



Security Council

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Letter dated 21 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Cyprus, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(Signed) Jeremy **Greenstock**
Chairman of the Counter-Terrorism Committee



Annex

[Original: English]

Letter dated 21 December 2001 from the Permanent Representative of Cyprus to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On instructions from my Government, I hereby have the honour of enclosing a report from Cyprus to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

My Government stands ready to provide the Committee with further reports or information, as necessary or if requested to do so by the Committee.

I should be grateful if you would have the text of the present letter and the enclosed report circulated as a document of the Security Council.

With best regards,

(Signed) Sotos **Zackheos**
Ambassador
Permanent Representative

Enclosure**Report of the Republic of Cyprus, submitted pursuant to Security Council resolution 1373 (2001)**

The Government of the Republic of Cyprus wishes to stress that it fully recognizes the existence and the dimensions of international terrorism. The fight against international crime, particularly terrorism, through international cooperation, through full implementation of all relevant international conventions and protocols relating to terrorism as well as Security Council Resolutions 1269(1999) and 1368 (2001), is one of the top priorities of the foreign policy of Cyprus. Moreover, Cyprus fully shares the view for the necessity of a global mobilization against terrorism under the aegis of the United Nations.

The Government is committed to joining forces with all governments on a bilateral level as well as in international fora in the struggle to eliminate terrorism. This determination has been explicitly stated at the highest level with the assurance that all practical measures are carried out in cooperation with the international community and in line with the obligations deriving from the relevant resolutions and the relevant international conventions, to which Cyprus is a party.

Operative Paragraph 1

Sub-paragraph (a) — What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1(b) to (d).

On November 22, 2001, the House of Representatives of the Republic of Cyprus enacted the Ratification Law of the U.N. Convention for the Suppression of the Financing of Terrorism. Consequently, the offences prescribed in the Convention are criminal offences established as such by the Republic of Cyprus and the provided penalties are 15 years imprisonment and/or a fine of CY£1.000.000. Furthermore, a specific provision is included according to which these offences are predicate offences for the purposes of the application of the anti-money laundering legislation, namely, “The Prevention and Suppression of Money Laundering Activities Law of 1996, (No. 61(I)/96)”.

Sub-paragraph (b) — What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?

The procedure for the freezing and confiscation of assets derived from predicate offences is laid out in a comprehensive law containing, inter alia, provisions for the investigation of offences falling within the scope of the law by the Unit for Combating Money Laundering (M.O.K.A.S.) which is a specially constituted body of investigators headed by a senior legal officer. It also contains provisions for lifting confidentiality and other provisions necessary for making the disclosure of money laundering effective.

The Principal Law regarding the Prevention and Suppression of Money Laundering Activities is Law 61(I)/96, as amended by Laws 25(I)/97, 41(I)/98, 129(I)/99* and 152(I)/00*.

***N.B.** This is the consolidated version of the Law, with the incorporation of the amendments that came into effect in 1998. Since then, there were two more amending laws, Law No. 120(I)/99 and Law No. 152(I)/00, which were not included in the consolidation.

The amendments are minor and affect sections 2, 4, 5, 7, 62(2) and 65(2)(d). The most important amendment is the deletion and substitution of section 5 (effected by Law 152(I)/00). The new section 5

provides that predicate offences are all offences as a result of which proceeds that were generated may become the subject of a laundering offence defined in section 4, and which entail a maximum sentence of one year and above. (It is noted that in Cyprus there is no minimum sentence and Courts are empowered to impose any term of sentence not exceeding the maximum provided for each offence).

N.B. A copy of the Law is included in the “Law Commissioner’s Note”, which is also submitted to the Committee (see annex II).

Sub-paragraph (c) — What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

The provisions of the anti-money laundering legislation, concerning the freezing and confiscation of funds and other financial assets of persons as prescribed in sub-paragraph (c) are applicable in the case of the commission of such offences.

In addition to the administrative measures taken by the Central Bank of Cyprus, M.O.K.A.S. conducts its own inquiries with Financial Institutions in Cyprus in order to identify any assets belonging to such persons. If such assets are traced, the Unit will apply the provisions of the Law to freeze them.

Moreover, the Central Bank carries out specific procedures for the freezing of assets. In particular, the enforcement of United Nations Security Council Resolutions adopted under Chapter 7 of the UN Charter is based on the provisions of Law 50/65, which implements and recalls the UN Charter and, in particular, on Article 25, which provides that, member states agree and accept to implement the Resolutions of the Security Council. When a decision is taken by the Council of Ministers of the Republic, competent authorities are then instructed to take the necessary measures for the strict implementation of the UN Security Council Resolutions imposing mandatory sanctions. The Central Bank of Cyprus has been assigned with the responsibility for the implementation of the UN sanctions with regard to commercial and financial transactions and assets.

The Central Bank of Cyprus has issued numerous circulars to all banks requesting adherence to the provisions of UN Security Council Resolutions imposing financial sanctions against the Taliban, Osama bin Laden, the Organization “Al Qaeda” and their associates. These are:

1. On 20 September, 2001 the Central Bank of Cyprus issued a circular letter by which all banks in Cyprus were called upon to provide information as to whether Osama bin Laden, the Organisation “Al Qaeda” or any entity owned or controlled by them maintains or ever maintained a bank account in Cyprus or had any other banking transactions in Cyprus.
2. On 27 September, 2001 the Central Bank of Cyprus issued a circular letter to all banks requesting the adoption of measures for the implementation of UN Security Council Resolutions 1267 (1999) and 1333 (2000) by which sanctions have been imposed against the Taliban, Osama bin Laden and their associates.
3. On 27 September, 2001 a circular letter issued by the Central Bank of Cyprus informed banks of US President Bush’s Executive Order no. 13224 of 23 September, 2001 by which freezing of assets was imposed against 27 persons supporting or associated with terrorism. Banks were requested to carry out detailed examination of their records and inform the Central Bank of Cyprus whether any of the 27 persons designated in the Executive Order, maintains or ever maintained an account or other relationship with banks in Cyprus.
4. On 2 October, 2001 a circular letter issued by the Central Bank of Cyprus requested the freezing of funds and financial resources belonging to persons designated by the Security Council Committee established pursuant to Resolution 1267 (1999) as being associated with the Taliban and Osama bin Laden. Banks have also been requested to immediately inform the Central Bank of Cyprus whether they maintain or ever maintained accounts or balances for the persons included in the said list.
5. On 2 October, 2001 a circular issued by the Central Bank of Cyprus requested banks to enforce the provisions of UN Security Council’s Resolution 1373 (2001) and freeze all funds and financial assets belonging to persons who commit or assist the financing of terrorist acts and, in particular, freeze any balances standing to the credit of the 27 persons designated in President Bush’s Executive Order no. 13224 of 23 September, 2001.

