



Council of the
European Union

Brussels, 1 August 2018
(OR. en)

14828/06
DCL 1

SCH-EVAL 178
ENFOPOL 184
COMIX 917

DECLASSIFICATION

of document:	ST14828/06 RESTREINT UE/EU RESTRICTED
dated:	9 November 2006
new status:	Public
Subject:	Schengen evaluation of the new Member States CYPRUS: Report on Police Cooperation (October 2006)

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE



COUNCIL OF
THE EUROPEAN UNION

Brussels, 9 November 2006

14828/06

RESTREINT UE

SCH-EVAL 178
ENFOPOL 184
COMIX 917

REPORT

from : Police Cooperation Evaluation Committee
to: Schengen Evaluation Working Party

Subject : Schengen evaluation of the new Member States
CYPRUS: Report on Police Cooperation (October 2006)

TABLE OF CONTENTS

1.	Introduction	2
2.	Management summary	3
3.	Law enforcement and police organisation	3
	3.1. National law enforcement structures	3
	3.2. Structures for international cooperation	7
4.	Training and promotion	9
5.	Operational cooperation	10
	5.1. Mutual assistance (Article 39)	10
	5.2. Exchange of information (Article 46)	14
	5.3. Cross-border operations (Articles 40 and 41)	15
	5.4. Additional cross-border provisions (Article 44)	18
	5.5. Liaison officers	18
	5.6. Statistics	19
6.	General conclusions including recommendations and follow-up	23

RESTREINT UE

REPORT ON POLICE COOPERATION

This report was made by the Evaluation Committee and is brought to the attention of the Sch-Eval Working Party, which will make a report and present the follow-up thereto to the Council.

(All topics are indicative and non-exhaustive.)

1. INTRODUCTION

Based on the mandate of the Schengen Evaluation Group (SCH/Com-ex (98) 26 def) and the programme of evaluations adopted by the Council (15275/04 SCH-EVAL 70 COMIX 718 and 7638/2/05 SCH-EVAL 20 COMIX 200), the Evaluation Committee made a visit to Cyprus on 2 and 3 October 2006.

Participants:

Olli KOLSTELA – leading expert	Finland
Franz PRUTSCH	Austria
Kristýna ZAKOVCOVA	Czech Republic
Dominique SCHOENHER	France
Elias BOUBOURIS	Greece
Giuseppe IACULLI	Italy
Dušan KERIN	Slovenia
Juana Maria CUEZVA MARCOS	Spain
Sabine WENNINGMANN	Commission
Sandor DUSIK	General Secretariat of the Council

The Evaluation Committee wishes to express its appreciation to the Cypriot authorities for their outstanding hospitality. Special thanks are extended to the team that accompanied the Evaluation Committee throughout the evaluation and provided all the assistance needed.

The Evaluation Committee visited the following sites:

- ⇒ Ministry of Justice and Public Order;
- ⇒ Cyprus Police Headquarters;
 - European Union and International Police Cooperation Directorate,
 - IT Branch of the Research and Development Department,
 - Criminal Investigation Department,
 - Criminalistic Service.
- ⇒ Drug Law Enforcement Unit;
- ⇒ Cyprus Police Academy;
- ⇒ Ministry of Finance;
 - Customs and Excise Department Headquarters,
- ⇒ Law Office of the Republic of Cyprus
 - Unit for Combating Money Laundering (MOKAS)

RESTREINT UE

2. MANAGEMENT SUMMARY

The evaluation report is based mainly on replies to the questionnaire; it includes information on the presentation made to the Sch-Eval Working Party and also contains the outcome of the targeted discussions of the on-site visits. Experts from the Cyprus Police were present during the whole visit and were able to provide any additional information requested.

The answers to the questionnaire and the outcome of the visit provided the Evaluation Committee with a satisfactory overview of the operation of the Cyprus Police services and first-hand experience of their daily routine. As the information provided by the local authorities was very extensive, the Evaluation Committee obtained a very good basis on which to make its assessment.

The law enforcement authorities of Cyprus have adopted a very good intelligence-led policing approach, of which international police cooperation is an integral and integrated part. A number of detailed recommendations are made throughout the text but, equally, the Evaluation Committee was able to identify a number of Cypriot arrangements as good practice. Each recommendation concerns better use of the Schengen instruments with a view to assisting the threat assessment and thereby helping to prioritise resources in a more effective manner.

3. LAW ENFORCEMENT AND POLICE ORGANISATION

3.1. National law enforcement structures

3.1.1 The Cyprus Police

Cyprus has one national Police Service with 4.771 employees.

The Cyprus Police is under the political supervision of the Ministry of Justice and Public Order. The organization of the Police is based upon a hierarchical structure. The Chief and Deputy Chief of Police are appointed by the President of the Republic ¹. The administration of the Police is vested in the Chief of Police who may, for this purpose, issue Police Standing Orders. The functions of the Police are divided into four principal areas: education, administration, operations and support services. Each area is supervised by the respective Assistant Chief of Police. As far as the administrative and functional set-up is concerned, the Cyprus Police is divided into Departments, Units and Districts. The Police Headquarters is situated in Nicosia and is divided into 6 Departments, 3 Services and 6 Units. Cyprus is divided into six operational geographical districts (*see annex, table I*). Divisional HQs operate in each district, situated in the central town of the district, and each has its own geographical / district jurisdiction. Moreover, there are one or more urban stations in each town and a number of rural stations and sub-stations, which are responsible for the policing of specified geographical areas.

Organizational chart of the Cyprus Police: See annex, table II.

¹ Article 131 of the Constitution.

RESTREINT UE

Responsibilities of the Police

Section 6 of the Police Law of 2004² empowers the Police to act throughout the territory of the Republic for the maintenance of law and order, the preservation of peace, the prevention and detection of crime and the apprehension of offenders. For the performance of these duties, its members are entitled to carry weapons.

⇒ Port and Marine Police

The Port and Marine Police³ is responsible for the patrolling and surveillance of the territorial waters⁴ of the island. The activities of this unit concentrate on the prevention and combating of illegal migration, smuggling of drugs and arms trafficking and on the security of ports, creeks and moorings. If a criminal offence is committed within territorial waters, Port and Marine Police vessels are entitled to continue the pursuit of any vessel beyond the territorial waters, with a view to stop/intercept and search. The Port and Marine Police has additional powers vested in it by virtue of the Law providing for the Declaration of the Contiguous Zone⁵, which defines the Contiguous Zone and confers on Cyprus the right to exercise the necessary control within the Zone, with a view to preventing the violation within its territory or its territorial waters, of, inter alia, its immigration laws.

⇒ Aliens and Immigration Department

This department is responsible for the implementation of the Aliens and Immigration Law and Regulations and operates under the direct command of the Chief of the Police through the Assistant Chief of Support Services⁶.

In every police division there are Aliens and Immigration branches, which are commanded and controlled by the Divisional Police Commander. However, overall coordination and supervision are the job of the Commander of the Aliens and Immigration Department. The unit is responsible for passport control at entry/exit points, the registry and control of aliens, the examination of applications for permits for entry, permanent residence, employment, etc. It is also responsible for the maintenance of the Stop-list database.

⇒ Police Air Wing Section

This is a special section, which operates under the administrative control of the Scientific and Technical Support Service Department. This section was established to improve the response capability of the Police in emergency situations⁷.

² Law 73 (I) /2004 as amended by Law 94 (I) /2005. , 28 (I) /2006 and 73 (I) /2006.

³ Police Standing Order 2/6.

⁴ Territory of Cyprus includes its territorial waters within 12 miles of the coast of Cyprus measured from low water mark (Section 5 of Criminal Code (Cap.154)).

⁵ Section 4(a) of Law 63(I)/2004.

⁶ Police Standing Order 1/57.

⁷ Police Standing Order 2/7.

RESTREINT UE

⇒ Criminal Investigation Department

The Criminal Investigation Department is based at the Police Headquarters. It is subordinate to the Chief of Police through the Assistant Chief of Operations.

The Department incorporates, amongst others, the following Offices:

- ✓ National Football Information Point
- ✓ Office for Combating Terrorism
- ✓ Office for Combating Trafficking in Human Beings
- ✓ Crime Intelligence Bureau
- ✓ Domestic Violence and Child Abuse Office
- ✓ Intellectual Property Office
- ✓ Criminal Registry Office
- ✓ Crime Analysis
- ✓ Crime Prevention Office
- ✓ Financial Crime Office and
- ✓ Cyber crime Office
- ✓ C.I.D. (Ops)

The Criminal Investigation Department is staffed with 138 members of all ranks. The functions and responsibilities of the Department are provided for in Police Standing Order 3/1, issued by the Chief of Police in exercise of the powers vested in him by Section 12 of Police Law of 2004 as amended. These include the criminal investigation of serious cases of a cross-district nature and the investigation of cross-border crime with an international dimension.

A branch of the Criminal Investigation Department operates in each Police Division. The officer in charge of each of these branches is answerable to the respective Divisional Commander and cooperates closely with the Head of the Criminal Investigation Department, who may in turn supervise and control investigations carried out by each branch.

Databases for law enforcement purposes

- ✓ Persons (tracing whereabouts and residence);
- ✓ Wanted persons (all persons wanted for arrest/ to testify in court/ to be summoned);
- ✓ Missing persons (all persons reported missing);
- ✓ Civil registration (ID card registry of Cypriot nationals);
- ✓ Criminal records (persons convicted for traffic/criminal offences, persons prohibited from possessing weapons);
- ✓ Vehicle registration (all vehicles registered in Cyprus, driving licenses);
- ✓ Weapons (all weapons registered in Cyprus, all persons permitted to possess weapons);
- ✓ Arrivals and departures (citizens of third states);
- ✓ Stop-list (persons against whom arrest warrants have been issued at national and international level (incl. EAW));
- ✓ Stolen vehicles (all vehicles reported as stolen);
- ✓ Stolen property (all valuable property reported as stolen);
- ✓ Telecommunication subscribers.

