

Foundation Agreement
Annex IV, Attachment 3

**Cooperation Agreement between the Federal
Government and the Constituent States on
Police Matters**

I. Preliminary Provisions

1. – In this Agreement, unless the context otherwise requires -

“Constitution” means the Constitution of the United Cyprus Republic;

“Cooperation Committee” means the Police Cooperation Committee established under article 30 of this Agreement;

“Cyprus” means the United Cyprus Republic;

“Europol” means the European Police Office established by the Convention on the establishment of a European Police Office, signed on 27 July 1995;

“FIU” means the Financial Intelligence Unit established under the Federal Law on the Prevention and Suppression of Money Laundering;

“hot pursuit” means, where a person commits a flagrant offence punishable by imprisonment, the pursuit of such person by a police officer belonging to the Police Force of a constituent state, provided the said pursuit is initiated in the constituent state of the Police Force to which the police officer belongs;

“JIA” means the Joint Investigation Agency established under Article 17 of the Constitution and functioning under the Constitutional Law on the Composition and Functions of the Joint Investigation Agency;

“law-enforcement agencies” means the Police Forces, the FIU and the JIA;

“member of a law-enforcement agency” means any police officer or other person belonging permanently or temporarily to the personnel of a law-enforcement agency and includes persons providing services to such law-enforcement agency under a contract;

“Police Academy” means the Federal Police Academy established under the provisions of the Federal Law on the Federal Police;

“Police Forces” means the Federal Police and the constituent state Police Forces;

“police officer” means any police officer belonging permanently or temporarily to the personnel of a law-enforcement agency.

II. General rules

2.- The law-enforcement agencies shall cooperate in the performance of their respective tasks, in accordance with the provisions of this Agreement.

3.-(1) The law-enforcement agencies shall, in carrying out their respective missions, take every possible steps for the purpose of contributing towards –

- a) preventing, combating and detecting crime, maintaining public order and upholding the law, in Cyprus as a whole,
- b) preserving public tranquility, and
- c) promoting friendship and mutual understanding between all citizens of Cyprus.

(2) Without prejudice to the general application of the provisions of paragraph (1) above, specific modalities for achieving the goals set out in the said paragraph may be agreed within the Cooperation Committee.

4.- All police officers, irrespective of the law-enforcement agency to which they belong, shall contribute at all times and in all circumstances to the protection of life and property of the citizens of Cyprus and to the protection of their rights and freedoms.

5.- The Federal Police, the FIU and the JIA shall carry out their functions and exercise their powers anywhere in Cyprus in a co-operative manner and, in so doing, shall not be in any way hindered or obstructed by the Police Forces or any other authorities of the constituent states.

III. General exchange of information

6.-(1) The law-enforcement agencies shall communicate to each other any information that they possess or acquire, which they consider as potentially relevant to the investigation of an offence which is not within their field of competence or where they consider that the said information may justify the adoption of prevention and/or repression measures, that they are not competent to adopt.

(2) The law-enforcement agencies shall inform each other regularly on the follow-up of the information exchanged under paragraph (1) above.

7.- The law-enforcement agencies shall report to the federal Attorney General and/or to the Attorneys General of the constituent states, any information that they consider relevant to the prosecution of an offence for which the above Independent Officers are competent.

8.-(1) All law enforcement agencies shall make available to each other the Police Stop and Watching List maintained by them.

(2) Details regarding the use of information contained in the Police Stop and Watching List, as well as regarding the cooperation to be established between the law-enforcement agencies with regard to the collection, evaluation and sharing of relevant information, shall be decided by the Cooperation Committee.

9.-(1) The National Schengen Information System, which is established and maintained by the Federal Police, shall be made available to the Police Forces of the constituent states under conditions which will be fully compatible with the obligations of Cyprus as a member of the European Union and with the aim of the full implementation of the Schengen acquis.