6. On 17 October, 2001 the Central Bank of Cyprus issued another circular concerning the provisions of UN Security Council's Resolution 1373 (2001) requesting banks to freeze any balances standing to the credit of 39 persons designated by President Bush in the list of 15 October 2001 extending Executive Order no.13224. Banks were also requested to immediately inform the Central Bank of Cyprus if such balances were identified in their records.
7. On 30 October, 2001 banks were provided, by virtue of another circular issued by the Central Bank of Cyprus, with a list of persons suspected of being involved in the terrorist attacks committed on 11 September, 2001. This list was issued by the Financial Crimes Enforcement Network (FinCEN) and was forwarded by it to M.O.K.A.S. Banks were requested to inform the Central Bank of Cyprus whether any of the persons included in the said list maintains or ever maintained an account or balances with them.
8. On 19 November, 2001 a new circular issued by the Central Bank of Cyprus concerning UN Security Council Resolution 1373 (2001) requested banks to freeze balances standing to the credit of organisations, entities and individuals designated by President Bush in the lists of 5 and 7 November, 2001 extending Executive Order no. 13224. Banks were also requested to immediately inform the Central Bank of Cyprus whether they maintain or ever maintained accounts or balances for any of the persons listed.
9. On 5 December, 2001, the Central Bank of Cyprus issued a new circular concerning UN Security Council Resolutions 1267 (1999) and 1333(2000) forwarding to Banks the new consolidated lists of persons issued by the Security Council Sanctions Committee, established pursuant to SC Res. 1267. This circular requested banks to freeze all funds and financial assets belonging to persons whose names are designated as being associated with the Taliban and Osama bin Laden in the aforementioned list.
10. On 6 December, 2001 a new circular issued by the Central Bank of Cyprus concerning UN Security Council Resolution 1373 (2001) forwarded to banks a consolidated list of persons, which included all previous lists issued by the aforementioned circular letters, subject to freezing of assets as imposed by the said Resolution.

11. On 25 September, 10 October, 18 October and 6 December, 2001, the Central Bank of Cyprus addressed letters to the Cyprus Bar Association and the Institute of Certified Public Accountants of Cyprus requesting them to inquire with their members whether they had ever provided any services to persons or entities associated with Osama bin Laden, the organisation “Al Qaeda” and any of the persons included in the lists circulated to banks.

On the basis of responses to the above measures, to date, no funds have been traced with banks in Cyprus belonging or linked to any of the terrorists designated in the above-mentioned circulars. The completeness and accuracy of the information disclosed by banks in response to the above circulars is thereafter checked and verified by on-site inspections made by Central Bank of Cyprus examiners.

Sub-paragraph (d) — What measures exist to prohibit the activities listed in this sub-paragraph?

The activities listed in this sub-paragraph are prohibited with the application of the preventive measures included in the anti-money laundering legislation (The Prevention and Suppression of Money Laundering Activities Law 61(I)/96). More specifically, these measures include the following:

1. Identification procedures.
2. Record-keeping procedures.
3. Internal Reporting procedures.
4. Obligation to report to the Financial Intelligence Unit (M.O.K.A.S.) any relevant suspicion.

It is noted that the Ratification Law of the U.N. Convention on the Suppression of the Financing of Terrorism, includes a provision applying the aforementioned measures to the financing of terrorism.

(Please refer also to answer for (c) above for the measures taken by the Central Bank).

Operative Paragraph 2

Sub-paragraph (a) — What legislation or other measures are in place to give effect to this sub-paragraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

Regarding recruitment of terrorists or the supply of weapons to terrorists, provisions exist in the Criminal Code that are applicable in such cases (e.g. section 55 providing for unlawful training, section 56 making the membership of an unlawful association illegal, section 53 concerning unlawful oaths to commit offences). Moreover, under the Firearms Law (38/74 and 27/78) and the Explosive Substances Law (Cap. 54), the possession and carrying of firearms and explosive substances is prohibited and entails severe penalties.

In addition, many provisions of the criminal law in Cyprus are implemented in order to combat terrorist acts. In particular, the suppression of terrorism fundraising is achieved by the application of the provisions of the Criminal Code, Cap. 154, and other relevant legislation, as well as international conventions that have been ratified by the Republic of Cyprus.

More specifically, Part II of the Criminal Code deals with the offences against Public Order and refers to a number of serious crimes which are related to terrorism, such as preparation of war or warlike conduct (S.42), use of armed force against the government (S. 41) and carrying arms for terrorist acts (S.80).

Section 63 of the Criminal Code defines an unlawful organization, as any body or person incorporated or not, which by its constitution or propaganda or otherwise advocates, incites or encourages, inter alia, any of the following unlawful acts, namely, the overthrow of the constitution of the Republic of Cyprus by revolution or sabotage, the overthrow by force or violence of the government and the destruction of property of the State. Being a member of an unlawful organization is punishable with 3 years imprisonment (S. 56).

Concerning fundraising, section 58 states that any person who gives or pays contributions, subscriptions or donations, for or on account of, any unlawful association is guilty of a misdemeanour and is liable to one year imprisonment. In addition, section 60 makes provisions for the seizure and forfeiture of the property of an unlawful organization.

N.B. A list of the relevant provisions of the Criminal Code is given in 2 (e) with the penalties in brackets.

It should also be noted that on November 28, 2001 the Council of Ministers approved a draft Bill amending the Criminal Code. The Bill criminalizes participation in a criminal organisation in accordance with the Common Act adopted by the Council of the European Union (98/733/JHA). According to the provisions of the Amending Bill, a criminal organisation is defined as a group that exists for at least six months and consists of three or more individuals, with the common purpose to commit serious criminal offences. The said draft Bill is currently before Parliament.

In addition, the Republic of Cyprus, being a party to ten of the twelve International Conventions/Protocols pertaining to international terrorism, as well as the relevant Convention of the Council of Europe, is legally bound to refraining from providing any form of support, active or passive, to entities or persons involved in terrorist acts. Specifically, the Republic of Cyprus has signed and ratified the following international conventions:

1. Convention on Offences and Certain Other Offences Committed on Board Aircraft — Tokyo 14.09.1963, Law 31/72.
2. Convention for the Unlawful Seizure of Aircraft — The Hague 16.12.70, Law 30/72.
3. Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aircraft — Montreal 23.09.71, Law 37/73.
4. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents — New York 14.12.1973, Law 63/75.

