



**PERMANENT MISSION OF THE REPUBLIC OF  
CYPRUS TO THE OSCE**

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NOTE VERBALE

The Permanent Mission of the Republic of Cyprus to the OSCE presents its compliments to the Permanent Missions and Delegations of all participating States to the OSCE and to the CPC and in accordance with FSC Decision 2/09 has the honor to submit Cyprus's response to the Questionnaire on the Code of Conduct on Politico-Military aspects of Security.

The Permanent Mission of the Republic of Cyprus avails itself of this opportunity to renew to all Permanent Missions and Delegations of the participating States to the OSCE and to the CPC, the assurances of its highest consideration.

To: -Permanent Missions and Delegations of all participating States to the OSCE  
-CPC



Vienna, 14 April 2014

# QUESTIONNAIRE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY\*

## Section I: Inter-State elements

### 1. Account of measures to prevent and combat terrorism

#### 1.1 To which agreements and arrangements (universal, regional, sub regional and bilateral) related to preventing and combating terrorism is your State a party?

Cyprus has, to date, ratified or acceded to several international conventions pertaining to international terrorism, as well as the relevant conventions of the Council of Europe.

#### **A. Conventions**

- (1) Convention on Offences and Certain Other Acts Committed on Board Aircraft – Tokyo 14/09/1963 - **Ratification Law No. 31/1972**
- (2) Convention for the Suppression of Unlawful Seizure of Aircraft – The Hague 16/12/1970 - **Ratification Law No. 30/1972**
- (3) Convention for the Suppression of the Unlawful Acts against the Safety of Civil Aviation – Montreal 23/09/1971 - **Ratification Law No. 37/1973**
- (4) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Personnel – New York 14/12/1973 - **Ratification Law No. 63/1975**
- (5) European Convention for the Suppression of Terrorism – Strasbourg 27/01/1977 - **Ratification Law No. 5/1979**
- (6) Convention against the Taking of Hostages – New York 17/12/1979 - **Ratification Law No. 244/90**
- (7) Convention on the Physical Protection of Nuclear Materials – Vienna 03/03/1980 - **Ratification Law No. 3(III)/98**

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\* Participating States are encouraged to highlight major changes or updates in their replies to the questionnaire, as appropriate

- (8) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation – Rome 10/03/1988 - **Ratification Law No. 17(III)/99**
- (9) International Convention for the Suppression of Terrorist Bombings 15/12/1997 - **Ratification Law No. 19(III)/2000**
- (10) International Convention for the Suppression of the Financing of Terrorism – New York 10/01/2000 - **Ratification Law No. 29(III)/01**
- (11) International Convention on the Marking of Plastic Explosives for the Purpose of Detection - Montreal 01/03/1991. – **Ratification Law No. 19(III)/2002**
- (12) Offences against the Safety of Civil Aviation – Montreal 23/09/1971 - **Ratification Law No. 79/1973**
- (13) European Convention on the Compensation of Victims of Violent Crimes-24/11/1983- **Ratification Law No. 51(I)/1997**
- (14) United Nations Convention against Transnational Organized Crime and the Protocols Thereto - Palermo – 12/12/2000 - **Ratification Law No. 11(III)2003**
- (15) International Convention for the Suppression of Acts of Nuclear Terrorism- New York 13.04.2005 - **Ratification Law No. 44(III)/2007**
- (16) European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime - Strasbourg 8.11.1990 – Ratification Law No. 18(III)/1995
- (17) European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and on the Financing of Terrorism, Warsaw, 16 May 2005 - **Ratification Law 51(III)/2007**
- (18) European Convention on the Prevention of Terrorism, -**Ratification Law 22(III)/2010**
- (19) European Convention on Cybercrime – Budapest 23/11/2001 – Ratification Law No.22 (III)/2004

## **B. Protocols**

- (1) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms on the Continental Shelf – Rome 10/03/1988 - **Ratification Law No. 17(III)/99**
- (2) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, complementary to the Convention for the Suppression of Unlawful Acts against the Safety of Aircraft – Montreal 24/02/1988. - **Ratification Law No. 33(III)/01**
- (3) The Protocol amending the European Convention on the Suppression of Terrorism, Strasbourg 15.05.2003- **Ratification Law No.18 (III)/2004.**
- (4) Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems – Ratification Law No.26 (III)/2004

## **International Cooperation**

- (1) European Convention on Extradition-Paris, 13.12.1957 – Ratification Law No. 95/1970
- (2) Additional Protocol to the European Convention on Extradition-Strasbourg 15.10.1975 – Ratification Law No. 23/1979
- (3) Second Additional Protocol to the European Convention on Extradition 17.3.1978 – Ratification Law No. 17/1984
- (4) European Convention on Mutual Assistance in Criminal Matters, Strasbourg 20.4.1959 – Ratification Law No. 2(III)/2000
- (5) Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters-Strasbourg 17.03.1978 – Ratification Law No. 2(III)/2000
- (6) Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters-Strasbourg 8.11.2001 – Ratification Law No. 5(III)/2012
- (7) The Extradition of Fugitives Law No. 97/1970
- (8) The International Cooperation in Criminal Matters Law No.23(I)/2001
- (9) The European Arrest Warrant Law No.133(I)/2004
- (10) Joint Investigation Teams Law No.244(I)/2004
- (11) European Convention on the Transfer of Proceedings in Criminal Matters - 09/02/2000 – Ratification Law No.20(III)/2000
- (12) The European Police Office (Europol) Law No. 102(I)/2011
- (13) Convention on Mutual Judicial Assistance in Criminal matters among Member States ( EEC 197 of 12.7.2000) and its protocol (EEC 326 of 21.11.2001) – Ratification Law 25(III)/2004 as amended by Law No.9(III)/2008

## **CBRN terrorism**

Concerning the area of CBRN terrorism, Cyprus has ratified a series of relevant Conventions:

- (1) Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction (OPCW) – Geneva, 3 September 1992, **Ratification Law No. 8(III)/1998**
- (2) The Comprehensive Nuclear – Test – Ban–Treaty adopted by the General Assembly of the United Nations - New York, 24 September 1996, **Ratification Law No. 32(III)/2003**
- (3) Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal – Basel, 22 March 1989
- (4) Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal- Geneva 22 September 1995
- (5) Treaty Banning Nuclear Weapon Tests in Atmosphere, in Outer Space and Underwater- Moscow, 5 August 1963, **Ratification Law No. 13/1965**
- (6) Treaty on the Non-Proliferation of Nuclear Weapons-London, Moscow and Washington, 1 July 1968, **Ratification Law No. 8/1970**
- (7) Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil thereof-London, Moscow and Washington, 29 March 1972, **Ratification Law No.63/1974**
- (8) Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and their Destruction - London, Moscow and Washington, 10 April 1972, **Ratification Law No.56/1973**
- (9) Convention on Early Notification of a Nuclear Accident-Vienna, 26 September 1986
- (10) Convention on Nuclear Safety-Vienna, 20 September 1994, **Ratification Law No.20 (III)/98**

## **Protocols regarding CBRN Terrorism**

- (1) Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime- New York 31 May 2001, **Ratification Law No. 11(III)/2003**
- (2) Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare- Paris 17 June 1925

## **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:

- (1) On 1 August 1975, Cyprus signed the concluding Document of the Conference on Security and Cooperation in Europe known as the Helsinki Final Act.
- (2) 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**
- (3) It became in 1965 a member of the International Atomic Energy Agency (IAEA), **Ratification Law No. 21/1965**
- (4) 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**
- (5) Cyprus signed in 1999 the Additional Protocol to the Agreement with the IAEA for the Application of Safeguards in connection with the NPT Treaty.
- (6) 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.

- (7) 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.
- (8) 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.
- (9) Cyprus is a member of the International Initiative for Combating Nuclear Terrorism, which numbers 31 member-states
- (10) Cyprus is a member of the Australia Group (AG) as of October 2000 and also participates to Nuclear Suppliers Group (NSG) as of April 2000.
- (11) Cyprus as a Member of the European Union applies EU Regulation 1334/2000 that establishes 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.
- (12) 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.
- (13) 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.



