

COMBATING OF TERRORISM LAW OF 2010
(Law no. 110(I)/2010 as amended by Law no. 94(I)/2017)

The present English text is for information purposes only and is not legally binding. The legally binding document is in the Greek language.

1. The present Law may be cited as the Combating of Terrorism Law of 2010.

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

“Terrorist offence” means any offence, contemplated as such in this law.

“Police” means the Cyprus Police.

“Public transport system” means all the services, means of transport as well as other means, which belong, either to the public or to private persons, and are used in or for services offered publicly, for the transport of persons or cargo.

“Structured group” means a group, which was not formed randomly, for the purpose of immediate commission of an offence and which does not need to have formally defined roles for its members, continuity in its composition or a multi-composed structure.

“Court” has the meaning given to this term by section 2 of the Courts of Justice Law.

“Explosive substance” has the meaning given to this term by section 2 of the Explosive Substances Law.

“Eurojust” means the Unit established with the Decision 2002/187/JHA of the Council of 28th February 2002, setting up Eurojust with a view to reinforcing the fight against serious crime.

“Lists” means the lists referred to in section 17 of this law.

“Member-state” means member state of the European Union.

“MOKAS” means the Unit for Combating Money Laundering, which was established on the basis of the Prevention and Suppression of Money Laundering Law.

“Terrorist organisation” means a structured group of two or more persons that is established and operates over a period of time with the purpose to commit terrorist financing offences and which is included in the lists.

“Minister” means the Minister of Justice and Public order.

“Public place” means parts of any building, land, road or other place, to which the public have access or which are open to the public, continuously, periodically or occasionally and includes any commercial, cultural, historical, educational, religious or government place or entertainment place or similar place, to which the public have access or which is open to the public.

Scope of application. 3. This law applies for the prevention, investigation and prosecution of any person of the offences referred to in Part II of this law.

Extension of Jurisdiction. 4. (1) Irrespective of the provisions of sections 5 of the Criminal Code, the Courts of the Republic have, additionally, jurisdiction to try any offence counterplated in the present law, when:

(a) the offence is committed for the benefit of a legal person, established in the Republic;

(b) the offence is against the institutions or the population of the Republic or against institution of the European Union or organization, set up in accordance with the Treaty Establishing the European Community or the Treaty on European Union and is based in the Republic.

(2) For the purposes of this section, the provisions of paragraphs (2) and (3) of section 5 of the Criminal Code are applied.

PART II OFFENCES

Terrorist offences. 5. Person, who intentionally commits an act which, given its nature, may seriously damage any country or any

international organization, with aim of:

- Seriously intimidating a population or part of population or
- Unduly compelling public authorities or international organization, to perform or abstain from performing any act, or
- Seriously de-establishing or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization, and this act constitutes:

(a) an offence, that is contained in the Table of the First Annex of this law,

(b) an offence, that is contained in the Table of the second Annex of this Law,

(c) the manufacture or possession or acquisition or transport or supply or use of weapons or radiological weapons or any explosive substance or other deadly device or nuclear or biological weapons or research into the development of biological and chemical weapons;

(d) causing extensive destruction to-

(i) government or public facility,

(ii) public transport system,

(iii) infrastructure facility, including the information systems,

(iv) facilities or other property of consular authorities or diplomatic missions,

(v) a fixed platform on a continental shelf,

(vi) public place,

(v) private property,

which is likely to endanger human life or result in a major economic loss,

(e) interfering with or disrupting the supply of water, electric power or other fundamental nature resource, the effect of which is to endanger human life,

commits a terrorist offence and in case of conviction is subject to life imprisonment.

Threatening to commit terrorist offence.

6. A person, who threatens to commit any of the offences which are provided in section 5 of this law, is guilty of a terrorist offence and in case of conviction, he is subject to imprisonment not exceeding 10 years.

Participating in a terrorist group.

7. Any person, who, having knowledge of the illegal scope or the activities of a terrorist group, participates, with any action, in any illegal activity of the terrorist group, is guilty of an offence and in case of conviction is subject to imprisonment not exceeding eight years or to a pecuniary penalty not exceeding eighty five thousand euro (€85.000) or to both sentences.

Providing support to a terrorist group.

8 (1) Any person who provides support, in any way, including financing, to-

- (a) a terrorist group or
- (b) a member of a terrorist group or
- (c) any other person, in favour of a terrorist group or member of a terrorist group or
- (d) any other person, for the commission of terrorist offence or
- (e) persons included in the lists,

Having knowledge of the fact that this support will contribute to the activities of the above-mentioned, is guilty of an offence and in case of conviction, is punishable with imprisonment of up to eight years or pecuniary penalty of up to €85.000 or both sentences.