5. European Convention for the Suppression of Terrorism — Strasbourg 27.01.77, Law 5/79.
6. Convention Against the Taking of Hostages — New York 17.12.79, Law 244/90.
7. Convention on the Physical Protection of Nuclear Materials — Vienna 3.03.80, Law 3(III)/98.
8. Convention for the Suppression of Unlawful Acts Against the Safety of Marine Navigation — Rome 10.03.88, Law 17(III)/99.
9. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms on the Continental Shelf — Rome 10.03.88, Law 17(III)/99.
10. International Convention for the Suppression of Terrorist Bombings — New York 15.12.97, Law 19(III)/2000.
11. International Convention for the Suppression of the Financing of Terrorism — New York — 10.01.2000, Law 29 (III)/01.

In addition, the Republic of Cyprus is in the process of ratifying the remaining two International Instruments relating to Terrorism, a process that is expected to be concluded in the very near future. These are:

1. The 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 24.02.88. The draft Ratification Bill has already been submitted to the House of Representatives.
2. International Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1.03.91. The proposal for submission to the Council of Ministers of the draft Ratification Bill is currently under preparation by the relevant authorities and is expected to be submitted to the House of Representatives in the very near future.

In addition, the Republic of Cyprus has taken the following practical measures necessary to deter and prevent terrorist activities:

1. The creation of a Mobile Immediate Action Unit consisting of a specialized Antiterrorist Squad.
2. The training and specialization of police officers in the investigation of terrorist activities, questioning techniques and hostage negotiations.
3. The patrol and surveillance of the coastal areas of Cyprus by air and sea to prevent unlawful entry.
4. The close cooperation and exchange of information with European, neighbouring and other countries.
5. Ratification of the International Convention for the Suppression of the Financing of Terrorism on November 30, 2001 (Cyprus became the 15th country to ratify the Convention).

Moreover, according to the Customs and Excise legislation in force, “any goods, substances or materials, including nuclear materials or substances, that are imported, landed, unloaded or are in the course of transit, contrary to any prohibition or restriction for the time being in force with respect thereto under or by virtue of any enactment or convention which binds the Republic of Cyprus, shall be liable to forfeiture.” The provision for the confiscation of goods applies also to goods exported contrary to any restriction or prohibition in force.

Import and export controls as regards prohibitions and restrictions in force, including weapons, have been bolstered since the terrorist attack of the September, 11 by:

- Controlling all export or transiting/trans-shipped cargo through the portal monitors (advanced detection X-ray pillars), as well as through scrutiny of relevant documentation submitted to Customs and the use of risk analysis methods, in order to prevent the illicit trafficking of weapons that cannot be detected by the portal monitors and other high technology equipment available. The aforementioned monitors are comprised of two large upright pillar sensors that

detect the presence of radioactive materials and are permanently mounted to allow truck and cargo container traffic to pass between them.

- Tightening controls on passengers, luggage and personal belongings at the entry/exit points of Cyprus, through strict passport scrutiny of all arriving and departing passengers, additional check of passengers and hand luggage at departure gates and 100% screening of all hold baggage.
- In the field of merchant shipping, the Republic of Cyprus implements the relevant UNSCR's. On Afghanistan it has implemented UNSCR 1333 (2000) and E.U common position 2001/154/CFSP which prohibit the transportation and supply by Cyprus ships of arms and related material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts, to the territory of Afghanistan under Taliban control.

Sub-paragraph (b) — What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other states?

M.O.K.A.S. has the authority to exchange information directly with counterpart FIU's, including the authority to forward any information it considers useful for another FIU without receiving any request (spontaneous information). These powers also include exchange of information on the financing of terrorism.

Furthermore, M.O.K.A.S. and the Cyprus Police can exchange information with the law enforcement authorities of other countries through INTERPOL channels.

Moreover, following the terrorist attacks of September 11, the Cyprus Police in close cooperation with other relevant authorities has taken the following additional measures:

1. Upgrade of the already existing mechanisms and the continuation and reinforcement of the cooperation with other countries, both at the bilateral and multilateral levels.
2. Increase of security measures at the entry and exit points of the Republic of Cyprus.
3. Guarding/patrolling and continuous surveillance of possible targets.
4. Strict passport scrutiny of arriving and departing passengers.
5. Increased screening of luggage.
6. 100% screening of all hold baggage.
7. Additional checks of passengers and hand luggage at departure gates.
8. Patrolling and surveillance of the coastal areas of Cyprus, by air and sea, so as to prevent the unlawful entry of terrorists into the country.
9. Checking/surveillance of suspected illegal immigrants.
10. Close cooperation with other relevant organizations and services.

The Central Information Agency of the Republic is an authority whose work is of vital importance to such areas of activities. This Agency is in close and direct cooperation with other such agencies worldwide provides and is being provided with information on a strictly confidential basis.

On December 12, 2001 the Council of Ministers approved the establishment of a Coordinating Unit to combat international terrorism. This unit will concentrate on areas of illegal arms sales and brokerage, illegal trafficking of arms, of explosives, of weapons of mass destruction, of harmful chemical substances and of dual-use items. This unit will have the jurisdiction to conduct questioning, collect data and exchange relevant information with related coordinating units of other countries for the purpose of the suppression of activities relating to terrorism.

This Coordinating Unit will function under the auspices of the Deputy Attorney General of the Republic. In order to ensure an immediate response reaction to any information relating to terrorist activities, this unit will be comprised of two advocates, members of the Law Office of the Republic, a representative of the Ministry of Justice and Public Order, three representatives from the Police Department, a representative from M.O.K.A.S., a representative from the Central Information Agency, and a specialist on analyzing electronic data. It is noted that in cases deemed necessary representatives from other authorities of the Republic will be involved.

In addition, the Department of Customs and Excise exchanges information with other law enforcement agencies through intelligence systems such as:

- C.E.N. System of World Customs Organization (WCO)
- BALKAN INFO SYSTEM
- MARINFO SYSTEM
- Antifraud Information System (A.F.I.S.)

The Department, in line with the recommendations of the World Customs Organisation on mutual administrative assistance, also exchanges relevant information with other Customs Administrations. The Department is also in close cooperation and regular contact with several Drugs Liaison Officers (DLO'S) and other officials stationed at their respective embassies in Cyprus and abroad.

Sub-paragraph (c) — What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supplied examples of any relevant action taken.

Measures to prevent the use of the Cypriot financial system by those who finance acts of terrorism are included in the anti-money laundering legislation and in the Guidance Notes (Circulars) issued by the existing Supervisory Authorities for the financial sector, mainly by the Central Bank of Cyprus.