RESTREINT UE

In Cyprus there is one general police database which processes queries from the various law enforcement agencies. The general police database is technically maintained by the Information Technology (IT) Branch of the Research and Development Department at Police Headquarters. In compliance with the Processing of Personal Data (Protection of Individuals) Law of 2001⁸, all databases kept by the Chief of Police have been properly notified to the Commissioner for the Protection of Personal Data specifying which persons may have access to or process relevant data. Information exchange among the law enforcement agencies is carried out on a daily basis. The Unit for Combating Money Laundering (MOKAS) has direct access to the police database through the police officers working there. However, the Customs and Excise Department does not have direct access to the police database.

3.1.2 Unit for Combating Money Laundering Offences (MOKAS)

The Unit for Combating Money Laundering Offences (MOKAS)⁹ is entrusted with investigative powers in the field of money laundering, alongside the Cyprus Police and the Customs and Excise Department. This multidisciplinary unit is headed by a representative of the Attorney-General of Cyprus and is composed of representatives of the Attorney-General, the Chief of Police and the Director of the Department of Customs and Excise. Its members are deemed to be investigators by virtue of section 5 of the Criminal Procedure Law (Cap.155). Section 54 of the afore-mentioned Law lays down the functions of this Unit which are, *inter alia*:

- ✓ Gathering, classification, evaluation and analysis of information relevant to laundering offences;
- ✓ Conducting investigations whenever there are reasonable grounds for believing that a laundering offence has been committed;
- ✓ Conducting inquiries into any suspicion in relation to the financing of terrorism¹⁰;
- ✓ To apply to the courts for freezing, confiscation and disclosure orders;
- ✓ Registration and enforcement of foreign court orders.

In the field of money laundering, the Cyprus Financial Intelligence Unit (MOKAS) may exchange information and intelligence with the corresponding FIUs of other Member States, irrespective of their nature. Furthermore, the MOKAS, given its composition and its investigative powers, may exchange information with the law enforcement authorities of other Member States in specific cases.

⁸ Law 138(I)/2001 as amended by Law 37(I)/2003.

⁹ Section 53(1) of the Prevention and Suppression of Money Laundering Activities Laws of 1996-2004 (Law 61(I)/1996 as amended by Laws 41(I)/1998, 120(I)/1999, 152(I)/2000, 118(I)/2003 and 185(I)/2004).

¹⁰ Ratification Law of the UN Convention on the Suppression of the Financing of Terrorism (Law No. 29(III)/2001).

RESTREINT UE

3.1.3 Customs and Excise Department

The Customs and Excise Department is also entrusted with investigative powers for the purpose of implementation of the Customs Code Law 94(I)/2004. Customs cooperation and in particular cooperation between the Customs and Excise Department and the respective bodies of other Member States takes place via the customs investigation and intelligence section at customs headquarters.

3.2. Structures for international cooperation

(Central authorities, decentralised structures, ad hoc arrangements)

Legal frameworks for international police cooperation

- Convention implementing the Schengen Agreement of 14 June 1985 binding on the Republic of Cyprus through the Law Ratifying the Treaty of Accession to the European Union ¹¹
- Europol Convention and Additional Protocols,
- European Convention on Mutual Assistance in Criminal Matters ¹²,
- European Union Convention on Mutual Legal Assistance in Criminal Matters ¹³,
- Interpol Statute,
- International Cooperation in Criminal Matters Law ¹⁴,
- United Nations Convention Against Transnational Organised Crime and Additional Protocols ¹⁵,
- Crime Suppression (Controlled Delivery and other Special Provisions) Law ¹⁶,
- Bilateral agreements on police cooperation (*see annex, table IV*).
- Bilateral Agreements on Mutual Assistance in Criminal Matters (*see annex, table V*).
- The Cyprus Police Law and amendments.

Central Body

The European Union and International Police Cooperation Directorate (EUIPCD) acts as the central body for the implementation of Articles 39, 40 and 46 of the Convention implementing the Schengen Agreement¹⁷.

¹¹ Ratification Law 35(III)/2003.

¹² ETS 30 - 20.04.1959, Ratification Law 2(III)/2000.

¹³ Council Act of 29 May 2005, Ratification Law 25(III)/2004.

¹⁴ Law 23(I)/2001.

¹⁵ Ratification Law 11(III)/2003.

¹⁶ Law 3(I)/1995.

¹⁷ Decision no. 63.895, dated 22/6/2006 of the Council of Ministers.

RESTREINT UE

The Directorate is divided into two sub-directorates:

- European Union and International Relations issues, comprised of the Legal Cooperation Office, the EU & International Relations Office and the Human Rights Office,
- International Police Cooperation, which comprises all offices dealing with international police cooperation, i.e. the National Interpol Bureau which is composed of ten officers, the Europol National Unit which is composed of four officers and the SIRENE Office, composed of four officers (*still not operational*).

All offices of the Directorate dealing with international police cooperation, apart from being integrated within the same management structure, are located at the same site, allowing direct communication and interaction. This arrangement was instituted at the beginning of September 2006, following renovation of a separate building at the Police Headquarters' site.

All offices dealing with international police cooperation have direct access to the relevant databases, which form a part of the general police database.

National SIRENE Office

The National SIRENE Office was established in April 2005 with the appointment of the Head of the Office, tasked to make the necessary preparations for the operation of the Office, including the training of end-users, once Articles 92-101 apply to Cyprus.

At present, the Office is composed of four members, including the Head. In particular, two head operators/trainers were posted in the office in February 2006 and one operator/registry officer was posted in July 2006. Members of the Office participate in the SIS/SIRENE and Schengen Acquis Working Parties of the Council of the European Union, in the Heads of SIRENE meetings, in the committee for the update of the SIRENE Manual, as well as in the SIS/SIRENE Evaluation Committees.

When the SIRENE Office becomes operational, once Articles 92-101 of the Schengen Convention become applicable to Cyprus, the personnel of both the Central Bureau of Interpol and the SIRENE Office will be further increased and will undertake both SIRENE and Interpol functions. This decision has been taken given the small size of the country and the increased obligations that will derive from future participation in the Schengen Information System (SIS II). A Training Programme has already been initiated, whereby SIRENE staff are posted periodically to Interpol for on the job training on Interpol matters, while Interpol staff receive training on Schengen matters. In addition, once SIS II is developed, ten more police officers will be posted to the Office to operate the System.

The functions of the Office, the grant of the requisite powers enabling it to fulfill its tasks, the explicit adoption of the SIRENE Manual, data protection clauses, as well as the representation of other Cypriot Services to the Office (Customs Services, Law Office of the Republic of Cyprus), will be set out in a separate law called "the Law providing for the Establishment and Functions of the SIRENE Office". At this stage, the draft law has been completed and will soon be placed before the House of Representatives for enactment.

RESTREINT UE

The Evaluation Committee was informed that once the SIRENE Office is operational, the Customs and Excise Department as well as the Law Office of the Republic of Cyprus may be represented or appoint contact persons (24/7 duty) with the SIRENE Office by virtue of the above Law.

Organizational chart of the European Union and International Police Co-operation Directorate: See annex, table III.

4. TRAINING AND PROMOTION

(Training at basic, advanced and management level; linguistic training; manuals)

Training of the Police Services

In Cyprus, the central authority responsible for international police co-operation is the European Union and International Police Co-operation Directorate - EUIPCD. It has three offices which deal with international police co-operation: the Interpol Bureau, the Europol National Unit and the SIRENE Office (still not operational). These offices are located at the same site, as provided for in Section A of the EU Schengen Catalogue on Police Co-operation (Recommendations and Best Practices). They are supported by the Legal Co-operation Office of the EUIPCD. The officers posted in these offices have completed training courses and have attended seminars covering their tasks. In particular, these training sessions covered relevant Schengen and Community law provisions, basic rules and procedures, basic knowledge on the Schengen Information System, genuine and forged travel and identity documents, the mandate of Europol and general rules regarding international police and judicial co-operation.

The updated version of the Police Co-operation Handbook (disseminated by the Presidency on 14/2/2005), the EU Schengen Catalogue on Police Co-operation (Recommendations and Best Practices) as well as a copy of all bilateral agreements concluded by Cyprus and other EU Member States and third countries on police co-operation has been disseminated to all offices involved in international police co-operation.

The aim of the Cyprus Police is to establish a training programme with regular training/briefing during normal working hours, to ensure continuing education on issues relevant to police co-operation.

The officers posted in these offices have an adequate knowledge of the English language and are further encouraged to learn other languages through special programmes offered by the Cyprus Police Academy and the Ministry of Education and Culture. In particular, the Cyprus Police Academy organises language training programmes of a total duration of sixteen months for which all members of the police, under certain conditions, have the right to apply. Language programmes organised in the past covered Spanish, French, Italian, Russian, German, Turkish and Arabic. During 2005, two language training programmes took place in Turkish and Italian, while for the academic year 2006-2007, a training programme on the Turkish language has commenced. As regards English language training classes, these are intergrated into the basic training of police recruits at the Police Academy. Further to the above, it should be mentioned that the Ministry of Education and Culture offers free education to police officers on various subjects, including foreign languages.

A detailed list on police training in Schengen matters is attached as ANNEX, table VI.

RESTREINT UE

Training of the Customs Services

Between 27-28 April 2004, a seminar was organised on the Schengen Convention, with the assistance of the TAIEX Office. The two lecturers were experts from the Greek Customs Authorities. Thirty officers from the Customs & Excise Department attended the seminar.

In addition, during May 2005, two Customs and Excise officers participated in a study visit to Berlin Airport, in relation to Schengen procedures concerning airports, in the framework of the Customs 2007 Programme.

