

# CYPRUS



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## NATIONAL POLICY

Cyprus has not been confronted with any terrorist incidents throughout the recent years and considers that, despite the fact that in certain areas of its territory, the Government of the Republic of Cyprus does not exercise effective control, the terrorist threat for the country remains low.

Nonetheless, the Government of the Republic of Cyprus has included the fight against terrorism in its foreign policy as a priority and is committed to join forces with other governments, bilaterally and multilaterally, to eliminate this scourge in all its forms and manifestations. For that purpose, the Government takes all the necessary measures in close co-operation with the other member states of the European Union and the international community in general.

In this context, the Republic of Cyprus provides all the necessary means to ensure that it participates effectively and efficiently in the global efforts for the suppression and the prevention of terrorism.

Finally, Cyprus considers that terrorism should not be linked to any religion, nationality or ethnic group and the fight against it should take place both in relation to its manifestations and root causes and with respect for human rights and civil liberties.

## NATIONAL COUNTER-TERRORISM COORDINATOR

On the 8<sup>th</sup> of October 2010, the Council of Ministers of the Republic of Cyprus decided and appointed a National Counter-Terrorism Coordinator, to enable Cyprus to better fulfill its obligations that emanate particularly from EU actions in this field.

The National Counter-Terrorism Coordinator is responsible for the following:

- (a) Advising the Government on policymaking with regard to the prevention / combating of international terrorism.
- (b) Coordinating and supervising the implementation of the international and European obligations of the Republic on issues of terrorism, including EU Action Plans related to terrorism.

(c) Representing the Government at the meetings convened by the European Counter-terrorism Coordinator, as well as at other European and International meetings that concern terrorism.

The National Counter-Terrorism Coordinator is Dr Petros M. Kareklas, who is also the Permanent Secretary of the Ministry of Justice and Public Order.

## LEGAL FRAMEWORK

### Terrorism Act of 2010

Up until recently, individual terrorist acts were covered by the Cypriot Criminal Code, Cap.154. The Code does not include any specific crimes of terrorism. This is the main reason why the Ministry of Justice and Public order prepared a new anti-terrorism legislation to give Cyprus a more comprehensive law governing the matter.

The Combating Terrorism Act of 2010 (Number 110(I)/2010) was enacted on November 2010 by publication in the Official Gazette of the Republic under Article 52 of the Constitution. This Act provides an extensive analysis of the offences constituting a terrorist act, the punishment of such crimes and issues dealing with international co-operation. Inter alia, embodies the European Council Framework Decision of the 13 June 2002 on Combating Terrorism (L.244 (I)/2004). The definition of terrorist offences ("act of terrorism") is based on this Decision, while it is also provided that a series of other offences (e.g. robbery or kidnapping), which do not constitute terrorist offences *per se*, if combined with an act of terrorism, also constitute terrorist offences. Such offences have been taken from the Cyprus Penal Code (Cap.154) and from the aforementioned European Council Framework Decision. The overall attempt of this Anti-terrorist Code is focused on the creation of a comprehensive piece of legislation in the area of terrorism.

Specifically, Article 5 which is one of the most important articles of the Act, provides a plethora of actions that may constitute an act of terrorism. Specifically, Article 5 stipulates *"that a person, who intentionally commits an act which may critically damage any country or international organisations with the intention:*

*-to seriously intimidate the public or sections of the public, or*  
*-to unjustifiably force public authorities or international organizations to do or abstain from doing any act, or*  
*- of seriously destabilizing or destroying the fundamental political, constitutional, economical or social structures of a country or an international organization and*

*the act constitutes-*

*a) Murder, manslaughter, written threats to commit murder, conspiracy to commit murder, roaming in a situation of inability to resist in order to commit a felony, roaming in a state of narcosis with the intention of committing a felony, actions with the intention to cause grievous bodily harm or to avoid arrest, causing grievous bodily harm, attempt to cause grievous bodily harm with explosive material, malicious granting of poison with the intention to cause grievous bodily harm, wounding and similar acts, kidnapping, burglary and commission of felony, arson, attempted arson, causing a wreck.*

*b) taking hostages according to the Law 244/90, seizure of aircraft according to the Law 30/72, offences against the safety of civil aviation according to the Law 33(III)/2001, offences against internationally protected persons according to the Law 63/75, offences according to the Law 3(III)/98 and offences according to the Law 17(III)/1999,*

*c) construction or acquisition or possession or transfer or supply or use of firearms or radiological weapons or any explosive substance or other lethal devices or nuclear or biological weapons or research and development of biological and chemical weapons,*

