

THE CONSTITUTION OF THE TURKISH CYPRIOT STATE

CONTENTS

PREAMBLE

PART I

GENERAL PRINCIPLES

Article 1 The Form and Characteristics of the Turkish Cypriot State

Article 2 Powers of the Turkish Cypriot State

Article 3 The Unity, Official Language, Anthem and the Capital of the State

Article 4 Fidelity to the constitution of the United Cyprus Republic

Article 5 Legislative Power

Article 6 The Duties and Powers of the Executive

Article 7 Judicial Power

Article 8 Supremacy and Binding Force of the Constitution

Article 9 The boundaries of the Turkish Cypriot State

PART II

FUNDAMENTAL RIGHTS, LIBERTIES AND DUTIES

CHAPTER 1

GENERAL PROVISIONS

Article 10 Respect for Human Honour

Article 11 Equality

Article 12 The Nature of Fundamental Rights and their Protection

Article 13 The Essence and Restriction of Fundamental Rights and Liberties

Article 14 Fundamental Rights and Liberties not to be Misused

Article 15 The Status of Minorities

Article 16 The Status of the Aliens

CHAPTER II

RIGHTS, LIBERTIES AND DUTIES OF PERSONS

Article 17 Personal Integrity

Article 18 Right to Life

Article 19 Protection of a Person's Material and Moral Integrity

Article 20 *Liberty and Security of a Person*
Article 21 *Rights Relating to Judicial Trials*
Article 22 *Rights of Accused Persons*
Article 23 *Privacy of Individual's Life*
Article 24 *Inviolability of Personal Information*
Article 25 *Inviolability of Dwelling House*
Article 26 *Freedom of Communication*
Article 27 *Freedom of Movement and Residence*
Article 28 *Freedom of Conscience and Religion*
Article 29 *Freedom of Thought, Speech and Expression*
Article 30 *Freedom of Science and Art*
Article 31 *Freedom of the Press*
Article 32 *The Right to Publish Newspapers, Magazines and Pamphlets*
Article 33 *The Right to Publish Books*
Article 34 *The Protection of Printing Equipment*
Article 35 *The Right to Make Use of Means of Communication other than the Press*
Article 36 *The Right to Correction and Reply*
Article 37 *The Right of Assembly and Demonstration*
Article 38 *The Right to Form Associations*
Article 39 *Right to Good Administration*

CHAPTER III

SOCIAL AND ECONOMIC RIGHTS AND LIBERTIES AND DUTIES

Article 40 *Protection of the Family*
Article 41 *Protection of the Children*
Article 42 *Protection of the Elderly*
Article 43 *General Provisions Relating to Property Rights*
Article 44 *Protection of Land*
Article 45 *Protection of the Foreshores*
Article 46 *Protection of Historical, Cultural and Natural Wealth*
Article 47 *Protection of the Environment*
Article 48 *Acquisition and Requisition*
Article 49 *Acquisitions, Requisitions and Restrictions connected with Vakf Properties*
Article 50 *Nationalization*
Article 51 *Right to a Dwelling House*
Article 52 *Right to Health*
Article 53 *Right to Enter into Contract*
Article 54 *Order of Economic and Social Life*
Article 55 *Freedom to Work*
Article 56 *Right and Duty to Work*
Article 57 *Conditions of Employment*
Article 58 *Right to Rest*

- Article 59 *Equity in Pay*
Article 60 *The Right to Establish Trade Unions*
Article 61 *The Right to Collective Agreement and to Strike*
Article 62 *Right to Social Security*
Article 63 *The Right to Protection Against Hunger*
Article 64 *The Right to Special Protection*
Article 65 *Rehabilitation of the Poor*
Article 66 *Right to Education and Training*
Article 67 *Protection of Youth*
Article 68 *Promotion of Sports*
Article 69 *Protection of Arts, Artists and Cultural Rights*
Article 70 *Promotion of Co-operative Activities*
Article 71 *Protection of Agriculture and Farmers*
Article 72 *Protection of Consumers*
Article 73 *The Limit of the Economic and Social Duties of the State*

CHAPTER IV

POLITICAL RIGHTS AND DUTIES

- Article 74 *Constituent State Citizenship Status*
Article 75 *The Right to Elect, to be Elected and to Participate in a Public Referendum*
Article 76 *The General Administration and Control of Elections*
Article 77 *The Right to Establish Political Parties and the Place of the Parties in Political Life*
Article 78 *The Principles with which Political Parties Must Comply*
Article 79 *Right to Enter the Public Service*
Article 80 *Appointments to the Organisations, Institutions and Establishments of the United Cyprus Republic*
Article 81 *Declaration of Property Wealth*
Article 82 *Duty to Pay Tax*
Article 83 *Right to petition*

PART III

LEGISLATURE

CHAPTER I

THE ASSEMBLY OF THE TURKISH CYPRIOT STATE

- Article 84 *The Composition of the Assembly of the Turkish Cypriot State*
Article 85 *The Duties and Powers of the Assembly of the Turkish Cypriot State*
Article 86 *Elections for the Assembly of the Turkish Cypriot State*

Article 87 *The Inviolability of the Assembly of the Turkish Cypriot State and the Internal*

Security and Administrative Service

Article 88 *The Meetings and Procedure of the Assembly of the Turkish Cypriot State*

Article 89 *Taking the Oath*

Article 90 *Presidential Council of the Assembly of the Turkish Cypriot State*

Article 91 *Immunity of Deputies*

Article 92 *The Termination of a Deputy's Term of Office*

Article 93 *Duties not Compatible with the Office of a Deputy*

Article 94 *Remuneration of Deputies*

Article 95 *Holding of New Elections for the Assembly of the Turkish Cypriot State*

CHAPTER II

ENACTMENT OF LAWS

Article 96 *General Provisions Relating to Enactment of Laws and Taking of Decisions*

Article 97 *The Ratification of International Agreements*

Article 98 *The Preparation, Application, Debating and Acceptance of the Budget*

Article 99 *Final Accounts*

Article 100 *Promulgation of Laws by the President of the Turkish Cypriot State*

Article 101 *The Publication of Decisions*

CHAPTER III

METHODS OF OBTAINING INFORMATION AND SUPERVISION BY THE ASSEMBLY OF THE TURKISH CYPRIOT STATE

Article 102 *Power of Obtaining Information and Exercising Supervision in General*

Article 103 *Tabling of Questions and Holding of a General Debate*

Article 104 *Enquiry or Investigation*

PART IV

THE EXECUTIVE

CHAPTER I

THE PRESIDENT

Article 105 *The President*

- Article 106 *The Taking of Oath by the President of the Turkish Cypriot State*
Article 107 *Impartiality of the President*
Article 108 *The Duties and Powers of the President of the Turkish Cypriot State*
Article 109 *Immunity and Liability of the President of the Turkish Cypriot State*
Article 110 *Vacancy in the Office of the President*
Article 111 *Deputising for the President of the Turkish Cypriot State*

CHAPTER II

COUNCIL OF MINISTERS

- Article 112 *The Formation of the Council of Ministers*
Article 113 *The Duties, Powers and Responsibilities of the Prime Minister*
Article 114 *The Establishment of the Ministries*
Article 115 *The Assumption of Duty by the Council of Ministers and its Responsibilities*
Article 116 *The Duties, Powers and Responsibilities of the Ministers*
Article 117 *Decrees Having the Force of Law*

CHAPTER III

ADMINISTRATIVE PROVISIONS

- Article 118 *The State Administration*
Article 119 *Public Controller*
Article 120 *Establishment of Departments and Service Units*
Article 121 *Central Administration*
Article 122 *Police Organisation*
Article 123 *Local Authorities*
Article 124 *The Carrying Out of the Basic and Continuous Duties Connected with the Public Services*
Article 125 *Provisions in Connection with Public Personnel and Other Public Officers*
Article 126 *Rules and Regulations*
Article 127 *Illegal Orders*

CHAPTER IV

STATE OF EMERGENCY

- Article 128 *Declaration of State of Emergency due to Natural Disasters, Serious Economic Crisis and Widespread Acts of Violence*
Article 129 *Arrangements Regarding State of Emergency*

CHAPTER V

ORGANIZATIONS

- Article 130 *Professional Bodies of Public Nature*
Article 131 *Institutions of Higher Education*
Article 132 *Radio and Television Broadcasting and News Agencies*
Article 133 *Specialised and Autonomous Institutions*
Article 134 *Vakfs Organisation and the Office of Religious Affairs*

CHAPTER VI

ECONOMIC AND FINANCIAL PROVISIONS

- Article 135 *Office of Audit*
Article 136 *The Control of Public Utility Enterprises*
Article 137 *Development and Planning*
Article 138 *Putting the State Under Financial Obligation and the Establishment of Funds*

PART V

THE JUDICIARY

CHAPTER I

GENERAL PROVISIONS

- Article 139 *Independence of Courts*
Article 140 *The Security of Tenure of Judges*
Article 141 *The Profession of Judges*
Article 142 *Hearings to be Public and Judgments to Contain Reasons*
Article 143 *Trial of Juveniles*
Article 144 *Supreme Council of Judicature*
Article 145 *Punishment of Persons not Complying with Court Decisions or Orders*

CHAPTER II

SUPREME COURT OF THE TURKISH CYPRIOT STATE

- Article 146 *The Constitution of the Supreme Court of the Turkish Cypriot State and Allocation of Functions*

CHAPTER III

DUTIES AND POWERS OF THE CONSTITUTIONAL COURT

Article 147 *Powers of the Constitutional Court*
Article 148 *Conflict of Power Between Organs*
Article 149 *Unconstitutionality of Laws*
Article 150 *Annulment Suits*
Article 151 *Reference of Questions of Unconstitutionality by Courts to the
Supreme Court*
Article 152 *The Interpretation of the Constitution*
Article 153 *Decisions of the Constitutional Court*

CHAPTER IV

DUTIES AND POWERS OF THE SUPREME COURT OF THE TURKISH CYPRIOT STATE SITTING AS THE COURT OF APPEAL

Article 154 *The Powers of the Court of Appeal*

CHAPTER V

DUTIES AND POWERS OF THE SUPREME COURT OF THE TURKISH CYPRIOT STATE SITTING AS THE HIGH ADMINISTRATIVE COURT

Article 155 *The Powers of the High Administrative Court*

CHAPTER VI

OTHER DUTIES AND POWERS OF THE SUPREME COURT OF THE TURKISH CYPRIOT STATE

Article 156 *Other Duties and Powers of the Supreme Court of the Turkish
Cypriot State*
Article 157 *Power to make Rules of Court*

CHAPTER VII

SUBORDINATE COURTS

Article 158 *Establishment, Duties and Powers of Subordinate Courts*

CHAPTER VIII

THE ATTORNEY - GENERAL'S OFFICE

Article 159 *The Attorney - General and Counsels of the State*

PART VI

MISCELLANEOUS PROVISIONS

Article 160 *Right of the State to Ownership*

Article 161 *Reserving the Rights of Public Personnel*

Article 162 *The Official Gazette of the Turkish Cypriot State*

PART VII

TRANSITIONAL PROVISIONS

Transitional Article 1 *Safeguarding of those Citizens who Suffered Losses:*

Transitional Article 2 *Elections for the Assembly of the Turkish Cypriot State:*

Transitional Article 3 *Appointment to the Transitional Parliament of the United
Cyprus Republic*

Transitional Article 4 *Co-Presidency*

Transitional Article 5 *Temporary Rules*

Transitional Article 6 *The Existing Organs, Institutions and Organizations*

Transitional Article 8 *Appointment to the Relocation Board and the Cyprus
Property Board*

Transitional Article 9 *Publication of the Constitution*

Transitional Article 10 *Amendments of the Constitution during the transitional
period*

PART VIII

FINAL PROVISIONS

Article 163 *Amendment of the Constitution*

Article 164 *Definitions*

Article 165 *The Coming into Force of the Constitution*

THE CONSTITUTION OF THE TURKISH CYPRIOT STATE

PREAMBLE

We, the Turkish Cypriot people,
bearing in mind that the territorial integrity, security and constitutional order
of the Turkish Cypriot State is guaranteed under the Treaty of Guarantee,
sovereignly proclaim this Constitution by approval at referendum of 20 April
2004 as the Constitution of the Turkish Cypriot State.

PART I

General Principles

The Form and Characteristics of the Turkish Cypriot State

Article 1

The Turkish Cypriot State, as one of the two Constituent States of the United Cyprus Republic, is based on the political equality, bi-zonality and equal status of the two Constituent States, representing the distinct identity of Turkish Cypriots and their equal political status in a bizonal partnership. It is a secular state based on the principles of human rights, democracy, representative republican government, social justice and the supremacy of law.

Powers of the Turkish Cypriot State

Article 2

- 1) The State shall have all the powers and functions not explicitly vested in the Federal Government by the Constitution of the United Cyprus Republic and shall sovereignly exercise these powers and functions in its territory through its legislative, executive and judicial organs within the limits of the Federal Constitution.
- 2) The State also exercises freely all powers and duties transferred or entrusted to it by the Foundation Agreement, the constitution of the United Cyprus Republic or the Federal Government.
- 3) No organ office or authority in the State can exercise any power, which does not emanate, directly or indirectly, from this Constitution, or is accorded by the Constitution of the United Cyprus Republic.

The Unity, Official Language, Anthem and the Capital of the State

Article 3

- 1) The State is an indivisible whole with its people living in its boundaries.
- 2) The official language is Turkish.
- 3) The State has its own flag and an Anthem. The Turkish flag may be flown in the territory of the State subject to the relevant provisions of the

Foundation Agreement and the constitution of the United Cyprus Republic.

- 4) The capital of the State is Lefkoşa.

Fidelity to the constitution of the United Cyprus Republic

Article 4

- (1) No institution of the State may interfere with the competences of the Federal Government or of the Greek Cypriot State.
- (2) Any act by the State in contravention to the Constitution of the United Cyprus Republic shall be null and void.
- (3) All acts of government at all levels shall conform with the principles of full faith, allegiance, co-ordination and co-operation with the United Cyprus Republic.

Legislative Power

Article 5

Legislative power shall be vested in the Assembly of the State.

The Duties and Powers of the Executive

Article 6

The executive duties and powers shall be carried out and exercised by the President of the State and the Council of Ministers in accordance with the Constitution and laws.

Judicial Power

Article 7

Judicial power shall be exercised by independent courts.

Supremacy and Binding Force of the Constitution subject to the constitution of the United Cyprus Republic

Article 8

- 1) The provisions of the Constitution shall be the fundamental legal principles binding the legislative, executive and judicial organs, the administrative authorities of the State, all organisations and individuals.
- 2) No function or procedure of the State shall be contrary to or inconsistent with the Constitution.
- 3) All acts of government at all levels shall conform with the principles of proportionality and good faith.

Boundaries of the Turkish Cypriot State

Article 9

- 1) The boundaries of the State are determined by the Foundation Agreement and the constitution of the United Cyprus Republic.

