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REPUBLIC**

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Part I:

BASIC ARTICLES

Article 1 The United Cyprus Republic

1. The United Cyprus Republic is an independent and sovereign state with a single international legal personality and a federal government and consists of two constituent states, namely the Greek Cypriot State and the Turkish Cypriot State.
2. The independence, territorial integrity, security, and constitutional order of the United Cyprus Republic shall be safeguarded and respected by all.
3. Union of Cyprus in whole or in part with any other country, any form of partition or secession, and any other unilateral change to the state of affairs established by the Foundation Agreement and this Constitution is prohibited.
4. The United Cyprus Republic shall be organised under this Constitution in accordance with the basic principles of rule of law, democracy, representative republican government, political equality of Greek Cypriots and Turkish Cypriots, bi-zonality and the equal status of the constituent states.

Article 2 The constituent states

1. The constituent states are of equal status. Each constituent state exercises its authority within the limits of this Constitution and its territorial boundaries as set out in the maps attached to this Constitution.
2. The identity, territorial integrity, security and constitutional order of the constituent states shall be safeguarded and respected by all.
3. The constituent states shall organise themselves freely within the limits of this Constitution and in conformity with the basic principles of rule of law, democracy, and representative republican government under their own Constitutions.

Part II: GENERAL PROVISIONS

Article 3 *Constitution as supreme law*

1. This Constitution, having been democratically adopted by the Greek Cypriots and the Turkish Cypriots through their separately expressed common will, is the supreme law of the land and is binding on all federal authorities and the constituent states. Any act by the federal government or either constituent state in contravention of this Constitution shall be null and void.
2. The federal government shall fully respect and not infringe upon the powers and functions of the constituent states under this Constitution. Each constituent state shall fully respect and not infringe upon the powers and functions of the federal government or the other constituent state under this Constitution. There shall be no hierarchy between federal and constituent state laws.⁵
3. The Supreme Court shall uphold this Constitution and ensure its full respect by other federal organs and the constituent states.

Article 4 *Rule of law*

1. The law is the basis of and limitation for all acts of government at all levels.
2. All acts of government at all levels shall conform with the principles of public interest, proportionality and good faith.
3. The federal government as well as the constituent states shall respect international law, including all treaties binding upon the United Cyprus Republic, which shall prevail over any federal or constituent state legislation.

Article 5 *Secular nature of the United Cyprus Republic*

1. The United Cyprus Republic, its federal government and its constituent states are secular.
2. Religious functionaries shall not hold elected or appointed political or public office.

Article 6 *Demilitarisation of the United Cyprus Republic*

1. The United Cyprus Republic and its constituent states shall be demilitarised. There shall be no paramilitary or reserve forces or military or paramilitary training of citizens.

⁵ **Observation:** This Constitution gives the Supreme Court power to determine the validity of any law.

2. Cyprus shall not put its territory at the disposal of international military operations other than with the consent of the governments of both constituent states.
3. All weapons, except licensed sporting guns, shall be prohibited and the supply of weapons other than in accordance with licensing law shall be an offence carrying a mandatory sentence of a minimum of three years in prison.
4. The constituent states shall prohibit by law violence and the incitement to violence against the United Cyprus Republic, the federal government, the constituent states, or the guarantor powers and shall not tolerate such acts by persons, groups or organisations operating within their boundaries.
5. The provisions of this Article are without prejudice to the provisions of the Treaty of Establishment, the Treaty of Guarantee, the Treaty of Alliance, the mandate of a UN peacekeeping operation in Cyprus and the provisions of this Constitution on federal and constituent state police and the Joint Investigation Agency.

Article 7 *Seat of the federal government*

The seat of the federal government shall be greater Nicosia.

Article 8 *Flags and anthems*

1. The flag of the United Cyprus Republic shall be as attached to this Constitution. It is one and a half times as long as it is high. It consists of five horizontal stripes of unequal width:
 - a. the top stripe is blue (Pantone 2728 C or equivalent) and is 4/20th of the height of the flag;
 - b. the second stripe is white and 1/20th of the height of the flag;
 - c. the middle stripe is yellow (Pantone 123 C or equivalent) and is 10/20th of the height of the flag;
 - d. the fourth stripe is white and is 1/20th of the height of the flag;
 - e. the bottom strip is red (Pantone 485 C or equivalent) and is 4/20th of the height of the flag.

This flag shall be flown alone or together with the flag of the European Union on federal government buildings.

2. The anthem of the United Cyprus Republic shall be as attached to this Constitution.
3. The constituent states shall have their own anthems and flags. The constituent state flag shall be flown on constituent state government buildings, along with and in the same manner as the flag of the United Cyprus Republic and, if constituent state law so provides, that of the

European Union. No other flags shall be flown on constituent state government buildings or public property.⁶

Article 9 *The official languages and promulgation of official acts*

1. The official languages of the United Cyprus Republic are Greek and Turkish. The use of English for official purposes shall be regulated by law.
2. Legislative, executive, administrative and judicial acts and documents of the federal government shall be drawn up in all official languages and shall, unless otherwise provided, be promulgated by publication in the official Gazette of the United Cyprus Republic in all official languages.
3. All persons shall have the right to address the federal authorities in any of the official languages and to be addressed in that same language.
4. The official languages of the United Cyprus Republic shall be taught mandatorily to all secondary school students.

Article 10 *Official Holidays of the United Cyprus Republic*

1. The National Holiday of the United Cyprus Republic shall be the day of the referenda on the Foundation Agreement.
2. In addition to Sundays, the following official holidays shall be observed throughout Cyprus:
 - f. 1 January (New Year's Day);
 - g. 1 May (Labour Day);
 - h. 9 May (Day of Europe);
 - i. 25 December (Christmas);
 - j. Good Friday;
 - k. Easter Monday;
 - l. The first day of Ramadan/Sheker Bayram;
 - m. The first day of Kurban Bayram; and
 - n. The birthday of the Prophet Mohammed.
3. Each constituent state shall determine and observe its own holidays in addition to those of the United Cyprus Republic. Such holidays shall respect the spirit of the Foundation Agreement and the new relationship between Greek Cypriots and Turkish Cypriots.
4. Federal public servants shall be entitled to observe, in addition to the above, the official holidays of either one constituent state or the other.

⁶ **Clarification:** This does not prevent the flying of national flags on the occasion of official visits by foreign dignitaries.

