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2 - Reporting a crime and my rights during the investigation or trial

How do I report a crime?

You may file your complaint at any Police Station. The Police will investigate your case as soon as you file a formal complaint and provide a written deposition.

How do I find out what's happening with the case?

You can obtain information on the progress of your case from the Police officer (investigator) who is assigned your case. Once your case has been referred to court, you may obtain information about the course of the proceedings from the Legal Division officer who is handling your case in court.

Am I entitled to legal aid (during the investigation or trial)? Under what conditions?

You can obtain free legal aid for proceedings included in the Law on the Supply of Free Legal Aid, in the context of proceedings relating to particular types of human rights violations.

“Proceedings relating to particular types of human rights violations” means any:

1. Civil proceedings pending before a court of law, at any stage, initiated against the Republic of Cyprus for damage that was inflicted upon a person as a result of particular human rights violations, or
2. criminal proceedings initiated by any person, where the claim relates to particular types of human rights violations.

The form of legal aid available under the aforementioned Law:

1. consists in counselling, assistance and representation services, in the case of civil proceedings initiated in the Republic of Cyprus or in the case of criminal proceedings, and
2. consists exclusively in counselling, in the case of civil proceedings initiated outside the Republic of Cyprus.

The human rights protected under the aforementioned Law are those secured under:

1. Section II of the Constitution of the Republic of Cyprus;
2. The 1962 Act ratifying the European Convention on Human Rights;
3. The 1967-1995 Acts ratifying the International Convention on the Elimination of All Forms of Racial Discrimination;
4. The 1969 Act ratifying the International Covenants (Economic, Social and Cultural Rights; Civil and Political Rights);
5. The 1989 Act ratifying the European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;
6. The 1990 and 1993 Acts ratifying the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
7. The 1985 Act ratifying the UN Convention on the Elimination of All Forms of Discrimination against Women;
8. The 1990 Act ratifying the Convention on the Rights of the Child.

Free legal aid is available to:

- any person who is a victim of human trafficking, in the context of proceedings before a District Court for the award of damages by virtue of the Act on the Prevention and Handling of Human Trafficking and Exploitation and Victim Protection;
- any minor who is a victim of human trafficking, in the context of proceedings pending before a District Court for the award of damages by virtue of the Act on the Prevention and Handling of Human Trafficking and Exploitation and on Victim Protection;
- any minor who is a victim of solicitation for sexual purposes, child pornography, sexual exploitation and/or sexual abuse, in the context of proceedings pending before a District Court for the award of damages by virtue of the Act on Prevention and Control of Sexual Abuse, Sexual Exploitation of Children and Child Pornography.

Moreover, any child who is a victim of any of the criminal offences described in the Act on Prevention and Control of Sexual Abuse, Sexual Exploitation of Children and Child Pornography, irrespective of whether he/she is willing to cooperate with the prosecution authorities for the purposes of criminal investigation, prosecution or trial, has direct access to free counselling under the Lawyers Act, at any phase of the proceedings, as well as to free legal aid in case he/she lacks the necessary resources, irrespective of the provisions of the Act on Legal Aid.

Where the child victim has the right to a representation, he/she may receive legal advice and be appointed a legal representative who acts on their behalf, in proceedings where there is, or there could be, a conflict of interest between the child victim and the holders of parental responsibility.

Any person who is a victim of any of the crimes described in the Act on Prevention and Control of Human Trafficking and Exploitation and on Victim Protection, irrespective of whether he/she is willing to cooperate with the prosecution authorities for the purposes of criminal investigation, prosecution or trial, has direct access to free counselling under the Lawyers Act, as well as to free legal aid in case he/she lacks the necessary resources, in accordance with the provisions of the Act on Legal Aid.

In order for free legal aid to be provided, a written request needs to be filed to the Court before which your case is pending for trial. The Court may issue a free legal aid order, on the basis of:

1. A socio-financial report of the Welfare Office, describing your financial situation and that of your family, your regular income or any other income originating from your employment or from any other sources, your standard living expenses and those of your family, and any other liabilities or needs you may have;
2. The severity of the situation or any other circumstances, so as to determine whether it would be in the interest of justice to grant you free legal aid in preparing and handling your case.

Legal aid beneficiaries have a right to select the lawyer who will offer them free legal aid, among those willing to offer these types of services, as per the applicable laws. If a beneficiary fails to appoint a lawyer of his/her own choice, the Court will appoint a lawyer from a list prepared by the Cyprus Bar Association, as per the applicable regulations.

Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?

The Republic of Cyprus will reimburse you for all expenses provided for in the Law. Information about how and under what conditions you can claim expenses is available at the District Prosecution Divisions of the Police Force.

Can I appeal if my case is closed before going to court?

You can request a reasoned decision from the Police, if investigation or prosecution did not proceed or has been terminated.

Can I be involved in the trial?

You may participate in the trial as a witness for the prosecution and testify before the Court which hears the matter.

What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?

In the context of criminal proceedings, your role is that of a witness for the prosecution. If you file a claim for damages against the offender, you take the role of a plaintiff in the civil proceedings concerned.

What are my rights and obligations in this role?

As a witness for the prosecution, you are obliged to testify before the Court which hears the matter. If you have filed a claim for damages, you can obtain information about your rights and obligations from the lawyer who is handling your case before the Civil Courts.

Can I make a statement during the trial or give evidence? Under what conditions?

In the course of any proceedings in which you are a witness for the prosecution, you may read and adopt the deposition you have made to the Police or submit the evidence you have made available to the Police during the investigation. If you wish to make a statement or testify anything in addition to your original deposition or to the evidence you have made available to the Police, you should consult the director of the Legal Division which is handling your case at the Court.

What information will I receive during the trial?

During the trial, the Prosecutor will inform you as to when and how hearing sessions are to take place and the nature of the charges pressed against the offender. You may also request to be informed of any final rulings rendered in the course of the proceedings.

Will I be able to access court files?

You have no right to access any court files.

■ Last update: 09/07/2025

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