The Customs and Excise Department has also cooperated with the Cyprus Police in the drafting of a manual on the implementation of Article 40 of the Schengen Convention.

Comments and recommendations of the Evaluation Committee:

The Evaluation Committee invites the Cypriot authorities to step up their efforts to provide full interoperability among law enforcement services' databases, to enable all law enforcement services to have direct access, as well as to run search queries simultaneously in these databases in accordance with network access authorization and authentication profiles.

The Evaluation Committee considers it important that the Police and the Customs should work towards a common strategy for training in Schengen matters. In addition the strategy should include follow-up training in order to maintain its accuracy with a view to future changes either in legislation or best practice.

Comments of Cyprus:

All law enforcement services of Cyprus are already in the process of implementing the recommendation provided for in para. 7.1.1. of the Evaluation Report on the Third Round of Mutual Evaluations "Exchange of information and intelligence between Europol and the Member States and among the Member States respectively"¹⁸, regarding the establishment of a comprehensive system concerning criminal intelligence and information with an automated cross-checking mechanism for all law enforcement services, allowing criminal analysis comprising intelligence from all law enforcement authorities.

5. OPERATIONAL COOPERATION

5.1. Mutual assistance (Article 39)

(Via central or other authorities; in ordinary and urgent situations; responsiveness, evaluation and redress mechanism)

The EUIPCD Directorate acts as the central body for the implementation of Article 39 of the Convention Implementing the Schengen Agreement.

¹⁸ Doc.no.6588/1/06 REV1, CRIMORG 34, dated 9/3/2006

RESTREINT UE

All offices of the Directorate dealing with international police cooperation, apart from being integrated within the same management structure, are located at the same site, allowing direct communication and interaction. This arrangement was instituted at the beginning of September 2006, following renovation of a separate building at the Police Headquarters' site.

The personnel of the Interpol Office work a shift system enabling staff to be on hand 24 hours a day, 7 days a week. This arrangement allows permanent and direct access for Police Departments/Services in need of international assistance for the purposes of preventing and detecting criminal offences, as well as immediate action in cases where urgent requests for assistance are received from the respective authorities of other Member States and/or third countries.

All offices dealing with international police cooperation are linked and have direct access to the vast majority of police databases, such as the "stop-list", criminal records, vehicle registration, stolen property, wanted persons, civil registration, arrivals and departures, stolen vehicles, missing persons, weapons registry, etc. This practice allows automated query results and enables these offices to deal with almost all requests for assistance directly, without referring them to another agency for enquiry. In cases where the execution of a request requires a rogatory letter, the central body of the requesting State is informed accordingly.

These offices are interconnected with a case management system to avoid duplication in the execution of requests.

Being an island, Cyprus has no land borders. As a consequence, no arrangements have been made for co-operation in border areas between Cyprus and Schengen/non-Schengen States, within the meaning of Article 39(4) of the Convention and the relevant recommendations and best practices of the EU Schengen Catalogue on Police Co-operation (paragraph 1.3). The only arrangements that exist are provided for in the Co-operation Agreements and in the Readmission Agreements. (*See annex, table IV.*)

The Cyprus Police conduct mutual assistance according to Article 39 of the Convention implementing the Schengen Agreement, by virtue of the existing legal framework for international police cooperation.

The Decision of the Executive Committee of Schengen of 28 April 1999 (SCH/Com-ex (99) 18; SCH/1(98)75 rev.5), is binding on and applicable to Cyprus as from May 1st 2004, the date of accession to the European Union. This is provided for in the Law ratifying the Treaty Concerning the Conditions of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union (Ratification Law 35(III)/2003) (Article 3, para. 1 of the Act annexed to the Treaty). The police may exchange all the information provided for in the principles governing police co-operation in preventing and investigating criminal offences as set out in the Presidency's note (Doc. SCH/I 98(75) Rev.5) approved by the afore-mentioned Decision, provided that the information exchange does not require the use of coercive measures and in so far as national law does not stipulate that the request has to be made and channelled via the judicial authorities.

RESTREINT UE

In this case, a request for mutual assistance in criminal matters (rogatory letter/letter of request) is compulsory, and is dealt with by virtue of the European Convention on Mutual Assistance in Criminal Matters and the Additional Protocol thereto (Ratification Law 2(III)/2000) and the International Co-operation in Criminal Matters Law of 2001 (L.23 (I)/2001) which was enacted to implement the provisions of this Convention. In this regard, it should also be mentioned that Cyprus has ratified, by Ratification Law 25(III)/2004, the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union. However, this Convention has not yet entered into force.

Further to the measures provided for in the Decision of the Executive Committee and the adoption of any measures entrusted to the police by virtue of the Bilateral Agreements, members of the Cyprus Police, the Customs and Excise Department and the Unit for Combating Money Laundering (MOKAS) may, as appropriate, participate in joint investigation teams as provided in the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union: (Ratification Law 25(III)/2004) and the Council Framework Decision of 13 June 2002 (2002/465/JHA) on Joint Investigation Teams, by virtue of the Joint Investigation Teams Law of 2004 (L244(I)/2004). This law was enacted to provide for the setting up of joint investigation teams for a specific purpose and a limited period, which may be extended by mutual consent, to carry out criminal investigations in one or more of the Member States setting up the team. By virtue of section 3 of this Law a joint investigation team may be set up for the common investigation of the criminal offences of (a) unlawful drug trafficking (i.e. the offences listed in Article 3(1) of the United Nations Convention of 20 December 1988 against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and in the provisions amending or replacing that Convention), (b) trafficking in human beings and smuggling of migrants and (c) terrorism.

When a simple request (not a rogatory letter) concerns the provision of information in the possession of the Police, the competent offices for international police co-operation (i.e. Interpol, Europol and Police Co-operation Office) usually reply very quickly, as they have direct access to the following databases: persons (tracing whereabouts and residence), wanted persons, suspect persons, criminal records (criminal and traffic offences), vehicle owners, driving licenses, firearms database, arrivals and departures, stop-list database (almost equivalent to Article 95, 96 and 97 alerts under the Schengen Convention) and telecommunication subscribers (provided this information is publicly available).

When the request concerns information other than the above, it is forwarded to the appropriate police department and the information is duly provided. However, if a letter of request/rogatory letter is required for the provision of certain information (usually information to be used as evidence in the requesting Member State) the offices inform the requesting Member-State accordingly.

Rogatory letters/letters of request for assistance to secure evidence in Cyprus in relation to a procedure which has begun in a court of a foreign country or in relation to a criminal investigation which is being carried out in the said country must include all the necessary information as prescribed in Article 14 of the European Convention on Mutual Assistance in Criminal Matters and must be addressed to the Ministry of Justice and Public Order of Cyprus, which is the national central authority pursuant to Section 4 of the Law Ratifying the afore-mentioned Convention (L.2(III)/2000).

In cases of urgency, letters rogatory/letters of request may be addressed directly through the International Criminal Police Organisation (Interpol) channel, which will in turn forward the request to the central authority.

RESTREINT UE

In both cases, the competent authority of Cyprus, when satisfied that an offence has been committed against the law of the said foreign country and that a procedure has begun or an investigation is being carried out into that offence in the said country, may ask the Supreme Court of Cyprus to authorize a district judge, if the procedure has begun in a court of the foreign country, or to authorize the prosecution authority of Cyprus, if an investigation is being carried out in the foreign country, to execute the request, according to the manner prescribed therein, unless considered contrary to the Constitution or any international instrument on human rights ratified by Cyprus. Upon application, a judge or an investigator of the foreign country named in the request, as well as the lawyer of the interrogated person can be present during the execution of the request and take part therein (Section 9 of the International Co-operation in Criminal Matters Law of 2001 (L.23(I)/2001)).

The competent authority, the Ministry of Justice and Public Order, can refuse to exercise the powers mentioned above if it ascertains that the request concerns an offence of a financial nature in relation to which the procedure has not yet begun, unless it is satisfied that the act which constitutes the offence would constitute an offence of a similar nature if committed within Cyprus (Section 9, para. (3) of Law 23(I)/2001).

Section 9 paragraph (6) of the International Co-operation in Criminal Matters Law of 2001 (L.23 (I)/2001), provides that if the execution of the written request to secure evidence is assigned to the Chief of Police, s/he shall be considered to have, for this purpose, all the powers given to an investigator by virtue of Part II of the Criminal Procedure Law, except those concerning arrest. Likewise, paragraph (7) of Section 9 provides that if execution of the written request to secure evidence is assigned to the Director of the Customs and Excise, s/he shall be considered to have, for this purpose, all the powers given by the Customs Code Law 94(1) /2004, paragraph (8) of Section 9 of which provides that if the execution of the written request to secure evidence is assigned to any other law enforcement authority of Cyprus – such as the Unit for Combating Money Laundering – it shall be considered to have for this purpose all the powers given by law, by virtue of which that authority was constituted.

Provided that the rogatory letter/letter of request contains all the information prescribed in Article 14 of the European Convention on Mutual Assistance in Criminal Matters, it is irrelevant whether the request is sent by fax or e-mail. Usually, in cases of urgency, the letters rogatory/letters of request are addressed directly through Interpol by fax.

In the field of data protection, Cyprus has ratified the European Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data ¹⁹ as well as the Additional Protocol to this Convention ²⁰. The Processing of Personal Data (Protection of Individuals) Law of 2001 (Law 138(I)/2001) as amended by Law 37(I)/2003 has been enacted to implement the provisions of this Convention, and also covers Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. Section 9 para. 3 of this Law, provides specifically that the transmission of data to Member States of the European Union is free, i.e. the transmission of data which have undergone processing or are intended for processing after their transmission to a Member State of the European Union is permitted and no authorisation has to be secured from the Commissioner for the Protection of Personal Data (as appointed by virtue of Section 18 of this Law) as would be the case with regard to a third country.