- (14) On 14/02/2002 the Criminal Code was amended by Law 12(1)/2002 to include a definition of a criminal organization according to the Common Act adopted by the Council of the European Union.
- (15) In June of 2007, Cyprus joined the Global Initiative to Combat Acts of Nuclear Terrorism, initiated by Russia and the USA.

***The Republic of Cyprus has also acceded to and participates in other bilateral agreements or measures undertaken to prevent and combat terrorist activities:***

The antiterrorism policy of Cyprus lies on its commitment to join forces with all governments on a bilateral level as well as in international fora in the struggle to eliminate terrorism. Cyprus concluded bilateral police cooperation agreements, which, inter alia, provide for the exchange of information on terrorism or other related matters.

Furthermore, several of these agreements provide for cooperation on combating terrorism while others for police and/or judicial cooperation in criminal matters in general. These agreements are listed below:

- (1) Agreement between the Ministries of Interior of Cyprus and the **Syrian Arab Republic** in the fields of Crime and Illicit Trafficking and Smuggling of Drugs (4/04/1989) and its Protocols, **Ratification Law 6(VII)/1992**
- (2) Agreement on co-operation between the Ministry of Justice and Public Order of the Republic of Cyprus and the Ministry of the Interior of the **Russian Federation** (3/12/1999), **Ratification Law No. 16 (VII)/1999**
- (3) Agreement between Cyprus and **Italy** on Co-operation in the fight against terrorism, organized crime and other forms of Crime (28/06/2002), **Ratification Law 22 (III)/2003**
- (4) Agreement between the Government of the Republic of Cyprus and the Government of the Republic of **Hungary** on Cooperation in Combating Terrorism, Illicit Drug Trafficking and Organized Crime, (13/06/1996), **Ratification Law No. 6 (VII)/1996**
- (5) Agreement on Cooperation in Combating Terrorism, Illicit Drug Trafficking and Organized Crime between the Ministry of Interior of the Republic of Cyprus and the Ministry of Interior of the

Republic of **Hungary**, (31/01/1992), **Ratification Law No. 2 (VII)/1992**

- (6) Agreement on Co-operation between Cyprus and **Poland** on co-operation in Combating Organized and other Forms of Crime (18/02/2005), **Ratification Law No.34(III)/2005**
- (7) Agreement on Co-operation between Cyprus and **Greece** on Security Matters and police cooperation (3/12/2007), **Ratification Law No. 13 (III)/2008**
- (8) Agreement between the Ministry of Justice and Public Order of the Republic of Cyprus and the Ministry of Public Security of the People's Republic of **China** on Public Security Matters, (18/10/1994), **Ratification Law 24(VII)/1994**
- (9) Agreement between the Ministry of Justice and Public Order of the Republic of Cyprus and the Ministry of Interior of the Arab Republic of **Egypt** on Security Matters (7/6/1994), **Ratification Law 16(VII)/1994**
- (10) Agreement on Co-operation between Cyprus and **Israel** in Combating Illicit Trafficking and Abuse of Narcotic Drugs and Psychotropic Substances, Terrorism and other Serious Crimes (09/01/1995), **Ratification Law 2(VII)/1995**
- (11) Agreement between Cyprus and **Romania** on Co-operation in the Fight Against International Crime (07/06/1995), **Ratification Law No. 16(VII)/1995**

- (12) Agreement for Co-operation between the Ministry of Interior of the Republic of Cyprus and the Federal Ministry of Interior of the **Czech and Slovak Federal Republic** and Protocol, (7/12/1992), **(Ratification Law No. 1(VII)/1993**, which remains in force between **Cyprus and the Czech Republic** in accordance with the Exchange of Letters of 19 January 1999
- (13) Agreement on Co-operation between Cyprus and **Malta** in Combating Terrorism, Illicit Drug Trafficking and Organized Crime (17/09/1999), **Ratification Law No. 15(VII)/1999**
- (14) Agreement between the Government of the Republic of Cyprus and the Government of **Ireland** on Cooperation in Combating Illicit Drug Trafficking, Money Laundering, Organised Crime, Trafficking in Persons, Terrorism and other Serious Crime (8/3/2002), **Ratification Law No. 34(III)/2002**
- (15) Agreement on Co-operation between Cyprus and **Slovenia** in the Fight Against Terrorism, Illicit Drug Trafficking and Organized Crime (04/12/2002), **Ratification Law No. 28 (III)/2003**
- (16) Agreement on Co-operation between Cyprus and **Estonia** on co-operation in Combating Organized Crime and other forms of Crime (08/01/2004), **Ratification Law No.13(III)/2004**
- (17) Agreement between the Republic of Cyprus and the Republic of **Lebanon** on cooperating in combating the illicit use of and trafficking in narcotic drugs and psychotropic substances and Organized Crime (19/07/2002), **Ratification Law No. 5(III)/2004**
- (18) Agreement between the Government of the Republic of Cyprus and the Government of the Republic of **Bulgaria** on Cooperation in the Fight Against Transborder and Organized Crime, Terrorism, Illegal Migration, Trade in Human Beings and Illicit Trafficking in Narcotic Substances (02/12/2003), **Ratification Law No. 48 (III)/2004**
- (19) Agreement between the Government of the Republic of Cyprus and the Government of **Slovak Republic** on Co-operation in Combating Organised Crime, Terrorism, Illicit Trafficking in Narcotic Drugs and Psychotropic Substances as well as other Types of Crime (26/02/2004), **Ratification Law No. 5(III)/2005**
- (20) Agreement on Co-operation between the Republic of Cyprus and the Republic of **France** on security matters, (04/03/2005), **Ratification Law No. 49(III)/2005**
- (21) Agreement between the Government of the Republic of Cyprus and the Government of the Republic of **Latvia** on Co-operation in

Combating Terrorism, Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors and Organized Crime, (11/04/2005), **Ratification Law No. 48(III)/2005**

- (22) Agreement between the Republic of Cyprus and the Republic of **Armenia** on Co-operation in Combating Organized Crime and other Forms of Crime, (23/11/2006), **Ratification Law No. 42(III)/2007**
- (23) Agreement between the Republic of Cyprus and the Government of the Republic of **India** on Combating Organized Crime, International Terrorism and Illicit Trafficking in Narcotic Drugs, (25/05/2007), **Ratification Law No. 43(III)/2007**
- (24) Agreement between the Government Republic of Cyprus and the Kingdom of **Spain** on Cooperation in Combating Organised Crime, (30/04/2007), **Ratification Law No. 41(III)/2007**
- (25) Agreement between the Government of the Republic of Cyprus and the Cabinet of Ministers of **Ukraine** on Cooperation in Combating Crime, (16/06/2006), **Ratification Law No. 20(III)/2006**
- (26) Agreement between the Government of the Republic of Cyprus and the Government of the Republic of **Serbia** on Cooperation in Fighting Terrorism, Organized Crime, Illicit trafficking in Narcotic Drugs, Psychotropic Substances and their Precursors, Illegal Immigration and Other Criminal Offences, (23/02/2009), **Ratification Law 8(III)/2010**

## **1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?**

The Ratification Laws stated in answer 1.1 above, entail implementing provisions including the criminalization of certain acts.

Furthermore the Combating of Terrorism Law of 2010 (No.110(I)/2010) was recently enacted to provide a comprehensive legal framework in the area of terrorism. This legislation aligns national law with the *acquis communautaire*, in particular it transposes "*Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism*" as amended by "*Framework Decision 2008/919/JHA*" and contains an extensive list of the offences constituting a terrorist act, including the definition and offences on terrorist groups and the offences linked to terrorist activities. It also includes provisions regarding, inter alia, (a) the liability of legal persons, (b) inciting, aiding or abetting and attempting a terrorist act, (c) provision of support to terrorist groups etc including

financing, (d) effective, proportionate and dissuasive criminal penalties, (e) extraterritorial jurisdiction, (f) the protection of and assistance to victims and (g) international cooperation.

### **1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?**

Cyprus Police is continuously fighting terrorism by all means. The Counter Terrorism Office of Cyprus Police was established after the events of September 11<sup>th</sup>, 2001 due to the demands that followed both on the National and International level. The Counter Terrorism Office operates under the Criminal Investigation Department (Department C') of Police Headquarters.