PART II
Fundamental Rights, Liberties And Duties
CHAPTER 1
General Provisions

Respect for Human Honour

Article 9

A person's honour is inviolable. Respect for a person's honour is the main principle underlying the life of the State and the society.

Equality

Article 10

- 1) All persons shall be equal before the law without any discrimination. No privileges shall be granted to any individual, family, group or class.
- 2) No discrimination shall be made among individuals for reasons of gender, race, colour, ethnic and social background, genetic qualities, language, religion or belief, political or other views, property, birth, incapacity, age or sexual inclination.
- 3) The organs and the administrative authorities of the State are under an obligation to act in conformity with the principle of equality before the law and not to discriminate in their actions.
- 4) The benefits rendered or to be rendered by persons who are financially in need, by virtue of the Constitution and the laws, cannot be eliminated by putting forward this Article.
- 5) There shall be substantial equality between male and female in every field, including employment, work and payment.
- 6) The principle of equality shall not impede the taking and continuation of legal precautions in favour of the gender not represented adequately in social and political life.

The Nature of Fundamental Rights and their Protection

Article 11

- 1) Every person has, by virtue of his existence as an individual, personal fundamental rights and liberties, which cannot be alienated, transferred or renounced.
- 2) The State shall remove all political, economic and social obstacles, which restrict the fundamental rights and liberties of the individual incompatible with the individual's security, social justice and the principles of the State being subject to the rule of law; it shall prepare the necessary conditions for the development of the individual's material and moral existence.
- 3) Every person, whose rights and liberties granted by this Constitution are violated, has the right to seek justice by applying to the authorities effectively and without delay.

- 4) The legislative, executive and judicial organs of the State shall be responsible for ensuring that the provisions of this Part are implemented in full.

The Essence and Restriction of Fundamental Rights and Liberties

Article 12

- 1) Every person exercising his own rights and liberties shall respect others' rights and liberties.
- 2) Fundamental rights and liberties can be restricted only by law, and only in so far as justified by the purposes and aims expressed in the related Articles.
- 3) Restrictions shall not be inconsistent with the letter and spirit of the Constitution and the requirements of the order of the democratic society, and shall not affect the essence of any right or liberty.
- 4) In the interpretation of fundamental rights and liberties and their restrictions due account may be taken to jurisprudence and other guidance from European and international human rights bodies in accordance with Article 11 of the Constitution of the United Cyprus Republic.

Fundamental Rights and Liberties not to be Misused

Article 13

- 1) No right or liberty provided by this Constitution shall be construed as to remove the fundamental attributes of the United Cyprus Republic and the State, granted by the Foundation Agreement of the United Cyprus Republic and by this Constitution.
- 2) No provision of this Constitution can be interpreted as to give the State or persons the right and authority to commit acts or to engage in activities aimed at destroying or extending the restrictions of the rights and liberties granted by this Constitution.

The Status of Minorities

Article 14

The State protects the rights of religious minorities, namely the Maronite, the Latin and the Armenian, residing within its boundaries and of the Greek Cypriots residing in the villages in Karpaz area, as stated in the Foundation Agreement and the Constitution of the United Cyprus Republic.

The Status of Aliens

Article 15

The rights and liberties referred to in this Constitution may be restricted by law in respect of aliens, in accordance with the Constitution of the United Cyprus Republic and international law.

CHAPTER II

Rights, Liberties and Duties of Persons

Personal Integrity

Article 16

- 1) Every person shall have the right to live in peace, security and tranquillity and to develop and protect his material and moral existence.
- 2) No person shall be subjected to ill-treatment or torture.
- 3) No person shall be subjected to any punishment or treatment which is incompatible with human honour and dignity.
- 4) A person's honour and dignity are inviolable. Every person shall be under the obligation to respect and protect this.

Right to Life

Article 17

- 1) Every person has the right to life, and this right is protected by law.
- 2) No person shall be subjected to the death penalty.

Protection of a Person's Material and Moral Integrity

Article 18

- 1) A person's material and moral integrity are inviolable. Every person has the right to demand respect from the State, society and persons for his material and moral integrity.
- 2) Every person has the right to corporal integrity, except in the case of a medical condition, as stipulated by law.
- 3) The rules of organ donation and transplant shall be prescribed by law.
- 4) No person, as stated by law, shall be subjected to scientific and medical experiments without his free and conscious consent.
- 5) Practices related to using the genetic structure of the human race and the human body and its parts as a source for commercial benefit is restricted by law.
- 6) Asexual reproduction is prohibited.

Liberty and Security of a Person

Article 19

- 1) Every person has the right to personal liberty and security.
- 2) No person shall be deprived of his liberty save in the following cases when and as provided by law:
 - (a) the detention of a person after conviction by a competent court;
 - (b) the arrest or detention of a person for non-compliance with the lawful order of a court;
 - (c) the arrest or detention of a person 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 detention of persons who are likely to spread an infectious disease, of persons of unsound mind, alcoholics, drug addicts or vagrants;
 - (f) the arrest or detention of persons to prevent them from making an unauthorised entry into the territory of the State or of an alien against whom action is being taken with a view to deportation or extradition;
- 3) Save when and as provided by law in case of a flagrant offence punishable with imprisonment, no person shall be arrested save under the authority of a reasoned judicial warrant issued according to the procedure prescribed by law.
 - 4) The position of the person arrested or detained shall be brought to the knowledge of his close relatives at the earliest possible time.
 - 5) Every person arrested or detained shall be informed, at the time of his arrest, in a language, which he understands of the reasons of his arrest or detention and shall be allowed immediately to have the services of a lawyer to be chosen by him or by his relatives.
 - 6) The person arrested shall, as soon as practicable and in any event not later than twenty-four hours after his arrest, be brought before a judge, if he is not released in the meantime.
 - 7) The judge shall promptly proceed to inquire into the grounds of the arrest in a language understandable by the person arrested and shall, as soon as possible and in any event not later than three days from such appearance, either release the person arrested on such terms as he may deem fit or where the investigation into the commission of the offence for which he has been arrested has not been completed remand him in custody. The judge may remand him in custody for a period not exceeding eight days at a time provided that the total period of such remand or detention in custody shall not exceed three months from the date of the arrest; on the expiration of the said period every person or authority having the custody of the person arrested or detained shall forthwith set him free.
 - 8) The exercise of the right of appeal against the decisions of the judge under paragraph (7) cannot be denied.
 - 9) Every person who is deprived of his liberty by reason of his arrest or detention shall be entitled to take legal proceedings so that the lawfulness of his detention may be decided speedily by a court. If his detention is found to be illegal, the Court shall order his release.
 - 10) Every person who has been the victim of arrest or detention in contravention of the provisions of this Article shall be entitled to claim compensation by filing an action.

Rights Relating to Judicial Trials

Article 20

- 1) Every person whose civil right and obligations assigned to him by and under this Constitution are violated is entitled to apply to a competent court as soon as possible.
- 2) Every person shall, in the determination of his civil rights and obligations or of any criminal charge against him, be entitled to a fair and public hearing within a reasonable time by an independent, impartial and competent court established by law. Judgment shall be reasoned and pronounced in public session.
- 3) The press and the public may be excluded from all or any part of the trial upon a decision of the court in cases where it is in the interest of public security or constitutional order or public order or public safety or public morals or where the interest of juveniles or the protection of the private life of the parties so require or, in special circumstances where, in the opinion of the court, publicity would prejudice the interests of justice.

Rights of Accused Persons

Article 21

- 1) No person shall be considered guilty on account of any act or omission which did not constitute an offence under the law at the time when it was committed; and no person shall have a heavier punishment imposed on him for an offence other than that expressly provided for it by law at the time when it was committed.
- 2) A person who has been acquitted or convicted of an offence shall not be tried again for the same offence. No person shall be punished twice for the same act or omission.
- 3) No law shall provide for a punishment, which is disproportionate to the gravity of the offence.
- 4) Every person charged with an offence shall be presumed innocent until proven guilty according to law.
- 5) Every person charged with an offence has the following minimum rights
 - (a) to be informed promptly and in a language which he understands and in detail of the nature and grounds of the charge preferred against him;
 - (b) to have adequate time and facilities for the preparation of his defence;
 - (c) to defend himself in person or through a lawyer of his own choice or, if he lacks sufficient means, and the interests of justice so require, through a lawyer to be appointed for him free of charge;
However, in cases where punishment by imprisonment is required, every person lacking sufficient means has the right to the service of a lawyer appointed by the State and this right is provided by law.
 - (d) to examine personally or through his lawyer, the witnesses against him or to cause them to be examined and to secure the attendance and examination of witnesses for him under the same conditions as witnesses against him;

- (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.
- 6) The imposition of the penalty of general confiscation of property is prohibited.

Privacy of Individual's Life

Article 22

- 1) Every person shall have the right to demand that his private and family life is respected. There shall be no violation of the individual's private and family life. The exceptions necessitated by legal proceedings shall be reserved.
- 2) There shall be no bodily search of a person or his private papers and belongings and these shall not be confiscated, except in cases defined by law and on the basis of a court or a judge's decision made in accordance with usual procedure.

Inviolability of Personal Information

Article 23

- 1) Every person has the right of protection of personal information.
- 2) Private information shall be processed in accordance with law fairly and with the consent of the individual under certain conditions. Every person has the right of access to the information about himself and is entitled to demand correction.

Inviolability of Dwellings

Article 24

- (1) Every person's dwelling is inviolable.
- (2) There shall be no entry into any dwelling, no search shall be made therein and the property found therein shall not be confiscated, except in cases expressly defined by law and on the basis of a court or judge's decision made in accordance with usual procedure; and in cases where delay is considered undesirable on grounds of national security or public order, without an order of the competent authority duly authorised by law. The decision made by the competent authority duly authorised by law shall be submitted to the court or judge within twenty four hours for approval. If the court or judge does not rule upon the matter within forty eight hours after the confiscation it shall be considered as null and void.

Freedom of Communication

Article 25

- (1) Every person has the right to freedom of communication as well as free access to information.
- (2) The secrecy of communication is a fundamental principle. In cases required by law, unless there is a decision given by a court or a judge in accordance with the law, this secrecy shall not be interfered with.

- (3) The organs of the State are under an obligation to provide complete and correct information, by virtue of their legal authority, to every person relating to their individual or public matters.

Freedom of Movement and Residence

Article 26

- (1) Subject to the provisions of this constitution, the Foundation Agreement, the constitution of the United Cyprus Republic and the relevant constitutional law, all persons have the right to freedom of movement; this freedom can only be restricted by law for the purposes of public security and the prevention of epidemics.
- (2) Subject to the provisions of this Constitution, the Foundation Agreement, the Constitution of the United Cyprus Republic, or the relevant Constitutional Law, every citizen of the United Cyprus Republic has the right to reside in any place of his choice in the State; this freedom can only be restricted by law when considered necessary in the interest of national security, the prevention of epidemics, the protection of public property and of achieving social, economic and agricultural development and proper town planning.
- (3) Subject to the provisions of this Constitution, the Foundation Agreement, the Constitution of the United Cyprus Republic, or the relevant Constitutional Law, no citizen of the United Cyprus Republic shall be banished or excluded from the territory of the State against his will and he shall not likewise be prevented from returning thereto.
- (4) The right of Turkish Republic citizens to permanent residence in the State shall be on an agreed proportion which shall not exceed the ratio stated in the Foundation Agreement. Applications by such persons for permanent residency shall be evaluated on the basis of this Constitution, the Constitution of the United Cyprus Republic, the Foundation Agreement, the relevant constitutional law, and in accordance with democratic and equitable principles.
- (5) The residence of holders of the internal citizenship status of the Greek Cypriot State in the State can be restricted by law as provided by the Foundation Agreement, and the Constitution of the United Cyprus Republic.

Freedom of Conscience and Religion

Article 27

- (1) Every individual has freedom of conscience, religious faith and opinion.
- (2) Forms of worship and religious ceremonies and rites, as well as religious education and teaching are free provided they do not contravene public order or public morals or the laws enacted for these purposes.
- (3) No person shall be compelled to worship, to participate in religious ceremonies and rites or to disclose his religious faith or belief; and no person shall be reproached for his religious faith or belief.

- (4) No person shall exploit or abuse, in any manner whatsoever, religion or religious feelings or things considered sacred by religion for the purpose of basing, even though partially, the basic social, economic, political or legal order of the State on religious precepts, or for the purpose of securing political or personal advantage or influence. In the case of physical or legal persons violating this prohibition or inducing others to do so, relevant legal provisions shall be applied.

Freedom of Thought, Speech and Expression

Article 28

- (1) Every person has the right to freedom of thought or opinion. No person shall be compelled to disclose his thoughts and opinion. There can be no crime in view of the thoughts of a person.
- (2) Every person has the right to express and publish his thoughts and opinion, by himself or collectively, by word of mouth, in writing, through pictures or other media.
This right includes freedom to express opinion and to receive and impart information and ideas without interference by any public authority and regardless of the boundaries of the State.
- (3) No person shall be compelled to disclose his thoughts and opinion and he shall not likewise be reproached for his thoughts and opinion, nor be discriminated against.
- (4) The exercise of the freedom of speech and of the freedom of expression may be subject to such formalities, conditions, restrictions, or penalties as are necessary and as prescribed by law, as is necessary in a democratic society, only in the interest of public security or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the reputation or rights of others or for preventing the disclosure of information received in confidence or for maintaining the impartiality of the judiciary.
- (5) The exercise of war propaganda, discrimination, and incitement to national, racial, or religious hatred and incitement to violence is prohibited. .

Freedom of Science and Art

Article 29

Every person has the right to freedom of learning and teaching, expressing and disseminating science and art and of making all kinds of research in these fields. Academic freedom shall be fully respected.

Freedom of the Press

Article 30

- (1) The freedom of the press and publications is guaranteed for all persons and shall not be subjected to censorship.
- (2) The State shall take the necessary measures to ensure the freedom of the press, publication and of receiving information.

- (3) The freedom of the press and of receiving information may be restricted by law for the purpose of safeguarding public order or public security or public morals or for preventing attacks on the honour, dignity or rights of persons and for preventing incitement to commit an offence or for the purpose of assuring the proper functioning of the judiciary in accordance with its aims.
- (4) Save when it is imposed by a decision to be given by any court or judge, within the limits to be prescribed by law, for the purpose of ensuring the proper functioning of the judiciary in accordance with its aims, no ban shall be imposed on the publication of news about events.

The Right to Publish Newspapers, Magazines and Pamphlets

Article 31

- (1) The publication of newspapers, magazines and pamphlets by citizens of the United Cyprus Republic shall not be subject to obtaining prior permission or to furnishing of financial security.
- (2) The publication, distribution and financial resources of newspapers, magazines and pamphlets and the conditions pertaining to the profession of journalism shall be regulated by law. Such law shall not impose political, economic, financial and technical conditions preventing or making difficult the free dissemination of news, thoughts and opinion.
- (3) Newspapers and periodicals shall benefit, in accordance with the principle of equality, from the media and facilities provided by the State and other public corporate bodies or by institutions attached to them.
- (4) Newspapers, magazines and pamphlets published within the boundaries of the State may be seized by an order of a judge in cases provided by law for the protection of secularism, public safety, public order and public morals, only if necessary in a democratic society.