(2) Details regarding the use of information contained in the National Schengen Information System, as well as regarding the cooperation to be established between the law-enforcement agencies with regard to the collection, evaluation and sharing of relevant information, may be decided by the Cooperation Committee, provided that everything that is decided in that respect is fully compatible with the obligations and the aim referred to in paragraph (1).

10.- If any law-enforcement agency omits or refuses, in breach of the provisions of this Agreement, to provide any information that it has in its possession, the matter shall be discussed in the Cooperation Committee upon a request by any other law-enforcement agency. In such case, the law-enforcement agency purported to be in breach of its obligations under this Agreement shall provide to the Cooperation Committee explanations for its conduct. If it is so requested by any member of the Cooperation Committee, the said Committee shall notify the Chief of the relevant law enforcement agency and hear the police officers responsible for the transmission of information in the law-enforcement agency which is purported to be in breach of its obligations.

IV. Assistance upon request

11.-(1) The law enforcement agencies shall afford to, and shall be entitled to receive from, each other within the areas of their competence, upon request, the widest measure of mutual assistance and cooperation in investigations, prosecutions and judicial proceedings.

(2) Mutual assistance and cooperation to be afforded, in accordance with paragraph (1), may be requested for –

- a) collecting evidence or taking statements;
- b) effecting service of judicial documents;
- c) executing arrests;
- d) executing searches and seizures;
- e) freezing assets;
- f) examining objects;
- g) visiting and observing sites;
- h) providing information, evidentiary items and expert evaluations;
- i) examining evidence in the light of information contained in data bases;
- j) providing information or certified copies of relevant documents or records;
- k) identifying or tracing proceeds of crime, property, instrumentalities or other things for evidential purposes;
- l) facilitating the voluntary appearance of witnesses before any court;
- m) erecting or placing barriers in or across any public road or public street or in any public place.

(3) Requests of assistance under this article shall be made or confirmed as soon as possible in writing.

(4) Any refusal or failure to provide assistance requested under this article shall, if it is so requested by any law-enforcement agency, be discussed in the Cooperation Committee.

12.– Any assistance requested by the Federal Police, the FIU or by the JIA for executing a search warrant, shall be promptly provided by the Police Force of the constituent state where the search warrant is to be executed.

13.-(1) Any search warrant issued by a court of a constituent state at the request of the police force of the same constituent state for a search in the territory of the other constituent state shall be forwarded to the court of competent jurisdiction of the latter who shall endorse it for execution by the police of that constituent state.

(2) In the case referred to in paragraph (1), at least one member of the requesting Police Force shall be authorised to be present during the execution of the search warrant.

(3) Under this article, the executing Police Force shall be authorised to search the place designated in the search warrant and to seize –

- a) anything upon or in respect of which any offence has been or is suspected to have been committed,

- b) anything for which there is reasonable ground for believing will afford evidence as to the commission of any offence, and
- c) anything for which there is a reasonable ground for believing is intended to be used for the purpose of committing any offence.

(4) When, upon the execution of a search warrant under this article, anything is seized, it shall be brought by the executing Police Force before any judge of its constituent state, whereupon the said judge shall order that such thing be delivered to the requesting Police Force, if he has reasonable grounds to believe that the offence justifying the seizure was committed or was intended to be committed in the requesting Police Force's constituent state. Such order shall be immediately executed by the executing Police Force.

14.-(1) In the event of a disaster or of a present or imminent serious disturbance of public order, where the competent law-enforcement agency (the requesting agency) does not have sufficient means of action, it shall obtain, upon request, every possible assistance from any other law-enforcement agency. Any such request shall be promptly fulfilled by the requested law enforcement agency.

(2) During any action undertaken for the purpose of providing assistance under paragraph (1) above, the personnel of each law-enforcement agency shall remain under its own command. Any such action shall be coordinated by the requesting agency.

V. Arrests

15. – Every warrant of arrest issued by any competent court in Cyprus shall be notified to all law-enforcement agencies. Every police officer shall be under the obligation to execute such warrant of arrest.

