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**PERMANENT MISSION OF THE REPUBLIC OF CYPRUS
TO THE UNITED NATIONS**

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The Permanent Mission of the Republic of Cyprus to the United Nations presents its compliments to the Office of Legal Affairs of the United Nations and further to the latter's Note LA/COD/50/1 dated 31 December 2015, requesting the submission of information referring to General Assembly resolution 70/114 of 14 December 2015 entitled "*Criminal accountability of United Nations officials and experts on mission*" and the call contained therein towards the Membership for the submission of information. In this respect, the Permanent Mission of the Republic of Cyprus to the United Nations has the honour to transmit herewith Cyprus' input on the theme of the above-mentioned resolution, as received by the Ministry of Justice and Public Order of the Republic of Cyprus.

The Permanent Mission of the Republic of Cyprus to the United Nations avails itself of this opportunity to renew to the Office of Legal Affairs of the United Nations the assurances of its highest consideration.

Office of Legal Affairs
of the United Nations
Room S-3620
United Nations Headquarters
New York



Via facsimile: (212) 963-6430

United Nations General Assembly Resolution 70/114 – “Criminal accountability of United Nations officials and experts on mission” / Information by the Republic of Cyprus on paragraph 9 of the Resolution

The Republic of Cyprus (RoC) submits the following information to the Office of Legal Assistance of the United Nations (UN) regarding the implementation of measures pursuant to paragraph 9 of UN General Assembly Resolution 70/114 – “Criminal accountability of United Nations officials and experts on mission”:

Mutual Legal Assistance (MLA)

Mutual legal assistance in criminal matters is provided between European Union (EU) Member States under the EU MLA Convention of 2000, and its Protocol.

The Council of Europe MLA Convention is the main instrument for rendering assistance to third countries. However, other main multilateral Conventions may also be invoked for executing MLA requests, such as the Money Laundering Convention, the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Furthermore, mutual legal assistance in this domain may be rendered on the basis of bilateral agreements concluded with third countries.

For facilitating legal assistance under all relevant instruments, a domestic Law was enacted in 2001, namely, the International Cooperation in Criminal Matters Law no. 23 of 2001. Under its provisions, assistance may be provided at the request of a foreign authority which is competent to make MLA requests, i.e. a Court exercising criminal jurisdiction, or a prosecuting authority, or any other authority which is competent for making such requests for assistance, provided that:

- (a) An offence under the law of the country in question has been committed or there are reasonable grounds for suspecting that such an offence has been committed, and
- (b) Proceedings in respect of the offence have been instituted in that country or an investigation into the offence is being carried out there.

MLA requests vary from mere service of documents to collecting evidence and evidential material, information on bank accounts, restraint and confiscation or proceeds of crime, search of premises and seizure of material.

A number of other Laws are connected with the legal context of rendering legal assistance, namely:

- The Protection of Witnesses Law of 2001.
- The Prevention and Suppression of Money Laundering Activities of 2007.
- The Joint Investigation Teams Law of 2004 (as between EU Member States).

- The Suppression of Crime (Controlled Delivery and Other Specific Provisions) Law of 1995.
- The Law on Data Retention of 2007 and the Law on the Protection of the Secrecy of Private Communication of 1996, as amended, following the amendment of Article 17 of the Constitution on the protection of the right to secrecy of communications, extending the instances where interception may take place so as to include the prevention, investigation or prosecution of serious offences.

Extradition

The Extradition of Fugitive Offenders Law No. 97/1970, as amended, is the domestic legal framework for extradition in the RoC. Requests to and from other countries are proceeded with, on the legal basis provided by the European Convention on Extradition of 1957, which the RoC ratified by Ratification Law No. 95/1970, and its 3 Additional Protocols, to which the RoC is also a State Party (Ratification Laws 23/1979, 17/1984 and 28 (III)/2012).

Extradition may also be effected under the provisions of relevant bilateral Agreements with a number of countries, such as the USA, Egypt, Libya, Belarus and Georgia.

Finally, extradition and surrender of fugitives within the EU is effected in the context of the EU Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between EU Member States, which the RoC transposed into domestic law by Law No. 133(I)/2004. Further to a constitutional amendment, nationals may also be surrendered.