¹⁹ Ratification Law 28(III)/2001.

²⁰ Ratification Law 30(III)/2003.

RESTREINT UE

Thus, information/intelligence concerning personal data may be transmitted to an EU Member State provided that this data is lawfully possessed and a legal basis for this transmission exists (Bilateral Agreement, Schengen Convention, Europol Convention, etc.)

The bilateral agreements that have been concluded with several Member States of the European Union which provide for co-operation in the combating and prevention of organised crime and other forms of crime include specific provisions on the protection of personal data. In particular, these agreements provide that the receiving competent authorities of one Contracting Party may use the data solely for the purpose and under the conditions determined by the delivering competent authorities of the other Contracting Party, that personal data may be forwarded solely to security and public order protection authorities and may be transferred to other competent authorities only with the prior permission of the delivering authority and that the competent authorities of the Contracting Parties must protect effectively the personal data delivered against unauthorized access, change and publication.

5.2. Exchange of information (Article 46)

(Via central or other authorities; between authorities concerned)

The EU&IPCD has been designated by the Council of Ministers as the central body for the implementation of Article 46 of the Convention Implementing the Schengen Agreement. At present, by virtue of written directions from the Chief of Police (doc.no. 431/2, dated 8/5/2006), issued in accordance with Section 12 of the Police Law of 2004, all information/intelligence relating to public policy and national security collected/received in any Department/Service/Unit/District of the Police and affecting any Schengen Member State must be transmitted to the EU&IPCD for further action. When the SIRENE Office is operational, this information should be transmitted in particular to this Office.

In addition, pursuant to several EU instruments creating certain obligations as to the appointment of national single contact points in the framework of police cooperation, the Criminal Investigation Department has been appointed as National Contact Point in respect of the following areas concerned with security and public order:

- Coordination and facilitation of police information exchange in connection with football matches with an international dimension, pursuant to the Council Decision of 25 April 2002 concerning security in connection with football matches with an international dimension (2002/348/JHA). These tasks are undertaken by the National Football Information Point.
- In the field of international cooperation and exchange of information concerning terrorist offences, the Office for Combating Terrorism of the Department is connected on-line with the security communication systems: (a) BDL (Bureau De Liaison) and (b) ELCRODAT 6-2 of the Police Working Group on Terrorism. This Office is required to send all available information which affects or may affect two or more Member States and may concern:

- identification of persons, groups or entities,
- acts under investigation or prosecution and their specific circumstances,
- links with other relevant cases of terrorist offences,

to the European Union and International Police Cooperation Directorate for further transmission to Europol. This obligation derives from the provisions of the Council Decision of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences (2005/671/JHA).

RESTREINT UE

The Cyprus Police exchange information -*defined in Article 46*- with other countries in accordance with the legal framework regarding international police cooperation.

No statistics are kept on the exchange of information of this kind.

5.3. Cross-border operations (Articles 40 and 41)

(Conditions, constraints, procedures, practical regulations, bilateral arrangements, joint patrols, controlled deliveries)

Articles 40 and 41 of the Convention implementing the Schengen Agreement are Category 2 provisions ²¹, therefore still not applicable in Cyprus. The Evaluation Committee could only assess the capacity of the Cypriot authorities to implement these articles in due course, on the basis of existing legal provisions.

Article 40 forms part of national law since the Treaty of Accession to the European Union has been ratified by Ratification Law 35(III)/2003. There are therefore no legal obstacles to the future implementation of Article 40 in Cyprus.

The EU&PCD and in particular the SIRENE Office has been designated by the Council of Ministers as the national authority for the implementation of Article 40 of the Convention implementing the Schengen Agreement.

It must be stressed that the Decision of the Council of Ministers explicitly empowers all police officers, customs officers as well as officers serving in the Unit for Combating Money Laundering (Financial Intelligence Unit, MOKAS) to carry out cross-border surveillance operations, in exercise of the duties falling under their competences.

At present, provision for cross-border surveillance operations has been included in a Draft Agreement providing for Cross-Border Police Cooperation between the Republic and Greece. This Agreement is at the stage of negotiations.

The practical implementation of Article 40 of the Schengen Convention at national level is illustrated in a Manual prepared by the SIRENE Office for this purpose. This Manual will be used at national level and a proposal has been made to the Ministry of Justice and Public Order for its formal adoption through a Decision of the Council of Ministers. The Manual will be used once Article 40 of the Convention implementing the Schengen Agreement applies to Cyprus and/or the aforementioned Bilateral Agreement with Greece enters into force.

When Article 40 becomes applicable, foreign officers will be able to carry arms during cross-border surveillance pursuant to the Firearms Law of 2004 (L.113(I)/2004 as amended by Law 91(I)/2005). At present, this Law vests certain powers in the Chief of Police allowing him to grant permission to carry arms to members of foreign missions, foreign states or international organisations when they are visiting, transiting or residing in Cyprus or, in exceptional circumstances, to very important persons (VIPs) visiting Cyprus. Though this provision is considered sufficient and may well make it possible to carry weapons during cross-border surveillance, this Law will be further amended to explicitly empower the Chief of Police to grant this permission to foreign officers pursuant to Article 40. The Draft Law will soon be placed before the House of Representatives for enactment.

²¹ 15440/02 SCH-EVAL 42 COMIX 702.

RESTREINT UE

Section 4 of the Criminal Code (Cap.154) defines a “criminal offence” as any penal act, according to the law, an attempt or an omission. In particular, Section 366 of the Code defines an attempt and Section 367 criminalizes an attempt to commit an offence, while for certain criminal offences, particular reference is made in the Code.

Though according to Article 41 cross-border pursuit is limited to land, the authorities of Cyprus have expressed their readiness to extend it to air and sea borders as well, taking into consideration the provisions of the United Nations Convention on the Law of the Sea, as well as the Convention on International Civil Aviation.

Cooperation with neighbouring countries:

Cyprus has no land borders. However, direct co-operation with other Member States takes the form of participation in joint operations. In particular, the Cyprus Police has participated in the following European joint operations:

a) NEPTUNE II

Period: 03/05 - 15/05/2004

Co-organisers: Italy – Cyprus

Area: Eastern Mediterranean

Participants: Italy – Cyprus – Greece – UK

Observers: France – Spain – Malta

b) TRITON II

Period: 13/12 - 17/12/2004

Organizers: The European Maritime Borders Centre - Ministry of Merchant Marine of Greece

Area: Central and Eastern Mediterranean

Participants: The competent authorities of Greece, Italy and Cyprus. In addition, experts from the United Kingdom, France, Germany, and Cyprus were on hand at the Coordination Centre at the Ministry of Merchant Marine, and liaison officers from European Union countries were involved in the management of the operation.

The above operations were carried out pursuant to bilateral agreements concluded among the participants, as well as by virtue of relevant provisions of the Schengen acquis as integrated into the framework of the European Union and the acts building upon it or otherwise related to it. Of particular relevance is Article 39 of the Convention implementing the Schengen Agreement, which provides for co-operation between police authorities in the prevention and detection of criminal offences, and the related Decision of the Schengen Executive Committee SCH/Com-ex (99) 18 – 28/4/1999 on the improvement of police co-operation in preventing and detecting criminal offences.

As regards the participation of Cyprus in the operation “Triton II” mentioned above, Article 4, para (e) of the Agreement between Cyprus and Italy on Co-operation in the Fight Against Organised Crime and Other Forms of Crime (28/6/2002) (Ratification Law 22 (III)/2003) is also relevant. This provides that in the framework of co-operation between the respective countries in combating illegal immigration, Cyprus will make available the facilities at Limassol port to ships belonging to the Italian Navy and to Italian law enforcement agencies as well, in order to enable patrols of the high seas in the Eastern Mediterranean.

RESTREINT UE

In accordance with the management plan for the aforementioned operations, police checks were carried out throughout a 24-hour period in pre-selected maritime areas of the territorial waters of the participating states, the aim being to deal with illegal immigration by sea, as well as other forms of organised crime. Continuous surveillance of all marine activities was carried out, covering the territorial waters up to a distance of 24 nautical miles from the coastline. To this end, surface radars were used, as well as helicopters and patrol-vessels. The actions mentioned above covered illegal immigration by sea, as well as other forms of organised crime, such as drugs trafficking and trafficking in human beings. Planned patrols were carried out throughout the territorial waters of participating Member States: from 0-6 nautical miles and from 6-12 nautical miles with patrol-vessels, and outside the territorial waters with helicopters.

The European Union and International Police Co-operation Directorate of the Cyprus Police was involved in the preparation of the operation (coordination at national level with respective ministries, etc). At operational level, a national Coordination Centre was established and the Assistant Chief of Support Services of the Cyprus Police was in charge. This Centre was manned with representatives from the respective services of the police involved in the operation, i.e. Drug Law Enforcement Unit (DLEU), Aliens and Immigration Department, Port and Marine Police and Police Air Wing Section.

In addition, Cyprus participated operationally in Neptune III (18-22/7/2005) and seconded a national expert to the Eastern Sea Border Centre in Piraeus. During Neptune IV (10-20/10/2005) a national expert was sent to the Eastern Sea Border Centre, while a national expert participated in the preparatory meeting on Triton III between 23-24/6/2005. A national expert/observer was sent to the Eastern Sea Border Centre between 29/5 – 7/6/2005 for the FER.I.A.S operation, as well as to the Western Sea Border Centre in Madrid between 18-27/1/2005 for the QUANARTEM operation.

The rights of foreign officers in the territory of the Cyprus are provided for in the European Convention on Mutual Assistance in Criminal Matters and the Additional Protocol thereto, ratified in Cyprus by Ratification Law 2(III)/2000 and Law 23(I)/2001, which was enacted to implement the provisions of this Convention. Section 9 of the International Co-operation in Criminal Matters Law of 2001 (L.23(I)/2001) provides that upon application, a judge or an investigator of the foreign country named in the request, as well as the lawyer of the interrogated person, can be present during the execution of the request and take part therein.