Reference to these provisions is also included in the Ratification Law of the International Convention for the Suppression of the Financing of Terrorism, Law 29(III)/01. Moreover, the law regulating

freezing and confiscation of proceeds from predicate offences is applicable to all activities declared illegal by the International Convention for the Suppression of the Financing of Terrorism. In the same law there are provisions for mutual assistance while there is also the recently enacted law providing for International Co-operation in Criminal Matters (Law 23(1)/01).

In addition, severe penalties are provided for all activities related to acts of terrorism. The Courts of the Republic have the authority to order the freezing and confiscation of proceeds from such activities. Their jurisdiction also extends and covers all the cases mentioned in the international conventions pertaining to terrorism to which Cyprus is a contracting party.

All offences containing the element of terrorism and which are declared illegal by international conventions are punishable with severe penalties, including life imprisonment.

Penalties provided for offences created under the Conventions/Protocols against Terrorism

<u>Conventions/Protocols</u>	<u>Penalties</u>
1. Convention for the Suppression of Unlawful Seizure of Aircraft (Ratified by Law 30 /72)	Proposed amendment providing for 15-year imprisonment or £50.000 fine or both.
2. Convention on Offences and Certain other Acts Committed on Board Aircraft (Ratified by Law 31/72)	Amendments to the relevant Law are currently being drafted to include specific offences.
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Ratified by Law 37/73)	Life imprisonment (under Supplementary Law No. 79/73)
Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation	This Protocol is in the process of ratification. Proposed penalty identical to the one for offences under the Convention.
4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons Including Diplomatic Agents (Ratified by Law 63/75)	Penalties ranging from two years to life imprisonment.
5. European Convention on the Suppression of Terrorism (Ratified by Law 5/79)	No offences created.
6. International Convention against the Taking of Hostages (Ratified by Law 244/90)	Life imprisonment.
7. Convention on the Physical Protection of Nuclear Material (Ratified by Law 3(III)/98)	10 years imprisonment or £50.000 fine or both.

8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Ratified by Law 17(III)/99)	15 years imprisonment and life imprisonment.
Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Ratified by Law 17(III)/99)	15 years imprisonment and life imprisonment (for aggravated offences).
9. International Convention for the Suppression of Terrorist Bombings (Ratified by Law 19(III)/00)	15 years imprisonment or £10.000 fine or both.
10. International Convention for the Suppression of the Financing of Terrorism (Ratified by Law 29(III)/01)	15 years imprisonment or £1.000.000 fine or both.
11. Convention on the Marking of Plastic Explosives for the Purposes of Detection	This Convention is in the process of ratification. Proposed penalty, 5 years imprisonment or £5.000 fine or both.

N.B. The Ratification Laws of the aforementioned Conventions are in the process of being published in a special edition by the Law Commissioner of the Republic.

Regarding immigration policy, strict immigration laws exist and any person with a criminal record or any immigrant who does not seek political asylum and who does not enter Cyprus for a legitimate purpose (employment, residence or tourism) is expelled. Also persons whose activities in Cyprus may be directed against other states are liable to deportation.

Furthermore, according to Article 5 of the Refugee and Asylum Seekers Law, (Law 6(II)/00) which provides for the examination of asylum applications, asylum is denied in the case of a person against whom there are serious allegations that the person:

1. Has committed a crime against peace, a war crime, or a crime against humanity as defined in the Geneva Convention of 1951,
2. Has committed a serious non political crime in another country prior to his/her admission to the Republic or,
3. Has been guilty of acts contrary to the purposes and principles of the United Nations.

(It is noted that since the Refugee and Asylum Seekers Law has just been recently implemented, the screening of asylum seekers, at present, is being done in parallel with the UNHCR).

Moreover, according to the article 14(1) of the Aliens and Immigration Law, the Immigration Officer has the authority to order any alien who is a prohibited immigrant to be deported from the Republic of Cyprus. A prohibited immigrant is considered to be any undesirable person, or any person who is shown by evidence to be likely to conduct himself/herself so as to be dangerous to peace and good order, or any member of an unlawful organisation as defined in section 63 of the Criminal Code [Aliens and Immigration Law, article 6(1) (f), (g) and (h)]. Section 63 (a)(ii) of the Criminal Code specifies that unlawful association means any body or person which incites or encourages “the overthrow by force or violence of the established government of the Republic or of any other civilized country, or of an organized Government”.

Sub-paragraph (d) — What legislation or procedure exist to prevent terrorists acting from your territory against other states or citizens? It would be helpful if States supplied examples of any relevant action taken.

Please refer to answer for (c) above.

Sub-paragraph (e) — What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

The Ratification Law of the International Convention for the Suppression of the Financing of Terrorism criminalizes as serious offences the financing of the terrorist acts contained in the International Conventions listed in the Annex to this Convention and provides for serious penalties: 15 years imprisonment and/or CY£1.000.000 fine.

Furthermore, the provisions in the domestic Criminal Code which could be applied to acts of terrorism, with the penalties provided for each one are the following:

S.42	Inciting to mutiny.	Life imprisonment.
S.43	Aiding soldiers or policemen in acts of mutiny.	Misdemeanour.
S.44	Inducing soldiers or policemen to desert.	Imprisonment for six months.
S.45	Aiding prisoners of war to escape.	Life imprisonment Misdemeanour.
S.47	Seditious conspiracy and publications with seditious intention.	Five years imprisonment.
S.50	Publication of false news.	Two years imprisonment or fine of five hundred pounds or both.
S.50A	Publication of news, etc., relating to defence works, etc.	Six years imprisonment.
S.50C	Espionage.	Ten years imprisonment.
S.51	Encouraging violence and promoting ill will.	Twelve months imprisonment.
S.51A	Procurement or incitement to acts of violence, etc.	Twelve months imprisonment or fine of one thousand pounds or both. In case of a body corporate fine of three thousand pounds.
S.52	Unlawful oaths to commit capital offences.	Life imprisonment.
S.53	Other unlawful oaths to commit offences.	Seven years imprisonment.
S.55	Unlawful training.	Seven years imprisonment.
S.56	Membership of an unlawful association.	Three years or seven years imprisonment.
S.57	Advocating and encouraging unlawful association.	Five years imprisonment.
S.58	Giving or soliciting contributions for an unlawful association.	Five years imprisonment.
S.59	Possession of documents having a seditious intention and publication, etc. propaganda of unlawful association.	Three years imprisonment and confiscation of documents.
S.80	Carrying arms to terrorise.	Two years imprisonment, and confiscation of arms or weapons.
S.91	Threatening violence.	Three years imprisonment.
S.92	Possessing firearms with intent to injure.	Five years imprisonment.

S.108A	Use of uniform by unauthorized persons.	Twelve months imprisonment or a fine of three hundred pounds or both.
S.109	Impersonating public officers.	Three years imprisonment.

