

AMNESTY INTERNATIONAL PUBLIC STATEMENT

24 February 2021

Index: EUR 17/3749/2021

CYPRUS: SERIOUS ALLEGATIONS OF POLICE ABUSE MUST BE INVESTIGATED AND BLANKET BAN ON ASSEMBLIES LIFTED

Amnesty International is profoundly concerned over reports supported by audio-visual material of police using excessive and otherwise unlawful force against peaceful protesters during an anti-corruption demonstration in Nicosia, Cyprus on 13 February 2021.

Several protesters were reportedly injured. Among them, 25-year-old singer and songwriter Anastasia Demetriadou who was hit by a water cannon and sustained a serious injury in her left eye. An investigation into the incident is currently being conducted by the Independent Authority for the Investigation of Complaints against the Police. Following the police violence on the 13 February, a large and peaceful protest was organised in Nicosia last Saturday 20 February where thousands of protesters of all ages marched against corruption, police violence and the proportionality of measures to control the pandemic.

Serious concerns also exist over a blanket ban on demonstrations that constitutes a disproportionate restriction to the rights to freedom of expression and peaceful assembly. Since 10 March 2020 and the introduction of COVID-19 related restrictions, Cyprus introduced bans or restrictions on mass gatherings with various Ministerial Decrees. On 5 June 2020, a Ministerial Decree on COVID-19 related restrictions introduced an explicit blanket ban on demonstrations¹. In a subsequent Decree on 26 August 2020, demonstrations continued to be banned until 15 January 2021 with the exception of cases that would be allowed under the guidance of the Ministry of Health. The blanket ban - but with no exceptions - was extended with subsequent Decrees on 17 November 2020 and most recently on 12 February 2021.² Despite heavy criticism on the ban by civil society, legal experts and political parties, the Cypriot government has decided not to revoke the ban citing concerns over a fueling of the pandemic. Today meetings were held between members of the government and the advisory scientific committee about the gradual easing of COVID-19 related restrictions and between the President of Cyprus, the opposition leaders and members of the committee. An official announcement of the restrictions lifted will be made tomorrow.

The organization urgently calls the Cyprus authorities to ensure that all reported incidents of human rights violations by Cyprus police during the 13 February demonstration are promptly, thoroughly, and impartially investigated and to revoke the blanket ban on demonstrations. Restrictions to the right of peaceful assembly to curb the pandemic must meet the principles of strict necessity and proportionality. This means they should go no further than what is necessary to safeguard public health and must not do more harm than good. Each assembly should be assessed on a case-by-case basis, and restrictions must be imposed only to the extent necessary and proportionate to achieve a legitimate end.

THE FACTS

In the afternoon of 13 February 2020, several hundred protesters including parents with children, who had gathered at Kolokasi park in Nicosia to demonstrate against corruption and the blanket ban on protests, were met with a large anti-riot police force in crowd control gear including body armour, helmets, shields, batons and a water cannon. Amnesty interviewed seven individuals who participated in the protest. Those interviewed by Amnesty International said that all protesters wore masks and adhered to physical distancing and described being intimidated on arrival by the heavily-armoured police force. They said that police blocked the streets around the park, kettled them and issued a warning that the protest would be dispersed in fifteen minutes. The interviewed protesters described how, when they tried to continue their protest by moving to a side street near the point of their original gathering, the police without any provocation attacked them with chemical irritants, stun grenades, batons and a water cannon. They said that the attack took place just ten minutes after the deadline for the dispersal of the protest was given by police.

¹ The ban did not have a definitive time limit.

² The most recent ban was extended until the end of February 2021.

H*, a male protester said: *'...I found myself on the front where the banner was, and I held the banner and ...police pushed us a bit backwards, but we did not move... and I see a police officer in front of me lifting the pepper spray and I raise the banner, so as to cover myself from the pepper spray. And then, the next thing I remember was pepper spray coming to my face and it was from very close... And I take few steps back because my face and eyes were burning and I could not see at all, I turned my back so I could leave and as I turned, I felt being hit twice with a baton on my back and on my head...'*

A widely publicized video shows a riot police officer hitting H* with a baton on the back of his head and a picture also shows police spraying him on the face from a very short distance. Another video shows heavily armored riot police throwing on the ground a protester on skates who was simply standing in front of them.³

Another male protester who spoke in the national media described how he sustained neck and head injuries after being hit with a baton on his head by police when he tried to help another protester from being trampled. Amnesty International was also informed that police attacked and hit a doctor who was trying to assist injured protesters.

Anastasia Demetriadou described to Amnesty International the attack of the police against the crowd of protesters and the moment she sustained a serious injury in her left eye after a police water cannon hit her directly with a volley of water while she was dancing and gesturing in protest of the police conduct towards the end of the demonstration. An video shows the moment of the attack against her.⁴ Anastasia said: *"... We were surrounded by police and people were asking them to let us pass and at that point they started the beatings with batons, using batons on the head and we were scared... What was imprinted in my memory was the picture of young girl – around 6 years-old- who was held tight by her father... [The police] were throwing stun grenades among the crowd... There were people on the ground spitting blood and not being able to breathe... Police tried to disperse us and grabbed any one they could... I was dancing and in that way I was showing my anger when the water cannon hit me first on my legs and progressively moved upwards, targeted my face and found my left eye... (The volley of water) hit me and I felt unbearable pain and then... lost consciousness..."*

According to the eye surgeon who operated on Anastasia, she had sustained internal hemorrhage and retinal collapse. He estimated that she will suffer a permanent and non-reversible loss of sight of 25 %.