*d) the cause of a widespread destruction in Government or public facility, public transport system, infrastructure, including information systems, facilities or other property of consular authorities or diplomatic missions, fixed platform in continental shelf, space for public use, private property, and that may endanger human life or cause serious economic damage,*

*e) interference or disturbance or disruption of water supply power, or other fundamental natural resource resulting putting human lives at risk, constitute the offence of terrorism and upon conviction is liable to a life imprisonment."*

Furthermore, Articles 6 to 16 specify what other actions are considered to be a terrorist act. These are as follow:

Article 6 stipulates that a person is guilty of a terrorist act if he/she threatens to commit any of the

offenses set forth in Article 5 of the Act, and upon conviction is liable to imprisonment not exceeding ten years.

Article 7 provides that it is illegal to knowingly participate, in any way, in a terrorist organization and upon conviction, the accused will be liable to imprisonment not exceeding 8 years.

Article 8 is of an extreme importance. Article 8(1) criminalizes the act of any person to knowingly support, in any way (including funding), either a terrorist organization, or member of a terrorist organization or persons included on the lists and upon conviction will be liable to imprisonment not exceeding eight years. In addition, Article 8(2) specifies that support also includes providing guidance:

- a) for the construction or use of explosives firearms or other weapons or noxious or hazardous substances or
- b) for any other specific methods or techniques

with intent to perform or contribute to committing terrorist crimes knowing that these guidelines are intended to be used by a person or an organization.

Article 9 makes it unlawful for a person who, in order to commit any of the offences set forth in Articles 5 and 6 of the Act, commits theft of either money or anything of value exceeding fifty thousand euro or extortion or forgery of any governmental document, is guilty of an offence and upon conviction is liable to imprisonment not exceeding fifteen years.

According to Article 10, persons who refuse to disclose information regarding a terrorist act will be guilty for a terrorist offence. In other words, persons hold information which may assist either to prevent the commission of a terrorist offence by another person or to ensure the arrest, prosecution or conviction of another person for a terrorist offence and conceal such information is guilty of an offence. The sentence for such an offence shall not exceed two years.

Article 11 establishes that if a person manages or organises a terrorist organisation is guilty for committing a terrorist offence, which carries life imprisonment.

Article 12 permits the court to impose sentences up to eight years imprisonment if a person, for the purpose of indictment of a terrorist offence, distributes or otherwise makes available to the public material, causing the risk of committing a terrorist offence regardless if such an offense has been committed.

It is an offence according to Article 13(1), for a person to attempt or incite another person to commit

any offence provided in the Act, regardless of whether that person consents or not to commit it. Upon conviction for such an offence, the accused will be liable for an imprisonment not exceeding ten years.

However, it must be noted that, as stated by Article 13(2), attempting to commit an offense referred to in Article 5(c), Articles 6, 7, 8, 11 and 12 and instigation to commit the offenses set forth Article 2 and Articles 12 and 13, do not constitute an offense under the Act.

Regarding legal entities, Article 14 is relevant. Particularly, a legal person may be prosecuted under this Act, if a terrorist offence has been committed on behalf of the legal person. If a legal entity is found guilty for an offence, is subject to a fine not exceeding €850, 000 and, in addition, depending on the offence may be ordered to:

- a) a permanent or temporary ban on commercial or other activities,
- b) exclusion from public benefits or aid,
- c) dissolve, and
- d) temporary or permanent closure of premises used for the commission of terrorist offences.

Articles 15 and 16 deal with violation of Regulations 2580/2001 and 881/2002. Sentencing for either of these will not exceed eight years.

For the interpretation of various words used in the Act, Article 2 is relevant. Therefore pursuant to Article 2 a terrorist organization has been defined as "a structured group of two or more people established and operating for some time to commit terrorist offenses and are included in the lists," a structured group is considered to be a group that "has not been set up randomly, with the intent of an immediate commission of an offense and does not need to have formally defined roles for its members, continuity of its membership or a complex structure" and lists are that lists which are mentioned in Article 17 of the Act.

To be more specific, Article 17 states that the Ministry of Justice and Public Order may issue notifications published in the Gazette, which will set out the updated list of persons, groups or entities for which Common Position 2007/448/CFSP of 28 June 2007, updating the Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Positions 2006/380/CFSP and 2006/1011/CFSP and the lists issued in respect of Security Council resolutions of the United Nations aimed at combating terrorism, as currently modified or replaced.

Furthermore, the House of Representatives ratified the Convention of the Council of Europe to prevent

terrorism, which was signed by the Republic of Cyprus on May 2005. As a result, on November 2010, it was published in the Official Gazette of the Republic, as The Convention of the Council of Europe for the Prevention of Terrorism (Ratification) Law of 2010.