The Right to Publish Books

Article 32

- (1) The publication of books by persons shall not be subject to prior permission or to censorship.
- (2) Books published within the boundaries of the State may be seized by an order of a judge in cases provided by law for the protection of secularism, public safety, public order and public morals, only if necessary in a democratic society.

The Protection of Printing Equipment

Article 33

- (1) Printing works and their auxiliary buildings and printing presses and equipment belonging to the persons shall not be confiscated or seized or prevented from operating
- (2) Printing works and their auxiliary buildings and printing presses and equipment belonging to the persons may be confiscated, seized or prevented from operating by an order of a judge in cases provided by law for the

protection of secularism, public safety, public order and public morals, only if necessary in a democratic society.

The Right to Make Use of Means of Communication other than the Press

Article 34

Citizens and political parties have the right to benefit from means of communication and publication, other than the press, which are owned by public corporate bodies. The conditions and the procedures for benefiting from such means of communication and publication shall be regulated by law in accordance with democratic and equitable principles. The law shall not impose conditions preventing the public from receiving news and from having access to thoughts and opinion through such means or the free formulation of public opinion through such means on grounds other than the protection of the secular State based on human rights and the principles of the supremacy of democracy, social justice and rule of law, or the protection of public security and of public morals.

The Right to Correction and Reply

Article 35

- (1) The right to correction and reply shall be recognized only in cases where the honour and dignity of persons are hurt or incorrect statements are published concerning them and it shall be regulated by law.
- (2) In cases where a correction or reply is not published, the judge shall decide whether its publication is essential or not within seven days, at the latest, of the receipt of the application made by the person concerned.

The Right of Assembly and Demonstration

Article 36

1. All persons permanently resident in the State have the right to organize unarmed and non-violent assembly or public demonstration without obtaining prior permission. This right may be restricted by law for safeguarding public order.

The Right to Form Associations

Article 37

- (1) All persons have the right to form associations without prior permission. The manner and procedures for exercising this right shall be provided by law. The law may impose restrictions in the interests of secular order, public security, public order and public morals.
- (2) No person shall be compelled to become a member of any association or to remain a member of any association.
- (3) Associations may, where provided by law, be closed down by an order of a judge; for reasons stated in paragraph (1) of this article.

Right to Good Administration

Article 38

- (1) Every person has the right to acquire administrative services in an impartial and fair manner from the institutions of the State or other administrative and executive organs, within a reasonable period of time. This right includes the following:
 - (a) The right to defend oneself before the adoption of measures, which shall have an adverse effect on such person;
 - (b) The right to obtain the relevant file relating to the person concerned, subject to respect to lawful rights as to confidentiality and professional and occupational secrets;
 - (c) The obligation of the administration to give reasons for its decisions and to inform the individual of the methods and procedures to be utilised in applying to the competent authority and the time limit for redress.
- (2) Every person has the right to compensation for any damage caused by the State institutions or administrative or executive organs or the civil servants in connection with the discharge of their duties and functions.

CHAPTER III

Social and Economic Rights and Liberties and Duties

Protection of the Family

Article 39

- (1) The family is the foundation of the community. The State and other public bodies shall adopt the necessary measures and set up the necessary establishments for the protection of the family, the mother and the child.
- (2) The rights and obligations of any male or female person reaching marriageable age to marry and to set up a matrimonial home shall be regulated by law.

Protection of the Children

Article 40

- (1) The children have the right to protection, care, freedom of thought or opinion. The thoughts or opinion of the children shall be taken into consideration having regard to their age and maturity.
- (2) Priority shall be given to the interests of children in all public and private activities by real and legal persons concerning children.
- (3) Every child has the right to have direct and regular contact with both of his parents unless this arrangement is contrary to his personal benefit.

Protection of the Elderly

Article 41

The State shall adopt the necessary measures and set up the necessary establishments for the protection of the elderly, enabling them to lead an

honourable, independent life and to participate in communal and cultural activities.

General Provisions Relating to Property Rights

Article 42

- (1) Every person has the right to ownership and inheritance. These rights may only be restricted by law for the purpose of public interest.
- (2) Restrictions or limitations which are absolutely necessary in the interests of public safety or public health or public morals or town and country planning or the development and utilization of any property for public benefit or for the protection of the rights of others may be imposed by law on the exercise of the right to ownership.
- (3) Just compensation shall be promptly paid for any such restrictions or limitations which materially decrease the economic value of property; in case of disagreement such compensation shall be determined by a civil law court.
- (4) The provisions of paragraphs (2) and (3) above shall not affect the provisions imposed by law for the purpose of recovering any tax or penalty, executing any judgment, enforcing any contractual obligation or protecting life or property from danger.
- (5) The right to intellectual property shall be protected and regulated by law.
- (6) The State may provide by law for the taking of appropriate measures for the protection of property rights of persons holding its internal citizenship status, including the grant of legal aid, in respect of property situated within the Greek Cypriot State, in accordance with the relevant provisions of the Foundation Agreement

Protection of Land

Article 43

The State shall take the necessary measures for the purpose of achieving the efficient utilization of land and for providing farmers who have no land or who have insufficient land, with enough land, and shall adapt the necessary measures for the protection from landslides and other environmental dangers. The law may specify the extent of land to be utilized for these purposes having regard to the requirements of different agricultural regions and types of farming.

Protection of the Foreshores

Article 44

- (1) The foreshores are under the exclusive control and possession of the State and may be used only in the public interest.
- (2) Outside municipal boundaries, only structures belonging to the State which are very essential and in the public interest, may be erected within the area of the coastal strip of one hundred metres from the line of movable sand, provided that such structures shall not spoil the natural beauty of the shores. Matters relating to the existing buildings and structures shall be regulated by law.

- (3) The protection of foreshores within municipal boundaries and the position of the buildings and structures to be erected in future and of the existing ones within the area of the coastal strip of one hundred metres, shall be regulated by law in accordance with the requirements of public interest and town planning.
- (4) Access into the area of the coastal strip of one hundred metres cannot be hindered by any one or be subjected to any entrance fee unless restrictions have been imposed by law for the purpose of safeguarding public security, public order, public interest, general health and the protection of the environment provided that this provision shall not be interpreted as rendering possible infringement upon property rights.

Protection of Historical, Cultural and Natural Wealth

Article 45

The State within the framework of the Foundation Agreement and the constitution of the United Cyprus Republic shall ensure the protection of works and monuments of historical and cultural value, cultural objects as well as the natural wealth; and for this purpose it shall take regulating, supporting and incentive measures. The limitations to be imposed on such property that is privately owned, and the assistance to be rendered and privileges to be granted to their rightful owners in view of the imposition of such limitations shall be regulated by law. No other buildings shall be erected in the place of buildings of historical value which have been demolished, or which have in any way ceased to exist or suffered destruction. If the necessity to build arises, the historical building which was demolished or in any way suffered destruction may be rebuilt or repaired in such a way as to conform to the original building. The State shall take the necessary measures and shall make the necessary legal regulations for this purpose.

Protection of the Environment

Article 46

- (1) Every person has the right to live in a healthy and balanced environment.
- (2) No real or legal person shall drain or dump to the environment for any purpose whatsoever, any liquid, gas or solid matter which is of such a nature as to cause harm to human health or to endanger natural resources and biological diversity.
- (3) It shall be the duty of the State, and of physical and legal persons to develop the environment, to protect environmental health and to prevent pollution of the environment.
- (4) The State shall take the necessary measures for the establishment of national parks.

Acquisition and Requisition

Article 47

- (1) The State, municipal corporations and such public corporate bodies or institutions of public utility as are empowered by law to make

compulsory acquisitions, shall be entitled to acquire compulsorily any movable or immovable property or any right over or interest in any such property:

- (a) for a purpose of public utility specifically provided by a general law for compulsory acquisition; and
 - (b) when such purpose is contained in a decision of the acquiring authority and is made under the provisions of such law stating clearly the reasons for such acquisition; and
 - (c) upon payment of just compensation, immediately or by instalments to be prescribed by law.
- (2) The manner and the procedure for the assessment of the value of the property compulsorily acquired shall be regulated by law.
- (3) Any immovable property or any right over, or interest in, such property which has been compulsorily acquired, shall be used only for the purpose for which it has been acquired. If within three years of the acquisition such purpose has not been attained, the acquiring authority shall, immediately after the expiration of the said period of three years, offer the property at the price it was acquired to the person from whom it was so acquired. The person receiving this offer shall signify his acceptance or rejection of the offer within three months of the receipt thereof; if he signifies acceptance, and returns the price at which it was acquired within a period of three months from such acceptance, the property shall be returned to him immediately.
- (4) The provisions of the above paragraph shall not affect any provisions of law for the purpose of recovering any taxes or penalty, executing any judgment, enforcing any contractual obligation or protecting life or property against danger.
- (5) The State may requisition any movable or immovable property:
- (a) for a purpose of public utility specifically provided by a general law for requisition; and
 - (b) when such purpose is established by a decision of the requisitioning authority and made under the provisions of such law stating clearly the reasons for such requisition; and
 - (c) for a period not exceeding three years;
 - (d) upon payment of just compensation.

In case of disagreement, the amount of just and equitable compensation shall be determined by the court.

- (5) Any person concerned shall have the right of recourse to the court in respect of any of the provisions of this Article and such recourse shall have the effect of a stay of proceedings of the compulsory acquisition. Any decision of the court under this paragraph shall be subject to appeal.

Acquisitions, Requisitions and Restrictions connected with Vakf Properties

Article 48

- (1) Matters relating to the acquisition and requisition of Vakf properties shall be regulated by law in accordance with the Basic Principles of Evkaf (Ahkâmül Evkaf). Provisions relating to the restrictions and limitations which shall be imposed on Vakf properties for purposes of town and country planning, shall also be specified in such law.
- (2) In cases where any act of limitation or restriction is involved, the court may order stay of proceedings in respect thereof.

Nationalization

Article 49

Private enterprises which possess the characteristics of a public service may, where necessitated in the public interest be nationalized provided that their actual value is paid in cash. The valuation and payment procedures shall be regulated by law.

Right to a Dwelling

Article 50

The State shall regulate by law the measures necessary for meeting the housing requirements of families who do not own a dwelling or who do not have a home conforming to sanitary conditions suitable for human habitation.

Right to Health

Article 51

- (1) Every person is entitled to protective health services medical care.
- (2) It shall be the duty of the State to ensure to the greatest extent possible that every person enjoys sound physical and mental health and receives medical care.

Right to Enter into Contract

Article 52

- (1) Subject to compliance with such conditions, limitations or restrictions as are laid down by the general principles of the law of contract and the provisions of the laws in force, every person has the right to enter freely into any contract. The exploitation by persons who are economically strong of other persons shall be prevented by law.
- (2) The rights and obligations arising from contracts may be regulated or restricted by law for such reasons as public interest, public order, social justice and public security.
- (3) The State, in regard to the social and economic requirements and to the characteristics of specific areas may, by law, take the necessary measures, impose restrictions and make adjustments regarding house rents.

Order of Economic and Social Life

Article 53

- (1) Economic and social life shall be regulated in accordance with the principles of justice and full employment and with the aim of ensuring for every person a standard of living befitting human dignity.
- (2) It shall be the duty of the State to materialize economic, social and cultural development and to promote gender perspective through democratic means and for this purpose to increase public savings, to direct investments to priorities necessitated by public interest and to prepare development projects.

Freedom to Work

Article 54

- (1) All persons permanently resident in the State shall be free to work in any field of his choice. The establishment of private enterprise is free. This freedom may be restricted by law in the public interest.
- (2) If it is in the public interest, a law may provide, that certain enterprises of the nature of an essential public service, or relating to the exploitation of sources of energy or other natural resources owned by the State, shall be carried out exclusively by the State or by a municipal corporation, or by a public corporate body created for the purpose by such law and administered under the control of the State.
- (3) The State shall take the steps necessary to ensure that private enterprise shall progress in accordance with the requirements of the State economy and in conformity with social aims and shall function in security and stability.

Right to Work

Article 55

- (1) It is the right of every permanent resident to work.
- (2) The State shall protect the workers and support employment by taking social, economic and financial measures for securing a decent life to workers and for ensuring that working conditions shall improve in a stable manner; the State shall take measures aimed at preventing unemployment.
- (3) No person shall be compelled to work. Forced labour is prohibited. However, any labour required to be performed by convicts during their detention for rehabilitation purposes shall not be deemed to be forced labour.
- (4) The forms and conditions of physical or intellectual work which is in the nature of civil duty, in fields necessitated by the country's requirements, shall be regulated by law in accordance with democratic principles.

Conditions of Employment

Article 56

- (1) No person shall be employed in any work which is incompatible with that person's age, capability, sex, health, dignity and security.

- (2) Children, young persons, women and persons who are physically and mentally handicapped shall be accorded special protection in respect of conditions of work.

Right to Rest

Article 57

- (1) Every worker has the right to rest.
- (2) The right to weekend and to national and religious holidays with pay and to annual leave with pay, shall be regulated by law.

Equity in Pay

Article 58

The State shall adopt the necessary measures enabling workers to receive just and equitable wages commensurate with the work they perform and sufficient to secure a standard of living befitting human dignity.

The Right to Establish Trade Unions

Article 59

- (1) Employers and employees have the right to establish, without prior permission, trade unions and federations of trade unions, to become members and to resign from membership thereof freely. The manner and procedures whereby these rights shall be exercised shall be prescribed by law. The law may impose restrictions for the purpose of safeguarding public security, public order and public morals.
- (2) The rules and the administration and functioning of trade unions and trade union federations shall not be contrary to democratic principles.

The Right to Collective Agreement and to Strike

Article 60

- (1) Workers shall have the right to collective agreement and to strike regarding their relations with employers for the purpose of protecting and improving their economic and social positions.
- (2) No other persons can be employed instead of the persons who are on strike and no persons shall be removed from employment or prosecuted for taking part in a strike.
- (3) Judges, law officers, members of the police and of the civil defence organisation have no right to strike.
- (4) The rights of the employers shall be regulated by law.

Right to Social Security

Article 61

Every person has the right to social security. It shall be one of the duties of State to establish, and to help establish social insurance and similar social

security schemes and social assistance organizations, for the purpose of ensuring this right.

The Right to Protection Against Hunger

Article 62

The State shall protect the right of everyone to be free from hunger and with this in view it shall take the measures necessary to improve the methods of production, conservation and balanced distribution of food and to create the means for effective nutrition. For this purpose it shall follow, disseminate and apply scientific developments. These duties of the State shall be regulated by law.

The Right to Special Protection

Article 63

- (1) The State shall protect the widows and orphans of martyrs and of those who die in action or whilst on active duty and the disabled war veterans and shall secure for them within the society a standard of living befitting them.
- (2) The State shall secure the establishment of the institutions and organisations necessary for the education, rehabilitation, employment and social assistance of the mentally and physically handicapped persons in order to enable their full integration into society.
- (3) The State shall take all measures to protect the disabled, war veterans, elderly people, those unable to work, and children in need of care and protection.
- (4) The scope of these rights and facilities shall be regulated by law.