N.B. Please refer also to the answer for 2(c) where a table of “penalties provided for offences created under Conventions against Terrorism” is included.

Sub-paragraph (f) — What procedures and mechanisms are in place to assist other states? Please provide any available details of how these have been used in practice.

The Republic of Cyprus is a party to a number of multilateral agreements for cooperation and legal assistance between the countries that are parties to these Conventions. It also utilizes bilateral agreements for cooperation in combating organized and other forms of crime, as well as bilateral agreements for cooperation in legal, judicial and criminal matters.

The Cyprus Police is in close cooperation and exchanges information with the USA, the Member States of the EU and other neighbouring countries, International Organisations, such as INTERPOL and EUROPOL.

Based on this co-operation, the Cyprus Police received recognition by INTERPOL when in 1998 a member of the Japanese “Aum Shrinkyo” terrorist organization was arrested by police in Cyprus and was deported in a manner that allowed for his eventual handing over to Japan for trial. This was achieved mainly through the concerted efforts of INTERPOL General Secretariat and contributions by other related N.C.B’ s. The individual (Toshiyasu Ohuchi) was apprehended in relation to the investigation concerning the sarin gas attack in the Tokyo underground on 20.3.95.

In addition, the Department of Customs and Excise, within the framework of criminal investigations and proceedings, provides assistance through the European Convention on Mutual Assistance in Criminal Matters, which has been ratified by the Republic of Cyprus, through the relevant national enabling legislation, as well as through the recommendation of the WCO on mutual administrative assistance and other commitments arising from conventions (i.e. bilateral agreements, MOU’S).

Please refer also to answers for 2(b), (c) and (e).

Sub-paragraph (g) — How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?

The movement of terrorists or terrorist groups is prevented by effective controls, including controls on issuance of identity papers and travel documents and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents.

It should be noted that since the 1974 invasion of the Republic of Cyprus by Turkey, almost 36% of the territory of the Republic of Cyprus is under Turkish military occupation and therefore under the total control of Turkey. In order to effectively control passage into the territory under the control of the Government of the Republic of Cyprus, the authorities of the Republic take into serious consideration any information regarding terrorists, conveyed by INTERPOL, International Organizations, Governments and Security Council Sanctions Committees, and place the particulars of such persons on a relevant Stop List in order to prevent the movement of terrorists and other undesirable persons.

Moreover, Cyprus, within the framework of the harmonization of its legislation with the Acquis Communautaire, is implementing/will implement the following measures in order to contain the movement of the aforementioned category of individuals/or groups:

- (a) Issuing of uniform format visas as provided for in the Schengen Acquis
- (b) Consultations with EUROPOL with a view to signing a co-operation agreement
- (c) Updating the national information system
- (d) Purchasing of additional equipment for coastal surveillance radar systems, airplanes, helicopters and speed boats with special equipment

- (e) Purchasing of additional forgery detection equipment to detect false documents and visas
- (f) Issuing of new passports with security features in order to prevent forgery
- (g) Personnel training in border control matters
- (h) Providing the necessary training to carriers transporting passengers to Cyprus so as to be able to fully adhere to the provisions of the Carriers Liability Law, which will enter into force upon accession to the European Union.

Regarding merchant shipping, one hundred percent verification of the Certificates of Competency of Masters and Officers serving on Cyprus flag ships is carried out before the issuance of certificates attesting the recognition of a foreign Certificate of Competency as required by the IMO International Convention on Standards of Training, Certification and Watchkeeping of Seafarers, 1978, as amended.

It is noted, in particular, that each seafarer registered in the system is assigned a unique Cyprus Identification Number which is shown on every certificate issued to the seafarer by the Cypriot Maritime Authorities. It is clarified that the system has the capability of tracing a seafarer who has been assigned a Cyprus Identification Number and who attempts to be re-register with different personal details.

Operative Paragraph 3**Sub-paragraph (a) — What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?**

The Republic of Cyprus is taking steps to intensify and accelerate the exchange of operational information, in particular with the aim of countering actions or movements of terrorist persons or networks, forged or falsified travel documents, trafficking of arms, explosives or sensitive materials, use of communications technologies by terrorist groups and the threat posed by the possession of weapons of mass destruction by terrorist groups.

Apart from the measures for exchanging information mentioned in sub-paragraph 2(g), Cyprus has adopted the Joint Principle for the exchange of data in CIREFI and CIREA which are the European Council's working groups dealing with the exchange of information on illegal and irregular immigration and on refugees, accordingly.

In addition, import and export controls in force as regards prohibition and restrictions including weapons, have been enhanced since the terrorist attacks of September 11, by:

- Controlling all export or transiting/transshipped cargo through the portal monitors. Depending on the case in question, other available equipment can be used. In addition, through the scrutiny of relevant documentation submitted to customs and the use of risk analysis methods, other suspected goods can be identified, and thus enable the prevention of illicit trafficking of weapons which might not be detected by the portal monitors and other high technology equipment available.
- Tightening controls of passengers, luggage and personal belongings at the entry/exit points of Cyprus, through strict passport scrutiny of all arriving and departing passengers, additional check of passengers and hand luggage at departure gates and 100% screening of all hold baggage.

Based on the WCO recommendation on mutual administrative assistance and other conventional commitments, any findings that may be derived either by scrutiny of documents, or by examination of goods or by any other control method are immediately reported to the states concerned.

Additionally, as regards merchant shipping every seafarer employed on a Cyprus ship is required to register in the Seafarers' Register kept by the Cyprus Maritime Administration. Foreign Authorities may have direct access to relevant data maintained in the Seafarers' Register database to verify the validity and authenticity of various certificates and documentary evidences issued by the Government of the Republic of Cyprus, as well as the identities of the seafarers.

Should the international shipping community decide to establish an international seafarer's register, as strongly recommended by the Seafarers' International Research Centre of Cardiff University in its study regarding fraudulent practices associated with certificates of competency and endorsements, all data maintained in the Cyprus Seafarers' Register can be easily transferred to such an international database.

The system is at present partially operational and it is anticipated that it will be fully operational within the year 2002.

Sub-paragraph (b) — What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph?

As already mentioned at answers for 2 (b), (c) and (f) above, the Cyprus Police is in close co-operation and exchanges information with many countries and International Organisations, such as INTERPOL and EUROPOL, in order to prevent the commission of terrorist activities.

Sub-paragraph (c) — What steps have been taken to cooperate in the areas indicated in this sub-paragraph?

The Republic of Cyprus has signed 16 bilateral agreements with: Bulgaria, China, the Czech Republic, Egypt, Greece, Hungary, Israel, Italy, Malta, Poland, the Russian Federation (valid also for Ukraine, Belarus and Georgia), the Slovak Republic and Syria.