## Interception of Communications

Up until recently this investigation technique was not available. This is the main reason that the House of Representatives on the 4<sup>th</sup> June 2010 proceeded with the amendment of article 17 of the Constitution allowing the interception of communications in the context of investigation of serious crimes, i.e. murder or manslaughter, trafficking of human beings and child pornography related crimes, trafficking, production and dealing of drugs and corruption.

## Other legislation

There are also a number of other legislations that contain provisions which criminalize certain conducts that may not constitute terrorist crimes per se, but can be described as terrorist acts where such acts promote or are motivated by terrorism. There is a series of supplementary legislation, such as:

- a) the Extradition of Fugitives Law 97/1970,
- b) the Suppression of Crime Law 3(I)/1995,
- c) the Prevention and Suppression of Money Laundering Activities Laws of 1996 - 2004,
- d) the Protection of the Privacy of Telecommunications Law 92(I)/1996,
- e) the Refugee Law 6(I)/2000,
- f) the Protection of Witnesses Law 95(I)/2001,
- g) the International Cooperation in Criminal Matters Law 23(I)/2001,
- h) the European Arrest Warrant Law 133(I)/2004,
- i) the Law providing for the Acquisition, Possession, Transfer and Import of Firearms and Non-firearms and Related Issues, Law 113(I)/2004.
- j) Furthermore, the domestic Penal Code, Cap 154, even though, as in almost all countries, does not provide for a definition of "terrorism", contains a number of provisions, which could be applied to acts of terrorism, such as *section 56: Membership of an unlawful association, section 57: Advocating and encouraging unlawful association, section 58: Giving or soliciting contributions for an unlawful association, section 80: Carrying arms to terrorize, section 91:*

*Threatening violence and section 92:  
Possessing firearms with intent to injure.*

### **Controlled delivery**

Through the Suppression of Crime (Controlled Delivery) Law 3(I)/1995 it has become possible for this special investigation technique to be used in connection with certain specified crimes, including the illegal trading of weapons and explosive substances. According to the mentioned Law, the Chief of Police, The Director of the Customs and Excise Department, with the consent of the Attorney General are allowed to apply that method.

### **Covert surveillance:**

The matter is not specifically governed by legislation. The admissibility of evidence obtained through covert surveillance is an issue determined in the context of the criminal trial. The general rule is that such evidence is admissible unless it has been obtained in circumstances which amount to a violation of the fundamental rights and liberties which are protected by the Constitution.

### **The use of police agents**

Again the matter is not regulated by statute. However, case-law has established the rule that the use of agents for the detection of crime is not in itself prohibited. Evidence obtained through the use of police agents is admissible unless it is shown that it is the acts and the encouragement of the agent that actually led the accused to the commission of the offence (Entrapment).

### **Prosecution**

Once the investigation is completed, the Police submits the file to the Law Office of the Republic where the evidence is evaluated and a decision is taken on whether or not prosecution will follow. The decision to prosecute or not is made by the Attorney-General.

Criminal cases for offences punishable up to 5 years imprisonment are tried at the District Courts of the Republic. Under the new Act, only one offence is punishable up to 5 years and that is the offence described in Article 10.

All other criminal offences where the punishment with imprisonment exceeds five years, come within the competence of the Assize Court which consists of three professional judges.

Of course, the Courts have, under Article 18, the discretion to impose a reduced penalty to any

person found guilty of committing an offence under the Act, if "that person,

- a) *abandons his terrorist activities, and*
- b) *gives information to the police that could not be taken differently, and thus helping to:*
  - i) *prevent or mitigate the effects of the offence, or*
  - ii) *identify and prosecute persons who have committed an offence punishable under this Act, or*
  - iii) *prevent the commission of any other offences, under the Act".*

### **Jurisdiction**

The criminal jurisdiction of the Courts of the Republic is determined by Section 5 of the Criminal Code, Cap. 154. As a general rule, the Courts have extra-territorial jurisdiction over offences committed in any country by Cypriot citizens if the offense is punishable by imprisonment in Cyprus for more than two years and the act or omission that constitutes the offense is also a crime under the law of the country where the offence is committed.

Also, Section 5 grants Cypriot Courts international jurisdiction in relation to certain prescribed crimes such as piracy and illegal trading in dangerous substances.

What is new is that Section 4 of the Combating Terrorism Act of 2010 additionally provides jurisdiction to hear and adjudicate any offence provided:

- A) The offence is committed for the benefit of legal persons established in the territory of the Republic.
- B) The offence is against the Republic's Institutions or citizens or against the institutions of the European Union or against any body which was established according with the Treaty establishing the European Community or the EU Treaty and is based on the Republic.