Part III: FUNDAMENTAL RIGHTS AND LIBERTIES

Article 11 Fundamental Rights

1. In accordance with Article 4(3) of this Constitution, the human rights and fundamental freedoms enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Additional Protocols which are in force for the United Cyprus Republic shall be an integral part of this Constitution (catalogue attached). The United Nations Covenant on Civil and Political Rights shall also be an integral part of this Constitution.
2. There shall be no discrimination against any person on the basis of his or her gender, ethnic or religious identity, or internal constituent state citizenship status.
3. There shall be freedom of movement and freedom of residence throughout Cyprus, except as otherwise expressly provided in this Constitution or any other parts of the Foundation Agreement or a Constitutional Law.
4. The rights of religious minorities, namely the Maronite, the Latin and the Armenian, shall be safeguarded. The federal government and the constituent states shall, within their respective spheres of competence, afford minorities the status and rights foreseen in the European Framework Convention for the Protection of National Minorities, in particular the right to administer their own cultural, religious and educational affairs and to be represented in the legislature.
5. Greek Cypriots residing in the Karpas villages of Rizokarpaso/Dipkarpaz, Agialousa/Yeni Erenköy, Agia Trias/Sipahi, Melanarga/Adacay, and Turkish Cypriots residing in the Tillyria villages of Amadhies/Günebakan, Limnitis/Yeşilyirmak, Selemeni/Suleymaniye, Xerovounos/Kurutepe Karovostasi/Gemikonagi, Agios Georgios/Madenliköy and Kokkina/Erenköy, as well as the Mesaoria villages of Pyla/Pile, Skylloura/Yilmazköy and Agios Vasilios/Türkeli shall, within the constituent states in which these villages are situated, enjoy the right to administer their own cultural, religious and educational affairs and to be represented in the constituent state legislature and to be consulted on matters of zoning and planning regarding their villages. Residents of the village of Kormakiti shall enjoy equal treatment to long-term residents of the Turkish Cypriot State with regard to sale and purchase of properties located within the Turkish Cypriot State and the 1960 boundaries of the village of Kormakiti.

Article 12 Citizenship

1. There is a single Cypriot citizenship.

2. All persons holding Cypriot citizenship shall also enjoy internal constituent state citizenship status as provided for by Constitutional Law. Such status is complementary to and does not replace Cypriot citizenship. Only Cypriot citizens shall enjoy internal constituent state citizenship status.
3. Where any provision of this Constitution or of the Foundation Agreement refers to the constituent state origins of a person (or where a person hails from), the criterion shall be the holding of internal constituent state citizenship status. No one may hold the internal constituent state citizenship status of both constituent states.

Article 13 *Exercise of political rights*

Cypriot citizens who are at least 18 years old shall enjoy political rights at the federal level and exercise them based on their internal constituent state citizenship status.

Part IV: THE FEDERAL GOVERNMENT AND THE CONSTITUENT STATES

Article 14 *Competences and functions of the federal government*

1. The federal government shall, in accordance with this Constitution, sovereignly exercise legislative and executive competences in the following matters:
 - a. External relations, including conclusion of international treaties and defence policy;⁷
 - b. Relations with the European Union;⁸
 - c. Central Bank functions, including issuance of currency, monetary policy and banking regulations;
 - d. Federal finances, including budget and all indirect taxation (including customs and excise), and federal economic and trade policy;
 - e. Natural resources, including water resources;⁹
 - f. Meteorology, aviation,¹⁰ international navigation and the continental shelf and territorial waters¹¹ of the United Cyprus Republic;

⁷ **Reference:** Defence policy must be formulated and exercised in accordance with agreed security arrangements, and the international obligations of Cyprus.

⁸ **Observation:** This power authorises the federal government to take necessary measures for the participation of Cyprus in the Economic and Monetary Union, the Common European Security and Defence (non-military matters) Policy and the “enhanced cooperation” within the meaning of the Treaty on the European Union.

⁹ **Observation:** Fisheries and agriculture are within the competences of the constituent states.

- g. Communications (including postal, electronic and telecommunications);
 - h. Cypriot citizenship (including issuance of passports) and immigration (including asylum, deportation and extradition of aliens);
 - i. Combating terrorism, drug trafficking, money laundering and organised crime;
 - j. Pardons and amnesties (other than for crimes concerning only one constituent state¹²);
 - k. Intellectual property and weights and measures; and
 - l. Antiquities.
2. Incidental to the above competences and to other provisions of this Constitution, the federal government shall exercise legislative and executive competences over federal administration (including public service, federal police, as well as its independent institutions and officers); federal elections and referenda; offences against federal laws; federal administration of justice; federal property, including public works for federal facilities and expropriation; and like matters which are clearly incidental to the specified powers of the federal government.
 3. The federal government shall, as appropriate, entrust the implementation of its laws, including the collection of certain forms of taxes, to constituent state authorities.
 4. Obligations of the United Cyprus Republic under international treaties shall be implemented by the federal government or constituent state authority which enjoys legislative competence in the subject matter to which the treaty pertains.
 5. The federal government shall confer upon the constituent states a portion of its revenue from indirect taxation as provided for by special majority law.

Article 15 Competences and functions of the constituent states

1. The constituent states shall, within the limits of this Constitution, sovereignly exercise within their territorial boundaries all competences and functions not vested by this Constitution in the federal government.¹³

¹⁰ **Observation:** In conformity with the principle of *eiusdem generis*, this covers all matters related to aviation, including the airspace of the United Cyprus Republic and the Flight Information Region (FIR). This is without prejudice to ownership of airports or airlines.

¹¹ **Observation:** In conformity with the principle of *eiusdem generis*, this includes all matters regulated by the 1982 United Nations Convention on the Law of the Sea. This is without prejudice to ownership of seaports.

¹² **Observation:** This proviso is to be understood as crimes against a constituent state's law where (all) perpetrator(s) and victim(s) hail from that constituent state.

¹³ **Observation:** These include security, law and order and the administration of justice within their territorial boundaries.

2. The constituent states shall have primary criminal jurisdiction over offences against federal laws, unless such jurisdiction is reserved for the Supreme Court of Cyprus by federal legislation.
3. The police of a constituent state shall be stationed and operate exclusively within that constituent state¹⁴ and shall be responsible for the protection and enforcement of law and order and public safety within that constituent state, including offences against federal laws, without prejudice to the functions of the federal police and the Joint Investigation Agency. A Constitutional Law shall regulate the strength and equipment of constituent state police and a Cooperation Agreement between the federal government and the constituent states shall provide for cooperation on police matters.

Article 16 Cooperation and coordination

1. Where expressly provided for in this Constitution, legislative matters may be regulated in a manner binding upon the federal government and the constituent states, through Constitutional Laws. Such laws shall be approved by the federal Parliament and both constituent state legislatures in accordance with procedures set down in a Constitutional Law and shall have precedence over any other federal or constituent state laws.
2. The constituent states may conclude agreements with each other or with the federal government. Such agreements may create common organisations and institutions on matters within the competence of the parties. Such agreements shall have the same legal standing as Constitutional Laws, provided they have been approved by the federal Parliament and both constituent state legislatures.
3. The constituent states shall strive to coordinate or harmonise their policy and legislation, including through agreements, common standards and consultations wherever appropriate, in particular on the following matters:
 - a. Tourism;
 - b. Protection of the environment and use and conservation of energy;
 - c. Fisheries and agriculture;
 - d. Industry and commerce, including insurance, consumer protection, professions and professional associations;
 - e. Zoning and planning, including for overland transport;
 - f. Sports and education;
 - g. Health, including regulation of tobacco, alcohol and drugs, and veterinary matters;
 - h. Social security and labour;

¹⁴ **Observation:** This is without prejudice to the right of hot pursuit as agreed in the Cooperation Agreement on Police Matters.