The rights conferred on foreign officers by the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union and its Protocol of 16/10/2001 are binding on Cyprus²². However, this law has not yet entered into force, with the exception of Article 13, which provides for the setting up of joint investigation teams. In this regard, legislative provisions have been introduced to align national law with the Council Framework Decision of 13 June 2002 (2002/465/JHA) on Joint Investigation Teams. In particular, the Joint Investigation Teams Law of 2004 (L244(I)/2004) has been enacted to provide for the setting up of joint investigation teams for a specific purpose and a limited period, which may be extended by mutual consent, to carry out criminal investigations in one or more Member States setting up the team. By virtue of section 3 of this Law a joint investigation team may be set up for the common investigation of the criminal offences of (a) unlawful drug trafficking (i.e. the offences listed in Article 3(1) of the United Nations Convention of 20 December 1988 against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and in the provisions amending or replacing that Convention), (b) trafficking in human beings and smuggling of migrants and (c) terrorism.

²² Ratification Law 25(III)/2004.

RESTREINT UE

The joint investigation team is to be set up by mutual agreement pursuant to a request for mutual assistance between the competent authority of another Member State and the Attorney General of Cyprus.

By virtue of Section 8, paragraphs (a) and (b) of Law 244(I) of 2004, seconded members of the joint investigation team are entitled to be present when investigative measures are taken in Cyprus and may be entrusted by the leader of the team with the task of taking certain investigative measures where this has been approved by the competent authorities of Cyprus and the seconding Member State in accordance with national law.

5.4. Additional cross-border provisions (Article 44)

(Current situation; planned communication structures)

For the time being, Cyprus uses conventional means for communication with other Member States. The establishment of direct links is under consideration. In 2004, a decision was taken on the acquisition of a national digital radio communication network for the Police, based on the TETRA²³ or TETRAPOL standard. However, the installation of this system has not been completed due to the extremely high cost, which amounts, according to current estimates, to CYP 5.700.000, 00. The matter is still under consideration.

Cyprus has no land borders, therefore the installation of these lines of communication would only relate to sea and air borders. At present, telephone and telex lines, and other direct links to facilitate police and customs co-operation within all national police and customs services are installed in all the legal points of entry/exit of Cyprus.

5.5. Liaison officers

(In/from other Schengen States, cooperation in third countries)

Cyprus has adopted Council Decision 2003/170/JHA²⁴ on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States, and has appointed the Director of the European Union and International Police Co-operation Directorate of the Cyprus Police as the national contact point pursuant to Article 7 of the Council Decision. As yet, no liaison officer has been appointed within the meaning of Article 1 of this Decision, or under Articles 7 and 47 of the Schengen Convention. However there is an agreement in preparation between Cyprus and Greece on sharing the Greek liaison officers in third countries. As a result of this agreement Cyprus is going to second an officer to Greece in the near future. Upon the conclusion and entry into force of the Agreement, Cyprus will be entitled to the services of eight Greek liaison officers, posted to Bulgaria, Romania, Albania, France, Germany, Italy, Sweden and the United Kingdom.

Pursuant to Article 5 of the Convention on the Establishment of the European Police Office (Europol Convention)²⁵ two liaison officers have been seconded to Europol.

²³ Terrestrial Trunked Radio.

²⁴ OJ L 67 of 12.3.2003, p. 27-30.

²⁵ Ratification Law 38(III)/2002.

RESTREINT UE

As regards the secondment of liaison officers in third countries, at this stage, the Chief of Police has submitted a proposal for posting liaison officers in Lebanon, Syria, Bangladesh, Pakistan, Sri Lanka, India and China in the framework of the Decision of the Schengen Executive Committee SCH/Com-ex (98) 1 rev 2 – 21/4/1998 (Activities of the Task Force, point 7) and of Council Decision 2003/170/JHA. The said countries are considered as high risk for illegal immigration to Cyprus.

The proposal of the Chief of Police is under consideration by the Ministry of Justice and Public Order. In the process of decision making the following parameters will be taken into consideration:

- Costs,
- Cyprus Embassies in the third countries,
- Possibilities of cooperation with liaison officers of other Member States in the said countries.

EU Member States as well as third countries have seconded liaison officers to Cyprus, to liaise with the respective authorities mostly in relation to drug trafficking information/intelligence. In particular, drug liaison officers are posted in Cyprus from France, Greece, the United Kingdom, the United States of America and Russia. The regular meetings with their Cyprus counterparts at the DLEU HQ are also attended by a police liaison officer of the United Nations and an officer from the UK Sovereign Base Area Customs. The DLOs covering Cyprus from other capitals in the region come from Germany (based in Athens), Italy and Australia (both based in Lebanon), Canada (based in Jordan). Though they attend meetings at less regular intervals than the Cyprus based DLOs, with an average of 4-5 visits per year, they remain in close contact with colleagues from the Cyprus Police as well as the Customs & Excise Department.

As regards the implementation of Article 7 on exchanging information with a view to ensuring effective external border controls and surveillance, Cyprus exchanges information, in particular concerning migration flows, through CIREFI, in compliance with the recommendations and best practices as prescribed in the EU Schengen Catalogue on Police Co-operation (paragraph 4) and with the Council Conclusions of 30 November 1994 on the organization and development of the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI). In particular, the information transmitted concerns legal immigration, illegal immigration and unlawful residence, facilitating of illegal immigration, use of false or falsified travel documents and measures taken by the Government in this regard.

5.6. Statistics

(Requests pursuant to Art. 39, operations pursuant to Art. 40 and 41, exchanges pursuant to Art. 46)

Article 39

Europol National Unit:

Prior to the entry into force of the Europol Convention in Cyprus on the 1 September 2004, a Co-operation Agreement between Cyprus and the European Police Office (Europol) was in force, signed on the 4 July 2003. The Liaison Bureau at Europol became operational on 18/10/2003. Until the end of 2003, 102 requests from Europol and 54 requests from the Member States were received.

RESTREINT UE

During the same period, 86 requests were sent to Europol and 34 requests were sent to other Member States. During the year 2004, 785 requests from Europol and 706 messages from other Member States were received. At the same time, 302 requests were sent from the Cyprus Police to Europol and 380 requests were sent to other Member States. During the year 2005, 2174 messages were received from Europol as well as other Member States, while 1490 were sent. As regards 2006, 1490 messages were received from Europol (by 30/9/2006), while 670 were sent. The aforementioned messages were transmitted/received through the Cypriot Liaison Bureau at Europol.

National Interpol Bureau:

With regard to the last three years, the number of messages received from all countries participating in the International Police Organisation is indicated below:

(a) Interpol channels

Statistics for 2000-2005

YEAR	MESSAGES RECEIVED FROM INTERPOL MEMBER COUNTRIES	MESSAGES SENT TO INTERPOL MEMBER COUNTRIES	SURRENDER / EXTRADITION OF FUGITIVES TO INTERPOL MEMBER COUNTRIES	SURRENDER TO THE REPUBLIC OF CYPRUS OF FUGITIVES ARRESTED ABROAD	NEW CASES
2000	23 311	1 936	6	3	615
2001	23 851	3 225	3	2	865
2002	25 122	3 350	1	-	935
2003	23 750	2 091	10	1	764
2004	25 870	2 118	9	1	879
2005	30 694	2 537	13 (EAW & EXT/TION)	3 (EAW & EXT/TION)	769

Statistics for 2006 (up to July 2006)

MESSAGES RECEIVED FROM INTERPOL MEMBER COUNTRIES	MESSAGES SENT TO INTERPOL MEMBER COUNTRIES	ARRESTS/ EXTRADITION OF FUGITIVES TO INTERPOL MEMBER COUNTRIES	SURRENDER OF FUGITIVES ARRESTED ABROAD TO THE REPUBLIC OF CYPRUS	NEW CASES
15 000	1 300	2 (EAW & EXTRADITION)	7 (EAW & EXTRADITION)	515

RESTREINT UE

(b) Liaison officers and letters of request

Letters of Request

2004

- 122 incoming
- 13 outgoing

2005

- 160 incoming (31% increase)
- 18 outgoing (38% increase)

Liaison Officers

2004

- 89 incoming
- 4 outgoing

2005

- 37 incoming
- 8 outgoing

(c) Early Warning System (EWS)

2004

- 15 incoming warnings were received and they were forwarded to the competent police departments (Immigration & Aliens Department, Forensics, Central Information Service, Crime Investigation Department and Ports Marine Service).
- 37 outgoing warnings were forwarded.

2005

- 7 incoming warnings were received and they were forwarded to the competent police departments.
- 49 outgoing warnings were forwarded.

RESTREINT UE

Office for Combating Terrorism:

a, Information received from Europol:

Information	2003 (12/2003)	2004	2005 (1-12/2005)
Received	4	158	165
Sent	2	107	72

b, Information received from Member States:

Information	2003 (5-12/2003)	2004	2005 (1-12/2005)
Received	60	286	708
Sent	42	210	350

Articles 40 and 41 are not applicable to the Republic of Cyprus. No statistics are kept on the exchange of information pursuant to Article 46.

Comments and recommendations of the Evaluation Committee:

The preparatory work for a bilateral agreement with Greece, including provisions about sharing liaison officers, is welcomed by the Evaluation Committee, which invites the Cyprus Police to make a better use of Council Decision 2003/170/JHA and initiate discussions in this matter with other Member States as well.

The Cypriot authorities are invited to speed up the decision-making process on the future law enforcement communication system.