16.-(1) Where a warrant of arrest is executed outside the constituent state where it was issued –

- a) the law-enforcement agency which is competent in respect of the offence or offences that the person arrested is suspected of having committed shall be immediately informed of the arrest, and
- b) the person arrested shall as soon as practicable after his arrest, and in any event not later than twenty-four hours after his arrest, be brought before the competent court of the constituent state where the arrest was made, if not earlier released.

(2) Such court shall, if satisfied that the person arrested is the person intended to be arrested and that reasonable grounds exist for such arrest, direct his removal in custody to the court that has issued the warrant. In such case –

- a) if the person arrested is not in the custody of the law-enforcement agency which has competence in respect of the offence that he is suspected of having committed, the said person shall be delivered to such law-enforcement agency as soon as practicable and, in any event not later than twenty-four hours after he was brought to a court for the first time;
- b) the law-enforcement agency which has competence in respect of the offence that the person arrested is suspected of having committed shall, upon the said person having been delivered to it, be obliged to immediately take the said person in custody to the court which issued the warrant.

17.-(1) Where a person is arrested for a flagrant offence punishable with imprisonment, by a police officer who belongs to a law-enforcement agency which has no competence in respect of the said offence, the person arrested shall be delivered, as soon as practicable and, in any event, not later than twelve hours after his arrest, to a law-enforcement agency which has such competence.

(2) The police officer who carried out the arrest referred to in paragraph (1) shall fully cooperate, for the purpose of the investigation and prosecution of the case, with the law-enforcement agency to which the arrested person is delivered.

VI. Hot pursuit

18.-(1) Subject to the provisions of paragraphs (2) and (3), a hot pursuit may be carried out, without any restriction, in any part of the territory of Cyprus.

(2) Where the police officer who carries out the hot pursuit enters the constituent state where he has no jurisdiction, he shall immediately inform his constituent state police operations centre which, in turn, shall immediately inform the police operations centre of the other constituent state. The Police Force of the other constituent state shall strive to join the hot pursuit as soon as possible and assume command of the operation thereafter.

- (3)
- a) Any person who, as a result of a hot pursuit, is arrested in a constituent state by a police officer (the arresting officer) belonging to the Police Force of the other constituent state, shall be immediately delivered by the arresting officer to the Police Force of the constituent state where the arrest was effected.
 - b) Such Police Force, in full cooperation with the arresting officer and in the presence of the latter, shall bring the person arrested, as soon as practicable and, in any event, not later than twenty-

four hours after his arrest, before the competent court of the constituent state where the arrest was effected.

- c) Such court may issue a warrant of arrest and direct that the arrested person be delivered to the Police Force of the constituent state where the alleged offence was committed.

VII. Joint operations

19.- The Police Forces of the constituent states may carry out joint operations when the criminal offence or the threat of an offence in relation to which the operation is carried out has taken place or is developing in both constituent states.

20.- In the event of a joint operation, the direction of the operation shall belong, unless otherwise agreed between the Police Forces involved, to the Police Force which has territorial competence in the area where the operation is carried out.

VIII. Interpol and Europol

21.- The relations of Cyprus with Interpol shall be carried out by or through the Federal Police.

22.-(1) The Cyprus National Central Bureau (NCB) of Interpol shall function within the Federal Police.

(2)

- a) Requests for investigation received by the NCB shall be forwarded to the Police Forces of the constituent states when the matter to be investigated falls within their fields of competence.
- b) Upon receipt of such request, the Police Forces of the constituent states shall, with due diligence and without delay, investigate the matter and transmit the results of their investigation to the NCB.

(3)

- a) The Police Forces of the constituent states may transmit to the NCB requests for investigation.
- b) Upon receipt of such requests, the NCB shall forward them without delay to the General Secretariat or to member states of Interpol, as appropriate. Any replies to such requests received by the NCB shall be forwarded, without delay, to the Police Force that formulated the request.