- i. Family, company and criminal law; and
 - j. Acceptance of validity of documents.
4. Either constituent state or any branch of the federal government may initiate the coordination or harmonisation process.
5. Agreements on such coordination or harmonisation shall be approved by the competent branch of the constituent state governments and, if federal participation is required, by the competent branch of the federal government.
6. The federal government shall support, both financially and logistically, cooperative endeavours between the constituent states or between municipalities and villages located in different constituent states.
7. The federal government and the constituent states shall accept valid documents issued by government authorities and educational, medical and other public service institutions.

Article 17 *Joint Investigation Agency*

There shall be a Joint Investigation Agency, comprising federal and constituent state police personnel and reporting to the federal Attorney-General. Its composition and functions, as well as the strength and equipment of the federal and constituent state police, shall be regulated by Constitutional Law.

Article 18 *External relations*

1. Cyprus shall maintain special ties of friendship with Greece and Turkey, respecting the balance established by the Treaty of Guarantee and the Treaty of Alliance and the Foundation Agreement, and shall by agreement on appropriate terms accord them most favoured-nation treatment to the extent that this is compatible with its obligations as a member of the European Union and under the Treaty of Establishment.
2. The constituent states shall be consulted on federal decisions on external relations that affect their competences.
3. The constituent states may appoint representatives on commercial¹⁵ and cultural matters¹⁶, who shall be accredited as part of diplomatic missions of Cyprus.
4. The constituent states may also conclude agreements on commercial¹⁷ and cultural matters¹⁸ with authorities of States that have relations with the United Cyprus Republic, provided that such agreements do not

¹⁵ **Observation:** Commercial matters includes economic investment and financial assistance.

¹⁶ **Observation:** Cultural matters includes the arts, education and sports.

¹⁷ **Observation:** Commercial matters includes economic investment and financial assistance.

¹⁸ **Observation:** Cultural matters includes the arts, education and sports.

cause prejudice to the United Cyprus Republic, the authority of the federal government, or the other constituent state, and are compatible with the European Union membership of Cyprus.

5. In the exercise of the powers conferred by paragraphs 3 and 4 of this Article, the following procedures shall be observed:
 - a. The constituent states shall use the channel of the federal ministry of foreign affairs for contacts at a political level with foreign governments; and
 - b. The constituent states may have direct contacts with constituent- or sub-entities or subordinate authorities of other states. In this case they shall inform the federal ministry of foreign affairs upon starting negotiations on any agreement with such authorities and continue to advise on the progress and outcome of such negotiations.
6. A Cooperation Agreement between the federal government and the constituent states on external relations shall regulate the implementation of this Article.

Article 19 *Cyprus as a member of the European Union*

1. The United Cyprus Republic shall be a member of the European Union.
2. The governments of the constituent states shall participate in the formulation of the policy of Cyprus in the European Union.
3. Cyprus shall be represented in the European Union by the federal government in its areas of competence or where a matter predominantly concerns an area of its competence. Where a matter falls predominantly or exclusively into an area of competence of the constituent states, Cyprus may be represented either by a federal government or a constituent state representative, provided the latter is able to commit Cyprus.
4. Obligations of the United Cyprus Republic arising out of European Union membership shall be implemented by the federal or constituent state authority which enjoys legislative competence for the subject matter to which an obligation pertains.¹⁹ Where the *acquis communautaire* prescribes the creation of single national administrative structures, such structures and the necessary regulations will be established at federal government level. Where the *acquis communautaire* prescribes the creation of coordination or cooperation bodies, such bodies shall be established by Cooperation Agreements. The establishment of other administrative structures necessary for the implementation of the *acquis communautaire* will be decided on the basis of efficiency requirements.

¹⁹ **Observation:** Penalties, fines or damages imposed on the United Cyprus Republic by European Union institutions shall be borne by the responsible federal or constituent state authority.

5. If a constituent state fails to fulfil obligations of the United Cyprus Republic vis-à-vis the European Union within its area of competence and the United Cyprus Republic may be held responsible by the Union, the federal government shall, after notification of no less than 90 days (or a shorter period if indispensable according to European Union requirements), take necessary measures in lieu of the defaulting constituent state, to be in force until such time as that constituent state discharges its responsibilities.
6. Paragraphs 2-5 of this Article shall be the subject of a Cooperation Agreement between the federal government and the constituent states.
7. Any new treaty or agreement on the European Union and amendments to the treaties on which the European Union is founded or acts of accession of any applicant states to the European Union, or any agreement entered into by the European Union together with its member states, shall be ratified by Cyprus unless this is opposed by the federal Parliament and both constituent state legislatures. The President or the Vice-President of the Presidential Council shall be entitled to sign the respective instrument of ratification and thereby bind the United Cyprus Republic.
8. No provision of this Constitution shall invalidate laws, acts or measures by the federal government or the constituent states required by the obligations of European Union membership, or prevent laws, acts or measures by the European Union, or institutions thereof, from having the force of law throughout Cyprus.

Part V: FEDERAL INSTITUTIONS

Article 20 Eligibility and incompatibility and discharge of duties

1. Unless otherwise provided by this Constitution or law, a person shall be qualified to be elected or appointed to serve in the federal institutions if he or she is a citizen of the United Cyprus Republic and has reached the age of 18.
2. Unless otherwise provided by this Constitution or law, no person may be a member of more than one branch of the federal government or of the federal government and a constituent state government.
3. Persons elected to or appointed to serve in the federal institutions shall act in the best interests of the federal government.

Article 21 *Federal government immunities and exemptions*

1. Members of Parliament, the Presidential Council, the Supreme Court and the Board of Directors of the Central Bank of Cyprus, as well as the Independent Officers, shall enjoy immunity from arrest or judicial prosecution unless federal law provides otherwise.
2. Federal property used for official purposes shall be exempt from the application of constituent state legislation, including taxation. Such property shall be under the direct and sole authority of the federal government. The constituent states shall assist the federal police in assuring the safety of federal property located within their territorial boundaries.

