

[Home](#) > ... > [Your Rights](#) > [Defendants \(criminal Proceedings\)](#) > [Cyprus](#)

Defendants (criminal proceedings)

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Cyprus



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These factsheets explain what happens when a person is suspected or accused of a crime which is dealt with by a trial in court.

Summary of the criminal process

The following is a summary of the normal stages in a criminal process:

- A person suspected of involvement in a crime may be questioned by the police. The police are responsible for the investigation of crime.
- The suspect may be arrested on the strength of a judicial warrant except in the case of a flagrant offence.
- Before police questioning the suspect must be informed of the right to contact a lawyer and must be cautioned.
- At the conclusion of the investigation, if incriminating evidence emerges against the suspect, he/she is formally charged by the police. In serious criminal cases the decision to prosecute is taken by the Attorney General (*Genikos Eisaggeleas*). This power of the police is always under the overall supervision of the Attorney General, who has the power under the Constitution to institute, conduct, take over and continue or discontinue any criminal proceedings.
- A charge sheet setting out the offence(s) is submitted by the police to a district judge for approval. If approved, the accused is summoned to appear before the court on a specified date.
- Depending on their gravity, criminal cases may be heard:

(a) summarily by a single judge of the District Court (*Eparchiako Dikastirio*) with jurisdiction in the district where the offence was committed,

(b) on information by the Attorney General, by the Assize Court (*Kakourgiodikeio*) composed of three district court judges and presided over by a president of a District Court.

- In summary proceedings, on the date the accused is summoned to appear before the court he/she answers to the charge(s) by pleading guilty or not guilty. In cases heard by the Assize Court, on the appointed date a preliminary enquiry is held before a district court judge. A preliminary enquiry may be dispensed with if the Attorney General certifies that it is unnecessary. The current practice is to dispense with the holding of a preliminary enquiry.
- The victim of a crime has the right to file a complaint.
- The Attorney General has overall responsibility for criminal prosecutions, including the right to discontinue a prosecution.
- There is no trial by jury in Cyprus.
- If the court on enquiry determines that the accused is unfit to plead guilty or not guilty because of mental disturbance or other incapacity, the court may order that he/she be treated in an appropriate institution.
- The accused may raise preliminary objections to the charges on the grounds of:

a) lack of jurisdiction, substantial or territorial,

b) previous acquittal or conviction for the same act(s),

c) pardoning of the offence(s),

d) incompleteness or repetition of the charges.

- More than one person may be charged in the same indictment for related criminal conduct. If this is considered unjust, the court may order the apportionment of the charges for the purposes of the trial.
- The trial starts with the evidence of the prosecution (*katigorousa archi*). At the close of the prosecution case, the court determines whether the accused has a case to answer. If so, the accused is called by the court to make a defence and is informed of his/her right to remain silent or make a statement from the dock or give evidence under oath. The accused may at all times call evidence in his/her defence. No adverse inferences can be drawn from the exercise of the right to silence. Once the defence case is closed, the parties make their final submissions and the court delivers its judgment.
- All witnesses who give sworn evidence in court must be cross-examined.
- The trial process must adhere to the norms of a fair trial. The presumption of innocence operates throughout the trial. The burden of proof is at all times on the prosecution. If at the end of the trial the court is not certain beyond all reasonable doubt of the guilt of the accused, he/she must be acquitted.
- If the accused is convicted, the sentencing process follows.

Details about all these stages in the process and about your rights can be found in the factsheets. This information is not a substitute for legal advice and is intended to be for guidance only.

Role of the European Commission

Please note that the European Commission has no role in criminal proceedings in Member States and cannot assist you if you have a complaint. Information is provided in these factsheets about how to file a complaint and to whom.

Click on the links below to find the information that you need

[My rights during the investigation of a crime](#)

[My rights during trial](#)

[My rights after the trial](#)

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