(2) Providing support, mentioned in paragraph (1), includes also the provision of instructions –

(a) for the making or use of explosives, firearms or other weapons or noxious or hazardous substances or

(b) for other specific methods or techniques,

aiming to the commission or contribution of a terrorist offence, knowing that these instructions are meant to be

used by a person or group, mentioned in section (1).

Aggravated theft, extortion and forgery related to terrorist offences.

9. Any person, who, with the intention to commit any of the offences provided for in sections 5 and 6 of this law, commits theft of a sum or article the value of which exceeds €50.000 or to extortion or to forgery of any governmental document, is guilty of an offence and in case of conviction, is subject to imprisonment of up to 15 years or pecuniary penalty up to €340.000 or both penalties.

Refusal to disclose information.

10. Any person, who holds any information that is possible to assist -

(a) the prevention of the commission of a terrorist offence by another person or

(b) the securing of the arrest, prosecution or conviction of another person for a terrorist offence and

conceals such information from any member of the Police, is guilty of an offence and, in case of conviction, is subject to imprisonment not exceeding 2 years or pecuniary penalty not exceeding €10.000 or to both sentences.

Management, organization of terrorist organization.

11. Any person, who manages or organizes a terrorist organization, is guilty of an offence and, in case of conviction, is subject to life imprisonment.

Public provocation to commit a terrorist offence.

12. Any person who for the purpose to incite the commission of a terrorist offence, distributes or in any other way makes available, a message to the public, thus causes a danger for the commission of a terrorist offence, irrespective of whether such an offence was committed, is guilty of an offence, and in case of conviction, is subject to imprisonment not exceeding 8 years.

Inciting, attempting, abetting.

13.(1) Subject to the provisions of paragraph (2) of this section, any person, who, knowingly, in any way, including the use of internet or other electronic means of mass media and communication, attempts or incites another person to commit any offence provided for in this law, irrespective of whether the person consents or not to commit it, or abetting or aiding to the commission of any such offence, is

guilty of an offence, and, in case of conviction is liable to imprisonment not exceeding 10 years.

Liability of legal person. 14(1) Without prejudice to the criminal liability of any natural person, who commits a terrorist offence according to this law, a legal person has the same liability and may be prosecuted for any offence provided in this law, committed for the benefit of the legal person by any person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based, either to a power of representation or an authority to take decisions on behalf of the legal person, or an authority to exercise control within the legal person.

(2) Without prejudice to the provisions of paragraph (1), a legal person has the same liability and may be prosecuted in case where the lack of supervision or control by a person referred to in paragraph 1, has made possible the commission of any offence provided in this law, for the benefit of the legal person by a person under its authority.

(3) In case a legal person is found guilty according to paragraphs (1) and (2), is subject to a pecuniary penalty not exceeding €850.000 and additionally, depending on the offence, may be convicted to –

(a) a permanent or temporary disqualification from the practice of commercial or other activities,

(b) an exclusion from public benefits or aid,

(c) a winding-up,

(d) a temporary or permanent closure of establishment which have been used for committing the offence.

Violation of Regulation (EC) 2580/2001. 15. Any person who contravenes any provision of sections 2, 3 and 4 of the Regulation (EC) 25801/2001 of the Council of 27.12.2001, for the imposition of specific restrictive measures against specific persons and entities against terrorism commits an offence and in case of conviction is subject to –

(a) in case of a natural person to imprisonment not exceeding 8 years or pecuniary penalty not exceeding fifty thousand euros (€50.000) or to both penalties.

(b) in case of a legal person to a pecuniary penalty not exceeding five hundred thousand euros (€500.000).

Violation of
the Regulation
(EC)
881/2002.

16. Any person who contravenes any provision of sections 2, 3 and 5 of Regulation (EC) 881/2002 of the Council of 27.5.2002 for the imposition of specific restrictive measures against specific persons and entities connected with organizations ISIL (Da'esh) and Al Qaida, is guilty of an offence and in case of conviction is subject to –

(a) in case of a natural person to imprisonment not exceeding 8 years or pecuniary penalty not exceeding fifty thousand euros (€50.000) or to both penalties.

(b) in case of a legal person to a pecuniary penalty not exceeding five hundred thousand euros (€500.000).

Violation of
the UN
Security
Council
Resolutions.

16.A. Any person who contravenes any provision of the UN Security Council Resolutions against Terrorism commits an offence and in case of conviction is subject to –

(a) in case of a natural person to imprisonment not exceeding 8 years or pecuniary penalty not exceeding fifty thousand euros (€50.000) or to both penalties.

(b) in case of a legal person to a pecuniary penalty not exceeding five hundred thousand euros (€500.000).

Freezing of
Funds,
Monetary
Assets etc.