The Counter Terrorism Office is dealing with the analyzing, evaluation and utilization of intelligence, the enforcement of measures on Combating Terrorism deriving from International Conventions, the United Nations Security Council Resolutions, Common Positions, as well as other primary or subsidiary legislation of the European Union.

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

Following the attacks on September 11, 2001, Cyprus Police have taken the following additional preventive measures:

- Increased security measures at the entry and exit points of the Republic of Cyprus including additional checks of passengers and hand luggage at departure gates.
- Upgraded the already existing mechanisms and continues and reinforces the co-operation with other countries, both at the bilateral and multilateral levels
- Increased the guarding/patrolling and continuous surveillance of vulnerable and possible targets.
- Patrolling 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 into the Country.
- Checking/Surveillance of suspected illegal immigrants.

- Close cooperation with other relevant organizations and services.

The Cyprus Police also gives great emphasis in the area of international cooperation. Indeed the Counter Terrorism Office as well as the offices of Interpol and Europol of the Cyprus Police are closely cooperating with counterpart units of other countries in the framework of the universal effort to combat terrorism.

Additionally, in Cyprus Police, the Special Antiterrorist Squad (S.A.S.) of the Emergency Response Unit (E.R.U.) is specially trained in order to meet emergency situations such as terrorist acts. The S.A.S. Unit is trained alongside other International and European antiterrorist units.

#### **1.4 Provide information on national efforts to prevent and combat terrorism not mentioned above, e.g., those pertaining *inter alia* to:**

##### **– Financing of terrorism**

With regard to financing of terrorism, the national competent authority is the Unit for Combating Money Laundering (MOKAS) which is the national centre (FIU) for receiving, requesting, analyzing and disseminating disclosures of suspicious transactions reports and other relevant information concerning suspected money laundering or financing of terrorism activities. MOKAS was assigned with this task or authority through the provisions of the Ratification Law of the UN Convention on the Suppression of the Financing of Terrorism (Law No.29(III)/2001).

The National FIU was established according to section 54 of the Prevention and Suppression of Money Laundering Activities Laws of 2007 to 2013 and became operational in January 1997. It functions under the Attorney General of the Republic and is composed of representatives of the Attorney General, the Chief of Police, and the Director of the Department of Customs and Excise. The members of the Unit are appointed by detachment and the Unit is headed by a representative of the Attorney General. In relation to the composition of the Unit, the Law was amended in 2003 in order to include other professionals. As a result, the Unit recruited accountants and financial analysts.

The Unit, inter alia, has the following powers:

- It cooperates and exchanges information with other FIUs
- Issues guidance directives and provides training to financial institutions, the Police, professionals and others
- Issues administrative orders for the postponement of transactions
- Members of the Unit can apply and obtain court orders, ie, disclosure orders, freezing orders, confiscation orders
- Protect the privacy of the information it possesses

The Prevention and Suppression of Money Laundering Activities Law provides for a mandatory reporting of suspicious transactions to MOKAS and the obligation to take the appropriate preventive measures (e.g. identification of customers, record keeping, and mandatory reporting) applied to all persons who are engaged in financial business, including lawyers and accountants. The Unit may apply to the Court to obtain freezing, confiscation and disclosure orders. In addition, the Unit is engaged in policy issues in the area of anti-money laundering measures as well as in various awareness raising and training initiatives on the subject, involving both the public and the private sector. There is close co-operation between the credit and other financial institutions on the one hand and the Unit on the other, based on the relevant provisions of the Law as well as on guidance notes issued by the supervisory authorities of the financial institutions.

The Head of the FIU chairs the meeting of the "Advisory Authority for Combating Money Laundering and Terrorist Financing". The functions of this Authority are the following:

- I. Inform the Council of Ministers of any measures taken and the general policy applied against money laundering and financing of terrorism offences;
- II. Advise the Council of Ministers about additional measures which, in its opinion, should be taken for the better implementation of this Law;
- III. Promote the Republic internationally as a country, which complies with all the conventions, resolutions and decisions of international bodies in respect of combating laundering and financing of terrorism offences.
- IV. Designate the third countries outside the European Economic Area which impose procedures and take measures for preventing money laundering and financing of terrorism equivalent to those laid down by the EU Directive. For this purpose, it applies the relevant decision of the European Commission according to Article 40(4) of the EU Directive. Furthermore, it notifies the competent Supervisory Authorities who in turn notify the persons falling under their supervision of the said decision.

The Advisory Authority is composed of representatives of:

- a. The Unit of Combating Money Laundering;
- b. The Central Bank of Cyprus;
- c. All other Supervisory Authorities;
- d. The Ministry of Finance;
- e. The Ministry of Justice and Public Order;
- f. The Police;
- g. The Customs and Excise Department;
- h. The Association of Cyprus Commercial Banks;
- i. The Association of International Banks;
- j. The Cyprus Bar Association;
- k. the Institute of Certified Public Accountants of Cyprus
- l. The Registrar of Companies;
- m. Any other Organization or Service the Council of Ministers may prescribe.

MOKAS strongly supports international co-operation and to this end priority is given to requests for legal assistance submitted from foreign authorities, through formal rogatory letters and with the exchange of information with the counterparts of other countries. Formal rogatory letters are received by the Unit via the Ministry of Justice and Public Order.

The Unit co-operates with foreign counterpart Units and can exchange information with any type of foreign Units, (judicial, police, administrative). The Cyprus FIU signed Memoranda of Understanding with the counterparts of the following countries: Belgium, France, Slovenia, Czech Republic, Israel, Ireland, Malta, Georgia, Australia, Poland, Ukraine, Albania, Bulgaria, Canada, Russian Federation, Moldova, South Africa, USA, Romania, Chile, Netherlands Antilles, Korea, Syria, Aruba, Serbia, Jordan, Japan, Armenia, Montenegro, Kazakhstan and the Holy See/Vatican City State.

Moreover, there is a specific provision in the Law, which enables MOKAS to co-operate with foreign counterparts without the need of a Memorandum of Understanding.

MOKAS actively participates in international fora in the area of money laundering and terrorist financing. In particular, MOKAS is a member of the "EGMONT Group" since June 1998 and participates also to the CARIN (Camden Assets Recovery Inter-Agency) Network since 2005.

Furthermore, in the framework of the Council of Europe, MOKAS is a member of the Moneyval Committee. It is to be noted that in November



2009 Cyprus hosted the Moneyval 8<sup>th</sup> Typologies Meeting and, amongst others, the following topic was discussed: "The use of internet gambling for money laundering and terrorist financing purposes". In the framework also of the Council of Europe, the Head of the FIU has been elected in March 2001 as the Chairperson of the Conference of the Parties to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the proceeds from Crime and on the Financing of Terrorism.

In the framework of the European Union, the FIU Unit has been designated by the Council of Ministers on 18 March 2009, as the Asset Recovery Office (ARO) for the purposes of implementing the "*Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related, to crime*". Additionally, the Head of the FIU Unit is also the Head of the Cyprus Delegation to the "Committee on the Prevention of Money Laundering and Terrorist Financing" of the European Commission which elaborated the 3<sup>rd</sup> AML/CFT Directive. In implementation of the "*Council Decision 2000/642/JHA of 17 October 2000 concerning arrangements for cooperation between FIUs of Member States in respect of exchanging information*", MOKAS participates in the FIU.NET Task Force, which is a fully decentralized EU wide system whereby FIUs join a computer network to exchange information in a secure environment. Finally, MOKAS participates in the FIU Platform which was set up by the European Commission to enable EU FIUs to exchange views and experiences on technical issues related to relevant provisions of the 3<sup>rd</sup> AML/CFT Directive.

Regarding legislation pertaining in particular to terrorism financing, the Law Ratifying the International Convention for the Suppression of the Financing of Terrorism which was enacted on 22.10.2001 (Ratification Law No. 29(III)/2001 as amended by Law No. 18(III)/2005) includes:

- (1) Settings of penalties for relevant criminal acts in the fulfillment of the obligations arising from provisions of the convention.
- (2) Inclusion in the National legislation, of provisions necessary for the enactment of provisions in the Convention, which are not self- implemented.
- (3) Determining, with the view to facilitating conformity with the provisions of the Convention, those criminal acts defined as such

by the provisions of National legislation on concealment, investigation, and confiscation of assets from certain crimes.