Rehabilitation of the Poor

Article 64

The State shall take social, economic, financial and other measures necessary for the purpose of rehabilitating persons socially and economically in need and rendering them useful to their families and to society.

Right to Education and Training

Article 65

- (1) No person shall be deprived of the right to education and training.
- (2) Every kind of educational and training activity under the supervision and control of the State shall be free. The principles under which private primary and secondary schools operate are regulated by law in accordance with the standards and target level of education of state schools.
- (3) No educational and training centres which are contrary to the principles of contemporary science and education shall be opened. Secular training and teaching is the underlying basis of education.
- (4) It shall be one of the primary duties of the State to provide for the educational and training needs of the people. The State shall carry out

this duty in accordance with the principles and reforms of Atatürk, within a framework embellished with universal and national culture and human values, and in such a planned manner, as to meet the demands of the age and of technological progress as well as the demands and the needs of the individual and the community.

- (5) Every child, irrespective of sex, shall have the right to compulsory education until the age of fifteen and to free education until the age of eighteen.
- (6) The State shall take the necessary measures for bringing up children, who, owing to their circumstances, are in need of special training or education within or outside school, in such a way as to render them useful to society.
- (7) The State shall give the necessary assistance, through scholarships or otherwise, for the purpose of enabling successful pupils who lack financial means to receive the highest level of education.
- (8) The instruction of the Greek language, which is one of the official languages of the United Cyprus Republic, is compulsory in secondary education.
- (9) The religious minorities, namely Maronites, Latin and Armenians, living in the boundaries of the State and whose mother tongue is not Turkish have the right to receive education at the primary and secondary level in their native language. This right is regulated by law. However, in such secondary schools, teaching of the Turkish language which is the official language of the State, is compulsory.

Protection of Youth

Article 66

The State shall ensure that the youth shall grow up and mature as knowledgeable, healthy, of good character and as useful citizens to the society.

Promotion of Sports

Article 67

The State shall take measures for the improvement of the physical and mental health of persons of all ages and for bringing sports within the reach of masses; it shall provide the necessary facilities for sports and shall support successful athletes.

Protection of Arts, Artists and Cultural Rights

Article 68

- (1) The State shall create the conditions necessary to enable the free development of art; it shall take measures for the protection, support and encouragement of the artists and for rewarding them.
- (2) The State shall protect the right of every person to take part in cultural life, to enjoy the benefits of scientific progress and its applications, to benefit from the material and moral interests resulting from the protection of any scientific, literary or artistic production and shall ensure due respect for

freedoms necessary for the promotion of scientific research and creative activity.

Promotion of Co-operative Activities

Article 69

The State shall take the measures necessary for the promotion of co-operative activities and shall regulate by law the functioning of co-operatives in accordance with democratic principles.

Protection of Agriculture and Farmers

Article 70

(1) The State shall take the necessary measures for the adequate nourishment of all persons and for the increase of agricultural production in conformity with the interest of the community, for the prevention of soil erosion and for the evaluation of agricultural products and appreciation of the labour of those engaged in agriculture.

(2) The State shall facilitate the acquisition by farmers of agricultural equipment.

(3) The protection of persons engaged in agriculture against natural disasters shall be regulated by law.

Protection of Consumers

Article 71

The State shall take protective and enlightening measures for consumers. It shall encourage initiatives of consumers to protect themselves.

The Limit of the Economic and Social Duties of the State

Article 72

The State shall carry out its duties for attaining the economic and social aims specified in this Constitution in so far as economic development and financial resources permit.

CHAPTER IV
Political Rights and Duties

Internal Constituent State Citizenship Status

Article 73

(1) Upon entry into force of the Foundation Agreement, Cypriot citizens residing in the Turkish Cypriot State or in territories administered by it shall hold its internal constituent state citizenship status according to the relevant constitutional law of the United Cyprus Republic.

(2) The State may regulate the acquisition of its internal citizenship status for persons hailing from the Greek Cypriot State.

The Right to Elect, to be Elected and to Participate in a Public Referendum

Article 74

- (1) It shall be the right and duty of every Cypriot citizen permanently residing in the State who has reached the age of eighteen years to vote at State elections and referenda.
- (2) Every Cypriot citizen permanently residing in the State who has reached the age of 18 years and has command of its official language shall have the right to be elected to public offices of the State. To be elected, such a person shall ordinarily have resided in the State for at least three years. This right shall be regulated by law.
- (3) Elections and referenda shall be held in accordance with the principles of free, equal, secret, direct ballot and universal suffrage, open counting and tabulation and shall continue without interruption until the counting and tabulation are completed.
- (4) To become a candidate, a person shall not be subject to the condition of resigning from public service. Public officers and the conditions under which they can become candidates in view of the security of elections and of the public service, shall be regulated by law.
Judges, law officers and members of the police force shall not become candidates and shall not be elected unless they first resign from their posts.
- (5) The provisions as to the rights of persons holding Turkish Cypriot citizenship status to vote at elections and referenda and to be elected and those relating to the rights of persons not holding Turkish Cypriot citizenship status who reside in the State to participate in local elections shall be regulated by law in accordance with the provisions of the above rules and democratic principles.

The General Administration and Control of Elections

Article 75

- (1) Elections and referenda shall be held under the general direction and control of the judicial organs.
- (2) It shall be the duty of the High Electoral Council composed of judges, to take and cause to be taken all necessary action for the orderly administration and fairness of the elections and referenda from beginning to the end, to examine and give a final decision, during and after the election or referendum, on all irregularities, complaints and objections on matters concerning the elections and the referenda and to accept the election records of the President of the State and of deputies.
- (3) The establishment, functions, duties and powers of the High Electoral Council and other election councils shall be regulated by law.

The Right to Establish Political Parties and the Place of the Parties in Political Life

Article 76

- (1) Cypriot Citizens permanently resident in the State have the right to function in politics freely, establish political parties and in accordance with normal procedure to become members or to resign from membership of parties. The rights of persons not holding Turkish Cypriot citizenship status resident in the State connected to the above provisions shall be regulated by law in accordance with democratic principles.
- (2) Political parties can be established without prior permission and they can function freely.
- (3) Political parties, whether in power or in opposition, shall be the indispensable elements of democratic political life.
- (4) Political parties shall not be entitled to take part in an election unless they are established and have acquired legal personality at least ninety days before such election.
- (5) The assistance to be given by the State to political parties shall be regulated by law.

The Principles with which Political Parties must Comply

Article 77

- (1) The rules, programmes and activities of political parties shall not violate the indivisibility or the integrity of the State together with its territory and people, human rights, and the principles of a democratic and secular State.
- (2) The activities and decisions of political parties concerning their internal affairs shall not violate democratic principles.
- (3) Political parties shall not receive pecuniary assistance from foreign states or the Greek Cypriot State.
- (4) The income and expenditure of the political parties together with the expenditure of the candidates shall be inspected in conformity with the principle of transparency.
- (5) Political parties promoting rules, programmes or activities in contravention of the provisions of paragraph 1 of this Article by violent means, may be permanently banned by the Supreme Court of the State sitting as the Constitutional Court, upon the institution of an action by the Attorney-General of the State.
- (6) The control of the formation and activities of political parties and their closing down shall, subject to the above provisions, be regulated by law.
- (7) The provisions of this Article shall not be interpreted or applied as preventing political parties from engaging in activities for the amendment of this Constitution in accordance with Article 163 thereof.

Right to Enter the Public Service

Article 78

- (1) Subject to the law of the European Union and federal law, entry to the public service is open to all holders of the internal citizenship status. This right shall be regulated by law.
- (2) No discrimination, other than the qualifications required for the post, shall be made in appointments to the public service.

Appointments to the Organisations, Institutions and Establishments of the United Cyprus Republic

Article 79

- (1) Every person holding the citizenship status of the State who has reached the age of eighteen has the right to be appointed to federal organisations, institutions and establishments.
- (2) The qualifications required from persons holding the citizenship status of the State who shall be appointed to federal organisations, institutions or establishments as stated in the Foundation Agreement and the procedures connected to appointment and selection shall be regulated in compliance with the laws within the framework of the Foundation Agreement.
- (3) Subject to the law of the European Union, non-citizen residents of State shall not be selected and appointed to federal organisations, institutions and establishments as stated in the Foundation Agreement and the constitution of the United Cyprus Republic.

Declaration of Property Wealth

Article 80

The declaration of property wealth by public personnel of the State upon entry to, and during their service in, public service shall be regulated by law. Those performing duties in the legislative and executive organs shall not be exempted from this requirement.

Duty to Pay Tax

Article 81

- (1) Every person is liable to pay taxes according to his financial means towards meeting public expenditure.
- (2) No tax, duty or charges or similar financial burdens shall be imposed save by or under the authority of law.
- (3) The Council of Ministers of State may be authorised to make amendments in the provisions relating to deductions and exemptions from taxes, duties and charges and in the rates and limits of such taxes, duties and charges, provided that such amendments shall be within the minimum and maximum limits, and in conformity with the standards and principles specified by law.
- (4) No financial obligations shall be imposed with retroactive effect.

Right to petition

Article 82

- (1) Every person shall have the right to make written applications, either individually or jointly with others, to competent authorities concerning requests and complaints relating to themselves or to the public in general, and to expect that such applications are considered and decided upon expeditiously.

Such a decision, duly reasoned, shall be communicated in writing to the person making the request or complaint within thirty days at the latest. Any person who is aggrieved by such decision, or to whom no such decision is communicated within thirty days, may have recourse to a competent court concerning his request or complaint.

- (2) Citizens shall have the right to make applications in writing, either individually or jointly with others, to the Assembly of the State. The manner in which this right shall be exercised shall be regulated by law.

PART III
Legislature
CHAPTER I
The Assembly of the Turkish Cypriot State

The Composition of the Assembly of the Turkish Cypriot State

Article 83

The Assembly of the State shall be composed of fifty deputies.

The Duties and Powers of the Assembly of the Turkish Cypriot State

Article 84

The duties and powers of the Assembly of the State shall be to approve the constitutional laws of the United Cyprus Republic in accordance with the procedure envisaged in the Foundation Agreement; to approve the Co-operation Agreements of the State with the Federal Government and the Greek Cypriot State in accordance with the procedure provided in the Foundation Agreement; to enact, amend and repeal the laws of the State; to exercise control over the Council of Ministers and Ministers; to debate and approve bills concerning the budget and final accounts of the State; to approve international agreements on commercial and cultural matters (including the arts, education and sports) to which the State is a party; to approve development plans; to decide on the grant of general and special amnesty, and to exercise the powers and perform the duties envisaged in the other Articles of the Constitution.

Elections for the Assembly of the Turkish Cypriot State

Article 85

- (1) The elections for the Assembly of the State shall be held every five years.
- (2) The electoral system and principles governing it shall be regulated by law.
- (3) The powers of the Assembly which has been dissolved shall continue until a new Assembly is elected in its place.
- (4) A law shall provide for the filling of any vacancy that may occur in the Assembly of the State.

- (5) If the holding of elections shall become impossible due to emergency reasons, the elections may be postponed for a period of one year by the Assembly of the State. The decision to postpone the elections shall be taken by a two third majority of the total number of members.

The Inviolability of the Assembly of the Turkish Cypriot State and the Internal Security and Administrative Service

Article 86

- (1) The Assembly of the State is inviolable. No one can restrict the freedom of the Assembly, act in a manner disturbing its peace and insult its formal personality.
- (2) The internal security and administrative services within the premises, installations, annexes and courtyard of the Assembly of the State shall be provided for and administered by the President of the Assembly of the State. For police and other internal security services, a sufficient force shall be allocated to the President of the Assembly of the State by the authorities concerned.

The Meetings and Procedure of the Assembly of the Turkish Cypriot State

Article 87

- (1) The meetings of the Assembly of the State shall be held in the Assembly's own premises.
- (2) The Assembly of the State shall meet without summons at 10.00 hours within ten days following the publication of the results of the general elections in the Official Gazette of the State. The eldest deputy present at the meeting shall act as the President of the Assembly and the two youngest deputies present at the meeting shall perform the duties of Clerks to the Assembly. At this meeting the deputies shall take the oath and then the Assembly shall proceed with the election of its Presidential Council. The election of the Presidential Council of the Assembly shall commence as from this date and shall be completed within ten days.
- (3) The Assembly of the State shall meet without summons on the first working day of the month of October every yearly and shall continue its ordinary functions until the end of the month of June.
- (4) The Assembly of the State shall carry out its functions in accordance with Rules made by it.
The Rules shall be so made as to enable the participation of the political party groups in all the activities of the Assembly of the State in proportion to the number of members in the group. The political party groups shall consist of at least five members.
- (5) The quorum for meetings of the Assembly of the State shall be at least one-third of the total number of its members and decisions shall, unless there is provision to the contrary in the Constitution, be taken by the absolute majority votes of the members present at the meeting, provided that decisions shall be taken by at least thirteen members. In case of equality of the positive and negative votes, the issue submitted to the

vote shall be considered as rejected, provided that abstentions from voting shall be deemed to denote the acceptance in advance of a decision in favour of the positive or negative votes whichever is the greater.

- (6) The Assembly of the State may be summoned to an extraordinary meeting on the request of the President of the State, the President of the Assembly of the State, the Council of Ministers or on the request of at least ten deputies.
- (7) The debates in the General Meetings of the Assembly of the State shall be public and minutes thereof shall be published in full.
- (8) The Assembly of the State may hold closed sessions by a decision of the General Meeting of the Assembly. The publication of the verbatim reports of such debates shall be subject to the decision of the General Meeting of the Assembly of the State.
- (9) The publication by any means whatsoever of the public debates held in the Assembly of the State shall be free of any restrictions unless a decision to the contrary is taken upon the proposal of the Presidential Council of the Assembly at the same session.

Taking the Oath

Article 88

The deputies shall take the following oath before assuming their duties:

“I do swear upon my honour and dignity that I shall preserve the existence, rights and sovereignly exercised powers of the State within the United Cyprus Republic; that I shall be bound by the principle of the supremacy of law and by the principles of a democratic secular State, social justice and the principles of Atatürk; that I shall work for the welfare and happiness of my people; that I shall not depart from the ideal that every citizen must benefit from human rights and that I shall remain loyal to the Constitution.”

Presidential Council of the Assembly of the Turkish Cypriot State

Article 89

- (1) The Presidential Council of the Assembly of the State shall be composed of the President of the Assembly of the State, Vice-President of the Assembly of the State and of a sufficient number of Clerks and Administrative Officers elected from amongst the deputies.
- (2) The Presidential Council of the Assembly of the State shall function as a Council and shall be constituted proportionately with the number of members of the groups in the Assembly.
- (3) The election of the President and Vice-President of the Assembly shall be held twice during the term of office of the Assembly. Those elected for the first period shall hold office for three years and those elected for the second period shall hold office for two years.