Section A: The Legislature

Article 22 *Composition and election of Parliament*

1. The federal Parliament shall be composed of two Chambers: the Senate and the Chamber of Deputies.
2. Each Chamber shall have 48 members, elected for five years on the basis of proportional representation. The constituent states shall serve as electoral precincts unless special majority law provides otherwise, in which case each precinct may have no less than ten seats.
3. The Senate shall be composed of an equal number of Greek Cypriot and Turkish Cypriot senators. They shall be elected on a proportional basis by the citizens of Cyprus, voting separately as Greek Cypriots and Turkish Cypriots, in accordance with the law.
4. The Chamber of Deputies shall be composed of deputies from both constituent states, with seats attributed on the basis of the number of persons holding internal constituent state citizenship status of each constituent state; provided that each constituent state shall be attributed a minimum of one quarter of the seats.
5. The Maronite, Latin and Armenian minorities shall each be represented by no less than one deputy. Members of such minorities shall be entitled to vote for the election of such deputies irrespective of their internal constituent state citizenship status. Such deputies shall be counted against the quota of the constituent state where the majority of the members of the respective minority reside.

Article 23 *Organisation*

1. The law shall regulate the time and duration of the ordinary sessions of the federal Parliament. At any time, the Presidential Council or one

quarter of sitting members of either Chamber may convene Parliament for an extraordinary session.

2. Each Chamber shall elect a President and two Vice-Presidents, one from each constituent state, for a period of five years. The Presidents of the two Chambers shall not come from the same constituent state, nor shall two consecutive Presidents of either Chamber. The Vice President who does not come from the same constituent state as the President of the relevant Chamber shall be the First Vice-President of that Chamber.
3. Each Chamber shall organise its own committees in accordance with the law.
4. Each Chamber shall require the presence of a majority of sitting members in order to take decisions.
5. The law shall regulate the obligation of members of Parliament to attend meetings and the consequences of failure to do so without authorisation.

Article 24 Powers

1. Parliament shall legislate and take decisions.
2. Parliament shall approve international treaties for ratification²⁰, except where it has delegated that power to the Presidential Council.
3. Parliament shall elect and oversee the functioning of the Presidential Council.
4. Parliament may by special majority refer to the Supreme Court allegations of impeachment regarding the members of the Presidential Council and of organs of the independent institutions, and independent officers, for grave violations of their duties or serious crimes.
5. Parliament shall adopt the federal budget.

Article 25 Procedure

1. Unless otherwise specified in this Constitution, decisions of Parliament need the approval of both Chambers with simple majority of members present and voting, including one quarter of senators present and voting from each constituent state.
2. A special majority comprising at least two fifths of sitting senators from each constituent state, in addition to a simple majority of deputies present and voting, shall be required for:

²⁰ **Observation:** This is without prejudice to the entry into force upon signature of the Treaty between Cyprus, Greece, Turkey and the United Kingdom on Matters related to the New State of Affairs in Cyprus as provided for in Annex IX of the Foundation Agreement, by the Co-Presidents in accordance with Article 55 of this Constitution.

- a. Ratification of international agreements on matters which fall within the legislative competence of the constituent states;²¹
 - b. Ratification of treaties and adoption of laws and regulations concerning the airspace, continental shelf and territorial waters of the United Cyprus Republic, including the exclusive economic zone and the contiguous zone;
 - c. Adoption of laws and regulations concerning citizenship, immigration, water resources and taxation;
 - d. Approval of the federal budget;
 - e. Election of the Presidential Council; and
 - f. Other matters which specifically require special majority approval pursuant to other provisions of this Constitution.
3. The law shall provide for a conciliation mechanism between the Chambers of Parliament.

Section B: The Executive

Article 26 The Presidential Council

1. The Office of Head of State is vested in a Presidential Council, which shall exercise the executive power. The Council shall have six voting members. Parliament may elect additional, non-voting members. Unless it decides otherwise by special majority, it shall elect three non-voting members.
2. All members of the Presidential Council shall be elected by Parliament for a fixed five-year term on a single list by special majority. The list shall specify the voting members.
3. Members of the Presidential Council shall not hold any other public office or private position.
4. The members of the Presidential Council shall continue to exercise their functions after expiry of their term in office until a new Council has been elected.
5. In the event of a vacancy in the Council, a replacement shall be elected by Parliament by special majority for the remainder of the term of office.
6. The composition of the Presidential Council shall be proportional to the numbers of persons holding the internal constituent state citizenship status of each constituent state, though at least one third of voting members and one third of non-voting members must hail from each constituent state.

²¹ **Reference:** This is without prejudice to the special rules defined in Article 19(7) regarding ratification of European Union acts that require unanimity of European Union member states.

7. The Presidential Council shall strive to reach all decisions by consensus. Where it fails to reach consensus, it shall make decisions by simple majority of members present and voting unless otherwise stated in this Constitution. Such majority must in all cases comprise at least one member from each constituent state. In case of absence, a voting member may delegate his/her voting right to a non-voting member.
8. Notwithstanding voting rights, the members of the Presidential Council shall be equal. Any member of the Council shall be able to place an item on the agenda of the Council.
9. The Presidential Council may, where appropriate, invite the heads of government of the constituent states to participate without a vote in its meetings.
10. The Presidential Council shall suggest candidates or appoint members for European Union and international bodies.

Article 27 *The President and the Vice-President of the Council*

1. The Council shall decide on the rotation of the offices of the President and Vice-President among its members. Unless the voting members of the Council unanimously decide otherwise, the following arrangements shall apply:
 - a. Two members of the Council, not hailing from the same constituent state, shall be elected by the Council on a single list; and
 - b. They shall rotate in the exercise of the offices of the President and Vice-President of the Council every twenty calendar months. The first President of the Council in each term shall be the member hailing from the more populous constituent state.
2. The Vice-President of the Council shall assume the duties of the President in the absence or temporary incapacity of the President.
3. The President of the Council shall convene and chair the meetings of the Presidential Council.
4. Neither the President nor the Vice President of the Council shall have a casting vote.

Article 28 *The Departments*

1. The Presidential Council shall attribute the departments among its members. It may decide that some members shall be without portfolio.
2. Where the Council is unable to reach a decision on the attribution of departments, the choice shall be in order of strength of party representation in the Senate.

3. The heads of the Departments of Foreign Affairs and European Union Affairs shall not hail from the same constituent state.
4. The heads of department shall prepare and execute decisions of the Presidential Council relating to their departments.

Article 29 *Representation of the Presidential Council*

1. The President of the Council shall represent the Presidential Council as Head of State.
2. In representing the Presidential Council as Head of State, the President shall attend official functions, sign and receive credentials of diplomatic envoys, and confer the honours of the United Cyprus Republic.
3. The President of the Council shall represent the United Cyprus Republic at meetings of heads of government.
4. The President of the Council, when representing Cyprus at meetings of the European Council, shall be accompanied by the Vice-President.
5. The heads of the relevant Departments shall represent the United Cyprus Republic at meetings of government ministers unless otherwise provided for by law or by agreement between the federal government and the constituent states.
6. Where an international meeting is likely to address vital interests of a constituent state, and the Council representative to that meeting hails from the other constituent state, the Council shall, upon special request of a majority of Council members from the interested constituent state, appoint a member from that constituent state to accompany the Council representative, provided delegations to such meetings may comprise more than one person.
7. Any representative of the United Cyprus Republic at international meetings shall be bound by decisions of the Presidential Council. Where the Council has appointed one of its members to accompany its representative in accordance with paragraph 5 of this Article, the representative of Cyprus shall exercise any discretion in concord with such member.