Of course, Section 5(2) of the Criminal Code still applies and therefore criminal prosecution will not be conducted in the Republic in relation to an offence committed in a foreign country if after trial in that country the accused was either sentenced or acquitted.

Finally, it is worth noting that, by virtue of the provisions of the Law Extending the Jurisdiction of Domestic Courts in Relation to Certain Terrorist Offences of 1979, Law 9/1979, the Courts of the Republic may assume jurisdiction in connection to any offence contrary to Section 1 of the European

Convention on the Suppression of Terrorism of 1977 which is committed in any part of the world by any person.

### **Preventing the financing of terrorism**

In recent years, international experience has proved that one of the most efficient means to combat terrorism is to intervene effectively in the process of its financing. In this context, the Republic of Cyprus has adopted a wide range of measures and mechanisms, both at an administrative and a judicial level.

Through Law No. 29(III)/2001, the Republic of Cyprus ratified the UN Convention on the Suppression of the Financing of Terrorism.

On 13/12/2007 the House of Representatives enacted "The Prevention and Suppression of Money Laundering Activities Law" by which the former Laws on the Prevention and Suppression of Money Laundering Activities of 1996-2004 were consolidated, revised and repealed. Under the current Law, which came into force on 1 January 2008 and was amended in June 2010, the Cyprus legislation has been harmonised with the Third European Union Directive on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (Directive 2005/60/EC).

The main purpose of the Law is to define and criminalise the laundering of the proceeds generated from all serious criminal offences and provide for the confiscation of such proceeds aiming at depriving criminals of their profits.

The Law requires all persons carrying on financial and other business activities, to establish and maintain adequate and appropriate systems and procedures to guard against their business and the financial system in general, being used for the purposes of money laundering or financing of terrorism. In essence these procedures are designed to achieve two purposes: firstly, to facilitate the recognition and reporting of suspicious transactions and, secondly, to ensure the strict implementation of the "know-your-client" principle and the maintenance of adequate record keeping procedures.

The following procedures should be adopted:

- a) Customer identification procedures or / and customer due diligence,
- b) Record-keeping procedures in relation to clients' identity and their transactions,
- c) Procedures of internal reporting to a competent person (Money Laundering Compliance Officer) and reporting to MOKAS,

d) Other internal control and risk management procedures for the purpose of forestalling and preventing money laundering and financing of terrorism,

e) The thorough examination of every transaction that is considered to be of high risk due to its nature and especially complicated or unusually large transactions and all transactions that are being executed with no profound economic reason,

f) Measures for making employees aware of the above procedures, the legislation relating to money laundering and financing of terrorism, the directives issued by the competent Supervisory Authority and the relevant EU directives,

g) Provision of training to their employees for the recognition and handling of transactions suspected to be associated with money laundering and financing of terrorism.

According to 2007 Law, a number of financial institutions, organisations and professional bodies is obliged to comply with the Law in order to assist in the combat against money laundering:

- Banking institutions,
- Cooperative Institutions,
- Stockbroking firms,
- Private Collective Investment Schemes,
- Insurance Companies,
- Accountants,
- Lawyers (certain activities),
- Real Estate agents,
- Dealers in precious metals and precious stones / jewellers,
- Trust and Company Service Providers,
- Money Transfer Services.

The Supervisory Authorities in the Financial sector are the following:

- a. The Central Bank of Cyprus,
- b. The Authority for the Supervision and Development of Cooperative Societies,
- c. The Securities and Exchange Commission,
- d. The Commissioner of Insurance,

- e. The Council of the Institute of Certified Public Accountants of Cyprus,
- f. The Council of the Cyprus Bar Association,
- g. The Unit for Combating Money Laundering for real estate agents and traders of precious stones and metals,
- h. Other Supervisory Authorities are appointed following a decision by the Council of Ministers.

The abovementioned Supervisory Authorities are responsible for monitoring the compliance of the members falling under their supervision based on the provisions of the Law as well as the Directives that are regularly issued for the better implementation of the Law.

In case of non-compliance each competent Supervisory Authority may take the following measures regarding persons falling under its supervision:

- i. To take corrective action to remedy the situation within a specified time period.
- ii. Impose an administrative fine up to €200.000 after giving the supervised person the opportunity to be heard. A further fine of €1.000 per day may be imposed for each day of non compliance.
- iii. Amend, suspend or revoke their operating license.

