

CYPRUS – national procedures for mutual legal assistance on laundering,
search, seizure and confiscation of proceeds of crime (ETS No. 141)
Updated 10/03/2017

The information contained in this table should be updated on a yearly basis.

Procedure for search (asset-tracing) and seizure	
The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for mutual legal assistance (including freezing and seizure):	The Ministry of Justice and Public Order, 125 Athalassas Avenue, 1461 Nicosia, Cyprus Tel. number: 00 357 22 805928/ 22805942/ 22805951, Fax number: 00 357 22 518328, E-mail: registry@mjpo.gov.cy mmounti@mjpo.gov.cy
If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	
Channels of communication for the request for mutual legal assistance (directly, or other):	Directly to Central Authority
Means of communication (e.g. by post, fax, e-mail ¹):	By post/ fax/ email (provided that the original will follow by post)
Language requirements:	Greek or English

¹ Please indicate if encryption or electronic signature is required.

Double criminality requirement, if applicable:	
Other requirements: for example a link between the proceeds and the criminal offence, or that a request for the confiscation judgment or measure will be made later, or that leave is given by a judge for the seizure of assets/goods:	
Modalities/requirements for the execution of MLA requests for investigative assistance (search, tracing, special investigative techniques), existence of a central register of real estate/ bank accounts, duration of preservation of bank data, etc.:	Justified Requests giving details of the facts of the case under investigation. Central Register of Real Estate exists but currently not for bank accounts. The Banks are obliged to preserve the bank data for a period of at least 5 years.
Limitation of use of evidence obtained:	No limitation exists.
Modalities/requirements related to the execution of provisional measures (freezing, prejudgment seizing) including lifting of these measures (possibilities to seize (im)movable properties) and applicable time limits, if any:	Sections 14 and 15 of the AML/CFT Law (attached) provide for the possibility to obtain domestic freezing measures and sets out the requirements. Also under Part IV and IVA of the above Law (attached) there is the possibility to register and enforce in Cyprus foreign freezing orders affecting property traced in Cyprus.

<p>Available asset management system including preservative measures, (for example prejudgment selling), concerning the seized goods:</p>	<p>The AML/CFT Law contains provisions for appointing a Receiver both at the stage of the freezing as well as at the stage of enforcement of a confiscation order.</p> <p>At the stage of freezing, according to section 14 (7):</p> <p>“(7) The court may at any time after the making of a restraint order, appoint a receiver-</p> <p>(a) to take possession of any realizable property and place it under his custody; and</p> <p>(b) to manage or otherwise deal with the said property, in accordance with the directions of the court:</p> <p>It is provided that for the purposes of this Article and without prejudice to its generality, the court may appoint as a receiver also the Official Receiver, who may also apply, for the purposes of this article, the relevant provisions and procedures provided for in the Bankruptcy Law and the relevant Regulations issued in accordance with that Law, as well as the Company Law and the Company (Liquidation) Regulations.”</p>
<p>Procedure for confiscation/ Recognition of foreign decisions. Recovery of confiscated assets.</p>	
<p>The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for Confiscation/ recognition of foreign judgments/decisions/measures:</p>	<p>Ministry of Justice and Public Order which forwards the Request to the FIU.</p> <p>FIU: Unit for Combating Money Laundering (MOKAS).</p>
<p>If different from the Central Authority, the authority to which the request should be sent</p>	<p>Same as above.</p>

(name of the institution, address, telephone, fax and e-mail where available):	
Channels of communication for the request for mutual legal assistance (directly, or other):	Ministry of Justice and Public Order.
Means of communication (e.g. by post, fax, e-mail ²):	By post/ fax
Language requirements:	Greek or English
Document requirements and modalities/requirements for the procedure of confiscation:	Part IV and IVA of the AML/CFT Law sets out the procedure and requirements for registering and enforcing in Cyprus foreign confiscation orders. Copy of the relevant parts of the Prevention and Suppression of Money Laundering and Terrorist Financing Law is hereby attached.
Other requirements, if applicable: For example: a link between the proceeds and the criminal offence. In case of money laundering, what are the requirements for the predicate offence(s):	The proceeds of crime can be confiscated as well as corresponding value property of the accused person. Predicate offences according to the domestic legislation are all offences punishable with more than one year imprisonment as a result of which proceeds have been derived.
Procedure /possibilities to trace assets/proceeds when	There is such possibility under the provisions of AML/CFT Law.

² Please indicate if encryption or electronic signature is required.

a (foreign) confiscation order is already given:	
Procedure for sharing of assets, if applicable:	Sharing of assets provision are also included in Parts IV and IVA (above).
Where applicable, limitations to the possibility for the requesting state to serve judicial documents directly to the persons concerned:	
Other particularly relevant information on special types of assistance	
Non Conviction Based Confiscation:	Only limited to situations of absconded persons, dead or seriously ill.
MLA regarding liability of legal persons (criminal, civil or administrative):	Criminal liability of legal persons exists.
Other information (for example, extended confiscation, confiscation for the purpose of victims):	Extended confiscation is also covered under the AML/CFT Law.
Links to national legislation, national guides on procedure:	http://www.law.gov.cy/law/mokas/mokas.nsf/index_en/index_en?OpenDocument link to articles of relevant legislation