Article 30 *Federal administration*

1. A Public Service Commission composed of men and women hailing in equal numbers from each constituent state shall have authority to appoint and promote federal public servants. It shall take its decisions in accordance with the law.
2. The composition of the public service shall, where not otherwise specified in this Constitution or special majority law, be proportional to

the population of the constituent states, though at least one-third of the public servants at every level of the administration must hail from each constituent state.

3. A federal public servant may not simultaneously serve as a public servant of a constituent state.

Article 31 The federal police

There shall be a federal police composed of an equal number of personnel hailing from each constituent state. The federal police shall control Cyprus' border and protect federal officials, buildings and property, as well as foreign dignitaries and diplomatic missions.

Section C: Independent Officers and Institutions

Article 32 Central Bank of Cyprus

1. The Central Bank of Cyprus shall be the monetary authority of the United Cyprus Republic. It shall issue currency, define and implement monetary policy and regulate and supervise credit institutions.
2. The Central Bank shall be independent from other arms of the federal government and operate in accordance with European Union requirements.
3. The primary objective of the Central Bank of Cyprus shall be to maintain price stability.
4. The organs of the Central Bank shall be the Governor and the Deputy-Governor, the Board of Directors and the Monetary Policy Committee. Their composition shall be as follows:
 - a. The Governor and Deputy Governor shall not hail from the same constituent state. They shall be appointed by the Presidential Council;
 - b. The Board of Directors shall consist of five members, including the Governor and Deputy Governor, with at least two members hailing from each constituent state. One member may be a non-Cypriot; and
 - c. The Monetary Policy Committee shall consist of seven members, including the Governor and the Deputy Governor, as well as any non-Cypriot member of the Board of Directors, with at least three members hailing from each constituent state.

All decisions of the Board of Directors and the Monetary Policy Committee shall be taken by simple majority. The law shall otherwise

regulate the appointment of members to the organs of the Central Bank and their decision-making procedures.

5. The Governor and Deputy Governor shall be appointed for a term of seven years. The other members of the Board of Directors shall be appointed for a term of five years, and the other members of the Monetary Policy Committee for a term of seven years.
6. Within the framework of the European Union the responsibilities and powers of the Central Bank of Cyprus may be transferred to the European Central Bank.
7. The law may provide for the establishment of branches of the Central Bank in each constituent state, and for inclusion of branch directors in the Board of Directors of the Central Bank.

Article 33 *Other independent officers*

1. The Attorney-General and the Deputy Attorney-General and the Auditor-General and the Deputy Auditor-General shall be independent officers and not come under any department. They shall be appointed by the Presidential Council for a non renewable term of office of nine years but no longer than until their 75th birthday.
2. The Attorney-General and the Auditor-General shall not hail from the same constituent state nor shall the Attorney-General and the Deputy Attorney-General or the Auditor-General and the Deputy-Auditor General.

Article 34 *The office of the Attorney-General and the Deputy Attorney-General*

1. The Attorney-General and the Deputy Attorney-General shall be the Head and Deputy Head, respectively, of the Federal Law Office. They shall be appointed and hold office in the same manner and under the same terms and conditions as judges of the Supreme Court of Cyprus and shall not be removed from office except on like grounds and in the same manner as such a judge.
2. The Attorney-General, assisted by the Deputy Attorney-General, shall be the legal adviser of the federal government and shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him/her by this Constitution or by law.
3. The Attorney-General shall have power, exercisable at his/her discretion in the public interest, to institute, conduct, take over and continue or discontinue any proceedings regarding offences against federal law against any person in the United Cyprus Republic.

4. The law shall regulate further aspects of the office of the Attorney-General and the Deputy Attorney-General.

Article 35 *The office of the Auditor-General and the Deputy Auditor-General*

1. The Auditor-General and Deputy Auditor-General shall be the Head and Deputy Head, respectively, of the Federal Audit Office. They shall be members of the federal public service and shall not be retired or removed from office except on like grounds and in like manner as judges of the Supreme Court of Cyprus.
2. The Auditor-General, assisted by the Deputy Auditor-General, shall, on behalf of the federal government, control all disbursements and receipts and audit and inspect all accounts of moneys and other assets administered, and of liabilities incurred, by or under the authority of the federal government and for this purpose, shall have the right of access to all books, records and returns relating to such accounts and to places where such assets are kept.
3. The Auditor-General, assisted by the Deputy Auditor-General, shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him/her by law. The Auditor-General shall submit annually a report on the exercise of his functions and duties under this Constitution to the Presidential Council who shall cause it to be laid before Parliament.

Section D: The Judiciary

Article 36 *The Supreme Court of Cyprus*

1. The Supreme Court of Cyprus shall count an equal number of judges from each constituent state among its members. The Presidential Council shall appoint the judges, for a non-renewable term of nine years, in accordance with criteria and procedures stipulated in a special majority law which shall also fix the number of judges.
2. The Supreme Court shall have exclusive jurisdiction over disputes between the constituent states, between one or both constituent states and the federal government and between organs of the federal government.
3. The Supreme Court shall have exclusive jurisdiction to determine the validity of any federal or constituent state law under this Constitution or any question that may arise from the precedence of Constitutional laws. Upon request of constituent state courts or other federal or constituent state authorities it may do so in the form of a binding opinion.

4. The Supreme Court shall be the appeals court in all other disputes on matters which involve the interpretation or an alleged violation of the Foundation Agreement, this Constitution, federal laws (including federal administrative decisions), or treaties binding upon the United Cyprus Republic.²²
5. The Supreme Court shall have primary jurisdiction over violations of federal law where provided by federal legislation.
6. If a deadlock arises in one of the federal institutions preventing the taking of a decision without which the federal government or its institutions could not properly function, or the absence of which would result in a substantial default on the obligations of the United Cyprus Republic as a member of the European Union, the Supreme Court may, upon application of a member of the Presidential Council, the President or Vice-President of either Chamber of Parliament, or the Attorney-General or the Deputy Attorney-General, take an ad interim decision on the matter, to remain in force until such time as a decision on the matter is taken by the institution in question. In so acting, the Supreme Court shall exercise appropriate restraint. The Law on the Central Bank may exempt the Central Bank from this provision.
7. The Supreme Court of Cyprus shall sit as a Constitutional Court or as a Court of Primary Federal Jurisdiction. Judges shall be appointed to serve either on the Constitutional Court or the Court of Primary Federal Jurisdiction. The law shall regulate the number of judges serving in each court, the attribution of competence to each court, the division of the two courts into chambers, and any right of appeal within either court or from the Court of Primary Federal Jurisdiction to the Constitutional Court.
8. The Supreme Court shall strive to reach its decisions by consensus and issue joint judgments of the Court. However, all decisions of the Supreme Court may be taken by simple majority as specified by law.