A lawyer or auditor who fails to comply with the above requirements is referred to the competent Disciplinary Body which decides accordingly.

In case that a Supervisory Authority has information or believes that a person falling under its supervision is involved in the commission of money laundering or financing of terrorism offence it must disseminate the information to MOKAS.

Also, in 2007 the Republic of Cyprus ratified the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and Article 8 of the Terrorism Act 2010, which make it illegal to support in any way, including financial support, a terrorist group and upon conviction is liable to eight years imprisonment.

With the enactment of these legal instruments, there is a comprehensive legal basis to fight financing of terrorism in line with international standards.

### **Control of cash movements**

One very important aspect of the effort to prevent terrorist financing is the control of the movement

and the use of cash. Therefore, specific preventive measures are taken in order to exercise vigilance over the movement of cash.

The Central Bank of Cyprus issued a Guidance Note to banking institutions, prohibiting the acceptance by banks of cash deposits in foreign currency notes in excess of US\$100 000 from a client or a group of related clients, without the prior written approval of the Central Bank of Cyprus.

The Capital Movement Law of 2003 gives the Customs Department authority and responsibility to exercise control over cash movements through the points of entry/exit in/out of the Republic of Cyprus.

More specifically, according to Section 15 of this Law, any person entering or leaving Cyprus is obliged to declare to the Customs any cash currency equivalent to or exceeding €12 500. Violation of this obligation constitutes a criminal offence.

### **Lists of Persons and/ or Entities involved in Terrorism**

The Council of Ministers, in pursuance of its powers under Article 54 of the Constitution, has adopted the resolutions of the United Nations Sanctions Committee with regard to the imposition of restrictive measures on prescribed persons and/or entities. The same applies to the relevant European Union Common Positions that after the Treaty of Lisbon, currently have been replaced by Regulations and Decisions.

The relevant lists are constantly updated by the Ministry of Foreign Affairs who communicates to all competent authorities, any changes and/or updates on the lists. All competent authorities and, most importantly, all financial institutions are instructed to conduct inquiries for the identification of assets in the possession of listed persons and/or entities for the purpose of freezing such assets.

Freezing action may be taken in connection with funds or other assets wholly or jointly owned or controlled, directly or indirectly, by designated persons or entities and may extend to funds or assets derived from such assets or funds.

### **Other relevant legislation**

#### **Witness protection**

As it is widely accepted, witness protection is fundamental to an effective criminal legal system. For this purpose, the Protection of Witness Law of 2001, 95(I)/2001, regulates the matter fully. Inter alia, it authorizes the establishment and the operation, under the control and the supervision of

the Attorney General, of a Scheme for the Protection of Witnesses. Under the Scheme a series of protective measures may be taken, so as to encourage and safeguard the testimony of vital witnesses who would have otherwise been at risk.

Specifically, the means it provides for the protection of witnesses are of two types: i) procedural, i.e. that concerns the judicial process of the protection of the witnesses and they are declared by the Court, and ii) not procedural, i.e. that concerns the measures taken by the Police.

Regarding procedural measures the Court can declare a person as a witness that requires help ex officio or under application filled at any stage of the process.

Under Article 3 (1), witness in criminal proceedings requires help under this subparagraph if:

- a) at the time of the hearing, is under the age of eighteen, or
- b) if the Court considers that the testimony to be given by the witness might be affected because of the reduced mental and social adaptability of the witness, or
- c) if the witness suffers from a physical weakness or disability.

Article 3(2) states that witness in criminal proceedings requires help if the court is satisfied that the quality of testimony to be given by the witness might be affected either because of fear or distress or anguish by the witness in relation to the testimony during the process.

For the Court to decide whether a witness requires help, takes into account:

- a) the nature and the circumstances of the offence i.e. social, cultural and political background in which the offence has taken place,
- b) the personal circumstances of the witness i.e. the age, environment, religious or political convictions, national origin and family and working environment or the witness,
- c) the behavior of the defendant or of his family towards the witness, and
- d) the witness's opinion regarding the matter.

Furthermore, Article 3(4) establishes that when a victim of an offence provided by the Domestic Violence Law, as well as the Fighting of Human Trafficking and Sexual Exploitation of Minors Law, is a witness in criminal proceedings, then that witness is considered a witness that requires help unless otherwise stated by the witness himself/herself.

Finally, Article 3(5) stipulates that a witness that has been included within the Protection of Witness and Collaborators of Justice Program is considered to be a witness that requires help.