The Evaluation Committee is aware that the Cypriot authorities are exchanging police information via various channels. However, they should develop reliable and comparable statistics, in order to be able to evaluate cross-border cooperation and compare the findings with those of other Member States. The Cypriot authorities may wish to consider the use of standardized templates, which are available in the Police Cooperation Handbook. The compilation of statistics would, at a strategic level, help determine the threat assessment and assist in the prioritisation of resources. Such lack of information at the centre can lead to overlaps and even conflicts between different operations and agencies.

RESTREINT UE

Comments of Cyprus: -

All law enforcement services of the Republic of Cyprus are already in the process of implementing the recommendation provided for in para. 7.1.1. of the Evaluation Report on the Third Round of Mutual Evaluations “Exchange of information and intelligence between Europol and the Member States and among the Member States respectively”²⁶, regarding the establishment of a comprehensive system concerning criminal intelligence and information with an automated cross-checking mechanism for all law enforcement services, allowing criminal analysis comprising intelligence from all law enforcement authorities.

6. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS AND FOLLOW-UP

The Evaluation Committee has gained a comprehensive picture of the current situation in Cyprus regarding international police cooperation. It is obvious that most of the preparatory work for full implementation of the Schengen acquis has already been accomplished as regards institutional and operational structures.

In order to ensure that comprehensive analysis and relevant threat assessment are produced from the intelligence and information gathered, the Cypriot authorities are invited to introduce the European Criminal Intelligence Model (ECIM).

The Evaluation Committee recommends speeding up the establishment of a fully interoperable law enforcement database structure, with a view to providing direct access for all law enforcement services.

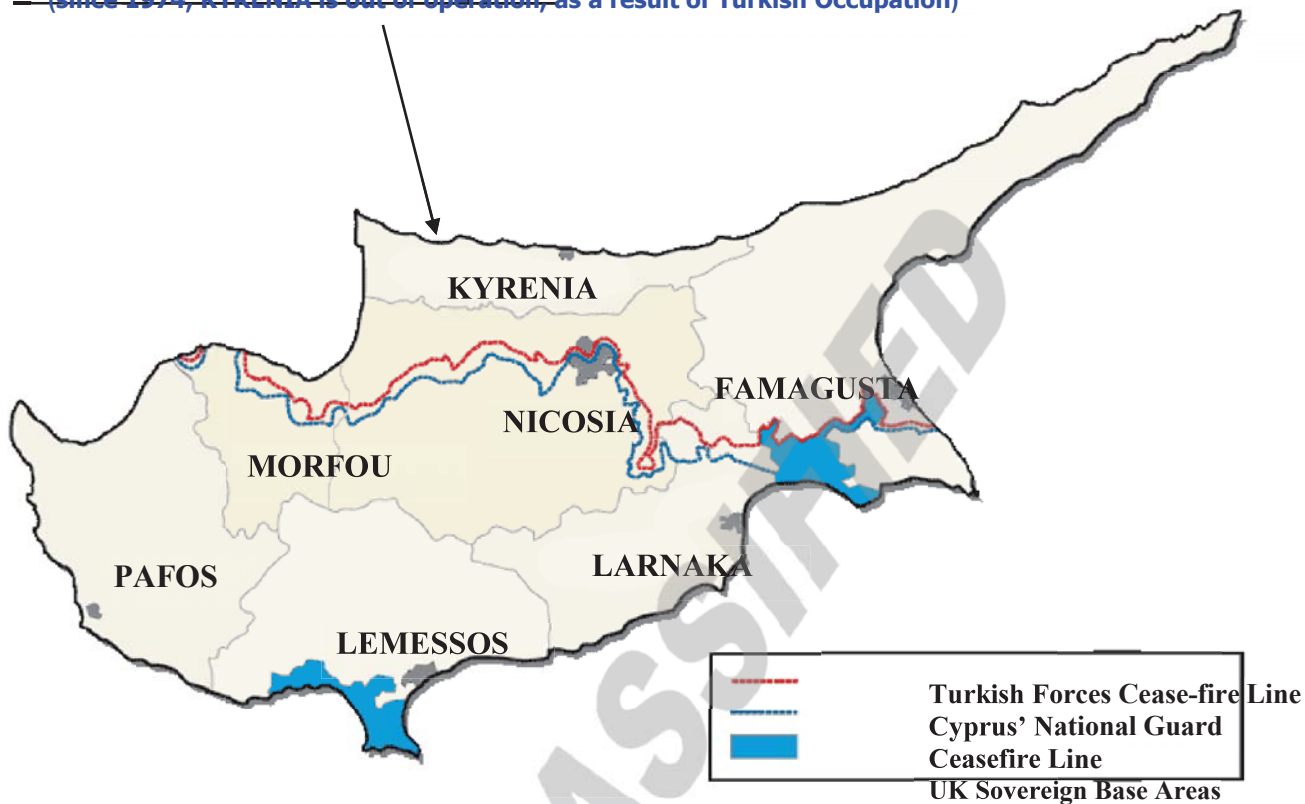
Special emphasis should be given to a regular training regime for all officers, including those at management level, seconded to the European Union and International Police Cooperation Directorate (EU&IPCD) and all police officers involved in police cooperation.

The Evaluation Committee is of the opinion that the MoU between the police and the custom service is an excellent basis for a good cooperation between these two services. Nevertheless, customs should be invited to second a permanent liaison officer to the SIRENE office in order to enhance day-to-day cooperation, once the Office is operational.

The Evaluation Committee welcomes the forthcoming bilateral agreement between Cyprus and Greece on sharing the Greek liaison officers in third countries with Cyprus.

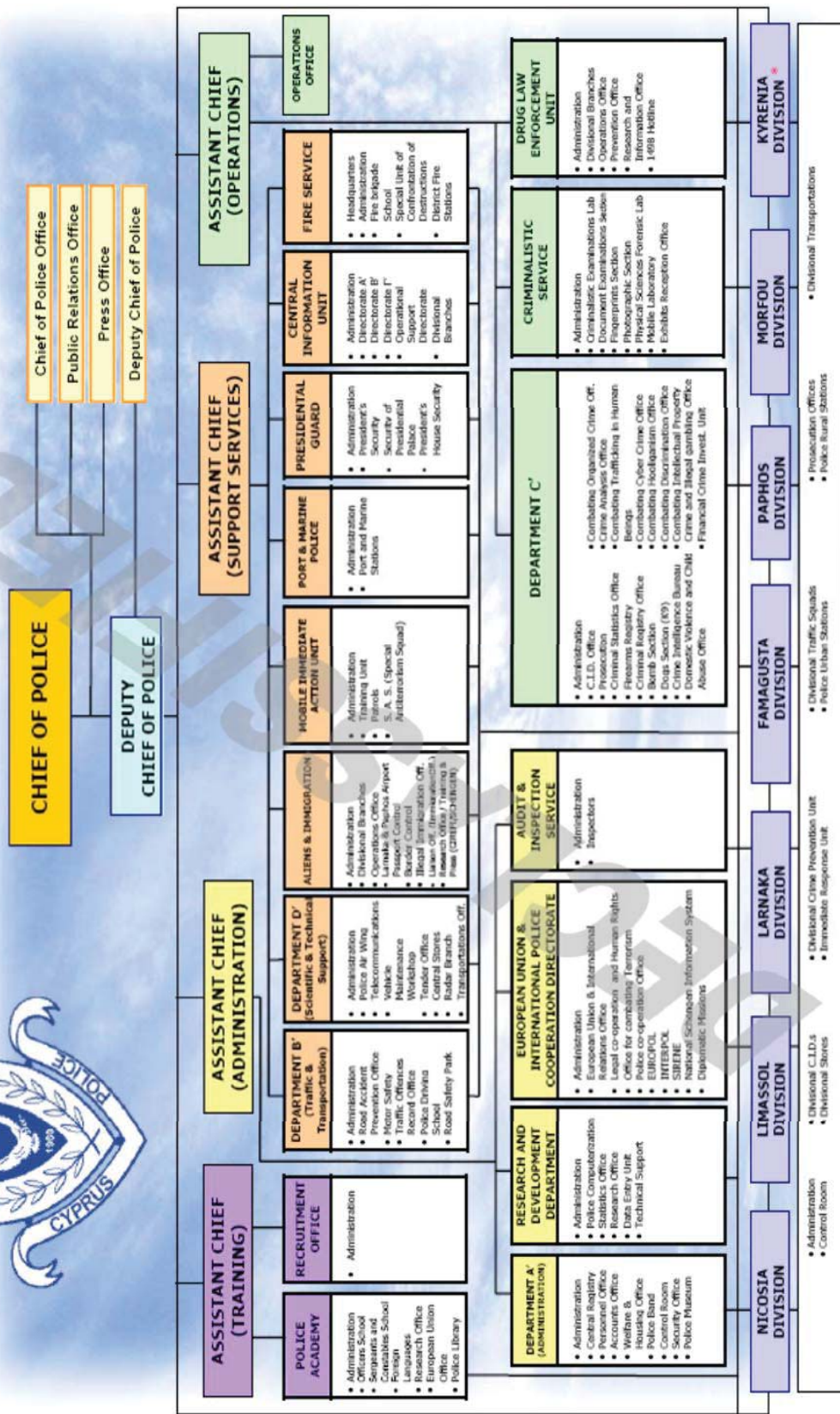
²⁶ Doc.no.6588/1/06 REV1, CRIMORG 34, dated 9/3/2006.

