

**Information submitted by the Republic of Cyprus on piracy  
national legislation**

( submitted pursuant to IMO Circular letter No. 2933 of 23 December 2008 )

**PART I. Offences related to piracy-Cyprus Criminal Code**

1. Piracy:

**Section 69** of the Cyprus Criminal Code (Cap. 154 of the Laws of Cyprus as amended by Law 15(I)/1999) prescribes the offence of piracy as provided in Article 101 of UNCLOS. Section 69 in *English* unofficial translation provides:

*“ 69. Any person who performs any act which constitutes piracy, is guilty of an offence and is liable to imprisonment for life.*

*For the purposes of this section the following acts constitute “piracy”:*

*(a) any illegal act of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:*

*(i) on the high seas against another ship or in the international airspace against another aircraft, or against persons or property on board such ship or aircraft;*

*(ii) against a ship, aircraft, persons or property in a place within or outside the jurisdiction of the Republic of Cyprus;*

*(b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts rendering it a pirate ship or aircraft;*

*(c) any act of inciting or of intentionally facilitating an act described in paragraphs (a) or (b) above. ”*

2. Armed robbery at sea:

The Cyprus Criminal Code does not provide for a specific offence of “armed robbery at sea”. Sections 282-284 cover the offence of “robbery” [**Section 282** (Definition of robbery); **Section 283** (Punishment of robbery); **Section 284** (Attempted robbery)].

3. Other criminal offences that may be relevant to piracy-related activities:

Cyprus Criminal Code: **Section 80** (Carrying arms to terrorise); **Section 285** (Assault with intent to steal); **Section 286** (Entering upon the property of a

Section 5 of the Cyprus Criminal Code governs the different bases for establishing criminal jurisdiction of the Cyprus Courts. Under the express provisions of section 5 (1)(e)(ii) the Cyprus Courts have universal jurisdiction over the offence of piracy (“committed by *anyone* in *any* foreign state”, the term “foreign state” including any vessel registered in any state).

Under the Cyprus Constitution, the discretion to initiate a criminal prosecution in the Republic is vested with the Attorney General. Although the various factors listed below are strictly not relevant in the establishment of jurisdiction of the Cyprus Courts over the offence of piracy (because Cyprus Courts have universal jurisdiction), they may be of relevance with regard to the exercise of the Attorney General’s discretion to decide whether to actually proceed with a prosecution for such offence before the Cyprus Courts :

- Nationality of victims;
- Nationality of pirates/armed robbers;
- Flag of the ship attacked;
- Nationality of the capturing nation/flag of warship or other Government-  
authorised ship;
- Pirates/armed robbers being found on territory of the Republic of Cyprus ;
- Pirates/armed robbers being captured on the high seas;
- Pirates/armed robbers being captured in the territorial waters of the Republic of  
Cyprus .

#### **PART IV. Detention and investigation of person**

arrested must be informed of the reasons for his arrest, in a language that he understands, and must be allowed to have the services of a lawyer of his choice.

The right to legal advice is guaranteed by Article 11.4 of the Constitution but, until recently, it had not been specified with statutory legislation. Law 163(I)/2005 specified this right and introduced a number of other provisions which regulate the treatment of suspects in a police station. A person arrested by the police (whether or not under an arrest warrant) must, as soon as is practicable after his arrest, and in any event not later than twenty – four hours, be brought before a judge (Article 11.5 of the Constitution). Not late

Specific sections of the Law criminalize various acts in the Convention related to transnational organised crime.

4. 1979 Hostages Convention:

Ratified in 1990 by virtue of *the International Convention Against the Taking of Hostages (Ratification) Law of 1990, Law 244/890.*

Section 3 of the Law criminalizes (punishable with life imprisonment) the offences in Article 1 of the Convention, A criminal prosecution under this Law can only be exercised by, or with the consent of, the Attorney General.

## **PART VI. European Union Instruments**

Furthermore, as a Member State of the European Union , Cyprus is bound by the relevant Community Acquis ( legislation ) namely :

- *Council Joint Action 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast;*
- *Council Decision 2008/918/CFSP of 8 December 2008 on the launch of a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta).*

For instance, transfer of pirates to third States have to be mutually agreed, in order to guarantee the respect of human rights and in particular that no one of the pirates shall be subjected to the death penalty, to torture or to any inhuman or degrading treatment (see article 12 of *Council Joint Action 2008/851/CFSP*).