Regarding the measures taken by the Court in order to protect a "witness that requires help", are set out in Article 5. In particular, the Court can order as:

- a) all or part of the case be heard behind closed doors,
- b) there is a trial in absentia,
- c) there is a placement of special separation system,
- d) a closed electronic circuit system is to be used, to enable the witness not to be visible by the defendant,
- e) audio-visual testimony is accepted as evidence under condition i.e. to be present before the court for cross-examination and re-examination.

As far as not procedural measures concerns, the Witness Protection Program is being monitored by the Attorney-General of the Republic of Cyprus and the witness is admitted upon the Attorney-General's decision.

Different protection measures can be adopted and might be extended, if needed, to protect the witness's family as well. These measures are set out in Article 17 and they include guarding or escorting the witness or his family, moving the witness and his family to another town or village, change of identity and moving the witness and his family abroad.

However, before the Attorney –General makes any decision regarding admission of the witness or his family to the program, certain criteria must be fulfilled. These criteria are being set out in Article 18:

- 1) the individual is involved in a case in which persons suspected of serious crime are to be prosecuted,
- 2) the individual or her/his close relatives are endangered in relation to the case,
- 3) the individual is suited to participate in the protection program,
- 4) the height of the expenses that will be required,
- 5) existence of alternative measures of protection, and
- 6) any other substantial factor according to the Attorney-General.

### **Compensation of Victims**

There is no specific legislation with regard to victims of terrorism. However, according to Article 20 of the Terrorism Act 2010 states that the provisions of the Compensation of Victims of Violent Crimes Law of 1997, Law 51(I)/1997, applies to victims of all violent crimes, including terrorist crimes.

## INSTITUTIONAL FRAMEWORK

A number of different authorities are involved in the fight against terrorism. These include the Ministry of Justice and Public Order and the Police, the Ministry of Foreign Affairs, the Law Office of the Republic, the Unit for Combating Money Laundering (FIU) of Cyprus, the Department of Customs and Excise, the Central Bank of Cyprus, the Central Information Service, etc.

As mentioned above, the National Counter-terrorism Coordinator was appointed to improve coordination between all the above-mentioned agencies and to increase the effectiveness of the Government's efforts to prevent and combat terrorism.

The National Counter-terrorism Coordinator is supported by the Counter Terrorism Office, which was established after the events of September 11<sup>th</sup> 2001 and operates under the Criminal Investigation Department (Department "C") of the Police Headquarters.

Basically, the Counter Terrorism Office coordinates the actions / policy of the Cyprus Police in the fight against international terrorism, taking into consideration the obligations deriving from the prevailing International Conventions, United Nations Resolutions as well as European Legislation. The Office acts as the contact point, for the exchange of information and requests concerning terrorism with relevant Police authorities of the European Union countries and the authorities of third countries.

The basic responsibilities and the competences of the Counter Terrorism Office include the following:

- i) The study and the submitting of proposals concerning the actions / policy that should be adopted by the Cyprus Police for alignment with the resolutions of the United Nations Security Council, the Council of Europe, the Common Positions, Regulations, Decisions of the European Union, that pertain to the fight of terrorism.
- ii) The collection, analysis and evaluation of information about terrorism. For this purpose, the Office keeps a constantly updated database of facts and information on terrorist activities worldwide.
- iii) The collaboration with other government institutions on the fight against terrorism.
- iv) The response to requests, the answering of questionnaires, and the preparation of reports and studies on terrorism.

In addition, the Office cooperates with other competent authorities both at a European and an

International level, such as Interpol and Europol, for the exchange and the joint evaluation of information and for the purposes of mutual assistance.

At a domestic level, the Office works in close co-operation with the Central Information Service which itself has an analysis unit specialized in the collection and evaluation of information relating to terrorism. It must be noted that the Central Information Service is a part of the Republic's Police Force but, as regards operational matters, it is directly accountable to the President.

The Office also works in co-operation with the Aliens and Immigration Unit, as well as with the Crime Investigation Department, the Emergency Response Unit (E.R.U), and other Services.

Moreover, the Department of Customs and Excise, which is responsible for the implementation of legislation imposing restrictions on the import and export of goods, is granted wide powers in this respect. The restructured Customs Code , Law 94(1)/2004, allows customs officers, inter alia, to examine goods, require further information and documents relating to the movement of goods, search persons, premises, vehicles, vessels, aircrafts and customs-controlled areas, seize and detain goods and documents and conduct audit controls of business records.

Border surveillance is carried out through the operation of Mobile Customs Units which, in cooperation with other competent authorities, engage in anti-smuggling activities and carry out risk- based controls and spot checks.

Furthermore, if necessary, the Assistant Chief of Police (Operations) has the power to involve additional Police Units/Departments/Services for the prevention and combating of terrorism related matters.

