District and Circuit Court judges in England & Wales. Judge Advocates preside over Courts Martial and sit alone in Service Civilian Courts.

65. The 2006 Act also confers powers of arrest, detention and investigation on Commanding Officers (sections 67 and 110) and, while court proceedings are active, Judge Advocates have powers of arrest and detention (section 111).

If custody is authorised by a Commanding Officer (CO), in order to conduct a “Commanding Officer’s Investigation”, the CO must review it every twelve hours to consider whether or not it remains necessary. Within 48 hours of being placed in custody by a CO, the detained person must be either released (with or without charge) or taken before a Judge Advocate to decide whether custody may be prolonged for up to a maximum of 96 hours.

66. The above powers of arrest and detention also extend to “civilians subject to service discipline”, including certain civilians serving in support of British Forces Cyprus and the dependents of Service personnel serving in the SBA, including juveniles.

If charged with an offence, civilians subject to service discipline may be brought before a Service Civilian Court (a Judge Advocate sitting alone, with similar powers to a Magistrates Court in England & Wales).

67. Service Custody Facilities (SCF) were established in 2009 to replace the old system of army unit custody facilities (guard houses) and similar facilities in other Services. They were intended to professionalise the detention of Service personnel held for short periods in military custody (remand) or short sentences of military detention.⁵⁴ Service personnel detained for longer periods are held in the Military Corrective Training Centre in Colchester.

Service personnel and civilians subject to service discipline in the SBA may be kept in detention at the Service Custody Facility (SCF), Salamanca Barracks, Episkopi Garrison for a period of up to 14 days. At the time of the visit, this SCF was being operated by 1 LANCS (the 1st Battalion the Duke of Lancaster’s Regiment). Another place that persons may be deprived of their liberty for a certain period is the Cyprus Joint Police Unit Headquarters, Episkopi Garrison. This is the location where apprehended persons are first questioned and ‘booked in’ before being transferred to the SCF. Once in the SCF, detained persons may be transferred for interview and investigatory purposes back to the CJPU, if required. Both these locations were visited by the CPT’s delegation.

At the time of the visit, there was no one in custody. At the SCF, only two persons had been detained in 2017. A total of 43 people had been held at the SCF from 17 July 2015 and 10 February 2017: 13 from July to December 2015, 28 in 2016 and 2 in 2017, including civilian dependents and juveniles.

2. Ill-treatment and safeguards against ill-treatment

68. At the time of the CPT delegation’s visit no one was being detained in either facility, and it was thus impossible to ascertain the quality of treatment afforded to detainees by staff. That said, custody staff interviewed in the SCF appeared cognisant of the needs of detainees.

⁵⁴ HMIP, Report on an announced inspection of Her Majesty’s Armed Forces Service Custody Facilities by HM Chief Inspector of Prisons, 24 February–6 March 2014, Introduction.

69. As mentioned above, the CPT attaches particular importance to three rights for persons deprived of their liberty; notably, the right of those concerned to have the fact of their detention notified to a close relative or third party of their choice, the right of access to a lawyer and the right of access to a doctor.

The CPT considers that these three rights are fundamental safeguards against the ill-treatment of persons deprived of their liberty, which should apply from the very outset of their deprivation of liberty (i.e. from the moment when the persons concerned are obliged to remain with the officials by whom they have been detained). These rights should be enjoyed not only by criminal suspects, but also by all other categories of persons deprived of their liberty, including Service personnel and civilians subject to service discipline.

70. As regards Service Police Investigations (into persons arrested by the CJPU), these rights are set out in the Ministry of Defence Service Police Codes of Practice, issued by the Secretary of State under section 113(3) and (5) of the Police and Criminal Evidence Act 1984 (hereafter, “Codes of Practice”). The current version of the Codes of Practice became effective on 19 March 2015 and broadly reflects the provisions of the Police and Criminal Evidence Act, as well as the content of certain EU Directives, including Directive 2012/13/EU (on the right to information in criminal proceedings, 22 May 2012).

As concerns the Commanding Officer’s Investigations, the rights of detained persons are referenced in the relevant Defence Instruction and Notice (DIN01-115 of 2 June 2014, hereafter the “DIN”), as well as in its Annex A (Notice of Rights of Suspects). The DIN and its Annex regulate notification of custody, the right to legal advice and the right to medical assistance, amongst other matters; however, these do so in a far more cursory fashion than the Service Police Codes of Practice.