The elections for the President and Vice-President of the Assembly for the second period shall commence on the first day of the fourth year of the term of office of the Assembly and shall be completed in ten days, at

the latest. The duties of the former President and Vice-President of the Assembly shall continue until the new President and Vice-President for the second period shall be elected.

- (4) The election of the President and Vice-President of the Assembly shall be by secret ballot. At the first two rounds of voting an absolute majority of the total number of members shall be required. If an absolute majority of the total number of members cannot be obtained at the third round, a fourth round of voting shall be held between the two candidates who have received the greater number of votes, and the one who receives most of the votes at the fourth round shall be elected.
- (5) The provisions relating to the number, term of office and election of the Clerks and Administrative Officers shall be prescribed by the Rules of the Assembly of the State.

Immunity of Deputies

Article 90

- (1) Deputies shall not be held liable for their votes or statements at the meetings of the Assembly of the State and for repeating or disclosing these outside the Assembly.
- (2) Where it is alleged that a deputy committed an offence before or after the elections, he cannot be arrested or prosecuted without the leave of the Assembly. Such leave shall not be necessary in the case of a flagrant offence, punishable with imprisonment for five years or more. Provided that the competent person shall notify forthwith the Assembly.
- (3) A sentence imposed on a deputy before or after the elections, shall not be carried out until after the end of his term of office. The period during which a deputy remains in office shall not be reckoned for purposes of limitation of time.

The Termination of a Deputy's Term of Office

Article 91

- (1) The term of office of a deputy shall come to an end on his death, on his final conviction of an offence that constitutes disqualification for election, on his withdrawal, disqualification, acceptance of a duty not compatible with the office of a deputy, and on his failure to attend the meetings of the Assembly for a period of one month without any excuse or leave.
- (2) The termination of the term of office of a deputy shall be decided upon by the General Meeting of the Assembly of the State.

Duties not Compatible with the Office of a Deputy

Article 92

- (1) Deputies shall not accept employment in the State or public establishments as public personnel or other public official and shall not, directly or indirectly, undertake any business engagements of the State or of public establishments.

- (2) Other duties and functions not compatible with the office of a deputy shall be regulated by law.

Remuneration of Deputies

Article 93

- (1) The salaries, representation and cost of living allowances and travelling expenses of the deputies shall be regulated by law. The monthly amount of the salary shall be equal to the monthly amount of salary drawn by the highest ranking public officer. The total sum of travelling expenses and representation allowances shall not exceed one-half of the total annual salary.

Holding of New Elections for the Assembly of the Turkish Cypriot State

Article 94

- (1) The Assembly of the State may, by an absolute majority vote of the total number of its members decide to hold new elections. Abstentions and invalid votes shall be taken into account only for purposes of the quorum of such meeting; they shall not be taken into consideration for the purpose of the minimum number of votes required for the taking of a decision.
- (2) If it is not possible to appoint a Council of Ministers having the support of the majority of the Assembly of the State in conformity with paragraph (2) of Article 112 of this Constitution within a period of sixty days, the President of the State may decide to dissolve the Assembly and to hold new elections for the Assembly of the State.
- (3) If the Council of Ministers falls, or is defeated three times within a year for inability to receive a vote of confidence or as a result of a vote of no confidence under Article 115 of this Constitution, the President of the State may decide to hold early elections for the Assembly of the State.
- (4) The President of the State may, if he considers it necessary, have recourse to a referendum before deciding to hold new elections for the Assembly of the State under paragraphs (2) and (3) of this Article.
- (5) The President of the State, when deciding to hold new elections shall obtain the views of the President of the Assembly of the State, the Council of Ministers and of the Chairmen of political parties having a group in the Assembly of the State.

CHAPTER II Enactment of Laws

General Provisions Relating to Enactment of Laws and Taking of Decisions

Article 95

- (1) The Council of Ministers and the deputies shall be entitled to introduce bills and resolutions.

The method and principles governing the debate in the Assembly of the State of bills and draft resolutions shall be regulated by the Rules of the Assembly.

- (2) The manner in which bills and draft resolutions shall be brought to the notice of the public shall be regulated by the Rules of the Assembly.

The Ratification of International Agreements on commercial and cultural matters

Article 96

- (1) The ratification of international agreements on commercial and cultural matters (including the arts, education and sports) to be entered into on behalf of the State shall in principle be subject to the approval of the Assembly of the State by enactment of a law.
- (2) A law shall provide as to the type of agreements and the manner for their entry into force without approval by the Assembly of the State, upon publication, taking into consideration the membership of the United Cyprus Republic of the European Union and its international relations.
- (3) The provisions of paragraph (1) of this Article shall be applied in the case of all agreements which result in a change in the laws of the State.
- (4) International agreements which have been duly put into operation shall have the force of law. Recourse cannot be made to the Supreme Court sitting as the Constitutional Court in respect of such agreements on the grounds of unconstitutionality.

The Preparation, Application, Debating and Acceptance of the Budget

Article 97

- (1) The expenditure of the State and of public corporate bodies, other than the public utility enterprises, shall be provided for by annual budgets.
- (2) The provisions governing the preparation and the application of the budget shall be regulated by law.
- (3) No provisions other than those relating to the budget shall be included in the budget law.
- (4) The draft budget shall be submitted by the Council of Ministers to the Assembly of the State at least two months before the beginning of the financial year.
- (5) The Budget Committee shall complete its work on the budget within one month, at the latest.
- (6) During the debate of the draft budget at the general meeting of the Assembly of the State, the deputies cannot propose any increase of expenditure or any decrease in revenue.
- (7) The President of the State shall promulgate the budget law enacted by the Assembly of the State by publishing it in the Official Gazette of the State within ten days.

Final Accounts

Article 98

The bills for final accounts shall, unless a shorter period has been provided in the law, be submitted by the Council of Ministers to the Assembly of the State within one year from the end of the financial year to which they relate, at the latest. The Office of Audit shall submit its notification of general approval to the Assembly of the State within a period of six months, at the latest, from the date of the submission of the bill of final accounts to which it relates.

Promulgation of Laws by the President of the Turkish Cypriot State

Article 99

- (1) The President of the State shall promulgate the laws enacted by the Assembly of the State by publishing them in the Official Gazette of the State within fifteen days. He shall return any law which he does not consider appropriate to promulgate, together with the reasons thereof, to the Assembly for reconsideration within the said period of fifteen days.
- (2) If the Assembly of the State approves the law as it is, the law shall be promulgated by the President.
- (3) The President of the State may exercise the authority vested in him under Article 149 within the period of fifteen days. In such a case the provisions of Article 149 shall apply.

The Publication of Decisions

Article 100

- (1) The decisions taken by the Assembly of the State on the following matters shall, unless there is provision to the contrary in the decision, come into force immediately and shall be published by the President of the Assembly in the Official Gazette within ten days:
 - (a) Decisions relating to the supervision of the Council of Ministers and Ministers and to votes of confidence and to votes of no confidence;
 - (b) Decisions relating to the holding of new elections and to the postponement of elections;
 - (c) Decisions relating to the termination of the office of a deputy;
 - (d) Decisions relating to the removal of the immunity of a deputy;
 - (e) Results of elections held for internal matters of the Assembly;
 - (f) Decisions to prefer charges against the President, the Prime Minister and the Ministers before the Supreme Council;
 - (g) Decisions relating to the supervision of public utility enterprises;
 - (h) Decisions relating to a state of emergency;
 - (i) Decisions relating to the approval of development plans.
- (2) Decisions of the Assembly of the State which are of a general nature and which do not come under paragraph (1) of this Article shall be dealt with in accordance with the provisions governing the promulgation of laws.
- (3) Decisions relating to the application of the Rules of the Assembly of the State and decisions which relate to the Assembly's internal organization and activities which the Assembly decides should be published, shall be

- published by the President of the Assembly in accordance with paragraph (1) above.
- (4) No recourse shall be put to the courts and no annulment proceedings shall be instituted in the Constitutional Court in respect of decisions other than those referred to under sub-paragraphs (c), (d) and (h) of paragraph (1) above.

CHAPTER III

Methods of Obtaining Information and Supervision by the Assembly of the Turkish Cypriot State

Power of Obtaining Information and Exercising Supervision in General

Article 101

The Assembly of the State shall have power to table questions, to hold a general debate, an enquiry, an investigation and to take a vote of confidence.

Tabling of Questions and Holding of a General Debate

Article 102

- (1) Tabling of a question consists in asking information on a specific subject from the Prime Minister or Ministers which shall be furnished orally or in writing on behalf of the Council of Ministers. The Prime Minister and Ministers shall furnish a reply to the question tabled within thirty days, at the latest.
- (2) General debate means a debate held on a specific subject upon the proposal of a deputy and its acceptance by the Assembly of the State. No voting is taken at the end of a general debate.

Enquiry or Investigation

Article 103

- (1) An Assembly enquiry is an examination carried out for the purpose of obtaining information on a specific subject.
- (2) (a) Requests for an investigation concerning the Prime Minister or Ministers shall be signed by at least nine deputies.
- (b) Requests for an investigation shall be debated and decided upon by the Assembly of the State.
- (c) Investigations shall be conducted by a special committee made up of deputies.
- (d) The Assembly of the State may, after debating the report of the Committee of Investigation, accuse the Prime Minister or the Ministers by a decision to be taken by at least two-thirds of the total number of members.
- (e) The Prime Minister and Ministers shall be tried before the Supreme Council.

- (f) No discussions shall be held or decisions taken at political party groups in the Assembly of the State in connection with Assembly investigations.
- (3) The Committees of Enquiry and Investigation of the Assembly of the State shall have authority to examine any document relating to the enquiry or investigation, to obtain information and to summon and examine witnesses.
- The sanctions to be applied against persons who shall refuse to furnish the information and documents required by the Committees of Enquiry and Investigation or persons who disobey summons issued by these Committees and other relevant principles shall be regulated by law.

PART IV
The Executive
CHAPTER I
The President

The President

Article 104

- (1) The President of the State shall be elected for a period of five years by Cypriot citizens permanently resident in the State. The candidates for the office of the President of the State must possess the following qualifications:
- (a) they must be qualified for election as a deputy;
 - (b) they must have had higher education;
 - (c) they must have reached the age of thirty five years;
 - (d) they must be holders of the internal citizenship status of the State;
 - (e) they must have been ordinarily resident in Cyprus for a minimum period of five years immediately preceding the election.
- (2) In order to be elected as President a candidate must obtain the absolute majority of the total number of valid votes cast. If no candidate obtains such majority, the election shall be repeated after seven days between the two candidates who obtained the greatest number of valid votes cast. The candidate who obtained the greater number of valid votes cast at such repeated election shall be elected as the President.
- (3) The President whose term of office is completed continues in office until the new elected president assumes office.
- (4) The President of the State cannot do any work other than his official duties. He cannot, directly or indirectly, undertake any business engagements of the State or of public bodies.
- (5) The salary, representation and cost of living allowances and travelling expenses of the President of the State shall be regulated by law.

The Taking of Oath by the President of the Turkish Cypriot State

Article 105

The President of the State shall take the following oath on his investiture

“I do swear upon my honour and dignity that I shall preserve the existence , rights and sovereignly exercised powers of the Turkish Cypriot State within the United Cyprus Republic ; that I shall be bound by the principle of the supremacy of law and by the principles of a democratic, secular State and social justice and the principles of Atatürk; that I shall work for the welfare and happiness of the people; that I shall not depart from the ideal that every citizen must benefit from human rights and liberties and that I shall remain loyal to the Constitution and the laws ; and that I shall do all in my power to exalt the State and to perform impartially the duties I have undertaken.”

Impartiality of the President

Article 106

- (1) The President is impartial.
- (2) The relations of the person elected President come to an end in case such relations exist. If he is a deputy, his membership of the Assembly comes to an end.

The Duties and Powers of the President of the Turkish Cypriot State

Article 107

- (1) The President of the State shall be the Head of the State. In this capacity he shall represent the unity and integrity of the State.
- (2) The President of the State shall ensure respect for the Constitution of the State and the carrying out of public affairs in an uninterrupted and orderly manner.
- (3) The President can preside over the Council of Ministers if he deems this necessary. He ratifies and promulgates international agreements on commercial and cultural matters (including the arts, education and sports), appoints representatives in these matters, and mitigates the sentences or pardons convicted persons who are suffering from permanent disease, incapacity or senility.
- (4) The President of the State shall exercise any other powers and shall perform any other duties entrusted to him by this Constitution and the laws, and by the Constitution of the United Cyprus Republic.

Immunity and Liability of the President of the Turkish Cypriot State

Article 108

- (1) The President shall enjoy immunity for acts relating to the execution of his official duties. The Prime Minister and the Minister concerned, whose signatures appear thereon, shall be responsible for decrees jointly signed with the President.
- (2) The President has the exclusive power to convene the Assembly of the State, to promulgate the laws, to return the laws to the Assembly, to appoint the Prime Minister, to renew the election of the Assembly, to make recourse to the Constitutional Court of the State and to make the selections and appointments provided in this Constitution and to approve

the appointments of the President and judges of the Supreme Court of the State, and of the Attorney-General and the Deputy Attorney-General.

Vacancy in the Office of the President

Article 109

- (1) The Office of the President shall become vacant upon his death, upon his absence from work, other than temporary absence, and upon his written resignation sent to the President of the Supreme Court of the State.
- (2) If due to health reasons the President shall become permanently incapable of performing his duties, the Council of Ministers shall inform the President of the Supreme Court of the State of the situation. If the Supreme Court of the State sitting as the Constitutional Court decides that the President of the State is permanently incapable of performing his duties, the Office of the President of the State shall be deemed to have become vacant.

Deputising for the President of the Turkish Cypriot State

Article 110

- (1) In the event of the President being temporarily absent from his office for reasons such as sickness or travel abroad, or in the event of the Office of the President becoming vacant, for any reason, the President of the Assembly shall act as President until the President resumes his duties or until a new President is elected, as the case may be.
- (2) The President of the Assembly of the State cannot exercise the powers enumerated in Article 95 of this Constitution, while acting as President.

**CHAPTER II
Council of Ministers**

The Formation of the Council of Ministers

Article 111

- (1) The Council of Ministers of the State shall be composed of the Prime Minister and the Ministers. The Prime Minister shall be appointed by the President from amongst the deputies in accordance with the provisions of this Article.
- (2) The President shall entrust the duty of the formation of the Council of Ministers to the leader of a group or to a deputy who is likely to obtain a vote of confidence.
Every deputy who is given a mandate to form the Council of Ministers shall be bound to complete the mandate or return it within fifteen days, at the latest.
- (3) The President shall appoint the Prime Minister and on the proposal of the Prime Minister, the Ministers in accordance with the provisions of

paragraph (2) above. The President shall terminate the appointment of any Minister at the request of the Prime Minister.

- (4) The Ministers may be appointed from amongst persons who are not deputies.
- (5) The Prime Minister and the deputies who have been appointed as Ministers shall not lose their membership of the Assembly of the State. The Ministers appointed to the Council of Ministers from outside the Assembly shall benefit from immunity in the same way as deputies but shall not vote in the Assembly of the State.
- (6) The existing Council of Ministers shall continue in office until the new Council of Ministers is appointed by the President.