Part VI: AMENDMENTS OF THIS CONSTITUTION

Article 37 Amendments of this Constitution

1. Amendments of this Constitution, including the attachments which are an integral part of it, shall be considered and adopted by the federal

²² **Observation:** this includes the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms and its Additional Protocols in force for Cyprus.

Parliament after consultation with the constituent state governments and interested sectors of society.

2. The Basic Articles of this Constitution cannot be amended.
3. After adoption by both Chambers of Parliament, proposed amendments shall be submitted to referendum for approval by separate majority of the people in each constituent state.
4. Amendments shall enter into force 90 days after their approval, unless the amendment otherwise provides.

Part VII: TRANSITIONAL PROVISIONS

Article 38 Constituent state institutions

1. The transitional institutions of the constituent states, namely the legislature, the executive and the judiciary, shall be in place upon entry into force of the Foundation Agreement in accordance with the constituent state constitutions and the commitments in the Comprehensive Settlement of the Cyprus Problem.
2. On 13 June 2004, all popularly elected office-holders of the constituent states shall be elected simultaneously with the elections for the federal and European Parliaments.

Article 39 Transitional federal Parliament and delegates to the European Parliament

1. On the day of entry into force of the Foundation Agreement, each newly elected constituent state legislature shall designate from among its membership 24 delegates to the federal Parliament. To this effect, each group in a constituent state legislature shall designate as many delegates as corresponds to its proportional strength in the legislature. In addition, the Greek Cypriot State legislature shall designate four delegates of Cyprus to the European Parliament, and the Turkish Cypriot State legislature shall designate two delegates.
2. The transitional parliament shall exercise the constitutional functions and prerogatives of the federal Parliament in accordance with the procedural provisions in this Constitution regarding the Senate.
3. On 13 June 2004, the senators and deputies, as well as Cypriot delegates to the European Parliament, shall be elected in accordance with this Constitution and European Community law. The newly elected Parliament shall assume its functions on 1 July 2004.

Article 40 *Transitional Head of State*

1. Until such time as the newly elected federal Parliament shall have elected a Presidential Council, the office of the Head of State shall be vested in the Co-Presidency.
2. The Co-Presidents shall be the persons whose names are communicated to the Secretary-General of the United Nations no later than two days after successful referenda or, in the absence of such communication, the head of government of the relevant constituent state.
3. In case of resignation or permanent incapacity of either Co-President, the legislature of the relevant constituent state shall elect a replacement.
4. The Co-Presidents shall alternate every calendar month in representing the Co-Presidency as Head of State, beginning with the Co-President hailing from the more populous constituent state.

Article 41 *Transitional federal government*

1. Until such time as the newly elected federal Parliament shall have elected a Presidential Council, the Council of Ministers shall act as the Government of the United Cyprus Republic.
2. Upon entry into force of the Foundation Agreement, the members of the Council of Ministers shall be those persons whose names were communicated to the Secretary-General of the United Nations no later than two days after successful referenda.
3. The Greek Cypriot members of the Council of Ministers shall head the departments of European Affairs, Finance and Justice and Home Affairs. The Turkish Cypriot members of the Council of Ministers shall head the departments of Communications and Natural Resources, Foreign Affairs and Defence, and Trade and Economy. These departments shall be composed in accordance with the list of offices and personnel dated 16 April 2004.
4. After the elections of 13 June 2004, the newly elected Parliament shall elect a Presidential Council in accordance with the provisions of this Constitution.
5. The first elected Presidential Council shall exercise all functions in accordance with the provisions of this Constitution. However, the office of President and Vice-President shall rotate every ten months between the two elected members.

Article 42 ***Participation of heads of government of constituent states in meetings of Presidential Council***

During the first ten years after entry into force of the Foundation Agreement, the heads of government of the constituent states shall be invited to participate without a vote in meetings of the Council of Ministers and, later, the Presidential Council.

Article 43 ***Transitional independent officers***

1. The transitional independent officers of the United Cyprus Republic shall serve until the Presidential Council shall have appointed the independent officers in accordance with this Constitution but no longer than 31 July 2004.²³
2. The transitional Attorney-General of the United Cyprus Republic shall be the Attorney-General of the Turkish Cypriot State and the transitional Deputy Attorney-General of the United Cyprus Republic shall be the Deputy Attorney-General of the Greek Cypriot State. In the exercise of their functions under this Constitution, they shall act in consensus.
3. The transitional Auditor-General of the United Cyprus Republic shall be the Auditor-General of the Greek Cypriot State and the transitional Deputy Auditor-General of the United Cyprus Republic shall be the Deputy Auditor-General of the Turkish Cypriot State. In the exercise of their functions under this Constitution, they shall act in consensus.

Article 44 ***Central Bank***

1. Upon entry into force of the Foundation Agreement, the members of the Board of Directors shall be those Cypriots and non-Cypriots informed by the Secretary-General prior to the entry into force of the Foundation Agreement of their prospective appointment pursuant to the Comprehensive Settlement.
2. The Governor and Deputy Governor, as well as the other members of the Board of Directors of the Central Bank shall assume their functions immediately upon entry into force of the Foundation Agreement. They shall exercise the powers provided for the Board of Directors and the Monetary Policy Committee in the Constitution until the Monetary Policy Committee takes office.

²³ **Observation:** In case of a failure of the Presidential Council to appoint the independent officers, the Supreme Court shall do so in accordance with Article 36.6.

Article 45 *Judges of the Supreme Court*

1. Upon entry into force of the Foundation Agreement, the judges and registrars of the Supreme Court shall be those Cypriots and non-Cypriots informed by the Secretary-General prior to the entry into force of the Foundation Agreement of their prospective appointment pursuant to the Comprehensive Settlement.
2. The judges of the Supreme Court, who shall serve as members of the Constitutional Court, shall assume their functions immediately upon entry into force of the Foundation Agreement and shall remain in office for 36 calendar months, unless the federal Parliament decides with special majority to extend their terms.
3. The Registrar, who shall be a non-Cypriot, and two Deputy Registrars of the Supreme Court shall assume their functions immediately upon entry into force of the Foundation Agreement. They will remain in office for 36 calendar months, when they shall be replaced in accordance with the law.
4. The judges who shall serve on the Court of Primary Federal Jurisdiction shall be appointed by the Presidential Council in the course of the month of July 2004. Until then, the other judges of the Supreme Court shall exercise the functions attributed to the Court of Primary Federal Jurisdiction.