71. As regards notification of custody, in the context of Service Police Investigations, persons arrested by the CJPU (Service personnel or civilians subject to service discipline) have the right to have another person notified of that fact (paragraph 3 of the Codes of Practice). Suspected persons may also be permitted to receive visits at the discretion of the CJPU, and are to be “allowed to telephone one person for a reasonable time” (paragraphs 3.4 and 3.6).

The right to notify may be delayed in accordance with Annex A to the Codes of Practice if the person is in custody for a “serious service offence” and a senior officer (“of the rank of Lieutenant Commander, Major or Squadron Leader or above”) authorises it. A delay may only be authorised if the senior officer has reasonable grounds for believing that allowing someone to exercise this right will lead to interference with evidence, injury to people, alert other people suspected of crime or hinder the recovery of property. In any case, the exercise of this right cannot be delayed for any longer than 36 hours from the time of arrest.⁵⁵

The Committee welcomes these provisions.

In contrast, as concerns persons detained for Commanding Officer’s Investigations, Annex A to the DIN provides simply that: “If you are arrested, you may have one person notified of your arrest and where you are being held.”

⁵⁵ Article 8 of the Police and Criminal Evidence Act 1984 (Armed Forces) Order 2009 and paragraph 3.8 of the Codes of Practice.

The CPT would like to receive further information about the application in practice of this provision and, in particular, whether there is any possibility exceptionally to delay its exercise and, if so, under what conditions.

72. As regards access to a lawyer, in the context of Service Police Investigations, according to paragraph 4.1 of the Service Police Codes of Practice, “all suspects (whether in the UK or abroad) must be informed that they may at any time consult and communicate privately with a legal adviser, whether in person, in writing or by telephone, and that free independent legal advice is available from a duty solicitor in the UK. Outside the UK suspects must also be informed that free independent legal advice is also available from a Service lawyer”.

Regarding the content of the right of access to a lawyer, “a suspect who has been permitted to consult a legal adviser shall be entitled to have the legal adviser present when he is interviewed”.⁵⁶ As a matter of principle, “a suspect who wants access to legal advice may not be interviewed until they have received such advice”.⁵⁷ However, it also allows exceptions, including if a senior officer has reasonable grounds for believing that a delay would compromise the legitimate interests of the investigation or if awaiting the arrival of a legal adviser (including a Duty Solicitor) would “cause unreasonable delay to the process of investigation”.

Given the geographic remoteness of the SBA from mainland England & Wales, duty solicitors often provide legal advice by telephone and, on occasion, have been flown over to be present during interviews.

The CPT recalls that, other than in exceptional circumstances when the matter is urgent, whenever a detained person has made a request to have a lawyer present, police officers should delay the beginning of the questioning until the arrival of the lawyer.

73. Annex A to the Codes of Practice also allows the right of access to a lawyer to be delayed entirely, on similar grounds as for a delay in notification of custody (see above). However, Annex A further specifies that “authority to delay a suspect’s right to consult privately with a legal adviser may be given only if the Authorising Service Policeman has reasonable grounds to believe the legal adviser wants to consult will, inadvertently or otherwise, pass on a message from the suspect or act in some other way” that will endanger the legitimate interests of the investigation. “In these circumstances, the suspect must be allowed to choose another lawyer”.⁵⁸

In relation to persons detained for Commanding Officer’s Investigations, Annex A to the DIN provides the right to legal advice/entitlement to free legal advice⁵⁹: “if you are in arrest, you may at any time consult and communicate privately, in person, in writing or on the telephone with a Legal Adviser. In certain cases, including advice in respect of detention reviews, the assistance may be free of charge. Ask your Commanding Officer for more information”.

⁵⁶ Paragraph 4.9 of the Codes of Practice.

⁵⁷ Paragraph 4.7 of the Codes of Practice.

⁵⁸ Annex A, paragraph 4.

⁵⁹ Paragraph 2.