The Duties, Powers and Responsibilities of the Prime Minister

Article 112

- (1) The Prime Minister shall ensure interministerial co-operation, the carrying out of the general policy of the Council of Ministers and the application of the laws.
- (2) The Prime Minister shall be responsible for ensuring that the Ministers perform their duties in accordance with the Constitution and the laws, for securing the orderly functioning and discipline of the Council of Ministers and for taking the necessary corrective measures.
- (3) The Prime Minister shall be responsible to the Assembly of the State for the programme of the Council of Ministers and for its application or for any important political initiative.
- (4) The Prime Minister shall preside over the Council of Ministers. The President may preside over the Council of Ministers in circumstances which he considers it necessary, or at the request of the Prime Minister. The President shall not have the right to vote.
- (5) The Prime Minister cannot do any work other than his official duties. He cannot undertake, directly or indirectly, any business engagement of the State and of public bodies.
The salary, representation and cost of living allowances and the travelling expenses of the Prime Minister shall be regulated by law.
- (6) The Prime Minister shall exercise any other powers and perform any other duties conferred on him by this Constitution and the laws.

The Establishment of the Ministries

Article 113

- (1) The Ministries shall be established and abolished according to the number and principles provided by the Constitution, on the proposal of the Prime Minister and upon approval of the President, by a decree published in the Official Gazette of the State, provided that such a decree shall come into operation only if the Prime Minister concerned receives a vote of confidence.
- (2) The number of ministries shall under no circumstances exceed ten. The central organisation of each Ministry and the departments and services

that shall be attached to each ministry, shall be regulated by rules to be made in accordance with the principles laid down by law.

- (3) In Ministries where the office of the Minister is vacant or where a Minister is on leave or is incapacitated from performing the duties of his office, another Minister may deputise for him temporarily. Provided that a Minister shall not act for more than one Minister.
- (4) A Minister, against whom a charge is preferred before the Supreme Council by a decision of the Assembly of the State, shall cease to be a Minister. In the event of the Prime Minister being so charged before the Supreme Council, the Council of Ministers shall be deemed to have resigned.
- (5) In the event of a vacancy occurring in the office of any Minister for any reason, such vacancy shall be filled within ten days, at the latest.

The Assumption of Duty by the Council of Ministers and its Responsibilities
Article 114

- (1) The complete list of the Council of Ministers appointed by the President shall be submitted to the Assembly of the State. If the Assembly of the State is in recess, it shall be convened immediately. The programme of the Council of Ministers shall be read by the Prime Minister or by a Minister within a week from the date of its appointment at the latest.
- (2) After the programme is read before the Assembly of the State, it will be put to a vote of confidence. The debate on the vote of confidence shall begin after the lapse of two full days from the reading of the programme and the vote of confidence shall be held after the lapse of one full day from the end of such debate. No motion for a vote of no confidence shall be tabled against a Council of Ministers, which has obtained a vote of confidence, before the lapse of three months from the date of the vote of confidence.
- (3) A motion for a vote of no confidence against the Prime Minister may be tabled by at least nine deputies. No further motion of no confidence shall be tabled before the lapse of three months from the date of the refusal of the previous motion of no confidence.
The decision whether a motion of no confidence shall be included on the agenda or not, shall be taken at the second meeting following its submission. A vote of no confidence cannot be taken before the lapse of one full day after the close of the general debate on the motion of no confidence.
- (4) After having discussed the matter at the Council of Ministers, the Prime Minister may, if he considers it necessary, ask for a vote of confidence from the Assembly of the State at any time. The request for a vote of confidence cannot be debated until after the lapse of one full day from the making of the request to the Assembly of the State and the requests cannot be put to a vote until after the lapse of one full day from the end of the debate. The vote of confidence sought in this manner can be

rejected only by an absolute majority of the total number of the members of the Assembly of the State.

- (5) In the event of the majority of the members of the Council of Ministers being replaced within a period of thirty days, the Prime Minister shall ask for a vote of confidence.
- (6) The Prime Minister, who fails to obtain a vote of confidence, or whose request for a vote of confidence is rejected or a motion for a vote of no confidence against him is carried by an absolute majority of the total number of members of the Assembly of the State, shall submit his resignation to the President.

The Duties, Powers and Responsibilities of the Ministers

Article 115

- (1) Each Minister is responsible to the Prime Minister and shall also be responsible for matters coming under his authority and for the actions of those working under him.
- (2) Each Minister shall be the person responsible at the top of the hierarchy of his Ministry's central organisation and of the Departments and administrative units attached to his Ministry.
- (3) The executive duties of each Minister shall include the following:
 - (a) to apply the laws concerning his Ministry and to administer all matters and affairs which normally come within the authority of his Ministry;
 - (b) to prepare the orders, rules and regulations concerning his Ministry for submission to the Prime Minister and the Council of Ministers;
 - (c) to publish directions, circulars and similar texts for the application of any law concerning his Ministry and of any rules and regulations issued thereunder;
 - (d) to prepare that part of the Budget of the State which concerns his Ministry for submission to the Council of Ministers and to apply such Budget.
- (4) The Ministers cannot engage in any work other than their official duties. They cannot undertake, directly or indirectly, any business engagement of the State and of public bodies.

The salaries, the representation and cost of living allowances and the travelling expenses of the Ministers shall be regulated by law, having regard to Article 94.
- (5) The Ministers shall exercise any other powers and shall perform any other duties conferred on them by the legislation in force, by the Prime Minister and by the Council of Ministers.

Decrees Having the Force of Law

Article 116

- (1) The Council of Ministers may, in cases of urgency, issue decrees having the force of law in economic matters. A decree having the force of law shall come into force on its publication in the Official Gazette of the

State and it shall be submitted to the Assembly of the State, together with its objects and reasons, on the same day.

- (2) Decrees having the force of law submitted to the Assembly of the State shall be debated and decided upon in the Committees and the General Assembly with priority and urgency before any other matter, in accordance with the provisions of the Rules relating to the debate of laws.
- (3) The Assembly shall give its decision on these matters within ninety days.
- (4) New financial burdens cannot be imposed and personal and political rights and liberties cannot be restricted by means of decrees envisaged by this Article.

CHAPTER III Administrative Provisions

The State Administration

Article 117

- (1) The State administration is a whole with its structure and duties and shall be regulated by law.
- (2) The structure and duties of the State administration shall be based upon the principles of central and local government.
- (3) A public corporate body can only be established by law or on the authority expressly given by law.

Public Controller

Article 118

- (1) A Public Controller shall be appointed by the President of the State with the approval of the Assembly to control whether any service or act of the administration has been carried out in accordance with the legislation in force and court decisions or to control any service or act done by or on behalf of any executive or administrative unit or officer and to carry out enquiries and submit reports on such services and acts and to perform any other duties specified by law.
- (2) The qualifications, powers and duties of the Public Controller shall be regulated by law.
The conditions for the dismissal of the Public Controller shall be the same as those applied to a member of the Supreme Court of the State.
- (3) Matters connected with the President, judiciary, and external relations in commercial and cultural matters are not within the scope of the duties of the Public Controller.

Establishment of Departments and Service Units

Article 119

The establishment, duties and powers of the departments and service units shall be regulated by law.

Central Administration

Article 120

The Turkish Cypriot State shall, from the point of view of the organisation of central administration, be divided into divisions prescribed by law according to geographical position, economic conditions and exigencies of the public services.

Police Organisation

Article 121

- (1) The establishment of the Police Organisation of the State, duties, powers, responsibilities, force and equipment, and participation in the Joint Investigation Agency shall be regulated by law in accordance with the provisions of the Foundation Agreement, the Constitution of the United Cyprus Republic and the relevant Constitutional Law relating to the police of the federal government and the constituent states.
- (2) The police are charged with performing their duties within the framework of the Constitution and the laws with due respect to the principles of a democratic State under the rule of law and to the fundamental rights of all persons.

Local Authorities

Article 122

- (1) Local authorities are public legal bodies established for meeting the local common requirements of the people of a district, municipality, village or quarter, the principles governing the establishment of which are specified by law and the decision-making organs of which are constituted by elections.
- (2) The establishment, duties and powers of local authorities shall be regulated by law in accordance with the principle of local administration.
- (3) Elections for the organs of local authorities shall be held once in every four years in accordance with the provisions of Article 75.

The Carrying Out of the Basic and Continuous Duties Connected with the Public Services

Article 123

- (1) The substantive and continuous duties necessitated by the public services which the State is obliged to provide in accordance with the principles of general administration, shall be carried out by public servants.
- (2) The substantive and continuous duties necessitated by the public services which the public utility enterprises and other public corporate bodies are obliged to provide in accordance with the principles of general administration, shall be carried out by other public personnel.

Provisions in Connection with Public Personnel and Other Public Officers

Article 124

- (1) The qualifications, appointments, duties and powers, rights and responsibilities, salaries and allowances and other personal matters of public personnel shall be regulated by law.
- (2) Impartial and independent organ or organs shall be established to exercise power with regard to the appointment, confirmation, emplacement on the permanent and pensionable establishment, promotion, transfer, retirement of public personnel and any disciplinary proceedings against them including dismissal and removal from office, but excluding disciplinary proceedings necessitating the punishment of warning or reprimand. The establishment and functions of such organ or organs shall be regulated by law so as to render possible the making of separate arrangements in respect of a particular section of public personnel having regard to the particular nature of the services rendered by them.

Provisions relating to judges, law officers, President and members of the Office of Audit, Public Controller and members of the police and the other provisions of the Constitution on this matter shall be reserved.

- (3) The qualifications, appointments, duties and powers, rights and responsibilities, salaries and allowances and other personnel matters of the public personnel shall be regulated by law in accordance with the particular nature of the services carried out by the bodies employing such personnel.
- (4) Where it is intended to take disciplinary action against public personnel and other public officers, the person concerned shall be notified expressly and in writing of the accusation against him, he shall be asked to make his written defence and he shall be given a certain period for putting forward his defence. No disciplinary action shall be taken unless the above provisions are complied with and disciplinary decisions shall be subject to review by courts of justice.

The provisions of this Constitution relating to judges, law officers, the President and members of the Office of Audit, and the Public Controller shall be reserved.

- (5) Public personnel carrying out duties as a high ranking administrator shall be appointed by a decree signed by the Minister concerned, the Prime Minister and the President. Provisions in this respect shall be regulated by law.
- (6) With the exception of the employment of labourers, no appointments shall be made to the public service, public bodies and public utility enterprises from the date of the publication in the Official Gazette of the State of the election date for the Assembly of the State until the date when the new Council of Ministers shall assume duties after the election; promotions, transfers and revision of salary scales shall be suspended completely during the said period.
- (7) The manner and the circumstances under which these provisions shall be applied, shall be regulated by law.

Rules and Regulations

Article 125

Unless the Constitution or a law gives express power, no organ of the State shall make rules and put them into force. Regulations shall be made and put into force only in accordance with rules.

Illegal Orders

Article 126

- (1) Any person employed in the public service under any capacity whatsoever, shall not obey an order given by his superior, if he considers such order to be contrary to the provisions of any regulations, rules, law or of the Constitution and shall notify the person giving the order of such contravention. But if the superior insists on his order and repeats it in writing, the order shall be obeyed and in such a case the person obeying the order shall not be held responsible.
- (2) Any order, the subject matter of which constitutes an offence, shall not be obeyed under any circumstances; any person obeying such an order cannot escape responsibility.
- (3) Exceptions relating to emergency situations for the protection of public order and public security, as provided by law, shall be reserved.

CHAPTER IV State of Emergency

Declaration of State of Emergency due to Natural Disasters, Serious Economic Crisis and Widespread Acts of Violence

Article 127

The Council of Ministers meeting under the chairmanship of the President may, in the event of natural disasters, dangerous infectious diseases, serious economic crisis, and widespread acts of violence, declare a state of emergency, in one or more areas or in the whole of the State for a period not exceeding three months.

Arrangements Regarding State of Emergency

Article 128

- (1) Where it is decided to declare a state of emergency in accordance with Article 128 of the Constitution, the declaration shall be published in the official Gazette and shall immediately be submitted to the approval of the Assembly of the State. If the Assembly of the State is in recess it shall immediately be convened for the purpose. The Assembly of the State may, by a majority of the total number of its members, amend the declaration or the period of the state of emergency, abolish the state of emergency or, at the request of the Council of Ministers, extend it for periods not exceeding two months at a time.

- (2) On the declaration of a state of emergency, the Articles of the Constitution, the operation of which have been partly or wholly suspended during the continuation of the state of emergency, shall be expressly stated.

In case of emergency, the exercise of the basic rights and freedoms mentioned below may be suspended wholly or partially as necessary in proportion to the exigencies of the situation:

Articles 20, 25, 26, 27, 29, 37, 38, 48 paragraph 5 (d), 49, 55, 56 paragraph (3), 60 and 61.

- (3) Matters as to how the basic rights and freedoms mentioned in the above Articles shall be limited or suspended, how the measures necessitated by the situation shall be taken, and as to what additional powers shall be given to public servants, in view of the above principles, shall be regulated by the State of Emergency Law.

CHAPTER V Organizations

Professional Bodies of a Public Nature

Article 129

- (1) Professional bodies of a public nature shall be established by law and their organs shall be elected by them and from amongst their members.
- (2) The elected organs of these bodies shall not be removed, either permanently or temporarily, from office without a court order.
- (3) The rules and the administration and functions of professional bodies shall not be contrary to democratic principles.

Institutions of Higher Education

Article 130

- (1) Universities and other public institutions shall be established, function and be controlled in accordance with the procedure and criteria laid down by law.
- (2) No institution can be established which contravenes the principles of contemporary science, teaching and learning.
Institutions of higher education shall have legal personality.
- (3) The teaching personnel of institutions of higher education shall freely carry out research and media activities within the framework of the principle of scientific freedom.
- (4) State universities shall be administered by organs elected by themselves, based on the principle of autonomy.

Radio and Television Broadcasting and News Agencies

Article 131

- (1) The establishment and administration of radio and television broadcasting stations by individuals shall be free, subject to the condition

that the allocation of operable frequencies must be fairly distributed on territorial basis. No monopoly can be established in this field.

- (2) Individuals and political parties have the right to benefit from these means of communication and media. The conditions and procedures as to the utilisation of these facilities shall be regulated by law in accordance with democratic principles and equitable criteria.
- (3) Measures shall be taken for transmission of radio and television broadcasts to be made in accordance with the principles of plurality and impartiality.
- (4) No provision can be made by law to prevent the people from obtaining news, or opinions or views, or the free formation of public opinion. No censorship can be applied on these means of communication.
- (5) Radio and television stations and news agencies established by the State shall be so regulated by the State to comply with the above provisions, and the principle of impartiality.
- (6) An autonomous and impartial Radio and Television Institution shall be established by law to regulate the matters of establishment, operation and control of radio and television stations.
- (7) The right freely to make radio and television transmissions may be limited by law in accordance with the purposes specified in Article 31 of the Constitution.