Finally, it should be noted that following the attacks of September 11 2001, in the USA and the attacks on Madrid in 2004 and in London in 2005, Cyprus Police has taken the following additional preventive measures:

- i) Upgraded the already existing mechanisms relating to combating terrorism and continues to reinforce the co-operation with other countries, both on a bilateral and multilateral level.
- ii) Increased the patrol and surveillance of the coastal areas and territorial waters of Cyprus, by air and sea, so as to prevent and combat any illegal activity including the unlawful entry of terrorists in the Country.

## INTERNATIONAL CO-OPERATION

The Republic of Cyprus has concluded a number of bilateral agreements (link:[http://www.mjpo.gov.cy/mjpo/mjpo.nsf/dmlactivity\\_en/dmlactivity\\_en?OpenDocument](http://www.mjpo.gov.cy/mjpo/mjpo.nsf/dmlactivity_en/dmlactivity_en?OpenDocument)) with other Member-States of the European Union, as well as third countries, which inter alia provide for cooperation in the field of combating terrorism, especially through the exchange of information.

### Mutual Assistance and Extradition

The Republic of Cyprus is a party to bilateral and multilateral treaties in the field of mutual assistance and extradition. Inter alia, it has signed and ratified the European Convention on Mutual Assistance in Criminal Matters and the First Additional Protocol thereto. The Second Additional Protocol has also been signed but not yet ratified.

The Republic has also signed and ratified the European Convention on Extradition and the two Additional Protocols thereto. Furthermore, through the Law for the European Warrant of Arrest and the Procedures for the Surrender of Wanted Persons Law of 2004, Law 133(1)/2004, the Republic has adopted the provisions of the relevant Framework Decision of the Council of the European Union.

### United Nations

The Republic of Cyprus is party to sixteen international conventions and protocols on terrorism. It has already ratified the International Convention for the Suppression of Nuclear Terrorism.

Cyprus is also fully committed to the provisions of resolution 1373 (2001) Security Council of the United Nations to counter terrorism, and shall submit regular reports to the competent Committee of the Council on the measures adopted by relevant government departments and Ministries.

The Case of Cyprus in June 2007 to join the Global Initiative of the U.S. and Russia to Combat Nuclear Terrorism is a further indication of the commitment of Cyprus to participate actively in measures to combat international terrorism.

### Council of Europe

The Republic of Cyprus has signed and ratified the relevant Council of Europe conventions.

### European Union

Cyprus supports the EU priorities for combating terrorism and the objectives of the Counter-Terrorism Strategy, such as preventing the

radicalization and recruitment, protecting citizens and infrastructure, the dismantling of existing terrorist networks and the improvement in tackling terrorism.

Therefore, Cyprus has adopted the relevant Framework decisions of the Council of the European Union on combating terrorism.

### Financial Action Task Force against Money Laundering (FATF)

The Republic of Cyprus is a member of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL) of the Council of Europe, a FATF-style regional body, consisting of members of the Council of Europe which are not members of the FATF. The Cyprus Unit operates in co-operation with the respective Units of other countries. Cyprus' anti money laundering system has been assessed three times by the Moneyval Committee and the findings for lawyers are that, even though Cyprus is not a member of the FATF, there is compliance with the FATF 40+9 Recommendations.

### Other commitments

Other commitments undertaken by the Republic of Cyprus in the field of arms control, disarmament and non-proliferation since 1960 are the following:

- On 1 August 1975, Cyprus signed the concluding Document of the Conference on Security and Cooperation in Europe known as the Helsinki Final Act.
- On 25 July 2005 the Government of the Republic of Cyprus and Government of the United States of America signed a bilateral agreement concerning Cooperation to suppress the proliferation of Weapons of Mass Destruction, their delivery systems and related materials by sea (Law No. 38(III)/2005).
- It became in 1965 a member of the International Atomic Energy Agency (IAEA) (Ratification Law No. 21/1965)
- An Agreement was signed between the Republic of Cyprus and the International Atomic Energy Agency for the Application of Safeguards in connection with the NPT Treaty on 26 June 1972 (Ratification Law No. 3/1973).
- Cyprus signed in 1999 the Additional Protocol to the Agreement with the IAEA for the Application of Safeguards in connection with the NPT Treaty.