The CPT notes that if a Commanding Officer's Investigation "requires the suspect to be interviewed" [...] "the case must, without delay, be referred to the Service Police"⁶⁰, whereupon it presumes the above-mentioned provisions of the Service Police Codes of Practice would apply. Nonetheless, **the CPT would like to be informed whether there are any possibilities exceptionally to delay the exercise of the right to legal advice and, if so, under what circumstances.**

74. As concerns access to a doctor, in the context of Service Police Investigations, the relevant provisions contained in paragraphs 6.1 to 6.20 of the Service Police Codes of Practice that regulate the care and treatment of detainees appear satisfactory.

As regards people subject to Commanding Officer's Investigations, the right to medical assistance specifies: "If under arrest you have the right to medical assistance if you feel ill or are injured".⁶¹

The CPT would like to receive further information about the operation in practice of this right and, more particularly, to be informed of whether people subject to Commanding Officer's Investigations may also be examined by a medical practitioner of their own choice at their expense.⁶²

75. Regarding information on rights, all Service Personnel and civilians subject to service discipline who are deprived of their liberty should be provided with a copy of the booklet "Your rights if you are accused of an offence", which covers both Service Police Investigations and Commanding Officer's Investigations.

As regards Service Police Investigations, persons detained by the CJPU are also given a written form outlining their rights, including the rights to notify custody, have access to legal advice and to receive medical assistance. This "Notice to Suspect" form⁶³ is written in straightforward language. Suspects are asked to sign another form⁶⁴ that includes a certification that they have been informed of their rights and given the "Notice to Suspect" form. On this latter form, they are also asked again to specify whether or not they wish to notify someone of their detention and whether or not they want legal advice.

In relation to Commanding Officer's Investigations, detainees should also be provided with a copy of a "Notice of Rights to Suspect",⁶⁵ which make a (more cursory) reference to the rights to notify custody, access legal advice and medical assistance. The associated form recording "custody information for a person held without charge"⁶⁶ must be signed by the detainee.

⁶⁰ The statutory powers of arrest, and investigation of Service Offences by persons other than the Service Police - 2014DIN01-115, [supra], paragraph 14 c.

⁶¹ Annex A to the DIN, paragraph 8.

⁶² As is permitted in the Service Police Investigations context, paragraph 6.11 of the Service Police Codes of Practice.

⁶³ MOD Form 811A, revision of June 2014, effective from 2 June 2014.

⁶⁴ MOD Form 814A, revision of April 2014.

⁶⁵ [Annex A to the DIN, Notice of Rights to Suspect \(arrests by persons other than by Service Police– Annex A to 2014 DIN01-115 and Annex 1 to Vol 1, Ch4, JSP 830 MSL\)](#)

⁶⁶ Form T-SL-CUS01, Annex C to Vol. 1 Ch.5 JSP 830 MSL [supra].

76. The quality of the custody records examined by the delegation varied. The so-called “section 67 arrest paperwork” prepared by the CJPU (including the above Form 814A) was, in general, thorough and complete. However, a significant shortcoming was that no clear record was kept of the exact location in which detained people had been kept at all times.

This was especially evident regarding persons brought for interview at the Cyprus Joint Police Unit Headquarters, Episkopi Garrison. It could be ascertained from other elements in the files that they had been interviewed on tape in these premises, but without any clear record being made of the time at which they arrived and left the premises (or, indeed, of their precise location at all times between their arrest and their release and/or charge). Further, as regards the CJPU’s use of restraints records, while handcuffs had been applied to all persons apprehended at the time of arrest and during their transport to the CJPU Headquarters (according to the staff), the use of the restraint log recorded no use of restraints save for in one instance for the whole of 2016 and early 2017.

The CPT’s delegation also noted that elements were missing in some of the custody records maintained by 1 LANCS (the 1st Battalion the Duke of Lancaster’s Regiment) at the Services Custody Facility, Salamanca Barracks, Episkopi Garrison. In particular, in many instances, information on whether or not detained persons wished to avail themselves of the Duty Solicitor Scheme had not been completed in the Daily Occurrence Log, notwithstanding that it was apparent from other documentation that certain of the persons concerned had indeed requested, and received, legal advice.

The CPT recommends that the location and movements of all persons deprived of their liberty by the CJPU be fully and accurately recorded and the custody (and use of restraints’) records at the SCF be accurately maintained.

