

1973
Aug. 24

[TRIANTAFYLIDIS, P., HADJIANASTASSIOU, MALACHTOS, JJ.]

PANICOS
TSIKKINIS
AND ANOTHER
v.
THE POLICE

PANICOS TSIKKINIS AND ANOTHER,

Appellants,

v.

THE POLICE,

Respondents.

(*Criminal Appeals Nos. 3495, 3496*).

Criminal Procedure—Remand order in police custody—Law applicable—Criminal Procedure Law, Cap. 155, section 24—Article 11, paragraphs 1, 2(c) and 6 of the Constitution—Testimony given by police in support of the application for remand—Not challenged by cross-examination—Sufficient material before the Judge justifying a reasonable suspicion that Appellants committed offences under investigation (Tsirides v. The Police, reported in this Part at p. 204 ante, distinguished).

Remand order—See supra.

The facts sufficiently appear in the judgment of the Supreme Court dismissing these appeals against orders remanding the Appellants in police custody for eight days in relation to police investigations into the alleged commission by them of the offences of conspiracy to use armed force against the Government of the Republic and of possession of documents having a seditious intention. The Supreme Court taking into account that the testimony given was not challenged by cross-examination and the fact that certain seditious documents were found in the possession of the Appellants, held that there was sufficient material before the Judge justifying a reasonable suspicion that the Appellants were in possession of documents having seditious intention (*Tsirides v. The Police*, reported in this Part at p. 204, *ante, distinguished*).

Cases referred to:

Tsirides v. The Police, reported in this Part at p. 204, *ante, distinguished*).

Neumeister case of the European Court of Human Rights, in 1968 Yearbook of the European Convention on Human Rights 812, at p. 814.

Appeals against remand orders.

Appeals by Panicos Tsikkinis and another against the orders of the District Court of Nicosia (A. Ioannides, Ag. D.J.) made on the 18th August, 1973, whereby they were remanded in Police custody for eight days in relation to investigation by the Police into the commission by them of the offences of conspiracy to use armed force against the Government of the Republic and of possession of documents having a seditious intention.

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E. Markidou (Mrs.) with C. Tsirides, for the Appellants.

C. Kypridemos, Counsel of the Republic, for the Respondents.

The judgment of the Court was delivered by:—

TRIANAFYLLIDES, P.: The two Appellants complain against orders remanding them in police custody for eight days as from the 18th August, 1973, in relation to police investigations into the commission, allegedly by the Appellants, of the offences of conspiracy to use armed force against the Government of the Republic and of possession of documents having a seditious intention.

Counsel for the Appellants has argued that the District Judge who ordered, as above, the detention of the Appellants did not exercise properly his relevant discretion inasmuch as there was not placed before him material sufficient for justifying a reasonable suspicion that the Appellants had committed the offences in question.

In the judgment in the case of *Tsirides v. The Police* (Criminal Appeal No. 3487, not reported yet)* the law applicable to the making of remand orders was expounded (and see, also, the decision of the European Court of Human Rights in the *Neumeister* case, 1968 Yearbook of the European Convention on Human Rights 812, at p. 814) and it was stressed that cases of this nature, involving deprivation of personal liberty, have to be approached with all possible care. We have, therefore, not only given priority to the present appeals—by fixing them for hearing within three days after their filing—but we have, also, anxiously considered our decision regarding their outcome.

* New reported in this Part at p. 204 *ante*.

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Bearing in mind, *inter alia*, that the testimony given by a police officer in support of the applications for the remand orders was not challenged by cross-examination, and, especially, that it is a part of such testimony that the police have evidence that at some stage certain seditious documents were in the possession of the Appellants, we have reached the conclusion that there existed before the District Judge material sufficient for justifying a reasonable suspicion that the Appellants committed the offence of possession of documents having a seditious intention and, therefore, we are not prepared to interfere with the appealed from remand orders which were made, in our view, in the course of a proper exercise of his relevant discretionary powers.

Once, in view of the foregoing, these appeals have to be dismissed in so far as is concerned the remanding in custody for eight days of the Appellants on reasonable suspicion of having committed the offence of possession of documents having a seditious intention, it would serve no purpose to examine—in the light of the *Tsirides* case or otherwise—whether there was material before the District Judge justifying their remand in custody, for the same period of eight days, on reasonable suspicion of having committed the offence of conspiracy to use armed force against the Government of the Republic; and we leave this question open.

Appeals dismissed.