

# Guide to Activism in the northern part of Cyprus

This guide aims to help us understand the general aspects of the criminal law system in the northern part of Cyprus during the investigation phase, and the powers and duties of the police in peaceful assemblies and protests in particular.





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With the "freedom of thought, speech and expression", the Constitution regulates that everyone has the freedom of thought and the right to express and disseminate their ideas individually or collectively, without censorship, through speech, writing, pictures. It also enumerates the grounds on which the right may be legally restricted.

On the other hand, the right to assembly and demonstration also regulates that citizens can take peaceful actions without obtaining prior permission from any authority . Even though the police tried to prevent meetings and demonstrations involving foreigners from time to time, there was generally no intervention to halt the activity.

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Against the exercise of the aforementioned rights, the police may intervene with the allegation that the legal limits have been exceeded or that any crime has been committed at that time. Before moving on to the powers granted to them by the legislation, it is necessary to mention the police organization in the northern part of Cyprus. Police officers operate in uniform and non-uniform (civilian). The organization itself is divided into main branches as administrative, judicial, political, maritime - airport - ports, special operations , narcotic - anti-smuggling prevention police. Police officers from the political branch often attend events such as public meetings of non-governmental organizations, political parties, unions, associations, and press releases in non-uniform. If there is a demonstration route and traffic management is needed traffic police in yellow-phosphorescent green-black uniformed traffic police joins. From time to time, administrative police in light blue shirts or dark blue sweaters and trousers, narcotics branch police in civilian clothes, or special operations teams in military camouflage may also take part. Judicial branches come into play in the process carried out after the crime has been committed.

General role of the political branch is to collect and evaluate information in order to learn and prevent crime in the internal and external security of the country. Most of the time, political branch police asking you questions and seeking information will be in civilian clothes. If there is a reasonable suspicion that you are holding an illegal assembly or demonstration or that you have committed any of the other crimes in the penal code , they may ask you to go to the police station and testify, at which point the judicial branch police, who are often without uniforms, will step in.

Rules regarding rights, freedoms and their limitations under certain conditions can be abstract and difficult to understand for non-jurists. For easier understanding, general principles will be explained with concrete subtitles. Generally information will be covered under two headings: constitutional rights and the powers and duties of the police.



# **A - Constitutional Rights:**

## **1. In what circumstances and reasons can a person be arrested?**

- Convicted by a court after committing a crime.
- For the purpose of bringing the person with "reasonable suspicion" of committing a crime before a judge and taking precautions against the suspicion of escape.
- Reasonable doubt cannot be interpreted arbitrarily. The existence of serious doubt should be sought.
- If you were not caught red-handed for an act that warrants a prison sentence, a judge's order is required for your arrest.

## **2. What are the legal rights of an arrested or detained person?**

- You have personal freedom and security. Your freedom may be restricted in accordance with the grounds and procedures specified by law.
- If you are caught or arrested, your relatives should be informed as soon as possible.
- The reason for your arrest and detention should be conveyed to you in a language you understand, and if you do not speak Turkish, free interpreter support should be provided.
- You can get service from a lawyer of your choice or your family. You have the right to benefit from the legal assistance of one or more lawyers at every stage of the investigation. Your lawyer cannot be prevented or restricted from being with you during the statement and interrogation and providing legal assistance.
- You must be brought before a judge as soon as possible, and in any case within 24 hours.
- If the investigation is ongoing, you may be detained for a period not exceeding three days after your first appearance before the judge, and 8 days in subsequent times. This period cannot exceed three months in total. Your lawyer or you can appeal against these deadlines in court.
- If you believe the detention is illegal, you can file a lawsuit to have it revoked.

# **B - Powers and Duties of the Police:**

## **1. How to interact with the police when you are at a peaceful event or demonstration?**

- Police officers may be present at the general assembly meetings, meetings and demonstration marches of non-governmental organizations, unions, professional organizations, including associations, to ensure security.
- You have the right to request that the person asking you questions and obtaining information to document whether or not they are a police officer. The police have to show their ID card and introduce themselves.
- Their place of authority is the land, sea and air space within the borders of the northern part of Cyprus and its territorial waters. They cannot interfere in any way in the intermediate zone (buffer zone).
- The police are only authorized to take the body measurements, voice, finger, palm prints and photos of the detained and arrested persons, for recording and identification purposes. If the persons are released, these files should be destroyed together with the negatives or handed over to the relevant person.



## 2. Do I have to show my ID and testify?

- To prevent crime or catch perpetrators of crimes in order to seize them, police are authorized to ask for identity cards and see the identities. Show your ID to a police officer who asks for your ID, only after you are sure that they are a police officer, and for which reason they want to see your ID. Do not engage in further dialogue if they have not mentioned a suspicion of a crime against you.
- During an investigation process, persons deemed necessary to make a witness statement about the facts and circumstances of the crime may be summoned to the police with a written document. If the person is alleged to have committed a crime rather than a witness, they should be given a legal warning and informed about their rights such as notifying their relatives, appointing a lawyer, getting support from an interpreter if they are a foreigner, and staying silent.
- The statement must be taken in writing, read to the person giving it, and asked to sign it. They may refuse to sign, the investigator takes a note of refusal with the reason. If a statement is made under torture and ill-treatment, if you are forced to sign a statement other than your statements, you can object to the statement during the trial.

## 3. What is the Limitation of Power on Search, Capture and Detention?

- You have the right to demand respect for your private and family life. The privacy of your private and family life cannot be touched, and nobody's top, private papers and belongings can be searched or seized. The only exception to this rule is a search warrant issued in accordance with the law.
- A police officer can not arrest or search anyone without the order of a judge unless there are reasonable doubts that the person is carrying, taking away or concealing any item or document in connection with any crime that is about to be committed or has been committed. In the order of the judge, the name of the person or a phrase for identification, the crime to which the person is related should be written and shown to the person as soon as possible.
- The reason for the arrest must be reported to the person. There are three exceptions to this rule: arrest at the time of committing a crime, chasing immediately after committing the crime, and after escaping legal custody.
- The arrested person can be searched and any item or document that may constitute evidence of a crime can be confiscated.
- The search must be conducted by a police officer of the same sex.
- The police have the authority to stop and search a vehicle that is used to commit a crime or is suspected of being used to commit a crime and for which there are sufficient reasons and indications. The reason for the search must be explained to you. If the vehicle has been used to commit a crime, the vehicle may be confiscated.

**KNOW YOUR RIGHTS**