

REPUBLIC



OF CYPRUS

51(I) of 2010

**THE SIXTH AMENDMENT OF THE CONSTITUTION
LAW OF 2010**

(English translation)

**Office of the Law Commissioner
Nicosia,
March, 2011**

ΓΕΝ (Α) – L.106

ISBN 978-9963-664-36-8

NICOSIA

PRINTED AT THE PRINTING OFFICE OF THE REPUBLIC OF CYPRUS

Price:

No.51(I) of 2010
THE SIXTH AMENDMENT OF THE CONSTITUTION
LAW OF 2010

Preamble. WHEREAS, Article 17 of the Constitution of the Republic of Cyprus protects the right to respect for, and to the secrecy of, the correspondence and other communication of every person made through means not prohibited by law,

AND WHEREAS, there shall be no interference with the exercise of this right, except only in cases of convicted and unconvicted prisoners or business correspondence and communication of bankrupts,

AND WHEREAS, according to the jurisprudence of the Supreme Court, no person shall have the right, unless authorised by law for the purposes provided by the

Constitution, to supervise or infiltrate into the communications between the citizens,

AND WHEREAS, the adducing of any evidence which forms part of the content of a telephone communication is not allowed,

AND WHEREAS, it is deemed necessary that interference should be possible where this is necessary in the interests of the security of the Republic, as well as for the prevention, investigation or prosecution of serious criminal offences,

AND WHEREAS, Article 17 of the Constitution is not included in the list of basic Articles of the Constitution which cannot in any way be amended or repealed,

AND WHEREAS, as a result of the continuing Turkish occupation and the special circumstances prevailing in Cyprus, the Turkish Cypriots do not participate in the election and functioning of the House of Representatives,

AND WHEREAS, the law of necessity justifies the retention of the power of the House of Representatives to amend non basic provisions of the Constitution,

Therefore the House of Representatives enacts as follows:

Short title.

1. This Law may be cited as the Sixth Amendment of the Constitution Law of 2010.

Amendment of Article 17 of the Constitution.

2. Paragraph 2 of Article 17 of the Constitution is hereby substituted with the following new paragraph:

«2. There shall be no interference with the exercise of this right, unless such interference is permitted in accordance with the law, in the following cases:

- A. Of convicted or unconvicted prisoners.
- B. Following a court order issued pursuant to the provisions of the law, upon an application by the Attorney-General of the Republic, and interference shall constitute a measure which is necessary in a democratic society only in the interests of the security of the Republic or for the prevention, investigation or prosecution of the following serious criminal offences:
 - (a) Premeditated murder or homicide,
 - (b) trafficking in adult or minor human beings and offences relating to child pornography,
 - (c) trade, supply, cultivation or production of narcotic drugs, psychotropic substances or dangerous drugs,
 - (d) offences relating to coin or bank note of the Republic, and
 - (e) offences relating to corruption in respect of which, in

case of conviction, a sentence of imprisonment of five years or more is provided.

- C. Following a court order issued in accordance with the provisions of the law, for the investigation or prosecution of a serious criminal offence in respect of which, in case of conviction, a sentence of imprisonment of five years or more is provided and the interference concerns access to relevant electronic communication data of movement and position and to relevant data which are necessary for the identification of the subscriber or and the user».