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الشبكة الأوروبية - المتوسطية لحقوق الإنسان



European Network Against Racism
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Two years after the attack on the 2010 Rainbow Festival:

Justice delayed for victims of racist violence and for KISA's Executive Director

- Open letter to Cyprus's Ministry of Justice -

23 November 2012

Dear Mr Louka,

Thank you for replying to our delegation's letter of 6 June 2012, addressed to the Permanent Secretary of the Ministry of Justice, Mr Stelios D. Himonas. This letter was submitted following the verdict of the Cypriot court acquitting Mr Doros Polycarpou, KISA's Executive Director, of all criminal charges brought against him, following the tragic events at the 2010 Rainbow Festival on 5 November 2010 in Larnaca.

We appreciate your Ministry's efforts of in keeping us abreast of the actions taken by the authorities (letter received on 24 October 2012), in particular the administrative investigation into the two police officers' testimonies against Mr Polycarpou, who were found to be unreliable witnesses by the judge.

We also welcome the transposition in Cypriot law of the EU Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law. We hope that its implementation will help prevent discrimination in Cyprus, and will ensure that events such as those witnessed at the 2010 Rainbow Festival will not be repeated in the future.

However, despite these promising developments, and almost six months after the court's verdict, we deeply regret that some of our concerns remain unaddressed:

1- In spite of the continuous rise of racism and racist violence in Cyprus over the past few years, the Ministry has not drawn up any proposals to tackle the rise of the far-right movement in the country. Cyprus still lacks an action plan to execute and coordinate its

efforts in tackling this issue. We request clarifications from the Ministry as to whether measures have indeed been implemented to address this urgent matter.

2- Your letter refers to investigations into one complaint by Mr Polycarpou, although three were lodged: one against an undercover police officer who brutalised Mr Polycarpou; another against the General Secretary of KEA – The Greek Resistance Movement (one of the organisers of the far-right march which attacked the Rainbow Festival) for incitement to racial hatred; and, thirdly, one against the police force for failing to protect the Festival from racist violence. At the time of writing, legal proceedings against the far-right leader are on-going, however, the “impartial investigation” bodies for police misconduct mentioned in your letter have so far not conducted any investigation into the other two complaints due to the on-going Court proceedings, furthering the sense of impunity which has prevailed since these events occurred.

3- The delegation welcomes the launch of an administrative investigation regarding the behaviour of the two police officers who testified in Court and who were found to be unreliable witnesses. We would like clarifications from the Minister as to whether this investigation will be carried out by an independent body. We also request a response as to why no disciplinary action has been taken against these two officers. More specifically, does the lack of disciplinary action imply that the two police officers, whose false testimony could have resulted in Mr Polycarpou’s imprisonment for three years, are considered innocent?

4- We strongly believe that the Court decision entails a clear questioning of the police’s view that Mr Polycarpou encouraged confrontation with the far-right marchers and therefore reiterates the need for an independent investigation. Under these circumstances, our delegation wishes to know if the Minister is willing to re-examine the possibility of an independent investigation into the police force’s behaviour before, during and after the racist attacks against the 2010 Rainbow Festival as well as the failure of the police to protect the Festival participants from being attacked. Furthermore, we wish to know if any investigation has been launched regarding the racist crimes committed against individuals, including the Turkish Cypriot who was stabbed and the Pakistani national who was seriously injured.

5- Finally, it appears that no preventive mechanism has been put in place to ensure that the rights of migrants, refugees, and human rights defenders are respected. Your letter only mentions the possibility for victims of racist violence to lodge a complaint. Our delegation wishes to receive clarifications from the Ministry regarding the authorities’ responsibility to ensure that everyone is free from discrimination and violence. Have any specific measures been taken by the authorities to guarantee the safety of human rights defenders and to protect them from political pressure and violence according to the UN declaration for the protection of Human Rights Defenders?

Two years after the tragic events which occurred at the 2010 Rainbow Festival, our delegation remains concerned about the effectiveness of the anti-racism and anti-discrimination policy of the Cypriot authorities.

The police force's decision not to interfere against the violent anti-migrants and far-right march on 5 November 2010 and to allow their progression towards, and eventually their attack on, Festival participants is worrying: it downplays the danger of far-right movements by treating them "equally" with peaceful supporters of migrant rights. An effective policy should comprise justice for victims of racist crimes and the end of impunity for those who participate in their perpetration, directly and indirectly.

We remain hopeful that the Ministry will take these issues seriously and urge the authorities to:

- Ensure that an external independent investigation establishes who is responsible for the extreme violence witnessed at the 2010 Rainbow Festival, and that sanctions are applied in consequence;
- Ensure that an independent external investigation is carried out to establish why the police force was unable to prevent the attack against the Festival participants and that disciplinary procedures are taken against the police officers who participated in the violence;
- Ensure that Mr Polycarpou receives compensation for the unfounded accusations brought against him and that the two police officers who testified are sanctioned for providing the court with false and unreliable accounts;
- Commit to the implementation of the above mentioned Council Framework Decision and to the UN Declaration on Human Rights Defenders, and adopt concrete measures to monitor and stop the rise of xenophobia and guarantee the protection of minority groups, migrants, refugees and human rights defenders against racist violence and discrimination;
- Uphold the rights of all victims of racist crimes and ensure proper compensation for the persons seriously injured at the 2010 Rainbow Festival;

Yours sincerely,

Association Européenne des Droits de l'Homme (AEDH), Euro-Mediterranean Human Rights Network, European Network Against Racism (ENAR), Fahamu Refugee Legal Aid Programme, Front Line Defenders, Migreurop, Observatory for the Protection of Human Rights Defenders (FIDH-OMCT), Platform for International Cooperation on Human Rights Defenders (PICUM)