Specialised and Autonomous Institutions

Article 132

Specialised and autonomous institutions may be established by law to meet the needs of scientific and technological developments, to achieve regular operation in these fields, and to guarantee the relevant rights and freedoms.

Vakfs Organisation and the Office of Religious Affairs

Article 133

- (1) The institution of Vakf and the Fundamental Evkaf Rules (Ahkâmül Evkaf) are recognised by this Constitution.
- (2) All matters relating to or in any way affecting the institution or foundation of Vakf or any Vakf properties, including properties belonging to mosques and any other Moslem Religious institutions, shall be subject exclusively to the Fundamental Evcaf Rules (Ahkâmül Evkaf) and the legislation in force and the laws to be enacted by the Assembly of the State after the coming into force of this Constitution.
- (3) Vakfs, the income of which belongs to the Evkaf Administration, shall be exempted from any form of taxation.
- (4) The establishment and functioning of the Vakfs Organisation and the Religious Affairs Office shall be regulated by law and they shall carry out the duties prescribed by law.
- (5) The State shall help the Vakfs Organization in the execution of religious services and in meeting the expenses of such services.

CHAPTER VI Economic and Financial Provisions

Office of Audit

Article 134

- (1) The Office of Audit, which is an organ of financial control, shall audit public revenue and expenditure and shall inform the Assembly of the State and the Council of Ministers of the result by the submission of a report. The Assembly of the State shall finalize these reports within ninety days the latest.
- (2) The Office of Audit shall assist the Assembly of the State and the Council of Ministers on financial matters
- (3) The President and members of the Office of Audit shall be elected and appointed by the Assembly of the State.
- (4) The President and members of the Office of Audit may be dismissed from office by the Supreme Council of Judicature. The conditions for dismissal shall be those which apply to members of the Supreme Court of the State.
- (5) The establishment and operation of the Office of Audit, the requirements for the appointment of the President and its members and their powers and functions shall be regulated by law.

The Control of Public Utility Enterprises

Article 135

The control of the income and expenditure of public utility enterprises shall be regulated by law.

Development and Planning

Article 136

- (1) Economic, social and cultural development shall be based on a plan and shall be carried out according to such plan.
- (2) The establishment and duties of the organisation concerned with planning, the principles to be observed in the preparation, execution, application and change of the plan, and measures to guard against amendments tending to impair the unity of the plan, shall be regulated by legislation.

Putting the State Under Financial Obligation and the Establishment of Funds

Article 137

Unless express power is given by law, the State shall not, directly or indirectly, be put under any financial obligation and no fund shall be constituted unless established by law.

PART V
The Judiciary
CHAPTER I
General Provisions

Independence of Courts

Article 138

- (1) Judges shall be independent in their duties. They shall give judgments in accordance with the Constitution, the laws, legal principles and the opinion dictated by their conscience.
- (2) No organ, office, authority or person can give orders or instructions, send circulars or make recommendations or suggestions to courts and judges in the exercise of their judicial powers.
- (3) No questions can be asked, no debate can be held and no statement can be made in the Assembly of the State relating to the exercise of judicial power in an action which is pending. The Legislative and Executive organs and the administrative authorities of the State shall comply with Court decisions. Such organs and authorities cannot in any way change court decisions or delay their execution.

The Security of Tenure of Judges

Article 139

- (1) Judges cannot be dismissed; they cannot be retired before the age provided by the Constitution, unless they so desire, and they cannot be deprived of their acquired rights even in the event of the abolition of a court or a post.
- (2) The exceptions provided by law concerning judges who are convicted of an offence entailing dismissal from office; concerning judges whose incapability to discharge their duties for reasons of ill health has been definitely established; concerning judges who do work incompatible with their profession; and concerning judges who have been pronounced unsuitable to remain in their profession, shall be reserved.
- (3) No action shall be brought against judges in respect of words spoken or any act done in the performance of their judicial duties.

The Profession of Judges

Article 140

- (1) The qualifications, appointments, rights and duties, salaries and allowances and promotions of judges, the temporary or permanent change of their duties or of their places of duty, the commencement of disciplinary proceedings against them and the imposition of disciplinary penalties, decision to hold an enquiry and to institute legal proceedings against them for offences connected with their duties, instances of incapacity and conviction of an offence which entails dismissal from the

profession and other personnel matters shall be regulated by law in accordance with the principle of the independence of courts.

- (2) The President and members of the Supreme Court of the State shall hold office until they attain the age of sixty-five and other judges until they attain the age of sixty.
- (3) Judges shall not undertake any general or special duty other than the duties specified by law. They shall not do any work other than their official duties and they shall not undertake, directly or indirectly, any business engagement of the State or public bodies.

Hearings to be Public and Judgments to Contain Reasons

Article 141

- (1) Subject to the provisions of Article 21 (2) of this Constitution, sittings of the courts shall be public.
- (2) All kinds of judgments given by all courts shall be reasoned judgments in writing.

Trial of Juveniles

Article 142

Special provisions may be made by law on matters relating to the trial of juveniles and to the execution of judgments concerning juveniles.

Supreme Council of Judicature

Article 143

- (1) The Supreme Council of Judicature shall consist of the following members:
 - (a) President and judges of the Supreme Court;
 - (b) One member to be appointed by the President;
 - (c) One member to be appointed by the Assembly of the State;
 - (d) The Attorney-General of the State; and
 - (e) One member to be elected by the Bar Association.The term of office of the members mentioned in paragraph (b), (c) and (d) above shall be for three years; any member whose term of office ends may be re-elected as a member.
- (2) The President of the Supreme Court of the State shall be the chairman of the Supreme Council of Judicature; he shall ensure the implementation of the decisions of the Council.
- (3) The Supreme Council of Judicature shall:
 - (a) Take the necessary measures for the general functioning and orderly working of the judiciary, for the regular attendance to their duties of the judges and of the public personnel working in the courts, for the running of the affairs in a proficient manner and for the training of the judges and the safeguarding by them of the dignity and the honour of the profession; and
 - (b) At the end of each financial year submit a report to the President, the Assembly of the State and the Council of Ministers on the state of

judicial affairs and the defects in running them and the reasons, if any, of such defects and advise on measures which it considers necessary to remedy them.

- (c) Perform the powers and functions provided in other Articles of the Constitution.
- (4) Subject to the provisions of Article 141 of this Constitution, the Supreme Council of Judicature shall be competent to determine all matters relating to the appointment, the promotion, the temporary or permanent change of the duties or place of appointment, the termination of appointment and the discipline of judges.
- (5) The duties, powers and working procedure of the Supreme Council of Judicature shall be regulated by law.
- (6) The appointment of the President and judges of the Supreme Court of the State shall be approved by the President of the State.

Punishment of Persons not Complying with Court Decisions or Orders

Article 144

The Supreme Court or any other court shall have power to punish a person who does not obey any of its decisions or orders with imprisonment until he complies with such decision or order, provided that the period of such imprisonment shall not in any case exceed the period of one year.

CHAPTER II

Supreme Court of the Turkish Cypriot State

The Constitution of the Supreme Court and Allocation of Functions

Article 145

- (1) The Supreme Court of the State shall be composed of a President and seven judges. In the absence of the President the most senior judge shall act in his place.
- (2) The Supreme Court shall carry out the functions of the Constitutional Court, the Supreme Council, the Court of Appeal and the High Administrative Court.
- (3) The Supreme Court of the State, sitting with the President and four Judges, shall have jurisdiction to act as the Constitutional Court. The two last appointed judges of the Supreme Court of the State shall act as the alternate judges. In the event that the President is not present at the sitting, the most senior judge shall preside.

Where a case is referred to the Constitutional Court under Article 148 of this Constitution, a judge or judges who took part in the decision to refer, shall not sit at the hearing of the matters referred or take part in the judgment to be given.

- (4) The Supreme Court of the State sitting with the President and two judges, or just three judges, shall have jurisdiction to act as the Court of Appeal or as the High Administrative Court. The judgments given within the

framework of such jurisdiction shall be final. In the event that the President is not present at the sitting the most senior judge shall preside.

Provided that recourses made directly to the Supreme Court of the State, acting as the High Administrative Court, other than those recourses specified by law, shall be examined and determined by a single judge nominated for such duty in the High Administrative Court.

Judgments given by a single judge are subject to appeal to the High Administrative Court sitting with three judges.

- (5) Judges of the Supreme Court of the State who shall perform duties in the Court of Appeal or in the High Administrative Court, shall, before the beginning of each judicial year, be nominated for that judicial year by the Supreme Court of the State and that judge shall perform his duty in the Court of Appeal or in the High Administrative Court for one judicial year.

Provided that where any one of the judges nominated for duty for a year in the Court of Appeal or in the High Administrative Court becomes temporarily incapacitated from performing his duties, another judge to be nominated by the President of the Supreme Court of the State may perform such duties.

CHAPTER III

Duties And Powers of the Supreme Court sitting as Constitutional Court

Powers of the Constitutional Court

Article 146

- (1) The Constitutional Court of the State shall have exclusive jurisdiction to adjudicate finally on all matters prescribed by the provisions of this Constitution, the laws and the Rules of Court.
- (2) The Constitutional Court, sitting as the Supreme Council, shall within the framework of legislation in force, have jurisdiction to try the President, the Prime Minister and the Ministers, for any offence committed by them. The duties of the Prosecuting Officer at the Supreme Council shall be performed by the Attorney-General or the Deputy Attorney-General. The judgments of the Supreme Council shall be final.

Conflict of Power Between Organs

Article 147

- (1) The Constitutional Court shall have jurisdiction to adjudicate finally on a recourse made in connection with any matter relating to any conflict or contest of power or competence arising between the organs of the State.
- (2) Where in any matter a question arises which falls within the jurisdiction of the Constitutional Court, such question shall be determined finally by the Constitutional Court.
- (3) In accordance with paragraph (1) of this Article:
 - (a) the President; or

- (b) the Assembly of the State; or
- (c) any other organ of the State,
may have recourse to the Constitutional Court, if involved in such conflict or contest of power.
- (4) Such recourse shall be made within thirty days of the date when such power or competence is contested.
- (5) Upon such a recourse, the Constitutional Court may declare that the law or the decision or the act which is the subject matter of the recourse is void, either from the time when the conflict or contest arose or ab initio and without any legal effect whatsoever, either in whole or in part, on the ground that such law or decision or act was made or taken or done without power or competence and in either case the Constitutional Court may give directions as to the effect of anything done or left undone under such law, decision or act.
- (6) Any decision of the Constitutional Court upon such recourse, shall forthwith be notified in writing to the parties concerned and to the President who shall cause its publication in the Official Gazette.
- (7) Upon a recourse under this Article, the Constitutional Court may order that the operation of the law or decision or act, which is the subject matter of such recourse, shall be suspended until the determination of the recourse; such order shall be published forthwith in the Official Gazette of the State.

Unconstitutionality of Laws

Article 148

- (1) The President may, at any time prior to the promulgation of any law or of any specified provision thereof or of any decision of the Assembly of the State, refer it to the Constitutional Court for its opinion as to whether such law or any specified provision thereof or decision is repugnant to or inconsistent with any provision of the Constitution.
- (2) The Constitutional Court shall consider every question referred to it under paragraph (1) of this Article and having heard the arguments made on behalf of the President and of the Assembly of the State shall give its opinion on such question within forty five days at the latest and notify the President in writing accordingly.
- (3) In the event that the Constitutional Court is of the opinion that such law or decision or any provision thereof is repugnant to or inconsistent with any provision of this Constitution, such law or decision or provision shall not be promulgated by the President but it shall be returned to the Assembly of the State together with reasons thereof.
- (4) The provisions of Article 100 relating to the return of laws or decisions or provisions thereof to the Assembly shall not apply to any law, decision or provision so returned.

Annulment Suits

Article 149

- (1) The President, political parties represented in the Assembly of the State, political groups and at least nine deputies or other associations, institutions or trade unions on matters concerning their existence and functions, may directly initiate an annulment suit in the Constitutional Court on the ground that a law, decree, rules, Rules of the Assembly of the State, decision of the Assembly of the State, regulations, or any of the provision thereof, is repugnant to or inconsistent with any provision of the Constitution.
- (2) The right to institute an annulment suit directly in the Constitutional Court, shall lapse after ninety days from the date of the publication in the Official Gazette of the State of the law, decree, rules, Rules of the Assembly of the State, decision of the Assembly of the State, regulations, or any of the provision thereof, the annulment of which is desired.

Reference of Questions of Unconstitutionality by Courts to the Supreme Court

Article 150

- (1) A party to any judicial proceedings, including proceedings on appeal, may, at any stage thereof, raise the question of the unconstitutionality of any law or decision or any provision thereof which is material for the determination of any matter at issue in such proceedings and thereupon the Court shall reserve the question for the decision of the Constitutional Court, and stay further proceedings until such question is determined by the Constitutional Court, provided that where a decision has been previously given by the Constitutional Court on the same or similar question regarding the unconstitutionality of any law or decision or any provision thereof the Court may refuse to reserve the question for the decision of the Constitutional Court.
- (2) The Constitutional Court shall, after hearing the parties, consider and determine the question so reserved for its decision and transmit its decision thereon to the court by which such question has been reserved.
- (3) Any decision of the Constitutional Court under paragraph (2) of this Article shall be binding on the Court by which the question has been reserved and on the parties to the proceedings. In the event that such decision is to the effect that the law or decision or any provision thereof is unconstitutional, such decision shall, unless the Constitutional Court decides to the contrary, so operate as to make such law or decision or any provision thereof inapplicable to such proceedings only.

The Interpretation of the Constitution

Article 151

The Constitutional Court shall have exclusive jurisdiction to interpret any provision of this Constitution. In the exercise of this jurisdiction it may avail itself of the committee reports concerning the Constitution and of the minutes of the Assembly.

Decisions of the Constitutional Court

Article 152

- (1) The decisions of the Constitutional Court shall be final. Such decisions shall not be pronounced unless the reasons thereof are expressed in writing.
- (2) Any law, decree, rules, Rules of the Assembly of the State, decision of the Assembly of the State, regulations or any provisions thereof, the annulment of which has been decided upon by the Constitutional Court, for being inconsistent with the Constitution, shall be null and void as from the date of publication in the Official Gazette of the State of the reasoned judgment.
- (3) Where necessary, the Constitutional Court may also decide on the date when the annulment decision shall come into force. This date shall be a date within the period of one year from the date of publication of the judgment in the Official Gazette of the State.
- (4) The annulment decision shall not be retroactive.