77. The existence of effective procedures for examining complaints and other relevant information regarding alleged ill-treatment by the police is an important safeguard against ill-treatment of persons deprived of their liberty. All persons deprived of their liberty by the police should be informed in written format about their right to make a complaint against the police and appropriate complaints forms in relevant languages should be made available. This can have a significant preventive or deterrent effect as regards ill-treatment and provides management with feedback on potential problems. Information about the complaints procedures and mechanisms available should be included in the initial written information given to detained persons on arrival.

At the SCF, the CPT’s delegation was informed that all detained persons were provided with information about their right to complain and complaints’ forms and a locked complaints’ box were situated in the visiting room. The custody staff retained the key and complaints were forwarded to the Commandant (CO 1 LANCS) for action. **The CPT would like to be informed by the British Forces Cyprus of the number of complaints received for 2016 and the first half of 2017, what these complaints pertained to and what action was taken.**

Further, this complaints’ collection model lacks an element of confidentiality and the **CPT recommends that confidentiality of detained persons’ complaints might be better ensured if, instead, a representative of the Commandant came directly to regularly verify and/or collect complaints from the SCF.**

78. Dependents of Service personnel serving in the SBA, including juveniles, may be detained up to 14 days pursuant to the above-mentioned powers of arrest and detention as “civilians subject to service discipline”.

The CPT’s delegation observed that one juvenile (a 16 year-old) and one young adult (a 19 year-old) had been arrested and detained for several days in the SCF in October 2016. A welfare officer had been appointed for them during their time in custody, and the range of safeguards had been recorded, including access to a lawyer, doctor, third party notification, and visits from their parents. However, an interview with the custody sergeant underlined that other than an appointment of a welfare officer, no specific juvenile-centric approach or regime would be applied.⁶⁷

To begin with, the CPT considers that it is not acceptable for children to be held for prolonged periods in police stations and, by extension, secure military police custody in SCFs. It believes that if children have to be detained on military police premises, they should be held for an absolute minimum period and no longer than the time required for the judge to order release or remand in custody. Beyond this short period, detained children must be held in an appropriate secure setting offering material conditions and a regime tailored to their specific needs. As a rule, juveniles should not be held in a law enforcement or military custody establishment for more than 24 hours as such establishments normally do not provide suitable conditions and an appropriate regime. In the CPT's view, all juvenile detainees and prisoners, including those on remand, should be held in detention centres specifically designed for persons of this age, offering regimes tailored to their needs and staffed by persons trained in dealing with young persons.

The CPT recommends that all juveniles deprived of their liberty for longer than 24 hours should be held in detention centres specifically designed for persons of this age, offering regimes tailored to their needs and staffed by persons fully trained in dealing with the needs of juvenile detainees and other detainees at risk.

3. Conditions of detention, regime and staffing

79. The Cyprus Joint Police Unit Headquarters, Episkopi Garrison serves as the initial point of entry into the custody system of the Service justice system. Apprehended persons are initially brought here for registration and initial interview, before being transferred to the SCF. There are no cells or other detention rooms in the CJPU headquarters, but detained people may be held there for several hours for the purpose of carrying out taped interviews, or to wait until the arrival of a lawyer. The conditions in the rooms used to carry out taped interviews (ordinary offices) call for no particular comment.

⁶⁷ Of note: this was also found to be generally the case by HMIP in its inspection of 15 UK SFCs in 2014; see Paragraph 5.18, Report on an announced inspection of Her Majesty’s Armed Forces Service Custody Facilities by HMIP, 24 February–6 March 2014.

80. At the time of the visit, the Service Custody Facility was staffed by two riflemen of the 1st Battalion, Duke of Lancaster's Regiment. Their Regiment has been deployed in Cyprus in mid-2015 for a three-year tour of duty in Cyprus ending in 2018, after which time it will be replaced by another regiment of the British Army.⁶⁸ The riflemen received 20 days of initial custody training and a refresher course every twelve months. There was an overall complement of seven trained Service custody personnel, whose duty was to ensure a 24 hour presence with rotating shifts of two staff members.

The Service custody personnel underlined that while they had received some custodial training, in practice, they relied on advice from the legal office of the British Forces Cyprus should a detainee require any different treatment, as was the case when they had a juvenile in custody in October 2016.

