

No. 29 (III) of 2001

**A LAW TO RATIFY THE INTERNATIONAL CONVENTION FOR THE
SUPPRESSION OF THE FINANCING OF TERRORISM, INCLUDING
SUPPLEMENTARY PROVISIONS FOR THE IMMEDIATE IMPLEMENTATION
OF THE CONVENTION**

The House of Representatives enacts as follows:

1. This Law may be cited as the International Convention for the Suppression of the Financing of Terrorism (Ratification and Other Provisions) Law of 2001. Short title.

2. In this Law, unless the context otherwise requires - Interpretation.

“Convention” means the International Convention for the Suppression of the Financing of Terrorism agreed on 10 January, 2000 of which the original text in English is cited in Part I of the Table and its Greek translation in Part II: Table.
Part I.
Table.
Part II
Provided that in case of conflict between the two texts the English original one shall prevail;

- “Republic” means the Republic of Cyprus.

3. The Convention, signed by the Republic of Cyprus following the Council of Ministers’ Decision No. 52.963 dated 4 January 2001, is ratified by this Law and implemented according to the following provisions. Ratification of
Convention.

- 4.-(1) The offences referred to in article 2 of the Convention are punishable by imprisonment up to fifteen years or with a fine of one million Cyprus pounds or both such imprisonment and fine: Offences and
penalties.
Provided that in any criminal procedure in relation to any of the fore-mentioned offences, the Court may, following a request on behalf of the prosecution, issue an order, temporary, restrictive or

imperative, that could be issued by virtue of the provisions of any Law.

(2) A temporary Court order is issued following a submission of an ex parte application supported by an affidavit, which must cite all substantive facts, in the prosecution's disposal at the time of the application. The Court, should it accept the application, sets the date to bring the application and the order before it. The further procedure is regulated, mutatis mutandis, by the Civil Procedure Rules in force at the time.

5.-(1) A legal person of any nature is subjected to the same criminal and civil liability in case where any person, in charge of the administration or control of the said legal person, commits under the said capacity an offence in violation of the Convention.

Liability of Legal person.

(2) By virtue of any Law, a competent Authority to register, operate or control a legal person, as cited in subsection (1), may, in addition to any other power to impose sanctions against the said legal person, order its crossing out of the relevant registry or the postponement of its operation for any time period it would consider necessary under the circumstances. The consequences of such crossing out are governed, mutatis mutandis, by the provisions of the Law, by virtue of which the registration had been made.

6. During the trial of the offence, under article 2 of the Convention and under section 4 of this Law, it does not constitute a defence or a mitigating factor that the offence was motivated by political, idealistic, racial, national, religious or other relevant reasons.

Excluding certain defenses.

7.-(1) Notwithstanding the provisions of section 5 of the Criminal Code, the Courts of the Republic have the jurisdiction to hear and

Jurisdiction of Courts of the Republic, Cap. 154

try any offence committed in violation of article 2 of the Convention and section 4 of this Law, under the conditions, referred to in paragraphs 1 and 2 of article 7 of the Convention.

3 of 1962
43 of 1963
41 of 1964
69 of 1964
70 of 1965
5 of 1967
58 of 1967
44 of 1972
92 of 1972
29 of 1973
59 of 1974
3 of 1975
13 of 1979
10 of 1981
46 of 1982
186 of 1986
111 of 1989
236 of 1991
6(l) of 1994
3 (l) of 1996
36 (l) of 1997
40 (l) of 1998
45 (l) of 1998
15 (l) of 1999
37 (l) of 1999
38 (l) of 1999
129 (l) of 1999
30 (l) of 2000
43 (l) of 2000
77 (l) of 2000
162 (l) of 2000
169 (l) of 2000
181 (l) of 2000
27 (l) of 2001.

(2) The implementation of subsection (1) is subjected to the provisions and interpretations of subsections (2) and (3) of section 5 of the Criminal Code.

8. Acts that constitute offences by virtue of article 2 of the Convention and section 4 of this Law or acts that constitute a violation of article 2 of the Convention, are considered, even if the courts of the Republic do not have jurisdiction to try them, as predicate offences as if included in section 5 of the Prevention and Suppression of Money Laundering Activities Law, and for the purposes of freezing or confiscating property or proceeds, the relevant provisions of this Law shall be implemented.

Confiscation
Freezing and
other court
orders.

61 (l) of 1996
25 (l) of 1997
41 (l) of 1998
120 (l) of 1999
152 (l) of 2000.

9. Without prejudice to the provisions of any other Law, the main

Competency for
the combating

competency for combating the financing of terrorism, according to the provisions of the Convention of this Law, is appointed to the Unit for Combating Money laundering Offences which sets up a Special Department for this purpose.

of financing terrorism.

10. No provisions of this Law shall be interpreted as imposing upon the Republic of Cyprus the obligation to issue or provide mutual legal assistance, if the Republic of Cyprus has substantive reasons to believe that the request for extradition for offences referred to in article 2 of the Convention or for mutual legal assistance in relation to these offences was done with the aim to criminally prosecute or punish a person due to race, religion, nationality, origin, political beliefs or legal, according to international law, claims of collective rights or that compliance to the request would create damage to the position held by such person for any of the reasons fore-mentioned.

No obligation to issue or provide legal assistance for certain reasons.

11.-(1) A Special Fund is set to which pecuniary amounts will be deposited that will be confiscated by virtue of the provisions of the Laws referred to in section 8 of this law. The pecuniary amounts will be provided for compensation to the victims, or if they have died, to the families of the victims of the offences referred to in article 2, paragraph 1, subparagraphs (a) and (b) of the Convention.

Creation of Special Fund.

(2) Compensation from the Fund will be provided according to regulations to persons, to which it is not possible to provide compensation from the offender either because they are unknown or because they are not alive or within the domain of the Republic or for any other reasons.

(3) To this Fund it is possible to deposit donations by the Republic or by any other persons or Organisation.

(4) Notwithstanding the provisions of subsections (1) and (2), the Republic of Cyprus can enter into agreements with other state members to the Convention in relation to the distribution between them of property and proceeds that have been confiscated. In such a case the Republic of Cyprus will deposit its own share to the Fund.

12. For purposes of implementation of article 18 (1) of the Convention the relevant sections of the Prevention and Suppression of Money Laundering Activities Law, shall be implemented and Specifically Part VIII, sections 57 to 67.

Precautionary measures at financial and economic sector.

13.-(1) The Council of Ministers may make Regulations for the better implementation of the Convention and this Law.

Issue of Regulations.

(2) Despite the generality of subsection (1) it is possible to regulate by Regulations all or any of the issues referred to in paragraph 4 of article 8 of the Convention.

Note: This Law was enacted on 30.11.2001 with Law No. 29(III) of 2001 and amended on 22.7.2005 with Law No. 18(III) of 2003.