The Suppression of Terrorism Law of 2010 (No.110(I)/2010) was enacted and came into force on 22.11.2010, to provide a comprehensive legal framework in the area of terrorism. This legislation aligns national law with the EU acquis in this respect and in particular "Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism" as amended by "Framework Decision 2008/919/JHA" and provides an extensive analysis of the offences constituting a terrorist act, including the offences relating to a terrorist group and the offences linked to terrorist activities. It also entails adequate provisions regarding, inter alia, (a) the liability of legal persons, (b) inciting, aiding or abetting and attempting a terrorist act, (c) provision of support to terrorist groups etc including financing, (d) effective, proportionate and dissuasive criminal penalties, (e) extraterritorial jurisdiction, (f) the protection of and assistance to victims and (g) international cooperation.

In particular, with regard to criminalisation of the financing of terrorism, Section 8 of the Combating of Terrorism Law of 2010 (No.110(I)/2010) criminalizes the provision of support in any way, including financing, to:

- (a) a terrorist group, or
- (b) a member of a terrorist group, or
- (c) any other person for the benefit of a terrorist group or a member of a terrorist group, or
- (d) any other person for the commission of a terrorist act, or
- (e) persons included in the catalogues,

with knowledge of the fact that such support will contribute to the activities of that terrorist group, person, etc without the need to be connected with a particular terrorist act/offence.. The penalties provided for in this Section in case of conviction are imprisonment not exceeding eight years and/or fine not exceeding €85.000. Consequently this offence is considered as a predicate offence for the purposes of the AML/CFT Law.

For the purposes of this Law, "catalogues" means the updated lists of persons, groups or entities for which the relevant EU instruments and as well as the Resolutions of the UN Security Council on the imposition of sanctions apply.

Section 17 of this Law provides for the distribution of the updated catalogues to all competent national authorities by way of a notification issued by the Minister of Justice and Public Order and published in the Official Gazette of the Republic which is publicly accessible. In particular, these catalogues include:

- (a) the list of persons, groups and entities referred to in Articles 2-4 of "Council Common Position of 27 December 2001 on the application of specific measures to combat terrorism (2001/931/CFSP)",
- (b) the list of persons, groups and entities referred to in Article 4 of "Council Common Position of 27 December 2001 on the application of specific measures to combat terrorism (2001/931/CFSP)",
- (c) the List established and maintained by the 1267 Committee (UN) with respect to individuals, groups, undertakings and other entities associated with Al-Qaida
- (d) the List of individuals and entities established pursuant to UN Security Council Resolution 1988 (2011)

The Suppression of Terrorism Law of 2010 (No.110(I)/2010), entails also implementing provisions regarding "Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism", as well as "Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan". In particular, Sections 15 and 16 of Law No.110(I)/2010 criminalise the infringement of the provisions of these Regulations and determine the penalties to be imposed to natural persons as well as to legal persons in these cases. The penalties provided for in these Sections in case of conviction are imprisonment not exceeding eight years and/or fine not exceeding €50.000 with regard to natural persons and a fine not exceeding €500.000 with regard to legal persons.

The provisions introduced by Sections 8, 15, 16 and 17 of the Suppression of Terrorism Law of 2010 (No.110(I)/2010), establish in essence an obligation to all competent authorities and persons in the Republic to proceed with the necessary enquiries in order to identify whether persons and/or entities included in the UN and EU lists have any assets in the Republic and if such assets are identified, these are frozen immediately.

In addition, and irrespective of the procedure provided for in the Suppression of Terrorism Law of 2010 (No.110(I)/2010), the Ministry of Foreign Affairs circulates the updates of the UN and EU lists received from the Permanent Representations of the Republic of Cyprus to the United Nations and the European Union to the competent authorities and in particular to the Central Bank of Cyprus, the Police, the Ministry of Justice and Public Order, the Ministry of Finance, the Ministry of Interior, the Ministry of Defence, the Ministry of Communications and Works, the Ministry of Commerce, Industry and Tourism, the Central Intelligence Service, the Cyprus Ports Authority, the Cyprus Securities and Exchange Commission, the Cyprus Bar Association, the Institute of Certified Public Accountants of Cyprus and the FIU. Relevant notification to all the above mentioned authorities takes place regarding also the de-listing of certain persons/entities from the UN and EU lists.

It is noted that a person or entity whose funds, other financial assets or other economic resources have been frozen pursuant to the UN and EU lists, may challenge such a measure before the Supreme Court of Cyprus under Article 146 of the Constitution, acting as an Administrative Court and may claim damages or compensation for any costs or damage sustained. In particular, Article 146 of the Constitution, which is the principal provision creating competence in administrative law, provides that the Supreme Court "shall have exclusive jurisdiction to adjudicate finally on a recourse made to it on a complaint that a decision, act or omission of any organ, authority, or person exercising any executive or administrative authority is contrary to any of the provisions of this Constitution or of any law or is made in excess or in abuse of powers vested in such organ or authority or person".

With regard to the implementation of certain provisions of the EU and UN sanctions instruments, the Council of Ministers of the Republic of Cyprus, pursuant to a relevant proposal of the Ministry of Foreign Affairs, decided to establish an Advisory Committee with competency to grant specific authorisations for (a) use of frozen funds for essential human needs, (b) payments from frozen funds for specified purposes, or (c) unfreeze funds, other financial assets or other economic resources (Council of Ministers Decision No.72.222A, dated 17/6/2011). This is consistent with S/Res/1452 (2002). This Committee is chaired by the Minister of Finance and is composed of representatives from the Ministry of Finance, the Ministry of Commerce, Industry and Tourism, the Ministry of Justice and Public Order, the Ministry of Foreign Affairs, the Central Bank of Cyprus, the Cyprus Securities and Exchange Commission and the Unit for Combating Money Laundering (MOKAS).

It is noted that the Central Bank of Cyprus has in place a strict regulatory framework aimed at preventing abuse within the financial sector for terrorist financing purposes.

Furthermore, it should be noted that the eight Special recommendations of the Financial Action Task Force (FATF) on Terrorism Financing are fully implemented in the Republic of Cyprus.

## — **Border controls**

The details of individuals that are sanctioned for terrorist activities by the United Nations Council Resolutions or by primary or subsidiary legislation of the European Union, are registered on the national database "Stop-list" by the Counter-Terrorism Office of Department C'. Further, the details of people that are suspected for terrorist purposes are registered on the national database "Alert-list."

The Cyprus Police Counter Terrorism Office also co-operates with the Police Aliens and Immigration Unit (Headquarters of the Department, the District Immigration Departments and the Airports and Ports).

The major duties and responsibilities of the Aliens and Immigration Department are:

- Effectively control aliens at entry and exit points (Airports and Ports) of the Republic of Cyprus
- Combat illegal immigration and illegal employment of aliens by locating, apprehending and deporting illegal or wanted aliens
- Prevent illegal immigration to the territory of the Republic of Cyprus
- Control aliens who are employed in Cyprus
- Combat illegal immigration flows to Cyprus as well as to other member states of the EU by collecting and exchanging intelligence

Border control is carried out by Police Aliens and Immigration Department, Police Security Services, Port and Marine Police and the Air Aviation Unit.

The border surveillance at the sea borders where the Government of the Republic of Cyprus exercises effective control is carried out by a common Radar System and in case where a vessel is moving suspiciously, Cyprus Police Aviation Unit and Port and Marine Police are immediately informed and measures are taken in order to investigate the case.

#### — **Travel document security**

The border control at the entry/exit points of the Republic of Cyprus is carried out by the Aliens and Immigration Unit. Within this framework, border control officers carry out checks in order to prevent and combat the use of false/falsified documents. If it is necessary travel documents checks are carried out on two levels according to EU standards.