The CPT notes that this method of staffing a service custody facility is unusual, as most other overseas facilities are staffed by dedicated and experienced detention personnel from the Military Provost Staff (MPS).

The CPT would like to know if and when the authorities of the British Forces Cyprus intend to professionalise the staffing of the Service Custody Facility at Salamanca Barracks.

81. As for the material conditions at the SCF, there was a total of nine cells, eight (nos. 1-8) for individual occupancy and one larger room for up three people (no. 9). The single cells measured some 7m² and had a wooden plinth, bedding (mattress, pillow, sheets and blankets), a mirror, a call bell and adequate ventilation. The cells had standard police block glass / opaque windows affording only limited access to natural light; the artificial lighting was adequate. The multiple-occupancy cell, which measured 20m², had essentially the same facilities and layout, except that it had three wooden plinths. Toilets and showers were located adjacent to the cells. There was no formal outside exercise yard, but the delegation was informed that, subject to security restrictions, detainees could be accompanied to the small concrete outdoor area between the custody building and the administration building. **The CPT recommends that the authorities of the British Forces Cyprus convert the space between the custody building and the SCF administrative rooms to provide a formal outside exercise yard to which detainees should be offered daily access.**

82. The delegation was informed that some reading material could be provided on request and that a Bible and Koran were also available. There was a visiting room where detained persons could have meetings with their lawyer or visitors. On request, detained persons could be visited by a religious representative, welfare officers or, subject to the investigation, family members. That said, the visiting room where lawyers' interviews took place had a large grille in a hole in the wall, which directly faced the (generally) open door of the administration building. An audibility test confirmed that staff could clearly hear the content of conversations. **For the purposes of maintaining lawyer-client confidentiality, the CPT recommends that a different form of ventilation is found and that the existing grille in the SCF's visiting room wall be covered.**

⁶⁸ Source: <http://www.army.mod.uk/infantry/regiments/29497.aspx>

83. The CPT was informed by Service custody staff that the cell doors were mainly kept open during the day and only locked at night. The exception was if detained persons needed to be restrained for good order reasons or to 'cool off', in which case their cell door was locked both day and night (with visual checks conducted every 15 minutes until the measure was no longer needed). However, in reality, detained persons were subject to a different regime depending on whether they were active Service personnel or civilians subject to military discipline. Service personnel, depending on the severity of their alleged offence, were permitted to partake in normal training exercises outside of the confines of the SCF with their respective Service of the Armed Forces. On the other hand, civilians subject to military discipline were not able to partake in any outside activities and spent their time within the confines of the SCF, where there was little to occupy their time, other than some reading material available on request. **The CPT recommends that additional regime activities be developed at the SCF, in particular for civilians subject to service discipline.**

APPENDIX I

List of the establishments visited by the CPT's delegation

The delegation visited the following places where persons may be deprived of their liberty:

SBA Administration (police, prison and immigration detention)

- HMP Dhekelia
- Kolossi Police Station
- Dhekelia Police Station
- "16 Flight", Dhekelia Garrison
- Transit Facility, Dhekelia

British Forces Cyprus

- Service Custody Facility, Salamanca Barracks, Episkopi Garrison
- Cyprus Joint Police Unit Headquarters, Episkopi Garrison

APPENDIX II

List of the national authorities and organisations met by the CPT's delegation

Air Vice-Marshal Mike WIGSTON	Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia (SBA), and Commander, British Forces Cyprus
Brigadier Nick ORR	Chief of Staff, British Forces Cyprus
Philip RUSHBROOK	Chief Officer, SBA Administration
Chris EYRE	Chief Constable, SBA Administration
Stuart HOWARD	Attorney General and Legal Advisor, SBA Administration
Murray DUFFIN	Deputy Chief Constable, SBA Administration
Andy REED	Head of Operations, SBA Administration, Customs
Lieutenant Colonel Penny DAVIES	Senior Officer Legal, British Forces Cyprus
Squadron Leader Chrissie ASHTON	Senior Officer, British Forces Cyprus
Squadron Leader Karl BOOTH	Officer Commander, Cyprus Joint Police Unit
Major Stuart HORTON	SO2 Secondary Healthcare, Medical, British Forces Cyprus
Lieutenant Andy AKERMAN	SO3 Service Secretary, British Forces Cyprus
Nicolas REES	UK Ministry of Defence