Annex table I: Divisional Police Headquarters
(since 1974, KYRENIA is out of operation, as a result of Turkish Occupation)



Annex, table II : Organisational Structure of the Cyprus Police

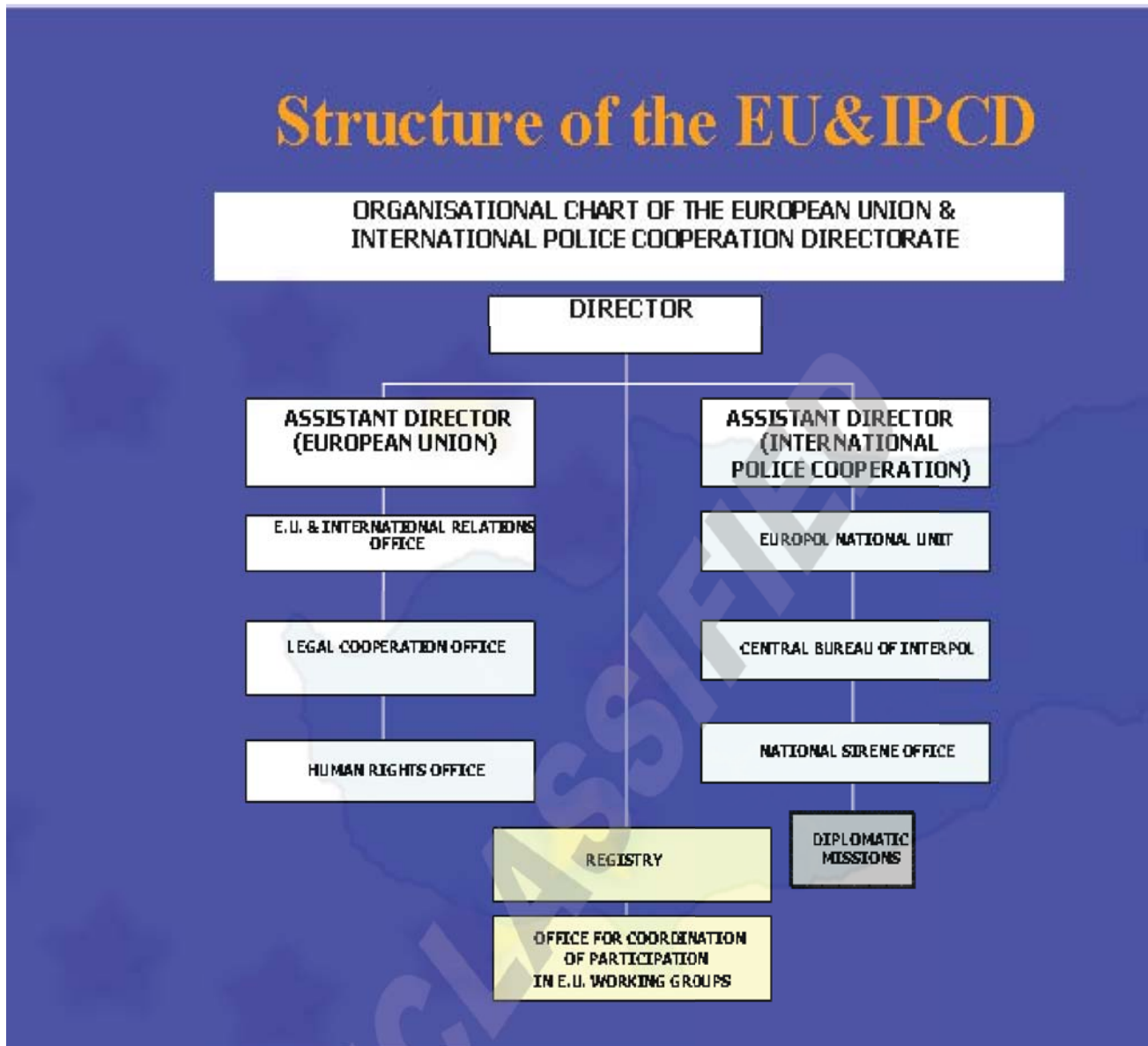
ORGANISATIONAL STRUCTURE OF CYPRUS POLICE



The Kyrenia Division and a part of Famagusta Division are out of operation due to the Turkish Invasion / occupation *

RESTREINT UE

Annex, table III: Structure of the EU & IPCD



RESTREINT UE

ANNEX, table IV: list of bilateral cooperation agreements, readmission agreements

The scope of police cooperation is regulated by treaties and agreements listed below.

A. E.U. countries: Estonia, Greece, Hungary, Ireland, Italy, Malta, Poland, Slovenia, United Kingdom

- Co-operation Agreement for Combating Terrorism, Organised Crime and Drug Smuggling (15/3/1991 and Agreement between Cyprus and **Italy** on Co-operation in the fight against organized crime and other forms of Crime (28/6/2002), Ratification Law 22 (III)/2003,
- Agreement between Cyprus and **Hungary** on Combating Terrorism, Drug Trafficking and Organized Crime (Nicosia, 16/9/1991) and its additional Protocol signed on 28th September 1992 and Agreement between Cyprus and Hungary on Combating Terrorism, Drug Trafficking and Organized Crime (Budapest, 13/6/1996),
- Agreement on Co-operation between Cyprus and **Poland** in Safeguarding Security and Public Order, Preventing and Investigating Crime (26/10/1992) and Agreement on Co-operation in Combating Organised and other Forms of Crime, Ratification Law 34(III)/2005,
- Agreement between the Ministry of Justice and Public Order of Cyprus and the Ministry of Public Order of **Greece** on Co-operation in Security Matters Nicosia, 11 December 1993.
- Agreement on Co-operation between Cyprus and **Malta** in Combating Terrorism, Illicit Drug Trafficking and Organized Crime (17/9/1999), L.15 (VII)/1999.
- Agreement on Co-operation between Cyprus and **Slovenia** in the Fight Against Terrorism, Illicit Drug Trafficking and Organised Crime (4/12/2002), Ratification Law 28 (III)/2003,
- Agreement on Co-operation between Cyprus and **Estonia** in Combating Organized Crime and other forms of Crime (8/1/2004), Ratification Law 13(III)/2004,
- Agreement on Co-operation between Cyprus and **Ireland** in Combating Illicit Drug Trafficking, Money Laundering, Organised Crime, Trafficking in Persons, Terrorism and other Serious Crime (8/3/2002), Ratification Law 34(III)/2002,
- Memorandum of Understanding between the Republic of Cyprus and **Austria** in the field of Justice and Home Affairs, signed on 8/10/2004. The Memorandum contains specific provision on the exchange of information and documentation,
- Memorandum of Understanding between the Republic of Cyprus and the **United Kingdom** concerning the Implementation of the Protocol on the Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus in so far as it concerns Illegal Migrants and Asylum Seekers, Nicosia, 20/2/2003,
- Agreement on Co-operation between the Republic of Cyprus and the Republic of **France** on security matters, signed on 4/3/2005,

RESTREINT UE

- Agreement between the Republic of Cyprus and the Republic of **Latvia** on Co-operation in Combating Terrorism, Illicit Drug Trafficking and Organised Crime, signed on 11/4/2005, (the Draft law ratifying the Agreement has been placed before the House of Representatives for enactment on 10/10/2005).
- Agreement between the Republic of Cyprus and **Slovakia** on Co-operation in combating organised crime, terrorism, illicit trafficking in narcotic drugs and psychotropic substances as well as other types of crime (26/2/2004), Ratification Law 5(III)/2005.
- Agreement on Co-operation between the Ministry of Interior of Cyprus and the Federal Ministry of Interior of the Czech and Slovak Federal Republic, signed in Prague at 7/12/1992, which remains in force between Cyprus and the **Czech Republic** in accordance with the Exchange of Letters of 19 January 1999.

B. E.U. Acceding COUNTRIES: Romania and Bulgaria.

- Agreement between Cyprus and **Romania** on Co-operation in the Fight Against International Crime (7/6/1995), L. 16(VII)/1995,
- Agreement on Co-operation between Cyprus and **Bulgaria** in the Fight Against Cross-Border Organised Crime, Terrorism, Trafficking in Human Beings and Illicit Drug Trafficking (2/12/2003), Ratification Law 48 (III)/2004.

C. Third countries: Syria, Russia, Egypt, China, Israel, Cuba, LEBANON, Iran, Libyan Arab Jamahiriya

- Agreement between the Ministries of the Interior of Cyprus and the **Syrian Arab Republic** in the fields of Crime and Illicit Trafficking and Smuggling of Drugs (4/4/1989), Protocol for Co-operation in the Field of Security (14/5/1991) and the Protocol amending the afore-mentioned Protocol, signed on 11/11/2003. Note: The last Protocol amends Article 8 of the Protocol of May 1991, making necessary a visa requirement prior to the entry or passing through the territory of the other contracting party.
- Co-operation Agreement between the Ministry of Interior of Cyprus and the Ministry of Interior of the USSR for Combating Crime (25/4/1990). Note: In force in accordance with the Protocol between Cyprus and the **Russian Federation** on the Inventory of Bilateral Agreements, Nicosia 11/10/2000.
- Agreement on Co-operation between Cyprus and **Egypt** on Security Matters (7/6/1994),
- Agreement on Co-operation between Cyprus and **China** on Public Security Matters (18/10/1994),
- Agreement on Co-operation between Cyprus and **Israel** in Combating Illicit Trafficking and Abuse of Narcotic Drugs and Psychotropic Substances, and Terrorism and other Serious Crimes (9/1/1995),

RESTREINT UE

- Agreement on Co-operation between Cyprus and **Cuba** in the Fight Against the Illicit Trafficking in Narcotic Drugs and Psychotropic Substances (16/11/2000), entered into force 24/7/2003.
- 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 organised crime (19/7/2002), Ratification Law 5(III)/2004 and Exchange of Notes relating to Articles 5 and 9 of the Agreement of 19 July 2002 Nicosia, 30/5/2003/ 23/9/2003), Ratification Law 5(III)/2004,
- Memorandum of Understanding between the Republic of Cyprus and the Islamic Republic of **Iran** on Co-operation in the Fight Against the Illicit trafficking of Narcotic Drugs and Psychotropic Instances (3/7/2002),
- Agreement on Co-operation between Cyprus and **Libyan Arab Jamahiriya** in Combating the Illicit Use of and the Trafficking in Narcotic Drugs and Psychotropic Substances, and Organised Crime (15/5/2001),

At the time of the visit of the Evaluation Committee, Cyprus was in the process of concluding additional Bilateral Co-operation Agreements in the same context, with the following European Union Member States: Germany, Spain, Czech Republic and Poland (Mutual Protection of Classified Information) and the following third countries: Armenia, Ukraine, Mexico, India and South Africa.