In addition, the Republic of Cyprus has signed bilateral agreements in the field of merchant shipping with several countries where, although there is no direct reference for measures against terrorism, it is stated that each contracting party reserves the right to deny entry to its territory to seamen whom it considers undesirable.

Please, refer to **Annex I** for a detailed account of the measures taken by the Republic of Cyprus after September 11.

Sub-paragraph (d) — What are your government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?

As already indicated in the answer to question 2 (a) the Republic of Cyprus is party to ten of the twelve International Conventions pertaining to international terrorism, as well as the relevant Convention of the Council of Europe. It is recalled that on November, 30 2001, the Instrument of Ratification of the Republic of Cyprus for the International Convention for the Suppression of the Financing of Terrorism was deposited with the Secretary General of the United Nations, making Cyprus the 15th country to ratify the above mentioned Convention.

The Ratification Law of the aforementioned Convention includes:

1. Setting of penalties for relevant criminal acts in the fulfilment 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.
4. Enlarging in size and expanding in mandate the Unit for Combating Financial Crime (M.O.K.A.S.), which will now accommodate a special department devoted to investigating and acting upon criminal acts as derived from the Convention.

In addition, the Republic of Cyprus is in the process of ratifying the remaining two International Instruments relating to terrorism, a process that is expected to be concluded in the very near future. These are:

1. The 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 24.02.88. The draft Ratification Bill for this Protocol has already been submitted to the House of Representatives of the Republic of Cyprus.
2. International Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1.03.91. The legal scrutiny of this Convention has been completed and the proposal for submission to the Council of Ministers of the draft Ratification Bill is currently under preparation by the relevant authorities and is expected to be submitted to the House of Representatives in the very near future.

Sub-paragraph (e) — Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph.

The Government of the Republic of Cyprus reiterates that it fully recognizes the existence and the dimensions of international terrorism and the need to suppress the financing of terrorism. The fight against international crime, particularly terrorism, through international cooperation, full implementation of all relevant international conventions and protocols relating to terrorism as well as Security Council Resolutions 1269(1999) and 1368 (2001), is a top priority of the Republic of Cyprus.

The Government is committed to joining forces with all governments on a bilateral level as well as in international fora in the struggle to eliminate terrorism. This determination has been explicitly stated at the highest level with the assurance that all practical measures are carried out in cooperation with the international community and in line with the obligations deriving from the relevant resolutions and the relevant international conventions/protocols, to which Cyprus is a party.

Sub-paragraph (f) — What legislation, procedures and mechanisms are in place for ensuring that asylum seekers have not been involved in terrorist activities before granting refugee status. Please supply examples of any relevant cases.

The Ministry of Interior is taking all appropriate measures, in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum seeker has not planned, facilitated or participated in the commission of terrorist acts.

Please refer to the answer for 2 (c) above and 3 (g) below.

Sub-paragraph (g) — What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures, which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

The Ministry of Interior of the Republic ensures, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists.

According to article 5 of the Refugee and Asylum Seekers Law, which provides for the examination of asylum applications as well as the refugee status to aliens, the provisions of this Law shall not apply in the case of a person against whom there are serious allegations that the person:

- a) Has committed a crime against peace, a war crime, or a crime against humanity as defined in the Geneva Convention of 1951,
- b) Has committed a serious non political crime in another country prior to his admission to the Republic or,
- c) Has been guilty of acts contrary to the purpose and principles of the United Nations.

In order to ensure that refugee status is not abused by any perpetrators, organizers or facilitators of terrorist acts, an extensive interview of the asylum seeker is conducted. During the interview, the competent officer assesses the credibility of the asylum-seeker and evaluates the evidence produced by him/her; ensures that the asylum seeker presents his/her case as fully as possible, and with all available evidence, and gives credible explanations for all the reasons supporting his/her application; and may make any further investigation considered necessary.

Moreover, the Refugee Authority may recommend the deportation of a refugee if this is considered necessary or desirable on grounds of national security or public order (Refugee Law, Article 29).

It is noted that currently training seminars are being organized by the UNHCR for the officers of the Refugee Authority. The Refugee Authority is expected to take over the interviewing of asylum seekers from the beginning of 2002.

Please refer also to answer for 3(f) above.

Information regarding issues covered by Paragraph 4

The Republic of Cyprus has taken measures for the preparation of a national plan for combating threats from nuclear, biological and chemical weapons. It is noted that at the extraordinary meeting organized by the European Union (11-12.10.2001) for the Directors of Civil Protection of the European Union member states, of the European Economic Area and of the candidate countries, it was decided that the Civil Protection Authorities of each country should take specific measures for the effective response to major attacks and in particular to threats from nuclear, biological and chemical weapons.

In parallel, instructions were given to the Department of Customs and Excise Administration and to the district senior customs officers to strengthen the controls at the points of entry/exit (ports, airports and parcel posts), specified as follows:

- Increase screening of passengers' luggage and handbags and checking for prohibited or restricted goods, as well as any item that could be dangerous for the safety of the passengers traveling by air or sea.
- Frequent patrols at the customs areas of the ports and airports with random checks of employees and vehicles used by them.
- Closer cooperation and coordination between the Department of Customs & Excise and the other agencies involved in such controls.

All Customs officers were informed by circular letters of the necessity to be on heightened alert regarding the prohibitions and/or restrictions concerning:

- Countries subject to embargoes imposed by the United Nations Security Council.
- Transit/transshipments or exports of dual use goods and other sensitive materials.
- Extensive use of the available equipment for the detection of radioactive materials, the identification of dual use goods and other concealed materials.
- Establishment of a system for the recording of the results of all controls made by the available means/equipment of controls at the disposal of the authorities.

Moreover, in order to perform more efficient controls through the portal monitors installed at Limassol port, a control plan has been created. According to the plan, all outgoing cargo, either transiting/transshipped cargo or other exported cargo is screened by the portal monitors.

A National Risk Assessment Document has been updated in order to assist in the proper analysis of the risk involved in all areas where customs control is exercised, in which a specific analysis has been carried out in respect of such items and controls.

Priority of training of personnel has been given to export control as well as to prohibitions and restrictions related issues. To this end, twenty Customs Officers have participated at a transshipment enforcement workshop organized in cooperation with the United States Government in Cyprus during November 2001. Twenty more officers have been trained by specialists assigned by the EU TAIEX program, in passenger examination and interviewing techniques, while Customs Officers and officials from other government departments took part in a week-long exports control seminar organized by the UK government in November.