16.B. (1) Any person who performs financial or other activities as prescribed in section 2 of the Prevention and Suppression of Money Laundering Activities Law, restrains all the funds, monetary assets or financial income which –

(a) Belong or controlled by a specific restricted person or entity,

(b) belong or controlled in total or partially, directly or indirectly by a specific restricted person or entity,

(c) derived from funds or other assets which belong or controlled, directly or indirectly from a specific restricted

person or entity,

(d) belong or controlled by a person or entity who acts on behalf or under the instruction of a specific restricted person or entity.

(2) Any natural or legal person who is not included in subsection (1) restrains all funds, monetary assets and financial means which come in any way under his possession and who knows or has reasonable cause to believe that they fall under the instances referred to in paragraphs (a) (b) (c) or (d) of subsection (1).

(3) For the purposes of this section, "specific restricted person or entity" means any national or legal person, group or entity that is included in a list, including a person, group or entity which falls under the provisions of article 4 of the E.U. Common position of the Council of 27 December 2001 for the implementation of specific measures against terrorism (2001/931).

Obligation to inform the Supervisory Authorities and the Ministry of Foreign Affairs.

16.C. (1) Any person who performs financial or other activities as prescribed in section 2 of the Prevention and Suppression of Money laundering Activities Law, informs accordingly the competent respective Supervisory Authority and the said Supervisory Authority reports to the Ministry of Foreign Affairs any assets which have been restrained or any actions taken regarding compliance with the restrictive measures of the European Union and the UN Security Council, as these are referred in section 17.

(2) A Supervisory Authority may take the measures provided for in subsection (6) of section 59 of the Prevention and Suppression of Money Laundering Activities Law in case a person under its supervision omits to comply with the provisions of subsection (1) of this section.

(3) For the purposes of this section "Supervisory Authority" means a Supervisory Authority defined as such according to the provisions of section 59 of the Prevention and Suppression of Money Laundering Activities Law.

PART III MISCELLANEOUS PROVISIONS

- Notification of the lists. 17. the Minister issues a notification, which is published in the Official Gazette of the Republic, in which updated lists of persons, groups or entities are shown, for implementing the "EU Common Position of 27.12.2001 for the implementation of special measures against terrorism (2001/931/ΚΕΠΠΑ)" and the "Decision (2016/1693) of the Council of 20.9.2016 for the imposition of restrictive measures against ISIL (Da'esh) and Al Qaida and persons, groups, business and entities connected with them", as well as the lists which are issued according to the UN Security Council Resolutions against terrorism, as these are amended or replaced from time to time.
- Mitigating measures in certain circumstances. 18. The Court may impose a lesser penalty against any person who has been found guilty for the commission of any offence which is provided for in this law, if this person—
- (a) seize his terrorist activities;
 - (b) provides to the Police information which could not have been otherwise received,
- contributing in this way to –
- (i) prevent or mitigate the consequences of the offence, or
 - (ii) identification and prosecution of persons that committed an offence punishable under this law, or
 - (iii) deter other offences, according to this law.
- Protection of witnesses. 19. Any witness in criminal proceedings, in relation to an offence provided in this law, is considered as a protected witness and the provisions of the Protection of Witnesses Law are applied.
- Compensation of the victims of terrorist offences. 20. The Provisions of the Law on the Compensation of the Victims of Violent Offences are applicable in the case of any person who suffered serious bodily harm or shock to his health caused directly by a terrorist offence.
- Authority to restrict entry to the Republic. 21. Irrespective of the provisions of the Aliens and Immigration Law, any person who has committed a terrorist offence or participates in a terrorist organization according to section 7 of this law or provides support to a

terrorism organization according to section 8 of this law or for whom there is accurate information that he has been involved or could be involved in the commission of a terrorist offence, is considered as an illegal immigrant and he is not allowed entry in the Republic.

Authority to reject an application for refugee status. Irrespective of the provisions of the Refugees Law, the Asylum Department, which is established according to section 26 of the abovementioned law, may exclude from refugee status or the status for supplementary protection or the status of residence for humanitarian reasons, of any person who has committed a terrorist offence or participates in a terrorist organization according to section 7 of this law or provides support to a terrorist organization according to section 8 of this law or for whom there is accurate information that he has been involved or could be involved in the commission of a terrorist offence.

PART IV – INTERNATIONAL CO-OPERATION

Collection, exchange of information etc. 23. (1) The Attorney-General of the Republic, the Chief of the Police, MOKAS and the Customs and Excise Department, depending on the case, co-operate with the competent authorities of other countries for the purposes of the prevention and investigation of offences which are provided in this law with the exchange of information of any nature and with other relevant ways of co-operation.

(2) The Authorities mentioned in sub-section (1) are responsible for the collection of all information which are related or are derived from the criminal investigations regarding any offence provided in this law in which any person, groups or entities included in the lists are involved.