- Cyprus co-sponsored the United Nations General Assembly Resolution No. 46/36L, as well as the subsequent ones, regarding the establishment and functioning of the United Nations Register of Conventional Arms.
- The Minister of Commerce, Industry and Tourism issued the Defence (Arms Export Control) Order of 26 July 2002 for the compliance of the Republic of Cyprus to the EU Code of Conduct on Arms Export and to the Council Declaration of 13 June 2000. The order was replaced by Ministerial Order 257/2005 of 20 May 2005.
- In June 2007, Cyprus joined the Global Initiative to Combat Acts of Nuclear Terrorism initiated by Russia and the USA, that is an international partnership of 82 nations and 4 official observers working to improve capacity on a national and international level for prevention, detection, and response to a nuclear terrorist event.
- Cyprus is a member of the Australia Group (AG) as of September 2000 and also participant to the Nuclear Suppliers Group (NSG) as of April 2000.
- Cyprus as a Member of the European Union applies EU Regulation 1334/2000, establishing a system for the control of dual use goods. For the implementation of Regulation 1334/2000 the Ministry of Commerce, Industry and Tourism issued Ministerial Order 355/2002.
- The Republic of Cyprus, in collaboration with the Organization for Security and Cooperation in Europe (OSCE), proceeded with the destruction of 324 Man Portable Air Defense Systems, 2SA – 7, from the 9th to the 12th of June 2009
- In 2002 a primary step was made towards the eradication of Small Arms and Light Weapons in surplus when approximately 4,500 weapons were destroyed. These arms included both pistols and rifles that were imported in early 1972 and were stockpiled in appropriate warehouses, which complied with all the safety specifications, until their destruction took place. This endeavour was undertaken in close cooperation with the United Nations Peacekeeping Force in Cyprus, which also provided invaluable technical assistance and aid for this purpose.

<b>Relevant United Nations conventions – Cyprus</b>	<b>Signed</b>	<b>Ratified/ Accession</b>
International Convention against the Taking of Hostages (N.244 / 1990)	Accession	1990
Convention on the Suppression of Unlawful Seizure of Aircraft Act (N. 30 / 1972)	Accession	6/6/1972
Convention on the Suppression of Unlawful Acts directed against the Safety of Civil Aviation (N. 37 / 1973)	Accession	1973
Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (N.33 (III) / 2001)	Accession	31/12/2001
Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons (N. 63 / 75)	Dec. 1975	1975
Convention on the Physical Protection of Nuclear Material (N.3 (III) / 98)	Aug. 1998	1998
Convention for the Suppression of Unlawful Acts against the Safety of Navigation (N.17 (III) / 1999)	Accession	7/1/1999
Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (N.17 (III) / 1999)	Accession	7/1/1999
Convention on the Marking of Plastic Explosives for the Purpose of Detection (N.19 (III) / 2002)	Dec. 2001	2002
Convention on the Prohibition of Chemical Weapons (N.8 (III) / 1998)	June 1998	1998
International Convention for the Suppression of Terrorist bomb (N.19 (III) / 2000)	Feb. 1998	2000
International Convention against the Recruitment, Use, Financing and Training Mercenary (N.14 (III) / 1993)	Accession	21/5/1993
Convention on Offences and Other Acts committed on aircraft (N. 31 / 1972)	Accession	31/5/1972
United Nations Convention against Transnational Organized Crime (N. 11(III) / 2003)	12/12/2000	2003
International Convention for the Suppression of Acts of Nuclear Terrorism (N.44 (III) / 2007)	14/09/2005	2007

<b>Relevant Council of Europe conventions – Cyprus</b>	<b>Signed</b>	<b>Ratified</b>
European Convention on the Suppression of Terrorism (ETS 90)	27/01/1977	26/02/1979
Amending Protocol (ETS 190)	15/05/2003	06/08/2004
European Convention on Extradition (ETS 24)	18/09/1970	22/01/1971
First Additional Protocol (ETS 86)	01/09/1978	22/05/1979
Second Additional Protocol (ETS 98)	21/06/1983	13/04/1984
European Convention on Mutual Assistance in Criminal Matters (ETS 30)	27/03/1996	24/02/2000
First Additional Protocol (ETS 99)	27/03/1996	24/02/2000
Second Additional Protocol (ETS 182)	08/11/2001	-
European Convention on the Transfer of Proceedings in Criminal Matters (ETS 73)	09/02/2000	19/12/2001
European Convention on the Compensation of Victims of Violent Crimes (ETS 116)	09/01/1991	17/01/2001
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141)	08/11/1990	15/11/1996
Convention on Cybercrime (ETS 185)	23/11/2001	19/01/2005
Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS 189)	19/01/2005	23/06/2005
Council of Europe Convention on the Prevention of Terrorism (ETS 196)	16/05/2005	23/01/2009
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198)	16/05/2005	27/03/2009