Article 46 *Public Service*

1. Any person holding any public office whatsoever in any authority in Cyprus immediately prior to the coming into being of the new state of affairs is a member of the public service of the United Cyprus Republic.²⁴
2. Any such person whose name is not included in the list of offices and personnel of the federal government dated 16 April 2004 shall serve in the public service of the relevant constituent state.
3. Any such person whose name is included in the list of offices and personnel of the federal government dated 16 April 2004 shall serve in the public service of the federal government.
4. The Law shall specify implementation procedures and timeframes, not exceeding three years from the entry into force of the Foundation Agreement, for the full implementation of the provisions of this Constitution relating to the composition of the federal public service for the different branches of that service.

²⁴ **Observation:** The term Cyprus here is to be understood in the sense of the island of Cyprus excluding the Sovereign Base Areas. The phrase “authority in Cyprus” extends to any foreign posting in service of such authority.

Article 47 *Responsibility for debts incurred prior to the entry into force of the Foundation Agreement*

1. As a matter of principle, debts incurred between 1964 and the entry into force of the Foundation Agreement shall be serviced and paid by the constituent state whose population benefited from the relevant loan. If a loan was used for public works and infrastructure which, after entry into force of the Foundation Agreement, benefit the whole of Cyprus, the relevant debt shall be serviced and paid by the federal government. The same applies to debts incurred prior to 1964 and their refinancing.
2. The federal government shall however assume responsibility for all external debts other than debts to Greece or Turkey or debts from purchase of armaments, which shall be assumed by the relevant constituent state. The internal financial responsibility for servicing and repayment of such debts shall nonetheless be borne in accordance with the above paragraph.

Article 48 *Treaties in the Annex to the Foundation Agreement*

1. During the first two years after entry into force of the Foundation Agreement, a constituent state may object to a particular treaty having been listed in the relevant Annex to the Foundation Agreement, or any reservation or declaration related to such treaty, on grounds of incompatibility with the Foundation Agreement.²⁵ Such objection shall be addressed to the Council of Ministers or the Presidential Council.
2. Upon receipt of such objection, the Council of Ministers or the Presidential Council shall within two weeks decide on the compatibility of the treaty with the Foundation Agreement. If they cannot reach a decision within that time, they shall immediately refer the matter to the Supreme Court which shall decide without delay.
3. Where in accordance with the procedure in paragraph 2 a treaty is determined to be incompatible with the Foundation Agreement, Cyprus shall denounce or otherwise terminate the treaty as soon as possible under international law.²⁶
4. Where in accordance with the procedure in paragraph 2 a determination is made that particular provisions of a treaty are incompatible with the Foundation Agreement and separable from the other provisions of the treaty, Cyprus shall seek a modification of the treaty. If the other High Contracting Party does not agree to the modification, Cyprus shall denounce or otherwise terminate the treaty as soon as possible under international law.

²⁵ **Observation:** Since the Foundation Agreement provides for the membership of Cyprus in the European Union, the term “Foundation Agreement” in this Article includes obligations arising out of membership in the European Union.

²⁶ **Observation:** The reference to “international law” in this Article includes the 1969 Vienna Convention on the Law of Treaties.

5. Upon request of either constituent state within six months of entry into force of the Foundation Agreement, the Council of Ministers or the Presidential Council may accord a transitional period for the application of a treaty in either constituent state where this seems appropriate, and shall inform the other High Contracting Party accordingly.
6.
 - a. A constituent state may ask the Council of Ministers or the Presidential Council during the first two years after entry into force of the Foundation Agreement, to transmit a request to the other High Contracting Party to a treaty listed in Annex V of the Foundation Agreement to modify that treaty, so that it shall not apply to that constituent state, if
 - i) the scope of the treaty falls exclusively within the competence of the constituent states; and
 - ii) the treaty is of a nature that would permit its application to only one of the constituent states.
 - b. The Council of Ministers or the Presidential Council shall consider favourably the request. If they decide positively, they shall request the other High Contracting Party accordingly.
 - c. If conditions (i) and (ii) of paragraph 6(a) are fulfilled, and the treaty, in addition, is on commercial or cultural matters, the Council of Ministers or the Presidential Council shall request the other High Contracting Party accordingly.
 - d. If the other High Contracting Party is either Greece or Turkey, the operation of the treaty shall be suspended in the territory of the requesting constituent state.
 - e. If the other High Contracting Party refuses a request made under 6 (b) or (c) above, the treaty shall remain in force for the entire territory of the United Cyprus Republic.

Article 49 *Federal Laws attached to the Foundation Agreement*

1. The laws and Cooperation Agreements attached to the Foundation Agreement shall have the same status as if they had been adopted in accordance with the procedures provided for in this Constitution and subsequent to the entry into force of the Main Articles of the Foundation Agreement and this Constitution. They may therefore be amended in accordance with normal procedure and their compatibility with the Main Articles of the Foundation Agreement and this Constitution is therefore subject to review by the Supreme Court.
2. The Federal Parliament shall, upon request of sixteen members from one of its Chambers, review any of the laws attached to the Foundation Agreement with regard to their compatibility with the Main Articles of the Foundation Agreement and this Constitution.

Article 50 *Teaching of official languages*

The mandatory teaching of the official languages of the United Cyprus Republic to all secondary school students prescribed in Article 9(4) shall commence no later than three years after entry into force of the Foundation Agreement.

Article 51 *State-owned property*

1. Public property, other than federal property listed in an attachment to this Constitution or municipal property, is the property of the constituent state in which it is located.
2. The Co-Presidents and the heads of government of the constituent states shall agree on the list of federal property no later than three months after entry into force of the Foundation Agreement. Should they fail to agree, the transitional Supreme Court shall decide on this list based on representations by all interested parties. Such properties shall be considered as federal properties from the date of entry into force of the Foundation Agreement unless otherwise decided.

Article 52 *Economic transition and harmonisation*

1. In the first years after entry into force of the Foundation Agreement, federal economic policy shall give special attention to the harmonisation and convergence of the economies of the constituent states within the shortest possible time.
2. Without prejudice to the application of European Union law, the Foundation Agreement and the new state of affairs shall not be construed as altering rights enjoyed by businesspeople under import and/or distribution licenses prior to entry into force of the Foundation Agreement, and such licenses shall where possible be construed as licensing such persons to continue operating their businesses in their constituent state after entry into force of the Foundation Agreement.²⁷
3. Persons holding bank accounts in foreign currency in Cyprus upon entry into force of the Foundation Agreement shall be allowed to maintain such accounts after entry into force of the Foundation Agreement in accordance with the rules and regulations of the Central Bank, without prejudice to European Union requirements.
4. Federal authorities shall accept book-keeping by private individuals and legal persons in euro. The Central Bank shall issue regulations, in particular on applicable exchange rates.

²⁷ **Observation:** The purpose of this provision is to ensure that entry into force of the Foundation Agreement does not prevent there being two (or more) distributorships in Cyprus (e.g. one per constituent state) until European Union regulations liberalising distributorships enter into force.

Article 53 *International military operations*

Until the accession of Turkey to the European Union, the United Cyprus Republic shall not put its territory at the disposal of international military operations other than with the consent of Greece and Turkey, in addition to the consent of the governments of both constituent states.

