



*Permanent Mission of the Republic of Cyprus
Geneva*

Ref: 24.11.006.013 (1000/2)

The Permanent Mission of the Republic of Cyprus to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and following the Joint Communication from Special Procedures with reference AL CYP 3/2021, dated 22 October 2021, has the honour to transmit the response of the Cyprus Government.

The Permanent Mission of the Republic of Cyprus to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 17 December 2021



Encl.: As Stated

To the:
Office of the High Commissioner for Human Rights
Special Procedures Branch
Geneva
Email: registry@ohchr.org

Re: Joint Communication with ref. number AL CYP 3/2021

The Government of Cyprus reaffirms its unwavering commitment to the promotion and protection of human rights both domestically and internationally. The effective enjoyment of human rights by everyone is a national strategic goal. Respect for human dignity, freedom of assembly, freedom of expression, democracy, equality, the rule of law and respect for human rights are fundamental values and the Government of the Republic of Cyprus is determined to respect and protect them. Confidentiality of correspondence and communication of every person is protected by the Constitution of the Republic of Cyprus, by Article 17, Subsection (2). Moreover, Article 8 of the European Convention on Human Rights has been fully incorporated into Article 17 of the Constitution.

As regards reports on the alleged use of the Pegasus spyware developed by NSO Group Technologies (the NSO Group), the competent authorities of the Republic of Cyprus have conducted a thorough investigation, the clear conclusion of which is that no applications for export of NSO Group products were received by the relevant authorities and thus no issuing of licenses took place.

The Cyprus Government has always been and remains fully compliant with the enforcement of all UN Security Council Sanctions Regimes and Restrictions, as well as of all Restrictive Measures adopted by the Council of the European Union within the framework of Common Foreign and Security Policy. This policy includes, *inter alia*, the recently adopted European Union Global Human Rights Sanctions Regime, which establishes a framework for targeted restrictive measures to address serious human rights violations and abuses worldwide.

Within this context, the competent authorities of the Republic are vigilant in monitoring and fully applying both EU and UN sanctions on any particular end user. The situation of human rights is one of the primary parameters considered, as are, of course, security, political and diplomatic dimensions. The competent authorities of the Republic assess all export license applications for relevant dual use goods on a case-by-case basis in full accordance with the aforementioned sanctions regimes, as well as the EU Regulation for the control of exports of dual use items (2021/821) while guided by the strict criteria of the relevant Common Position (2008/944/CFSP).

These criteria include respect for human rights and international humanitarian law, the internal situation in the country of final destination, as well as the preservation of regional peace, security and stability. Furthermore, the risk that the equipment might be diverted

and possibly employed for other purposes than those officially stated is always taken into careful consideration.

Furthermore, there are specific provisions in the relevant national legislation [Law 92(I)/1996], for the investigation or prosecution of a serious criminal offence regarding interference concerning access to electronic communication data and to relevant data which are necessary for the identification of the subscriber and/or user. In case of a conviction, a sentence of imprisonment of five years or more is imposed.

The competent Authorities of Cyprus will continue to review existing procedures with the aim of achieving the best possible bureaucratic coordination both internally and externally, especially on cases implicating serious human rights violations. In this context, fast-track exchanges of information procedures have been established. As an example of best practices, the Ministry of Energy, Commerce and Industry, as the Competent Authority for issuing export licenses, is convening frequently the relevant governmental consultative committee where export applications are thoroughly examined.

Within this same framework, the Cyprus Government has prepared and forwarded to the House of Representatives a set of Regulations in order to fully implement EU Regulation 2021/821 (of the European Parliament and of the Council of 20 May 2021), setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual use items. This legislative process is currently being finalized.

In concluding, the Government of Cyprus reaffirms its full readiness to cooperate in full transparency with the United Nations' relevant bodies to hold perpetrators of serious human rights violations and abuses to account – wherever or whoever they may be.