Any information for forged/falsified documents that may be used for terrorist activities are forwarded by the Counter-Terrorism Office to the Aliens and Immigration Unit.

#### **Container and supply chain security**

#### **Security of radioactive sources**

Security of the limited number of radioactive sources that exist in the Republic of Cyprus is provided by the Ministry of Labor. This Ministry has prepared an action plan for this purpose.

#### — **Use of the Internet and other information networks for terrorist purposes**

The Counter-Terrorism Office of Department C' participates in the Analytical File "Check the Web" of Europol and contributes and exchanges information for the prevention of the communication of terrorists or terrorism messages through the internet.

#### **Legal co-operation including extradition**

Please refer to point 1.1 (International cooperation)

#### **Safe havens and shelter to terrorists and terrorist organizations**

Please refer to points 1.3 and 1.4.

## — Other information

### - **The National Counter Terrorism Coordinator:**

On 2010, the Council of Ministers of the Republic of Cyprus appointed the Permanent Secretary of the Ministry of Justice and Public Order as the National Counter-Terrorism Coordinator (NCTC), to enable Cyprus to better fulfil its obligations that emanate particularly from EU actions in this field.

The NCTC is responsible for:

- Advising the Government on policymaking with regard to the prevention / combating terrorism.
- Representing the Government on EU and International fora
- 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. For this purpose the NCTC decided the establishment of a National Counterterrorism Strategy and is supervising the work of the ad hoc team to which he assigned this project.

**The National Counterterrorism Strategy:** The purpose of the National Strategy for Combating Terrorism which is before the Council of Ministers for adoption is to reduce the terrorism threat in Cyprus, while safeguarding human rights and fundamental freedoms.

The National Strategy is based on the Counter-Terrorism Strategy of the European Union and the relevant Action Plans and is organised around four strands, Prevent, Protect, Pursue and Respond.

- **Prevent:** to stop people from becoming terrorists or from supporting terrorism by fighting radicalization
- **Protect:** to strengthen national protection against terrorist attack
- **Pursue:** to stop terrorist attacks
- **Respond:** to deal with the consequences of a terrorist attack and to mitigate its impact

On 14/02/2002 the Criminal Code was amended by Law 12(1)/2002 to include a definition of a criminal organization according to the Common Act adopted by the Council of the European Union.

In June of 2007, Cyprus joined the Global Initiative to Combat Acts of Nuclear Terrorism, initiated by Russia and the USA.

## **2. Stationing of armed forces on foreign territory**

### **2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.**

The Republic of Cyprus does not currently maintain any armed forces stationed in the territory of other participating States.

## **3. Implementation of other international commitments related to the Code of Conduct**

### **3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.**

All actions undertaken by the Republic of Cyprus, in the context of arms control, disarmament and confidence and security building measures, are duly notified to the Member States of the OSCE, through the OSCE communications network, but also at the relevant meetings of the Forum for Security and Cooperation. Thus, in the spirit of good faith, openness and transparency, Cyprus notifies all States of its initiatives in the aforementioned areas.

Furthermore, the Republic of Cyprus has signed and ratified the following Conventions, in the field of disarmament:

1. Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction.



2. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.
3. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.
4. International Convention for the Suppression of Acts of Nuclear Terrorism.
5. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

Finally, the Convention on the Prohibition of the Use, Development, Transfer, Production and Stockpiling of Cluster Munitions was signed in New York on the 23<sup>rd</sup> September 2009. In this framework, Cyprus is currently proceeding with all the required steps in order to achieve the ratification of the Convention as soon as possible.

### **3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.**

As an active member of the OSCE, the Republic of Cyprus strives to take advantage of all opportunities, in order to achieve arms control, disarmament and confidence and security building measures. In the context of promoting confidence – building measures and transparency, Cyprus has hosted 3 contact visits for OSCE personnel over the past years. These activities included visits to major military facilities, as well as air bases where appropriate, and are summarized as follows:

- June 2001: 42 Participants from 27 OSCE Member – States.
- June 2006: 36 Participants from 22 OSCE Member – States.
- May 2009: 29 Participants from 17 OSCE Member – States.

Secondly, in the context of disarmament, the Republic of Cyprus in collaboration with the Forum for Security and Cooperation (FSC) proceeded with the destruction of 324 Man Portable Air Defence Systems, 2SA – 7, from the 9<sup>th</sup> to the 12<sup>th</sup> of June 2009. Recognizing the threats from the unauthorized proliferation and use of these weapons, which in the possession

of terrorists can be used in a catastrophic manner, Cyprus concluded their destruction as soon as possible.

In November 2011, another significant step was taken to enhance confidence building measures in the OSCE area, when the Republic of Cyprus referred an application to the Organization, requesting technical assistance, for the destruction of expired and obsolete stockpiles of conventional ammunition of the National Guard. In this framework, in 2012, Cyprus proceeded with the destruction of 770 tons of obsolete munitions. Specifically, 223.845 rounds of anti - aircraft gun 40mm Bofors were destroyed, with the contribution and support of several OSCE Member States. Moreover, in 2013, the Republic of Cyprus proceeded with the withdrawal for the purposes of destruction, of 1200 tons of obsolete – expired ammunition of various types.

Furthermore, the Republic of Cyprus continues to meet its commitments deriving from the Ottawa Convention. In this respect, Cyprus successfully destroyed 44.548 stockpiled antipersonnel mines by the 1<sup>st</sup> of July 2007. In addition, 1130 antipersonnel mines laid in 1 National Guard minefield were effectively removed and destroyed within 2013, according to the implementation schedule of the Republic's National Plan. In total, by the 1<sup>st</sup> of July 2013, the Republic of Cyprus had effectively removed and destroyed 4.318 antipersonnel mines from 18 National Guard minefields. In conclusion, all the obligations of Cyprus deriving from the Ottawa Convention, in the areas under the effective control of the Republic were successfully met by the 1<sup>st</sup> of July 2013.

It is noteworthy to mention that the Republic of Cyprus holds Turkey responsible for the clearance of anti - personnel mines in the occupied areas, since the Republic of Cyprus is deterred from exercising effective control over these areas, due to the illegal presence of the Turkish occupation forces. In this framework, on the 30<sup>th</sup> of April 2012, the Republic of Cyprus forwarded a request, which was approved, for a three – year extension until the 1<sup>st</sup> of July 2016, so as to complete its obligations deriving from Article V of the Ottawa Convention.

## **Section II: Intra-State elements**

### **1. National planning and decision-making process**

#### **1.1 What is the national planning and decision-making process in determining/ approving military posture and defence expenditures in your State?**

##### **Military Posture**

According to the Constitutional Provision (Article 54), the President and the Council of Ministers exercise the executive power, in matters concerning defence and security.

The Ministry of Defence is responsible for the formation and implementation of Defence Policy. It participates in the wider Policy implemented by the Government and supports the Minister of Defence in fulfilling his responsibilities to the House of Representatives. In this framework, the Minister of Defence maintains the general oversight of the army, and is responsible for the implementation of the National Guard Law.

Additionally, the Chief of the National Guard is responsible to the Minister of Defence for the Command in general and for the supervision of the National Guard, which includes the organization, training, readiness, discipline, safety and order, in the framework of the guidelines given by the Minister of Defence or the Council of Ministers.

The House of Representatives, after examination and discussion, passes laws concerning the operation and the responsibilities of the members of the Armed Forces.

##### **Defence Expenditure**

According to the provisions of the Constitution, the defence and the defence budget fall under the competence of the President of the Republic, the House of Representatives, the Council of Ministers and the Minister of Defence.

Funds collected by virtue of the Special Contribution (Defence of the Republic) Law (Law No. 5/85) are used for the purchase of defence equipment. As a result of a recent amendment to the Law (Law No.

9(1)/2000), both the Fund for the Defence of the Republic and the Management Committee for the Fund were abolished, and thus, all the Special Contributions for the Defence of the Republic collected now, are deposited in the Consolidated Fund of the Republic.

The procurement process of defence equipment follows the procedures established by the Laws concerning Public Tenders (No. 102(1)/1997) and No.173(1)/2011, by virtue of which, a Special Central Board for Tenders and a Defence and Security Council for Tenders are set up, in order to deal with issues concerning the procurement of military equipment.