Article 54 *Missing persons*

The heads of government of the constituent states shall without delay take steps to conclusively resolve the issue of missing persons. Both constituent states shall cooperate fully with the Committee on Missing Persons in Cyprus, in accordance with its terms of reference and keeping in mind the agreement reached between the two leaders on 31 July 1997. Each constituent state shall carry out and conclude any and all necessary inquiries, including exhumations.

Article 55 *Signature of treaty on matters related to the new state of affairs in Cyprus*

The Co-Presidents are authorised and obliged to sign into force the Treaty on matters related to the new state of affairs in Cyprus as their first act.²⁸

²⁸ **Observation:** It is understood that given the mandate of the people expressed in separate referenda to sign into force the Treaty on matters related to the new state of affairs in Cyprus, either of the Co-Presidents is empowered to execute the common will of the people of the two constituent states on behalf of Cyprus.

**ATTACHMENT 1: MAP OF THE UNITED CYPRUS REPUBLIC AND ITS
CONSTITUENT STATES**

[Map]

[Map]

ATTACHMENT 2:

FLAG OF THE UNITED CYPRUS REPUBLIC

ATTACHMENT 3:

ANTHEM OF THE UNITED CYPRUS REPUBLIC

♩ = 100

6

10

14

18

24

The image shows a musical score for the Anthem of the United Cyprus Republic. It consists of six systems of music, each with a treble and bass clef staff. The tempo is marked as ♩ = 100. The key signature has one sharp (F#). The score begins with a four-measure rest in both staves. The melody in the treble clef starts in measure 5. The bass clef accompaniment consists of chords and rhythmic patterns. A double bar line appears at the end of measure 18. The final system, starting at measure 24, shows empty staves.

ATTACHMENT 4: FEDERAL PROPERTY

[insert initial list/description of federal property no later than 8 April 2004]

ATTACHMENT 5: CATALOGUE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

In accordance with Article 11 of the Constitution

Article 1 Right to life

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally.
2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:
 - a. in defence of any person from unlawful violence;
 - b. in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or
 - c. in action lawfully taken for the purpose of quelling a riot or insurrection.

Article 2 Prohibition of torture

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 3 Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour. For the purpose of this article the term "forced or compulsory labour" shall not include:
 - a. any work required to be done in the ordinary course of detention imposed according to the provisions of Article 4 of this Catalogue or during conditional release from such detention;
 - b. any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
 - c. any service exacted in case of an emergency or calamity threatening the life or well-being of the community; or
 - d. any work or service which forms part of normal civic obligations.

Article 4 *Right to liberty and security*

1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:
 - a. the lawful detention of a person after conviction by a competent court;
 - b. the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;
 - c. the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
 - d. the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
 - e. the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants; or
 - f. the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.
2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.
3. Everyone arrested or detained in accordance with the provisions of paragraph 1.c of this article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.
4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.
5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this article shall have an enforceable right to compensation.

Article 5 *Right to a fair trial*

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal

established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
 - a. to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
 - b. to have adequate time and facilities for the preparation of his defence;
 - c. to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
 - d. to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him; and
 - e. to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Article 6 *No punishment without law*

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.
2. This article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations.

Article 7 *Right to respect for private and family life*

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder

or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 8 *Freedom of thought, conscience and religion*

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Article 9 *Freedom of expression*

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 10 *Freedom of assembly and association*

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these

rights by members of the armed forces, of the police or of the administration of the State.

Article 11 *Right to marry*

Men and women of marriageable age have the right to marry and to found a family.

Article 12 *Right to an effective remedy*

Everyone whose rights and freedoms as set forth in this Catalogue are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

Article 13 *Prohibition of discrimination*

1. The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
2. No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1.

Article 14 *Protection of property*

1. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
2. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 15 *Right to education*

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Article 16 *Right to free elections*

The United Cyprus Republic shall hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.

Article 17 *Prohibition of imprisonment for debt*

No one shall be deprived of his liberty merely on the ground of inability to fulfil a contractual obligation.

Article 18 *Freedom of Movement*

1. Without prejudice to the relevant constitutional law, everyone lawfully within the territory of the United Cyprus Republic shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave the United Cyprus Republic. No restrictions shall be placed on the exercise of these rights other than such as are in accordance with law and are necessary in a democratic society in the interests of national security or public safety, for the maintenance of order public, for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
3. The rights set forth in paragraph 1 may also be subject, in particular areas, to restrictions imposed in accordance with law and justified by the public interest in a democratic society.

Article 19 *Prohibition of expulsion of nationals*

1. No citizen of the United Cyprus Republic shall be expelled, by means either of an individual or of a collective measure, from the territory of the United Cyprus Republic.
2. No citizen of the United Cyprus Republic shall be deprived of the right to enter its territory.

Article 20 *Prohibition of collective expulsion of aliens*

Collective expulsion of aliens is prohibited.

Article 21 *Abolition of the death penalty*

The death penalty shall be abolished. No-one shall be condemned to such penalty or executed.

Article 22 *Procedural safeguards relating to expulsion of aliens*

1. An alien lawfully resident in the territory of the United Cyprus Republic shall not be expelled there from except in pursuance of a decision reached in accordance with law and shall be allowed:
 - a. to submit reasons against his expulsion;
 - b. to have his case reviewed; and
 - c. to be represented for these purposes before the competent authority or a person or persons designated by that authority.
2. An alien may be expelled before the exercise of his rights under paragraph 1.a, b and c of this Article, when such expulsion is necessary in the interests of public order or is grounded on reasons of national security.

Article 23 *Right of appeal in criminal matters*

1. Everyone convicted of a criminal offence by a tribunal shall have the right to have his conviction or sentence reviewed by a higher tribunal. The exercise of this right, including the grounds on which it may be exercised, shall be governed by law.
2. This right may be subject to exceptions in regard to offences of a minor character, as prescribed by law, or in cases in which the person concerned was tried in the first instance by the highest tribunal or was convicted following an appeal against acquittal.

Article 24 *Compensation for wrongful conviction*

When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed, or he has been pardoned, on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to the law or the practice of the United Cyprus Republic, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

Article 25 *Right not to be tried or punished twice*

1. No one shall be liable to be tried or punished again in criminal proceedings for an offence for which he has already been finally acquitted or convicted.
2. The provisions of the preceding paragraph shall not prevent the reopening of the case in accordance with the law and penal procedure, if there is evidence of new or newly discovered facts, or if there has been a

fundamental defect in the previous proceedings, which could affect the outcome of the case.

Article 26 *Equality between spouses*

Spouses shall enjoy equality of rights and responsibilities of a private law character between them, and in their relations with their children, as to marriage, during marriage and in the event of its dissolution. This Article shall not prevent the United Cyprus Republic from taking such measures as are necessary in the interests of the children.