CHAPTER IV

Duties and Powers of the Supreme Court Sitting as the Court of Appeal

The Powers of the Court of Appeal

Article 153

- (1) The Court of Appeal shall be the highest appellate court in the State; it shall have jurisdiction to hear and determine, subject to the provisions of this Constitution and of any laws and Rules of Court made thereunder, all appeals from a decision of any court.
- (2) Subject to paragraph (3) of this Article, the Court of Appeal, shall have such original and revisional jurisdiction as is provided by this Constitution or any law, provided that where original jurisdiction is so conferred, such jurisdiction shall be exercised by such judge or judges as the Supreme Court shall determine. There shall be a right of appeal to the Court of Appeal against decisions so given.
- (3) The Supreme Court of the State, sitting as the Court of Appeal shall have exclusive jurisdiction to issue orders in the nature of *habeas corpus*, to effect release from unlawful detention; *mandamus*, to secure the exercise of powers; *prohibition*, to prohibit the effects of a wrong decision of any court or of any authority exercising power of a judicial nature; *quo warranto*, to inquire as to upon what authority an office is being held; and *certiorari*, to quash a decision of any court or an authority exercising quasi-judicial powers.

CHAPTER V
**Duties and Powers of the Supreme Court of the Turkish Cypriot State
Sitting as the
High Administrative Court**

The Powers of the High Administrative Court

Article 154

- (1) The High Administrative Court, shall have exclusive jurisdiction to adjudicate finally on a recourse made to it on a complaint that a decision, an act or omission of any organ, authority or person exercising any executive or administrative authority is contrary to any of the provisions of this Constitution, or of any law or of any subsidiary legislation made thereunder, or is made in excess or in abuse of powers vested in such organ or authority or person.
- (2) Such a recourse may be made by a person whose legitimate interest is adversely and directly affected by such decision or act or omission.
- (3) Such a recourse shall be made within seventy-five days from the date when the decision or act was published or, if not published or in the case of an omission, within seventy-five days from the date it came to the knowledge of the person making the recourse.
- (4) Upon such a recourse the High Administrative Court may, by its decision:
 - (a) confirm either in whole or in part, such decision or act or omission; or
 - (b) declare, either in whole or in part, such decision or act to be null and void and of no effect whatsoever; or
 - (c) declare that such omission, either in whole or in part, ought not to have been made and that whatever act has been omitted should have been performed.
- (5) Any decision given under paragraph (4) of this Article shall be binding on all courts and all organs or authorities of the State and shall be given effect to and acted upon by the organ or authority or persons concerned.
- (6) Any person aggrieved by any decision or act declared to be void under paragraph (4) of this Article or by any omission declared thereunder that it ought not to have been made, shall be entitled, if his claim is not met to his satisfaction by the organ, authority or person concerned, to institute legal proceedings for damages or for being granted any other remedy and to recover just and equitable compensation to be determined by the court or to be granted such other just and equitable compensation as such court is empowered to grant.

CHAPTER VI
**Other Duties and Powers of the Supreme Court of the Turkish Cypriot
State**

Other Duties and Powers of the Supreme Court

Article 155

Subject to the provisions of this Constitution, the establishment, composition, functions, duties and powers of the Supreme Court of the State shall be regulated by law.

Power to make Rules of Court

Article 156

- (1) The Supreme Court of the State shall make Rules of the Court under the provisions of this Constitution and of the laws, for regulating the practice and procedure of itself and of any other court.
- (2) Without prejudice to the generality of paragraph (1) of this Article the Supreme Court of the State may make Rules of the Court for the following purposes:
 - (a) for regulating the court sittings and allocating duties to judges for any purpose ;
 - (b) for the determination by summary proceedings of any appeal or other proceedings which appear to the Supreme Court of the State or such other court before which such proceedings are pending to be frivolous or vexatious or to have been instituted for the purpose of delaying the course of justice ;
 - (c) for prescribing forms and fees in respect of proceedings in the courts and regulating the cost of, and expenses incidental to, any such proceedings ;
 - (d) for prescribing and regulating the composition of the registries of the courts and the powers and duties of the public personnel working in the courts ;
 - (e) for prescribing the time within which any requirement of the Rules of Court is to be complied with.

CHAPTER VII **Subordinate Courts**

Establishment, Duties and Powers of Subordinate Courts

Article 157

- (1) Judicial power, other than that exercised by the Supreme Court of the State under this Constitution and the laws, shall be exercised by such subordinate courts and specialised courts as may, subject to the provisions of this Constitution, be provided by a law made thereunder.
- (2) The establishment, duties and powers, functions and rules of procedure of subordinate courts and specialised courts exercising judicial power shall be regulated by law.

CHAPTER VIII **The Attorney - General's Office**

The Attorney - General and Counsels of the State

Article 158

- (1) The Attorney-General's Office (Law Office) of the State shall be an independent office and its Head shall be the Attorney-General. The Deputy Attorney-General shall act for the Attorney-General in the event of his absence. In the event of the absence of both, an Assistant Deputy Attorney-General authorised by the Attorney-General shall act for the Attorney-General.
- (2) The Attorney-General shall be appointed from amongst persons qualified for appointment as a judge of the Supreme Court of the State and he shall be a permanent member of the judicial service of the State. The Attorney-General shall hold office under the same terms and conditions as a judge of the Supreme Court of the State and shall not be removed from office except on the like grounds and in the like manner as a judge of the Supreme Court of the State.
- (3) The Attorney-General of the State shall be the legal adviser of the State, the President, the Prime Minister, the Council of Ministers, the Ministers and of other State organs. He shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him by this Constitution or by law.
- (4) (a) The Attorney-General shall have power, in the public interest, to institute, conduct, take over and continue or discontinue any proceedings for an offence, in the courts of the State. In Criminal courts the conduct of prosecutions and responsibility thereof shall vest in the Attorney-General. Such power shall be exercised by him in person or by the Deputy Attorney-General or by the counsels of the State acting in accordance with his instructions.
(b) The Attorney-General may, where he considers it necessary, by an order to be published in the Official Gazette of the State, authorise a member of the police organisation, whom he considers suitable, to prosecute in courts, under his direction and responsibility, road traffic offences which can be settled without a trial under the law.
(c) The Attorney-General may, where he considers it necessary, by an order to be published in the Official Gazette of the State, authorise a lawyer appointed to a Ministry or other public institution and qualified to practise as an advocate, to conduct proceedings in Courts in which the Ministry or other public institution concerned is a party.
- (5) The Attorney-General shall have power to represent the State or its organs in civil and constitutional proceedings in which the State is a party.
- (6) The Attorney-General, the Deputy Attorney-General and the counsels of the State shall have the right of audience before any court, and in the exercise of this right shall take precedence over any other person appearing before the court.

- (7) The Attorney-General shall, at the end of each calendar year, submit a report to the President, the Assembly of the State and the Council of Ministers on the defects seen in the general functioning and in the execution of the duties of the Office and the reasons, if any, for such defects and submit his recommendations on the measures which he considers necessary to remedy them.
- (8) Subject to the provisions of this Constitution, the establishment and functions of the Attorney-General Office of the State, the qualifications and appointment of the Attorney-General, Deputy Attorney-General and Counsels of the State, their rights and duties, salaries and allowances, the promotion, the taking of disciplinary action against, and the imposition of disciplinary penalties on them and their other personnel matters shall be regulated by law in accordance with the principles governing the independence of the courts and the security of tenure of judges.
- (9) The appointment of the Attorney-General and the Deputy Attorney-General shall be subject to the approval of the President.

PART VI Miscellaneous Provisions

Right of the State to Ownership

Article 159

- (1) Subject to the provisions of the Foundation Agreement and the Constitution of the United Cyprus Republic, the properties not defined as federal property in the Foundation Agreement which are located within the boundaries of the State on the date of the coming into operation of the Foundation Agreement, being
 - (a) Properties registered in the name of the Government of Cyprus before 16 August 1960 and all immovable properties transferred to the Government of Cyprus after 16 August 1960; public roads, waters, water resources, ports and shores, docks and piers, lakes, streams and lakebeds, historical towns, buildings and ruins as well as castles and their sites, monuments, natural resources and underground resources including mines and quarries, forests, green zones and parks; public village roads and pathways in the fields; and buildings used for public services;
 - (b) The immovable properties, buildings and installations maintenance and use of which belong to the public and which have been used for this purpose until the date of the coming into operation of the Foundation Agreement shall
belong to the State, provided that the relevant provisions as to compensation in the Foundation Agreement shall be respected.
- (3) The provisions concerning the expropriation or compensation of privately owned immovable properties specified as necessary for military

purposes in the additional protocols or annexes of the Treaty of Alliance, shall be respected.

- (4) The ownership of the immovable properties specified above shall not be transferred to real or legal persons. The State will take the necessary measures for their protection, repair and maintenance.
- (5) Without prejudice to the Foundation Agreement, religious places of worship and the immovable properties in which they are located shall not be transferred to real or legal persons. The State shall take the necessary measures required for their protection, maintenance and preservation.

Reserving the Rights of Public Personnel

Article 160

- (1) Any person who, immediately before the date of the coming into operation of this Constitution, holds an office in the public service shall, after that date, be entitled to the same terms and conditions of service as were applicable to him before that date. Those terms and conditions shall not be altered to his disadvantage on the date of the coming into operation of this Constitution, or thereafter, or during the period he is in the public service of the State.

Public personnel referred to in this Article shall continue in office without new appointments being necessary.

- (2) For the purposes of this Article “public personnel” includes any person who before the coming into operation of this Constitution held any office in the public service and any person described as other public officer by this Constitution.
- (3) For the purposes of this Article “terms and conditions of service” includes remuneration, leave, dismissal, termination of service, pension, gratuity and similar rights prescribed under legislation in force on the date of the coming into operation of this Constitution.
- (4) Should those already holding a public position take up a position with the organs, organizations or institutions of the United Cyprus Republic their rights will be preserved in accordance with provisions of this Article.
- (5) The rights possessed by those whose positions will be abolished with this Constitution and Foundation Agreement shall be preserved. Their placement in a position compatible with their status shall be realized through legislation.

The Official Gazette of the Turkish Cypriot State

Article 161

- (1) The laws, rules, regulations and other subsidiary legislation and notices, notifications and similar public instruments prescribed by law, shall be published in the Official Gazette of the State printed at the State Printing Office under the supervision of the Prime Minister's Office.
- (2) The administration of the Official Gazette of the State, its form and conditions and the manner in which it shall be published and distributed and other matters, shall be regulated by law.

- (3) The legislation and other public instruments specified in paragraph (1) above shall not come into force unless published in the Official Gazette of the State.

PART VII Transitional Provisions

Safeguarding of those Citizens who Suffered Losses:

Transitional Article 1

The State shall arrange for social, economic, financial and other legislative measures including payment of compensation for direct or indirect losses suffered by those displaced through implementation of territorial adjustments under the Foundation Agreement and for holders of immovable properties who have been allocated.

Elections for the Assembly of the Turkish Cypriot State:

Transitional Article 2

(1) The elections for the Assembly of the State which will become the Legislative Organ of the State shall be held within forty days as from the date of the coming into operation of this Constitution. The elections shall be held on a date to be decided by the Assembly of the State provided that it takes place within this period. This date shall be the polling day for the purposes of election proceedings. The dates for other election proceedings shall be fixed by the High Election Council.

(2) The procedure of the Assembly of the State shall be in force until the newly elected Assembly makes its own Rules.

Appointment to the Transitional Parliament of the United Cyprus Republic

Transitional Article 3

The newly elected Assembly of the State shall, nominate twenty-four deputies to the transitional parliament, to be selected in proportion to the representation of political parties.

Co-Presidency of the United Cyprus Republic and Presidency of the Turkish Cypriot State

Transitional Article 4

(1) The leader of the Turkish Cypriots on the date of acceptance of this Constitution shall acquire the title of the President of the State.

(2) The leader of the Turkish Cypriots shall assume the duties of Co-Presidency as provided by the federal Constitution of the United Cyprus Republic, subject to confirmation by the Assembly of State.

Temporary Rules

Transitional Article 5

- (1) Legislative Acts applicable within the boundaries of the Turkish Cypriot constituent State as set out in the Foundation Agreement prior to its entry into force shall, as from its entry into force, be applied in this constituent state with such modifications as may be necessary to bring them into conformity with the Foundation Agreement and the Constitution of this constituent state.
- (2) No provision in any such law which is contrary to or inconsistent with any provision of the Foundation Agreement or this constitution shall so continue to be in force.
- (3) The term “modification” in the above paragraphs includes amendment, adaptation and repeal”.
- (4) All new legislative enactments required to be made under the Constitution of the State, accepted as a result of the referendum, and new laws, as well as, the changes to any existing acts which need to be made to establish conformity with the Constitution, shall have to be completed within one year as from the coming into force of this Constitution.

The Existing Organs, Institutions and Organizations

Transitional Article 7

Upon approval of this Constitution, pursuant to the Foundation Agreement and the Constitution of the United Cyprus Republic, all relevant public organs and institutions established under the previous legal order shall become public organs and institutions of the State and shall fulfil their functions in accordance with the provisions of this Constitution and relevant laws.

Appointment to the Relocation Board and the Cyprus Property Board

Transitional Article 8

The Assembly of the State shall appoint the Turkish Cypriot representatives to the Relocation Board and to the Cyprus Property Board referred to in the Foundation Agreement having regard to the provisions of the Foundation agreement and relevant laws.

Publication of the Constitution

Transitional Article 9

The text of this Constitution shall be published in the Official Gazette of the State within ten days following its acceptance by the referendum.

Amendments of the Constitution in the transitional period

Transitional Article 10

By way of derogation from Article 162 paragraph 1, the transitional assembly may amend the constitution on a proposal tabled by at least five of its

members which is accepted by the majority of the total number of members of the Assembly until the first Assembly of the State is elected according to the provisions of this Constitution.

PART VIII Final Provisions

Amendment of the Constitution

Article 162

- (1) This Constitution may be amended on a proposal tabled by at least ten members and its acceptance by at least two-third of the total number of members of the Assembly of the State.
- (2) If a proposal made under paragraph 1 is accepted by a majority of the total number of members of the Assembly, it may be put to a referendum. In such a case, the constitutional amendment comes into effect if the number of “Yes” votes in the referendum are more than the “No” votes.
- (3) The consideration and acceptance of the proposed constitutional amendments shall be subject to the provisions relating to the consideration and acceptance of laws, except for the requirements stated in paragraph (1), provided that, proposals for amendment cannot be debated earlier than 15 days following their submission.
- (4) The requirement of prior acceptance by referendum for a constitutional amendment to come into effect, may be provided by a law relating to such amendment. In such a case the constitutional amendment comes into effect if the number of ‘Yes’ votes in the referendum are more than the ‘No’ votes.
- (5) Constitutional amendments not requiring approval by a referendum shall come into force through publication in the Official Gazette of the State by the President within ten days.
- (6) The provisions of Article 1 of this Constitution prescribing the basis and characteristics of the state cannot be changed.

Definitions

Article 163

In this Constitution unless otherwise provided or the text otherwise requires, “State” refers to the Turkish Cypriot State;

“Foundation Agreement” refers to the agreement containing the comprehensive Cyprus settlement, which Turkish Cypriots and Greek Cypriots accepted with all its annexes, at separate and simultaneous referenda;

The Coming into Force of the Constitution

Article 164

This Constitution shall come into force upon acceptance of the Foundation Agreement at the simultaneous referenda on 20 April 2004.