The Ministry of Defence in cooperation with the National Guard compiles the annual defence budget and submits it to the House of Representatives for approval. The approval thereof takes place after detailed study of each item concerning the defence planning. Thus, the House of Representatives exercises immediate control over the financial issues of the National Guard.

## **1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?**

The military capabilities of the Republic of Cyprus are strictly designated to provide for the following:

- To preserve peace on the island by creating the necessary level of deterrence against any kind of military threat and to reinforce the required security conditions needed for Cypriot citizens to live, prosper and contribute to the Republic's economic growth and welfare.
- To defend the Republic's territorial integrity, national independence and sovereignty and to provide for the security of its people from any armed attack or threat.

Based on the above requirements, the National Guard Units maintain a defensive arsenal, which does not provide the capabilities for the transfer and deployment of forces outside our National territory, and thus, the

legitimate security concerns of other States are not challenged in any manner.

Despite the fact that the primary threat for the Republic of Cyprus is the policy of expansionism adopted by Turkey, and consequently, the Turkish occupation forces situated in the occupied, northern part of Cyprus, the Republic is completely aligned with the Common Security and Defence Policy of the European Union. In this framework, Cyprus acknowledges the following factors, as significant threats to International order and comprehensive security:

- The proliferation of weapons of mass destruction.
- Terrorism.
- Regional conflicts.
- The failure of States.
- Organized Crime.
- The interruption of energy supply.
- Cyber attacks.
- Climate change.

Therefore, Cyprus, being a member of the EU that is situated in the eastern basin of the Mediterranean, which is also a particularly sensitive region, supports within her capabilities, every effort to promote security and stability in this area. In addition, the Republic of Cyprus contributes to international security and stability through a number of initiatives as follows:

- The Republic of Cyprus supports the maintenance of European Military Capabilities, in the framework of the Common Security and Defence Policy, by contributing a Medium Transport Company of 174 personnel, appropriate equipment and 84 vehicles of various types.

- Cyprus contributes to the European Battlegroups by participating in the HELBROC Battlegroup. In specific, for the needs of the HELBROC Battlegroup, the Republic of Cyprus provides a medical platoon of 31 individuals, a military police contingent of 20 individuals, 9 Officers for the Force Headquarters (FHQ) and a liaison Officer for the Operational Headquarters (OHQ).

- During the crisis in Lebanon in the summer of 2006, Cyprus contributed by providing infrastructure and other facilities to the United

Nations, for the deployment of UNIFIL personnel. Moreover, Cyprus offers facilities and installations to countries participating in the Maritime Task Force of the UN Peace Keeping Mission in Lebanon, as well as appropriate infrastructure for the encampment and medical treatment of their forces. In addition, 2 National Guard Officers are currently serving at the Naqoura FHQ of UNIFIL in Southern Lebanon.

- In Operation 'ATALANTA', for the countering of piracy off the Horn of Africa, the Republic of Cyprus participates with 1 National Guard Officer. This Officer is currently serving in the Operational Headquarters (OHQ) in Northwood, United Kingdom.

- In addition, Cyprus confirms her readiness every 3 months, to contribute to the United Nations Standby Arrangements System with military personnel.

- Finally, in October 2013, an agreement was ratified between the Republic of Cyprus and the UN - Organization for the Prohibition of Chemical Weapons, for the establishment of a supportive base on the territory of Cyprus, and for the provision of facilities, to ensure the safe presence and conduct of the joint mission, overseeing the destruction of Syria's chemical weapons stockpiles. Undoubtedly, the decision of the United Nations to establish this base on the territory of Cyprus, underlines the upgraded role of Cyprus in the Eastern Mediterranean and the Middle East, in the framework of promoting international security and stability.

## **2. Existing structures and processes**

**2.1** What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

### **(a) Armed Forces**

The control of the armed forces is ensured by the Constitution and the National Guard Law (2011). According to their provisions:

- The Armed Forces are under civilian control both in peacetime and during time of war.

- The President and the Council of Ministers exercise the executive power, in matters concerning defence and security. The President retains the right, to veto any Law or Decision adopted by the Parliament, provided that they concern the following:

- The declaration of war or the stipulation of peace.
- The structure and number of the Armed Forces.
- The appointment and promotion of personnel.
- The import of military equipment.
- The provision of Bases and other facilities to friendly countries.
- Issues of security, distribution and allocation of security forces, emergency measures and Military Law.

- The Council of Ministers may issue Regulations, concerning matters of promotion, appointment, chain of command, retirement, resignation, disciplinary misconduct and other procedures.

- The Minister of Defence maintains the general oversight of the Armed Forces, as well as the responsibility, for the implementation of the National Guard Law.

- The House of Representatives pass the Laws that concern the Armed Forces.

- The Minister of Defence informs the House of Representatives on all defence issues, and may appear, if requested, before any relevant Parliamentary Committee.

### **(b) Paramilitary forces**

Cyprus has no paramilitary forces.

### **(c) Internal security forces**

Cyprus has no internal security forces.

### **(d) Intelligence Services**

The Central Information Service (C.I.S.) is the sole Intelligence Service of the Republic of Cyprus. Operationally, the CIS answers directly to the President of the Republic, while administratively it is under the command of

the Chief of Police. The Service is entrusted with the task of collecting, evaluating and disseminating intelligence that affects the State's security. Within the CIS there is an Analysis Department specialized in counter-terrorism issues. The CIS's legal authority is based upon the Police Law, (L.73(I)/2004), and the Police Standing Order 1/65.

### **(e) Police**

The Cyprus Police is a governmental body and since 1993 it forms part of the Ministry of Justice and Public Order. Previously (1960- 1993), the Police was under the auspices of Ministry of Interior.

The Cyprus Police functions on the basis of the following legislation:

- The Constitution of the Republic of Cyprus
- The Police Law (73(I)/2004)
- The Police Regulations, including Promotion and Disciplinary Regulations
- The Police Standing Orders, which are issued by the Chief of Police
- The Criminal Law (Cap.154)
- The Criminal Procedure Code (Cap. 155), concerning prosecution and relevant court procedures

It is important to note that in accordance with the Constitution, the Chief of Police and the Deputy Chief of Police are appointed by the President of the Republic of Cyprus.

Also, the Police carries out its duties in conformity with the national legal framework, international treaties and conventions to which the Republic of Cyprus is a party, as well as the European Union acquis related to police matters.

According to the Police Law (article 6, L.73(I)/2004), the Cyprus Police has the authority to carry out its mission throughout the territory of the Republic of Cyprus for:

- The Maintenance of Law and Public Order
- The Preservation of peace
- The Prevention and detection of crime



- The Apprehension and prosecution of offenders

The main powers mentioned in the Police Law include:

- Search
- Arrest
- Detention
- Interrogation
- Other powers specifically vested within the Police by virtue of any law in force.

It should be noted that the Cyprus Police is the main Law enforcement Body in the Republic. The Customs and Excise Department as well as the Unit for Combating Money Laundering (MOKAS) also have law enforcement authorities.

## **2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?**

### **(a) Armed Forces**

The Armed Forces are under political control, both during peace and wartime. The following institutions, foreseen by the Constitution, exercise their democratic control:

The President of the Republic  
The House of Representatives  
The Council of Ministers  
The Minister of Defence

### **(b) Police**

It is ensured through the applicable Constitutional and legislative provisions and their enforcement through the Courts of the Republic of Cyprus if required. The following institutions, foreseen by the Constitution, exercise their democratic control:

The President of the Republic

Attorney General

The House of Representatives

The Council of Ministers

The Ministry of Justice and Public Order

The Ombudsman that provides her consultation on the legitimacy of the administrative acts

Independent Authority for the Investigation of allegation and complaints against the Police

Personal and Data Protection Commissioner

Children Rights Commissioner

Moreover, within the Police the following services exist:

Police Standards Directory

Police Audit and Inspection unit

### **2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?**

The Cyprus Constitution Article 129 provides for the establishment of a military force, the strength of which should not exceed two thousand men, sixty per cent of which to be Greek Cypriot and forty per cent Turkish Cypriot.

