

Police Relations
Edition



police relations



INFORMATION BOOKLET



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Intro

Upon encountering police officers put in mind that they operate to protect public order, by:

- Acting on suspicions of potential criminal activity with the aim of preventing them; and
- Investigating crimes that have already taken place by acquiring forensic evidence.

In line with these, they are also allowed to conduct searches to protect public order if:

- They have a reasonable belief that the person about to be searched is involved in a crime punishable by at least 2 years in prison.
- They believe that the person to be searched is in possession of an item that may have been used in a crime.

If these two conditions aren't met, then the legal grounds for a search are missing and it is thus, illegal. Students should be aware that they have the right to privacy, recognized as a basic human right under Article 12 of the 1948 Universal Declaration of Human Rights Act.

It is important to remember the following in every interaction with the local authorities:

- You have the right to ask for a translator.
- You have a right to demand a reason for your search/arrest. You can do so by asking: "Do you suspect me of something? Why am I being searched/arrested? Did I do something wrong?"
- You have the right to remain silent. You do not have to give your testimony (which includes answering any questions) unless you have a lawyer present.
- Without a lawyer, before you sign a testimony, you have a right to know from the start what you have been accused of.

What to do, if you encounter violence perpetrated by a police officer?

- Immediately contact VOIS Cyprus and/or the Bar association.
 - Facebook: VOIS Cyprus, K. T. Barolar Birliđi İnsan Hakları Komitesi
 - Instagram: @voiscyprus, @ktbarolarbirligi
- Either of these organizations can provide the legal guidance to file an abuse of power case against the officer. The case will be filed after a health report has been obtained from a public hospital documenting the violence.
- Please contact the organizations immediately after the incident, before the injuries heal.

What are the consequences for an officer denying a student access to their lawyer?

If a person is detained, access to and conference with a lawyer chosen by the detainee shall promptly be provided. If the police refuse to co-operate and help the detainee to have access to their lawyer, this issue can be brought up in front of the court and the judge can be informed and asked to intervene (If the detention period exceeds 24hours, the police take the detainee in front of the court).

An official complaint can be submitted to the Police Headquarters for a disciplinary investigation to be conducted on the grounds that the police officers misused their authority and failed to fulfil their official obligations. This complaint shall be submitted in a written petition format and a document shall be obtained that the petition was received from the Police Department.



What documents can the police legally demand to see and under what circumstances? (muhaceret, passport).

According to the Article 91 of the local legislation related to the police (No. 51/1984);

As a part of investigation, research or prosecution, the police have the authority to ask the people that might be witnesses to give written statements and answer their questions. The police can also ask to see the identity documents to determine or prevent crime.

N.B: The use of the phrase “to prevent crime” provides very broad authority to the police for asking to see Identity documents at any time from anyone.



If and when students are allowed to record police officers performing their duties?

It is not permitted to take records within the police stations and/or detention centres. On the other hand, there is no local legislation prohibiting taking photos and/or videos in the public areas.

Nevertheless, Article 244 states that any person who “assaults, resists, or willfully obstructs any peace officer in the due execution of his duty, or any person acting in aid of such officer is guilty of a misdemeanor and is liable to imprisonment for two years”.

There is a risk that police will regard the attempt to take a record as an attempt to prevent the officers from performing their duties. Of course, this possibility is a matter that can be evaluated on a case-to-case basis, and it is questionable if the court will agree on police’s interpretation. Thus, it is important to be cautious in taking recordings in public spaces and avoiding direct physical conflicts with the police to ensure legal safety.



What does the local legislation say about mandatory translation for statements and/or should students always write their own statements?

It is legally mandatory to provide translation for the non-Turkish speakers when providing legal statements in the court or in the police. **All written statements provided in the police should be signed by the student.**



How long can someone be detained without a warrant/court appearance?

Everyone who is detained has the right to access the arrest warrant issued by a judge.

The detainee shall be promptly brought before the court after their arrest and in any event no later than 24 hours after their arrest unless released earlier. The total duration of detention pending trial shall not exceed 3 months during the investigation process.