23.-(1) Cyprus shall be represented at the General Assembly of Interpol by the Chief or a senior officer of the Federal Police. The Cooperation Committee shall decide on the officers of other law-enforcement agencies that may accompany the representative of Cyprus, within the limits that may exist as to the size of delegations participating at the General Assembly.

(2) The positions that Cyprus will support in the General Assembly of Interpol shall be decided by the Cooperation Committee, provided that the Cooperation Committee may authorize the members of the delegation of Cyprus to the General Assembly to determine those positions.

24.- The relations of Cyprus with Europol shall be carried out by or through the federal government.

25.-(1) The Cypriot member of the Europol Management Board shall be appointed by the Presidential Council.

(2) The liaison officer(s) of Cyprus in Europol shall belong to the Federal Police or to the federal public service and their posting as liaison officer(s) shall be decided by the Presidential Council.

26.-(1) The European Police Office (EPO) in Cyprus shall be established within the Federal Police.

(2)

a) Requests for information or for investigation received by the EPO shall be forwarded to the Police Forces or other competent authorities of the constituent states when the information to be provided or the matter to be investigated falls within their fields of competence.

b) Upon receipt of such request, the Police Forces or other competent authorities of the constituent states shall, with due diligence and without delay, gather the information or investigate the matter, as the case may be, and transmit the information or the results of the investigation to the EPO.

(3)

a) The Police Forces of the constituent states may transmit to the EPO requests for investigation.

b) Upon receipt of such requests, the EPO shall forward them without delay to Europol. Replies to such requests received by the EPO shall be forwarded, without delay, to the Police Force that formulated the request.

27.-(1) Invitations received from Interpol or Europol for conferences or meetings on a specific subject shall be communicated by the Federal Police to all law-enforcement agencies.

(2) The Cooperation Committee shall decide which law-enforcement agency shall participate on behalf of Cyprus in each conference or meeting, basing its decision on the competences and missions of each law-enforcement agency.

28.-(1) Offers for practical training or training courses received from Interpol and Europol shall be communicated by the Federal Police to all law-enforcement agencies.

2) The Cooperation Committee shall decide on the attribution of such practical training or training courses to each law-enforcement agency, basing its decision on-

- a) the relevance of each practical training or training course to the specific duties of each law-enforcement agency, and
- b) the relative size of each law-enforcement agency.

IX. Common training

29.- The Police Academy shall provide advanced and specialized training courses for the members of all law-enforcement agencies, including courses to be provided in English, with the aim of promoting common practices and a uniformly high level of training and of contributing towards achieving the goals set out in this Agreement.

Provided it is practically possible, each member of the Police Forces of the constituent states should attend at least one course provided by the Police Academy.

X. Police Cooperation Committee

30.-(1) A Police Cooperation Committee is hereby established, composed of the Heads of the law-enforcement agencies or their representatives.

(2) Any matter relating to cooperation between the law-enforcement agencies may be discussed in, and decided upon by, the Cooperation Committee. The Cooperation Committee shall be competent, in particular, to take decisions on any matter relating to the application of this Agreement.

31.- The Chief of the Federal Police or his representative shall convene and chair the meetings of the Cooperation Committee. He shall convene such meetings as often as he considers necessary and, at any rate, at least once a month. He shall convene a meeting within 48 hours if so requested by two members of the Cooperation Committee.

32.- The Cooperation Committee shall strive to reach decisions by consensus. Where this proves impossible, decisions will be taken, unless otherwise provided in this Agreement, by a majority of the Cooperation Committee's members.

XI. Final provisions

33.- The federal government and the constituent states may amend this Agreement by consensus.

34.- Any dispute resulting from the application of this Agreement shall be decided by the Supreme Court of Cyprus.

35.- The provisions of this Agreement shall apply mutatis mutandis during the transitional period referred to in Article 40.1 of the Constitution.