Tasks and powers of the Cyprus Army are defined in the Basic Law (No. 8/1961) providing for the establishment of the Cyprus Army, as well as in the subsequent Laws amending the Basic Law (Nos. 16/1962, 51/1963, 77/1966, 46/1973, 46/1975, 80/1981, 34/1983). The above Laws were amended and unified by Law No. 33/1990.

Due to the situation created in Cyprus, after the outbreak of inter-communal violence in 1963, which continued in 1964, the need to establish a separate military force to support the Cyprus Army and the Security Forces, led to the establishment of the National Guard.

The National Guard Law ( 2011) governs the operation of the Cyprus National Guard for conscripts and reservists, and provides that the National Guard operates under the auspices of the Ministry of Defence, with the stated mission to:

«provide assistance to the Army and the security forces of the Republic, through the adoption of all necessary measures to safeguard the defence of the Republic, in order to counter the threat of invasion or any other act directed against the independence and sovereignty of the Republic, or that threatens the security of life or property of the citizens of the Republic»

Due to the aforementioned dire situation of 1964, which was exacerbated by the subsequent Turkish invasion of 1974 and the ongoing military occupation of 36.2% of the territory of the Republic of Cyprus, the need to maintain the National Guard's operational readiness remains to this day.

### **3. Procedures related to different forces personnel**

3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

#### **Military Service**

Compulsory military service was first introduced in 1964, by the National Guard Law (No. 20/1964). According to this Law, all the citizens of the Republic between the age of 18 and 50 are obliged to join the National Guard of the Republic.

Recruitment procedures or calling up to service in the National Guard of the Republic of Cyprus, are defined in the National Guard Law and the relevant Regulations stipulating the extent of compulsory military service, types of military service and procedures for the calling up of civilians for compulsory military service. Enlistment in the National Guard is conducted upon a decree of the Minister of Defence, which is publicized in the gazette of the Republic.

Military Service is compulsory for all male citizens and is divided into two categories that concern conscripts and reservists. The conscript service

lasts 24 months, and commences in the year that individuals reach the age of 18. From then on, male citizens who complete their 24 - month compulsory conscript service, continue to serve in the armed forces as reservists until they reach the age of 50.

### **Pre-requisites for recruitment in the Cyprus Police**

When there are vacant positions to be filled in the Cyprus Police, these are published in the official gazette of the Republic of Cyprus and any interested individual may apply.

The applicant must satisfy the following criteria:

1. Be a Cypriot citizen.
2. Present satisfactory character references. If s/he has previous service in the army of the Republic of Cyprus, the National Guard, the Public Service or has held any Government position or a position in any organization of public law or in any Police Force, then s/he must be able to present satisfactory evidence that during the work period in question s/he was of good conduct.
3. Be over eighteen years of age and not older than twenty eight, unless s/he holds a degree or diploma from a University that is recognized by current law, in which case s/he should not have reached the age of 40 at the time of submitting the application. The above do not apply for the appointment of Regular Special Constables and Special Constables that are candidates for recruitment or appointment in the Police.
4. Be certified after an examination by a Government Medical Officer to be of good health, to be sound of limbs and be physically and mentally suitable to perform his/her duties on recruitment. In addition to other criteria it must also be certified that s/he:
  - (a) has good eyesight with or without the use of spectacles and good hearing without the use of hearing aids,
  - (b) is not colour blind, is not flatfooted, does not suffer from any form of physical handicap and does not have any impairment or deformity on his/her body or any part of it,
  - (c) is of general physical and mental suitability.

5. Is of height not less than 1.65m for men and 1.60m for women, except in exceptional cases when approval is granted by the Minister following an application submitted by the Chief of Police.
6. Is a holder of a School Leaving Certificate (of a recognized secondary school) or hold a Diploma / Degree from a Tertiary, Post Secondary Level Institution.
7. Has a good knowledge of Greek and a satisfactory knowledge of a foreign language.
8. Has passed a written exam, conducted in accordance with the Regulations of this Law, and has achieved a total mark of at least 50% on average, and a mark of at least 40% in each of the subjects included in the exam.
9. Has passed a fitness test reaching the required standard as defined in Table B of the (General) Police Regulations 2004, carried out by a Committee especially set up for this purpose.
10. Has completed his military service or has been permanently exempted from it, but not for health reasons.
11. Has not been dismissed or his/her services in the Public Service of the Republic or a public law organization were not terminated in the past because of a criminal or disciplinary offence.
12. Is able to provide information that might be asked regarding his/her past or former employment or any other issue that relates to his/her appointment in the Police. If any candidate makes any false statement in his/her application or in relation to his/her application for appointment, and consequently is appointed, s/he commits a criminal offence, and in the case of conviction will be dismissed from the Police.

### Confirmation

Each member of the Police is confirmed after a probationary period of three years. The position of police officer is considered permanent which means that he/she executes his/her duties until his/her retirement unless he has been dishonourably discharged following a disciplinary proceeding.

The Chief of the Cyprus Police may discharge any member of the police who is under probation, if he decides that he is not capable member of the

police, after having taken into consideration evaluation reports of the Director of the Cyprus Police Academy or the Director of the Fire Service, and or/the Directors, under whose command he has/is serving.

According to Police Law (L.73(I)/2004), each member of the Cyprus Police from the time of his recruitment, is considered to be on duty at all times and may at any time be called to serve anywhere in the Republic of Cyprus. Furthermore, there are emergencies or other action plans, on the basis of which the members of Police are called on duty.

#### Call up for Service in the Cyprus Police

According to Police Law (L.73(I)/2004), each member of the Cyprus Police from the time of his recruitment, is considered to be on duty at all times and may at any time be called on duty at any place in the Republic of Cyprus. Furthermore, there are emergency or other action plans, on the basis of which the members of Police are called on duty.

### **3.2 What kind of exemptions or alternatives to military service does your State have?**

Exemptions from military service, as well as alternatives, are applicable to certain categories of conscripts and are governed by the relevant provisions of the National Guard Law.

Conscripts who are recognized as conscientious objectors (law N.88 (I)/2007), can choose to serve an alternative military service (unarmed service on military ground) or an alternative communal service, within a Department of the Public Sector. It is noteworthy to mention that the conscripts, who wish to be recognized as conscientious objectors, have the opportunity to declare this intention, through an application upon their initial enlistment.

In addition, the conscientious objectors serving an alternative communal service in the Public Sector, follow the working hours of the Department/ Division, within which they are placed.

According to the provisions of the National Guard Law, the duration of alternative communal service in the Public Sector for conscientious objectors, is increased by 7 to 9 months, in relation to the initial period that would have been served as obligatory, whilst the duration of alternative military service on military premises for conscientious objectors, is increased by 3 to 5 months, in relation to the initial period that would have been served as obligatory.

Moreover, according to the provisions of the National Guard Law, certain categories of citizens of the Republic of Cyprus are entitled to exemptions or postponements of their military service.

### **3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?**

The international treaties and agreements to which the Republic of Cyprus is a party, the Constitution of the Republic of Cyprus, the National Guard Law and other legislation, ensure that all military personnel are treated fairly and equally in legal and administrative matters. Although military personnel enjoy their constitutional and legal rights during military service, certain rights are limited. In addition, the military personnel of the National Guard have established two associations (one for officers and one for non-commissioned officers).

The rights of all military personnel are protected by the military justice system, consisting mainly of the Military Court, which forms part of the judicial system of the Republic.

### **3.4 Issues pertaining to women, peace and security**

Internal Regulations have been drawn up in the National Guard, which take into account the specific needs of women serving in the Armed Forces. All personnel are informed on these regulations accordingly. The percentage of women serving in the National Guard is as follows: Officers: 4%, Non-commissioned Officers: 20%.

The National Guard participates in the professional guidance process that takes place annually in schools, where youth is given the opportunity to be informed, on the possibilities of obtaining a military career in the Armed Forces.

Access to justice is ensured for women serving in the Armed Forces through their constitutional rights, as well as through the National Guard Law.

For issues pertaining to women and the Cyprus Police, please see attached ANNEX.