The aforementioned agreements, provide for co-operation in the detection and suppression of crime through, amongst others the exchange of information (data concerning persons involved in crime, the offenders' connections, the facts of the criminal cases, the facilities attacked, the description of the laws violated, the measures taken, etc.), the upon request adoption of operational and other measures authorized by the national legislation of the requested contacting party, the exchange of data and experiences on methods of commission and new forms of crime, the exchange of results of criminal and criminological researches, the mutual information of experiences on investigation techniques and application of working methods in order to improve them, the putting upon request at each others disposal information on and samples of objects resulting from criminal acts, the exchange of crime specialists for joint or mutual training and the co-operation in order to facilitate controlled delivery in order to render possible the arrest of the persons involved, provided that the necessary information is submitted at least 48 hours prior to the requested action. The majority of these agreements provide for the setting up of Joint Commissions, in order to promote and survey the bilateral co-operation and entail specific provisions as to the protection of personal data. In particular, these agreements provide that the receiving competent authorities of the one Contracting Party may use the data solely for the purpose and under the conditions determined by the delivering

competent authorities of the other Contracting Party, that personal data may be forwarded solely to security and public order protection authorities and may be transferred to other competent authorities only upon express authorisation by the delivering authority and that the competent authorities of the Contracting Parties must protect effectively the personal data delivered against unauthorized access, change and publication.

RESTREINT UE

As regards transmission of data to third countries, Section 9(1) of the Processing of Personal Data (Protection of Individuals) Law of 2001 provides that the transmission of data which have undergone processing or are intended for processing after their transmission to any country (i.e. third country) may take place only following the issue of a license by the Commissioner for the Protection of Personal Data.

Cyprus has not concluded any agreements including arrangements or declarations referred to in Articles 40(6), 41(9), 41(10) of the Convention implementing the Schengen Agreement. Articles 40 and 41 of the Convention implementing the Schengen Agreement are binding on in Cyprus but are still not applicable. This is illustrated by Article 3, para 2 of the Act annexed to the Treaty Concerning the Conditions of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union (ratified by Ratification Law 35(III)/2003) and will only be applicable pursuant to a Council Decision to that effect after verification in accordance with the applicable Schengen evaluation procedures that the necessary conditions for the application of all parts of the acquis concerned have been met in Cyprus and after consulting the European Parliament.

Readmission agreements

- Agreement between the Government of the Republic of Cyprus and the Government of the Republic of **Lebanon** on the Readmission of Persons with Unauthorized Stay, Nicosia, 19 July 2002
- Agreement between the Government of the Republic of Cyprus and the Government of the Republic of **Italy** on the Readmission of Persons Illegally Entering and/or staying in the Territory of the Two Countries and Protocol thereto, Nicosia, 28 June 2002, Ratification Law 9(III)/2003
- Agreement between the Government of the Republic of Cyprus and the Government of the Kingdom of **Sweden** on the Readmission of Persons, 26 January 2005, Ratification Law 35(III)/2005.

At this stage, Cyprus is in the process of negotiating Readmission Agreements with Syria, Jordan and Croatia, whereas relevant proposals have been made by the Republic of Cyprus to the Governments of Egypt, Iran, Bangladesh and India for the conclusion of such Agreements.

RESTREINT UE

ANNEX, table V: list of bilateral cooperation agreements on mutual assistance in criminal matters

1. Exchange of Notes confirming the continued application between the Republic of Cyprus and **Belarus** of the Treaty on Legal Assistance in Civil and Criminal Matters between the Republic of Cyprus and the Union of Soviet Socialist Republics (Law 172/1986, Minsk, 1 November 1996 and Nicosia, 2 November 1996)
2. Convention on Legal Assistance in matters of Civil and Criminal Law between the Republic of Cyprus and People's Republic of **Bulgaria** (Law 18/1984)
3. Treaty between the Republic of Cyprus and the People's Republic of **China** on Judicial Assistance in Civil, Commercial and Criminal Matters (Ratification Law 19(III)/1995)
4. Agreement on Legal Assistance in Civil and Criminal Matters between the Republic of Cyprus and the Republic of the Czechoslovak Socialist Republic (Law 68/1982) (Remains in force between Cyprus and the **Czech Republic** in accordance with the Exchange of Letters of 19 January 1999)
5. Agreement between the Republic of Cyprus and **Egypt** on Judicial and Legal Assistance in Civil and Criminal Matters, (Ratification Laws 32(III)/1992 and 14(III)/1996)
6. Exchange of Notes confirming the continued application between the Republic of Cyprus and **Georgia** of the Treaty on Legal Assistance in Civil and Criminal Matters between the Republic of Cyprus and the Union of Soviet Socialist Republics (Law 172/1986, Tbilisi, 6 July 2000 and Nicosia, 7 July 2000)
7. Convention on Legal Co-operation in Matters of Civil, Family, Commercial and Criminal Law between the Republic of Cyprus and **Greece** (Law 55/1984)
8. Convention on Legal Assistance in Civil and Criminal Matters between the Republic of Cyprus and **Hungary** (Law 7/1983)
9. Agreement between the Republic of Cyprus and the Great Socialist People's **Libyan Arab Jamahiriya** on Legal Assistance in Civil, Commercial and Criminal Matters (Ratification Law 32(III)/2005)
10. Agreement between the Republic of Cyprus and the Republic of **Poland** on Legal Co-operation in Civil and Criminal Matters (Ratification Law 10(III)/1997)
11. Treaty on Legal Assistance in Civil and Criminal Matters between the Republic of Cyprus and the Union of Soviet Socialist Republics (Law 172/1986) (In force in accordance with the Protocol between Cyprus and the **Russian Federation** on the Inventory of Bilateral Agreements, Nicosia 11 October 2000)

RESTREINT UE

12. Agreement on Legal Assistance in Civil and Criminal Matters between the Republic of Cyprus and **Serbia and Montenegro** (Law 179/1986)
13. Agreement on Legal Assistance in Civil and Criminal Matters between the Republic of Cyprus and the Republic of the Czechoslovak Socialist Republic (Law 68/1982) (Remains in force between Cyprus and the **Slovakia** in accordance with the Exchange of Letters of 10 December 1999/10 January 2000)
14. Agreement on Legal Assistance in Civil and Criminal Matters (Law 179/1986) (In force in accordance with the Exchange of Letters between Cyprus and **Slovenia** conforming the Treaty Relations between the two countries, 13 April 2000/5 May 2000)
15. Agreement on Legal Assistance in Civil and Criminal Matters between the Republic of Cyprus and the **Syrian Arab Republic** (Law 160/1986 and Ratification Law 13(III)/1997)
16. Exchange of Notes confirming the continued application between the Republic of Cyprus and **Ukraine** of the Treaty on Judicial Assistance in Civil and Criminal Matters between the Republic of Cyprus and the Union of Soviet Socialist Republics (Law 172/1986, 17 April 1996/3 March 1997)
17. Treaty on Mutual Legal Assistance in Criminal Matters between the Republic of Cyprus and the **United States of America** (Ratification Law 20(III)/2002)

DECLASSIFIED

RESTREINT UE

ANNEX, table VI: Police Academy Seminars related to the Schengen Convention and EU matters.

No.	TOPIC	DATES		DURATION	No. of PARTI-CIPANTS
2002					
1	Extradition of fugitives	30/10	31/10	2 days	19
2	Substance abuse problem among adolescents - prevention models and methods	22/04	24/04	3 days	36
3	False documents	06/11		1 day	29
4	European Union	21/11		1 day	20
5	European Union	22/11		1 day	17
6	Policing Ethnic Minorities	12/09	20/09	1 week	21
7	False documents	14/10		1 day	25
8	False documents	15/10		1 day	25
2003					
1	Illegal Immigration	10/02	11/02	2 days	23
2	Europol	08/05		1 day	46
3	Europol	09/05		1 day	46
4	Europol	05/06		1 day	47
5	Europol	06/06	07/06	2 days	47
6	Police Ethics	22/09	26/09	1 week	14
7	Schengen Border Management	26/11	28/11	3 days	35
2004					
1	Strategic Intelligence Analysis Course	01/03	12/03	2 weeks	16
2	Social Equality and Gender	26/04	03/05	2 weeks	21
3	Multicultural Policing	10/05	14/05	1 week	52
4	European Union	13/05		1 day	20
5	European Union	14/05		1 day	18
6	European Union	17/05	18/05	2 days	26

RESTREINT UE

7	Immigration and Border Control	07/06	11/06	1 week	20
8	Threat Assessment and Risk Analysis of Terrorism	15/11	26/11	2 weeks	13
9	Explosive mechanisms and <i>modus operandi</i> of terrorists	15/11	26/11	2 weeks	20
2005					
1	False travel documents	24/02	25/02	2 days	36
2	European Warrant of Arrest	18/03		1 day	52
3	Cultural Heritage	07/06	09/06	3 days	19
4	False travel documents	13/06	17/06	1 week	19
5	European Training Day	04/10	05/10	2 days	20
2006					
1	European Warrant of Arrest	13/07		1 day	15
2	Schengen Convention (Articles 39, 40, 45 and 46)	13/07		1 day	15
3	False documents and the Schengen Convention	09/10	13/10	1 week	83
TOTAL					915