(3) Without prejudice to the provisions of sub-section (1) and notwithstanding the provisions of the Convention for the establishment of Europol and the relevant Protocol regarding the Interpretation of this Convention from the European Court of Justice with Preliminary Decisions (Ratification) Law of 2002, the Chief of Police, MOKAS and the Customs and Excise Department forward to Europol, through the National Europol Office, the following data and information which resulted from criminal investigations in relation to any offence provided in this Law, in which persons, groups or entities included in the lists are

involved:

(a) any information assisting to the identification of the persons, groups or entities included in the lists;

(b) any data related to the cases under investigation, including the special circumstances for the commission of the offence;

(c) data, in relation to the connection of the offences under investigation with other terrorism offences;

(d) data in relation to the use of communication technology;

(e) data or information in relation to any threat regarding the possession of weapons of mass distraction.

Designation of the National representative in Eurojust in terrorist matters.

24. (1) The Attorney General of the Republic designates a legal officer of the Law Office as a national representative in Eurojust, regarding terrorist matters.

(2) The national representative in Eurojust collects:

(a) All information mentioned in paragraphs (a)-(c) of subsection (3) of section 23 of this law,

(b) data in relation to Requests for Mutual Legal Assistance which are submitted in relation to terrorist offences,

and forwards them to Eurojust.

Joint Investigation Teams.

25. For the Joint investigation of terrorist offences with the competent authorities of other member-states, the provisions of the Joint Investigation Teams Law are applicable.

ANNEXES

FIRST ANNEX

TABLE

(article 5(a))

OFFENCES INCLUDED IN THE CRIMINAL CODE (CC)

The present English text is for information purposes only and is not legally binding. The legally binding document is in the Greek language.

1. Premeditated murder (article 203 CC)
2. Homicide (article 205 CC)
3. Written threats to murder (article 216 CC)
4. Conspiracy to murder (article 217 CC)
5. Disabling in order to commit felony or misdemeanour (article 226 CC)
6. Stupefying in order to commit felony or misdemeanour (Article 227 CC)
7. Acts intended to cause grievous bodily harm or prevent arrest(Article 228 CC)
8. Grievous harm(Article 231 CC)
9. Attempting to injure by explosive substances(Article 232 CC)
10. Maliciously poison administrating with the intend to harm (Article 233 CC)
11. Wounding and similar acts(Article 234 CC)
12. Kidnapping(Article 248 CC)
13. Breaking into building and committing felony(Article 294 CC)
14. Arson(Article 315 CC)
15. Attempts to commit arson(Article 316 CC)
16. Casting away ships(Article 321 CC)

ANNEXES

SECOND ANNEX

TABLE

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(article 5(b))

OFFENCES INCLUDED IN CONVENTIONS WHICH THE REPUBLIC HAS
RATIFIED WITH A LAW

1. Taking of hostages, according to article 3 of the International Convention Against the Taking of Hostages (Hostages Convention) (Ratification Law) 1990 (L. 244/90)
2. Unlawful Seizure of Aircraft, according to article 1 of the Convention for the Suppression of Unlawful Seizure of Aircraft which was ratified with the Convention for the Suppression of Unlawful Seizure of Aircraft Law of 1972 (L. 30/72)
3. Offence against the safety of Civil Aviation, according to article 1 of the Convention for the Suppression of Unlawful acts against the safety of Civil Aviation which was ratified with the Convention for the Suppression of Unlawful Seizure of Aircraft Law of 1973 (L. 37/73) which was supplemented with the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation which was ratified with the Protocol the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation (Ratification Law) Law of 2001 (L. 33(III)/2001)
4. Offence against Internationally Protected Persons according to the provisions of article 4 of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons (Ratification Law) Law of 1975 (L. 63/75)
5. Offences according to article 6 of the Convention of the Physical Protection of Nuclear Material (Ratification and other provisions) Law of 1998 (L. 3 (III)/98)
6. Offence according to article 3 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 1988 or article 2 of the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf as these have been ratified with the Convention for the Suppression of Unlawful Acts against the Safety of Maritime of 1988 and the Protocol for the Suppression of Unlawful acts Against the Safety of Maritime Navigation of 1988 (Ratification Law) and the related matters law of 1999 (L. 17(III)/1999)

7. Offence in violation of article 4 of the Convention of Marking of Plastic Explosives for the Purpose of Detection (Ratification Law) law of 2002 (L. 19 (III)/2002)
8. Offence in violation of article 5 of the Convention of the Prohibition and Use of Chemical Weapons (Ratification Law) law of 1998 (L. 8 (III)/1998)
9. Offence according to article 2 of the International Convention for the Suppression of Terrorist Bombings which was ratified with the International Convention for the Suppression of Terrorist Bombing (Ratification Law) Law of 2000 (L. 19 (III)/2000)
10. Offence according to article 4 of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries (Ratification Law) Law of 1993 (L. 14 (III)/93)