#### **4. Implementation of other political norms, principles, decisions and international humanitarian law**

##### **4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?**

International Humanitarian Law and the Law of War are taught within the Military Academies and schools that personnel attend, as well as within appropriate seminars and lectures that are conducted within the military service.

In addition, instructions on international humanitarian law and other international rules, conventions and commitments governing armed conflict form part of the training programmes for all military personnel. In this framework, military personnel receive training in aspects regarding the Geneva and Hague Conventions, International Law of Armed Conflict, Peaceful Settlement of international Conflicts, Sanctions against war crimes and crimes against humanity, protection of property and others.

##### **4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?**

The issues of national and international law concerning the administration of military personnel are included within the General Training Guidelines of the National Guard, which are duly publicized to all military personnel. Furthermore, these issues are included within the training modules of all military personnel, whether conscripts or ranking officials.



#### **4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?**

Cyprus provides for the above mentioned issues, through the implementation of Article 28 of the Constitution of the Republic, which refers to the fundamental freedoms and rights. According to Article 28, all individuals are equal before the law, and have the right to equal protection and treatment. Everyone enjoys the rights and the freedoms provided by the Constitution, without any ill – favoured discrimination against any person, whether direct or indirect, on account of that person’s community, race, colour, religion, language, gender, political beliefs, national or social descent, birth, wealth, social status or any other reason, except if otherwise stipulated within an explicit provision of the Constitution.

Conscripts from various communities are enlisted within the ranks of the National Guard, such as Armenians, Latinos and Maronites. These individuals usually carry out their military services, within Units that are in close proximity to churches or temples of their religion, so that they may exercise their religious rights in an unimpeded manner.

The course of action and the utilization of the armed forces of the Republic of Cyprus, are recorded within both the Constitution and other relevant legislation passed by the House of Representatives. In this context, any issues concerning the limitation of the lawful exercise of human and civilian rights are not included whatsoever, in the mission of the National Guard.

#### **4.4 What has been done to provide for the individual service member’s exercise of his or her civil rights and how does your State ensure that the country’s armed forces are politically neutral?**

The international treaties and agreements to which the Republic of Cyprus is a party, the Constitution of the Republic of Cyprus, the National Guard Law and other legislation ensure that all military personnel are treated fairly and equally in legal and administrative matters. Although military personnel

enjoy their constitutional and legal rights during military service, certain rights are subject to restrictions. Military personnel have the right to establish associations (one for officers and one for non-commissioned officers) (Law 55(I)/2005) but have no right to strikes.

The members of the armed forces are allowed to exercise their civilian rights as individuals, through the implementation of Article 31 of the Constitution of the Republic of Cyprus of 1960, which amongst other things, mentions that a citizen has the right to vote in any election, conducted according to the Constitution or other legislation.

The rights of all military personnel are protected by the military justice system consisting mainly of the Military Court, which forms part of the judicial system of the Republic.

The Ministry of Defence disseminates the text of the OSCE Code of Conduct on Politico-Military Aspects of Security to the military personnel who are regularly familiarised with the content of the Code.

In addition, the political neutrality of the armed forces is ensured, through the "National Guard Law" (2011), which explicitly foresees that the goal of the National Guard is to 'defend the Republic'. Furthermore, in exceptional circumstances, the National Guard may take up activities to confront dangers, which threaten the life or the fortune of the civilians of the Republic.

#### **4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?**

The Defence Policy of the Republic of Cyprus has developed around the following four basic pillars and targets:

- To preserve peace on the island by creating the necessary level of deterrence against any kind of military threat and to reinforce the necessary security conditions needed for Cypriot citizens to live, prosper and contribute to the Republic's economic growth and welfare.

- To defend the Republic's territorial integrity, national independence and sovereignty and the security of its people from any armed attack or threat.
- To participate in the Common Security and Defence Policy (CSDP) of the European Union.
- To contribute towards international peace, security and stability.

In this context, the defence policy and doctrine of the Republic is always implemented in a manner that takes into account all the deriving obligations from international law.

All major International Conventions in the area have been ratified by the Republic of Cyprus and have been embodied in the domestic legal order. Cyprus complies fully with their implementation, as far as its defence policy and doctrine is concerned. Moreover, since 2004, Cyprus actively participates in the CSDP (formerly known as ESDP - European Security and Defence Policy)

### **Section III: Public access and contact information**

#### **1. Public access**

##### **1.1** How is the public informed about the provisions of the Code of Conduct?

Members of the public may obtain information from the Ministry of Foreign Affairs or the Ministry of Defence.

##### **1.2** What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

Any information concerning the Code of Conduct may be obtained from the Ministry of Foreign Affairs or the Ministry of Defence.

##### **1.3** How does your State ensure public access to information related to your State's armed forces?

The Government is committed by the Constitution to provide public access to information. In this connection, the Ministry of Defence provides information to the public on the role and activities of the National Guard, unless it is

restricted from doing so for national security reasons. All significant decisions and events are issued in press releases.

The Ministry of Defence in cooperation with the National Guard has created an internet site, which is continuously updated, in the framework of facilitating the unimpeded dissemination of information.

## **2. Contact information**

### **2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.**

Mrs. Christina Constantouris  
Ministry of Foreign Affairs of the Republic of Cyprus  
Presidential Palace Avenue, Nicosia 1447, CYPRUS  
Tel. +357 22 651285  
Fax. +357 22 661881, 22 665313  
E-mail: [cconstantouris@mfa.gov.cy](mailto:cconstantouris@mfa.gov.cy)  
Website: [www.mfa.gov.cy](http://www.mfa.gov.cy)

**ANNEX**  
**CYPRUS POLICE**

**Indicative List of Issues Pertaining to Women, Peace and Security to be provided in the Questionnaire on the OSCE Code of Conduct**

**Participation in Missions**

Currently, Cyprus Police does not participate in peacekeeping missions abroad. However, Cyprus Police members staff the following European Union Police missions:

- E.U. EUBAM, Moldova- Ukraine (2 policemen)
- E.U. EUMM, Georgia (1 policeman)
- E.U. EUPOL COPPS, Palestine (1 policeman)

Moreover, members of the Cyprus Police have been seconded abroad as follow:

- Permanent Representation of Cyprus, in Brussels (2 policemen and 1 policewoman)
- EUROPOL Headquarters, The Hague (2 policemen)
- Interpol General Secretariat, Lyon (1 policeman)
- Coordination Centre for Combating Drugs in the Mediterranean, (CeCLAD-M), Toulon (1 policeman)
- FRONTEX Center, Piraeus (1 policeman)
- Embassy of Cyprus in Athens (1 policeman)

It should be noted that all vacancies are announced to Police members via the internal network and both, men and women officers have the right to apply.

**Legislative provisions /Staffing**

Cyprus Police Law (L.73(I)/2004) and Regulations' (General, Promotions and Disciplinary) provisions are applied equally to all officers (men and women). Also, men and women officers follow the same training, at all levels.

Between the period 2011-2013, 3858 persons applied for police's vacancies. Out of these applications 1709 were women applicants (44.29%). A total of 338 women passed the written exams and until now 114 were recruited. Between 2012-2013, no vacancies have been announced.

Currently, the Cyprus Police is staffed by 1228 (24,55%) women police officers. The rank distribution is illustrated in the table below:

<b>RANK</b>	<b>NUMBER</b>	<b>%</b>
Assist. Chief of Police	0	0
Chief Superintendent	0	0
Superintendent A'	0	0
Superintendent B'	4	0,08
Chief Inspector	1	0,02
Inspector	15	0,30
Sergeant	98	1,95
Constable	699	13,97
Ordinary Special Constables	44	0,88
Special Constables	367	7,35
<b>TOTAL</b>	<b>1228</b>	<b>24,55</b>

In 2013 no discrimination and sexual harassment complaints against policewomen have been recorded.

#### Committee for Equality between Men and Women

Based on the Council of Ministers Decision no. 66.496, dated 5/12/2007, the Cyprus Police Committee for Equality between Men and Women was established. The operation of the Committee is governed by the Police Standing Order 5/42, which is issued by the Chief of Police. Currently, the Committee is staffed by two policemen and two policewomen.