

## HUMAN RIGHTS PLATFORM HOTLINE

Human Rights Platform Hotline provides service on weekdays between 10.00 - 18.00. The hotline is controlled by legal experts of the Human Rights Platform Association. You can call, send an SMS message or text via WhatsApp to our hotline to receive legal counselling (free of charge) regarding the five thematic areas (Anti-trafficking, LGBTI+ rights, democratic participation in decision making, refugee rights, detention conditions and freedom from torture) covered by the Human Rights Platform Project.

### HOTLINE NUMBER

**+90 542 862 00 60**

Please scan here for detailed information about the hotline and its service areas



## ABOUT THE HUMAN RIGHTS PLATFORM

The Human Rights Platform struggles for an egalitarian, just, democratic and inclusive world where universal human rights and freedoms are accessible and secure for everyone, protected, and constantly improved through effective mechanisms.

## THE HUMAN RIGHTS PLATFORM PROJECT

The Human Rights Platform Project aims for developing a more just, equitable, democratic and inclusive society where human rights are not only respected but cherished.

Follow us to get further information about the Human Rights Platform and the Human Rights Platform Project.

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# insan Hakları Platformu

Human Rights Platform



## INFORMATIVE BROCHURE ON CONDITIONS OF DETENTION AND PROHIBITION OF TORTURE



## 1 UNDER WHAT CIRCUMSTANCES CAN A PERSON BE DETAINED?

A person who is temporarily deprived of their liberty is called a detainee, and a detainee's condition is called detention.

**A person may be deprived of their liberty only in the following cases, as prescribed by 'law' and under the conditions provided by 'law':**

- ▶ In case of conviction or order by a competent "court",
- ▶ To prevent commission of a criminal offence or fleeing after having done so or to bring a person before the competent legal body on reasonable suspicion of having committed an offence,
- ▶ To detain persons who may spread an infectious disease, or persons under the influence of drugs or persons with severely unsound mind,
- ▶ To prevent a person's effecting an unauthorized entry into the northern part of Cyprus or against a person whom action is being taken with a view to deportation or extradition,
- ▶ For the execution of a sentence delivered in another country by a "court" for persons holding that country's nationality with more than one nationality in the northern part of Cyprus, if there is a "mutual judicial" "assistance agreement" with the relevant country.

No one shall be detained and be deprived of their liberty other than these cases. Everyone is entitled to take proceedings against 'unlawful' detention or arrest. If the detention is not 'lawful', a "court" shall order their release.

The detainee shall be promptly **brought before a "judge"** after their arrest and in any event **no later than twenty-four hours** after their arrest, unless released earlier. **The total duration of detention pending trial shall not exceed three months during the investigation process.**

## 2 WHAT ARE THE FUNDAMENTAL RIGHTS OF A DETAINEE?



### Right to an Interpreter

A detainee is entitled to free assistance of an interpreter if they do not understand or speak the language used.



### Right to Legal Assistance

Everyone who is detained shall be informed promptly, in a language which they understand, of the reasons for their detention and of any charge against them and everyone is entitled to prompt legal assistance of their own choosing or one that is chosen by their relatives. Access to and conference with a lawyer chosen by the detainee shall promptly be provided.



### Right to Inform One's Relatives

The status of the person arrested or detained shall be notified to their relatives at the earliest possible time and expeditiously, except in cases of absolute necessity required by the prejudice of revealing the scope and subject matter of the investigation.



### Right to Compensation

Everyone who has been the victim of 'unlawful' arrest or detention shall have an enforceable right to compensation.



### Right to Remain Silent

Detainees may not be questioned without prior warning. If there is reasonable suspicion that the detainee has committed an offence, the "police" shall inform them that they are free not to speak, but that if they do, their statements may be used against them as evidence.

Only if they wish to do so of their own free will may **they make a voluntary statement upon such warning**. Such a statement is admissible as evidence in any criminal proceedings against the person making the statement only if it is proven that it was given voluntarily.



### Right to Access Documents

Everyone who is detained has the right to access the arrest warrant issued by the "judge". If it is not available at the time of arrest, the written document must be shown to the arrested person as soon as possible.

## 3 STANDARD MINIMUM RULES OF DETENTION IN THE LIGHT OF HUMAN RIGHTS PRINCIPLES

- ▶ Detainees shall not be held in unhygienic spaces with no fresh air and window.
- ▶ It is imperative that detainees be provided with spaces where they can meet their bathroom and toilet needs in accordance with the rules of privacy and hygiene.
- ▶ Detainees have the right to clean water and adequate food. Repeated meals should not be provided on a regular basis, while the food should be nutritious.
- ▶ Detainees should be granted the right to access telephones and visitation that enable them to maintain their ties with the outside world.
- ▶ Detainees held in wards should be provided with a minimum of 6m<sup>2</sup> of living space per person.
- ▶ Detainees have the right to fresh air for at least an hour every day.
- ▶ 'Law enforcement bodies' are responsible for preventing detained children from associating or being in contact with adults other than their relatives while they are at the "police station."

## 4 PROHIBITION OF TORTURE AND ILL-TREATMENT

No detainee shall be subjected to torture and other cruel, inhuman or degrading treatment or punishment.

Persons' inherent honor and dignity are inviolable. Everyone is obliged to respect and protect them. No one, therefore, can be subjected to suffering and torture. No one can be subjected to punishment or treatment that is incompatible with human dignity.

- ▶ No one can resort to brute force during and after detention.
- ▶ No one shall be subjected to physical or mental suffering.
- ▶ No one may be threatened with persecution.
- ▶ No one shall be treated in such a way as to tamper with their will and perception.
- ▶ No one shall be subjected to cruel or barbaric conditions of detention.

If a detainee believes that they are being subjected to torture or ill-treatment, they should inform their lawyer or, in the case of a "court" appearance, the "judge" or the doctors and medical staff in the relevant places. The local bodies are responsible for putting an end to the situation and ensuring the safety of the detainee.