Through an electronic system the Department monitors cash movements of currency in/out of Cyprus. The Department also monitors the trafficking of valuable and other goods that may be used for money laundering purposes and the methods used for their payment.

Additionally, the Department of Customs and Excise exchanges information with other law enforcement agencies through intelligence systems such as:

- C.E.N. System (WCO)
- BALKAN INFO SYSTEM
- MARINFO SYSTEM
- A.F.I.S. (Antifraud Information System).

The Department, in line with the recommendation of the WCO for mutual administrative assistance, also exchanges pertinent information with other customs administrations. Moreover, the Department is in close cooperation and regular contact with several DLO'S (Drugs Liaison Officers) and other officials stationed at their respective embassies in Cyprus and abroad. Besides this, the Investigation & Narcotics Section at Customs Headquarters and the preventive services located in customs stations are staffed with experienced officers trained in investigative techniques and law enforcement methods.

The Department also utilizes information received from the Australia Group and Nuclear Suppliers Group regarding dual-use goods of the AG and NSG control lists, while it has already signed MOU'S with the Cyprus Police, the Shipping Agents Association, Cyprus Airways and courier services. Furthermore, an MOU on mutual administrative assistance has already been signed with United Kingdom's Customs Department, whereas bilateral agreements have also been signed with the United States of America, Greece and Israel.

Cyprus is fully committed to contributing to all international efforts against terrorism and terrorist related activities. Likewise, Cyprus also recognizes that recent events underlined and brought into sharper focus the need for the members of the international community, both individually and collectively, to redouble their efforts in a concerted and coordinated manner to fight terrorism and its sponsorship.

Please, refer to **Annex I** for a detailed account of the measures taken by the Republic of Cyprus after September 11.

December 2001

Annex I

International terrorism/position of the Republic of Cyprus

General

- The Government of the Republic of Cyprus wishes to reiterate that it fully recognizes the existence and the dimensions of this international problem. The fight against international crime, particularly terrorism, through international cooperation, is one of the top priorities of the foreign policy of Cyprus.
- The Government reaffirms its commitment to join forces with all Governments on a bilateral level as well as in international fora in the struggle to eliminate terrorism. This determination has been explicitly stated at the highest level with the assurance that all practical measures will be taken in cooperation with the international community and in line with the obligations deriving from the relevant international treaties which Cyprus is party to.
- Cyprus has, to date, ratified or acceded to ten of the twelve international conventions pertaining to international terrorism, as well as the relevant Convention of the Council of Europe. Specifically, Cyprus is party to the four main relevant Conventions, which are deposited with the Secretary General of the United Nations, namely the “International Convention for the Suppression of the Financing of Terrorism”, the “International Convention for the Suppression of Terrorist Bombings”, the “International Convention Against the Taking of Hostages” and the “International Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons including Diplomatic Agents”.

Terrorist Attacks Against the United States on September 11, 2001.

- On September 11 the world watched with horror the massive destruction and suffering caused by the shocking events that took place in the United States. These criminal acts of terrorism were condemned unreservedly by the Republic of Cyprus. The attacks were not only attacks against the United States but also an assault against humanity and the fundamental principles of civilization.
- Our fight is against terrorists and terrorism and not against a culture or religion or between cultures or religions. Cyprus therefore associates itself fully with the statement made at the extraordinary European Council on September 21st rejecting “any equation of groups of fanatical terrorists with the Arab or Muslim world”.
- The events of September 11th underlined and brought into sharper focus the need for the members of the international community, both individually and collectively, to redouble their efforts in a concerted and coordinated manner to fight terrorism and its sponsorship.
- Those involved in sponsoring terrorism have sought to use international financial facilities for their criminal activities. In this, the Government fully recognizes the importance of having strict anti-money laundering measures in place and the need to cut off the funding and sustaining of terrorism. The Republic of Cyprus is recognized both by individual countries such as the US and leading global anti-money laundering organizations, including FATF that it has a comprehensive anti-money laundering system and that the Central Bank has in place a strict regulatory framework aimed at preventing abuses within the offshore sector.
- Following the attacks on September 11th, Cyprus has taken additional measures in the form of heightened vigilance and security measures as well as increased efforts to locate and freeze any terrorist assets. These measures and actions have, to date, included the following:

- **12.9.2001** The Ministry of Foreign Affairs issued a press release that unconditionally condemned the terrorist attacks while offering the condolences of the Government and the people of the Republic of Cyprus to President Bush and the American people.
- On the same date the Republic of Cyprus aligned itself with the statement of the Presidency of the European Union in condemning these acts of terrorism.
- **20.9.2001** The Central Bank of the Republic of Cyprus issued a circular to all Commercial Banks and International Banking Units (IBUs) in Cyprus requesting the freezing of potential funds and other financial resources belonging to persons/organizations and/or entities associated with Osama bin Laden and the Taliban. Similar circulars were also sent on **27.9.2001** and **2.10.2001**.

Note: The above circulars include lists of persons (individuals and entities) designated as being associated with the Taliban and Osama bin Laden, by the Security Council Committee on Afghanistan (acting under SCR 1267 (1999) and 1333 (2000) as well as the persons/entities included in the Executive Order issued by President Bush on September 23, for the blocking of assets of terrorists or terrorist organizations.

- **21.9.2001** The Republic of Cyprus aligned itself with the conclusions and plan of action adopted at the extraordinary European Council meeting in Brussels.
- **23.9.2001** The Ministry of Foreign Affairs sent a letter to the appropriate authorities calling for detailed information on measures taken to heighten security in the Republic.
- **25.9.2001 – 2.10.2001** The Department of Customs of the Ministry of Finance, the Ministry of Communications and Works and the Ministry of Justice and Public Order inform the Ministry of Foreign Affairs respectively that heightened vigilance, surveillance and security measures are in place.
- The authorities have, inter alia, implemented additional measures concerning security checks of all individuals at entry and exit points of the Republic, including the need for

crew to pass security control and obtain clearance before entering the premises of any airport. Security presence and patrols have been bolstered especially in sensitive areas. In addition, strict passport scrutiny of all arriving and departing passengers is in place. Additional measures concerning screening of luggage are being taken, including the introduction of 100% screening of all hold baggage checked at Larnaca and Pafos Airports and additional checks of passengers and hand luggage at departure gates. All domestic/international private or pleasure light aviation flights are at present not permitted. Increased inspection of containers/cargoes is being carried out by the Customs Authorities.