Anna*, another female protester said: *"...At some point, it was decided that the protest would change direction and will take a side street. The police started attacking us with chemical irritants and beating people... We started running to save ourselves..."*

Those interviewed also spoke of random arrests of other protesters by police. Amnesty International understands that eleven protesters were apprehended and reportedly charged with causing disturbance and breaching the Ministerial Decree banning demonstrations. Some were issued additional charges of resisting arrest and attacking police. According to information provided to Amnesty International, those apprehended were placed in police vans where no social distancing and COVID-19 protection measures were adhered to and handcuffed very tightly and without concern for their pleas of pain. They were reportedly also not properly informed about the grounds of their arrest until many hours later, nor their right to legal representation and the rest of their rights until a couple of hours after their arrest.

The images of violence against the protesters were met with harsh criticism against the government, the Minister of Justice and Public Order and the Cyprus police. During a House Human Rights Committee Meeting on 15 February 2020, Justice Minister Emily Gioliti denied that there were instructions for such kind of repression and that those found responsible would be held accountable. In an announcement the following day, the Cyprus Police also stated that it would lodge a request with the Independent Authority for the Investigation of Complaints against the Police to investigate whether disproportionate force was exercised during the demonstration. In the following days, the Independent Authority announced that it would investigate the allegations of excessive use of force and that four criminal investigators were appointed to work on the case with instructions to complete the investigation within three months.

ANALYSIS

Under international human rights law, restrictions can be lawfully placed on the right to freedom of peaceful assembly in order to protect public health. However, such restrictions must be subject to strict criteria and limitations, be in conformity with the law and meet the principles of necessity and proportionality. As a rule, there should be no blanket bans on assemblies.

³ See 5.54 – 6.04 min of the video available at: <https://www.facebook.com/ussu.pion/videos/10164802292590147video>.

⁴ See 7.26 – 7.33 min of the video available at: <https://www.facebook.com/watch/?v=852082482300238>.

In response to the COVID-19-pandemic, any restriction of assemblies must be based on the objective to protect public health and must be effective in achieving this objective. Restrictions must be time-limited and regularly reviewed as to their necessity and proportionality. Further, there must be no less-restrictive measures available to achieve the same objective.

Complete prohibition of a specific assembly must remain the last resort. Other measures must be contemplated as much as possible, including measures to limit the number of participants, ensure the distance between each participant, wearing of masks, informing the public and controlling access routes in order to avoid mass afflux of bystanders, negotiating with organizers on an appropriate time or place for the assembly in order to limit the risk of transmission, among others. Even within the range of these possible measures, authorities are duty-bound to choose the least restricting ones that would still allow the assembly to effectively convey its message. International human rights law also requires that impediments on people being able to protest collectively in public as a result of public health measures are applied consistently in comparison to other movements and activities which people are still allowed to carry on with, giving due weight to the importance of the right to freedom of peaceful assembly and the increased need of people to jointly raise their voices in particularly difficult times.

On 20 February 2021, when another demonstration against corruption and police violence took place, no incidents of police abuse were reported. Amnesty International notes that the policing of the 20 February demonstration which was much larger than the one on 13 February showed that the police possessed both the know-how, equipment, and tactics to manage peaceful assemblies. It is therefore concerning that the 13 February demonstration was singled out. For this reason, it is vitally important that Cyprus authorities provides information how the police operation was designed.

To meet international standards on law enforcement such as the UN Basic Principles on Use of Force, Cyprus authorities must ensure that the evaluation, deployment and use of less lethal weapons is subject to very strict regulations, operating procedures, training and accountability. As with all use of force by law enforcement, their use can go no further than what is necessary and proportionate to achieve a legitimate aim. The use of less lethal weapons to disperse a peaceful demonstration is neither necessary nor proportionate.

Water cannons are essentially pumping systems designed to shoot jets of water at people. The pressure of the water can be varied from low pressure to soak the person and deter or demoralize, to high pressure in order to impart a blunt trauma that can push back a person or knock them to the ground. The power of water cannon discharges can cause serious physical injuries and their use against public assemblies can be indiscriminate, and so can affect peaceful demonstrators and bystanders. Water cannons should never target the head of an individual as it is far too dangerous. They should only be used to disperse protesters engaged in violent acts against persons, not against protesters simply not complying with an order to disperse. Weapons likely to use considerable damage may only be used for the purpose of preventing/protecting against a similar threat. Further, weapons with indiscriminate effect should be used only in case of widespread violence when it is no longer possible to deal with individuals engaged in violence alone.