- **29.9.2001** The Ministry of Foreign Affairs sent to all relevant authorities a copy of UNSCR 1373 of 28.9.2001 regarding the call for joint action and measures to be taken by each member-state of the international community in the common endeavour against international terrorism.
- **2.10.2001** Supplementary Circular sent by the Central Bank to all Commercial Banks and International Banking Units (IBUs) regarding the freezing of potential assets/accounts of any person/entity associated with Osama bin Laden and Al Qaida as designated by UNSCRs 1267, 1333 and the relevant Executive Order (23.9.2001) issued by President Bush.
- **4.10.2001** Decision of the Council of Ministers instructing all relevant authorities of the Republic to investigate the existence of potential assets/accounts of any person/organization or entity associated to Osama bin Laden and Al Qaida Organization as designated by UN SC Res. 1267, 1333 and the relevant Executive Order (23.9.2001) issued by President Bush.
- **4.10.2001** The Council of Ministers grants facilities to US military aircraft throughout the Republic's sovereign air space and the right to use its airports for an unlimited period of time following a request from the United States.

- **4.10.2001** The Ministry of Foreign Affairs notifies the Department of Customs of its agreement following the affirmative opinion of the Attorney-General of the Republic for the immediate acceptance of the completion of the procedures to sell to the Government of the United States of America “nuclear reactor plant equipment” and six packages of Zirconium, which were confiscated by the Cypriot authorities.

Note: The nuclear reactor, which is U.S. made was brought to Cyprus in transit, in 1995. However, the export from the United States was carried out illegally since the necessary export permit from the Nuclear Regular Commission of the U.S. Congress had not been acquired. Instead in the export description the reactor was labeled as “power plant equipment”. Despite the fact that this was exported as plant equipment and subsequently imported in Cyprus as such, when it was found that its was in fact a nuclear reactor the authorities of the Republic of Cyprus took every step to withhold the merchandise by confiscating it, even though there was no illegality in the import procedure. In parallel, the Cypriot authorities tried to sell the reactor in a way that would have been in accordance with International Conventions binding the Republic, so that it would not be misused in any way.

During the same time period six packages of Zirconium were imported in transit from a third country under similar circumstances, namely an illegality in the export procedures. It is noted that Zirconium is included in the trigger list of dual use items and was also confiscated by the Cypriot authorities.

Following an affirmative opinion of the Attorney-General of the Republic the Customs Office put up for public auction the reactor and the Zirconium packages, in line with the relevant legal mechanism of the Republic, to which the United States Government responded with detailed proposals for both. These proposals were accepted by the Republic of Cyprus.

- **8.10.2001** Foreign Minister Kasoulides made the following statement: “The Government of Cyprus has taken note of the commencement of the military operations which are targeting international terrorism, its headquarters and the regime that its

harbouring the headquarters and the camps of the international network of Osama bin Laden". The Minister also noted that this operation is part of the overall campaign against terrorism that includes diplomatic, political and economic objectives. He added that "Cyprus appreciates the statements made by President Bush and Prime Minister Blair and in particular that this military operation is not targeting the people of Afghanistan or innocent civilians, but is targeting specifically the terrorists and the regime that its harbouring them". The Minister also stated that Cyprus is among the 40 countries, mentioned by President Bush in his statement, that have offered air space and landing rights to US military aircraft taking part in this operation and that "Cyprus considers itself a member of the coalition which along with other European countries, but also Moslem countries, and in particular friendly countries of the Arab world, are also participating in the fight against terrorism".

- **8.10.2001** Cyprus aligns with a statement by the General Affairs Council of the EU, which declares the full solidarity with the US concerning the operations in Afghanistan.
- **10.10.2001** Council of Ministers approved a Bill titled "Law for the Ratification of the International Convention for the Suppression of the Financing of Terrorism" and authorized its immediate submission to the House of Representatives.

This Bill includes:

1. The Ratification of the International Convention for the Suppression of the Financing of Terrorism that Cyprus signed on 1.03.2001.
2. Setting of penalties for relevant criminal acts in the fulfillment of the obligations arising from provisions of the Convention.
3. Inclusion, in the national legislation, of provisions necessary for the enactment of provisions in the Convention, which are not self-implemented.

4. 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.
- **17.10.2001** Supplementary Circular sent by the Central Bank to all Banks operating in Cyprus calling for the immediate freezing of any assets belonging to the 39 individuals entities identified in Executive Order 13224.
- **22.10.2001** The House of Representatives approved the aforementioned Bill ratifying the International Convention for the Suppression for the Financing of Terrorism.

N.B. The draft Ratification Bill includes a special provision that calls for the enlargement in size and expansion of mandate of the already existing unit for combating financial crime (M.O.K.A.S.) which will from now on accommodate a special department devoted to investigating and acting upon criminal acts, as derived from the Convention.

- **28.11.2001** The draft Ratification Bill for the “Protocol in the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation”, which was approved by the Council of Ministers at 31.10.2001, has been submitted to the House of Representatives.

N.B. Regarding the only other international convention on terrorism whose ratification is pending by the Republic of Cyprus (Convention on the Marking of Plastic Explosives for the Purpose of Detection), it is noted that, the legal examination of this Convention has been completed and the proposal for submission to the Council of Ministers of the draft Ratification Bill is currently under preparation and is expected to be submitted to the House of Representatives in the near future.

- **28.11.2001** The Council of Ministers approves a draft Bill amending the Criminal Code. The Bill criminalizes participation in a criminal organisation in accordance with

the Common Act adopted by the Council of the European Union (98/733/JHA). According to the provisions of the Amending Bill, a criminal organisation is defined as a group that exists for at least six months and consists of three or more individuals, with the common purpose to commit serious criminal offences. The said draft Bill is currently before the House of Representatives of the Republic.

- **30.11.2001** The Instrument of Ratification of the Republic of Cyprus for the International Convention for the Suppression of the Financing of Terrorism is deposited with the Secretary General of the United Nations. Cyprus becomes the 15th country to ratify the above-mentioned Convention.

- **12.12.2001** The Council of Ministers of the Republic approves the establishment of a Coordinating Unit to combat international terrorism. This unit will concentrate on areas of illegal arms sales and brokerage, illegal trafficking of arms, of explosives, of weapons of mass destruction, of harmful chemical substances and of dual-use items. This unit will have the jurisdiction to conduct questioning and investigations, collect data and exchange relevant information with related coordinating units of other countries for the purpose of the suppression of activities relating to terrorism.

This Coordinating Unit will function under the auspices of the Deputy Attorney General of the Republic. In order to ensure an immediate response reaction to any information relating to terrorist activities, this unit will be comprised of two advocates, members of the Law Office of the Republic, a representative of the Ministry of Justice and Public Order, three representatives from the Police Department, a representative from M.O.K.A.S., a representative from the Central Information Agency, and a specialist on analyzing electronic data. It is noted that in cases deemed necessary representatives from other authorities of the Republic will be involved.

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