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Imputati (procedimenti penali)

Cipro

Le presenti note informative spiegano che cosa succede quando una persona è sospettata o accusata di un reato che deve essere giudicato da un tribunale con un processo. Per informazioni riguardanti violazioni minori al Codice della strada, che solitamente sono soggette a una sanzione fissa come l'ammenda, cfr. la Nota informativa 5. Se siete vittima di un reato, potete trovare tutte le informazioni sui vostri diritti cliccando qui.

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Sintesi del procedimento penale

Si riporta di seguito una sintesi delle fasi ordinarie del procedimento penale.

Una persona sospettata di coinvolgimento in un reato può essere interrogata dalla polizia. La polizia è responsabile delle indagini su un reato.

Il sospetto può essere arrestato tramite mandato giudiziario, tranne nei casi di flagranza di reato.

Prima dell'interrogatorio della polizia, il sospetto deve essere informato del diritto di comunicare con un avvocato e deve essere avvisato.

Alla conclusione delle indagini, qualora emergano elementi a carico del sospetto, la polizia procede all'incriminazione formale. Nelle cause penali più gravi, la decisione di avviare l'azione penale spetta al procuratore generale. L'azione della polizia si svolge sempre sotto la guida del procuratore generale, che ha il potere, conferitogli dalla Costituzione, di avviare, condurre, rilevare, proseguire o interrompere qualsiasi procedimento penale.

La polizia trasmette al giudice competente per approvazione l'atto contenente i capi d'imputazione. Se il giudice conferma, l'indagato viene citato a comparire dinanzi ad esso a una determinata data.

Le cause penali, a seconda della loro gravità, possono essere giudicate: (a) in modo sommario, da un solo giudice del tribunale del luogo in cui è stato commesso il reato, (b) sulla base delle informazioni, dalla Corte d'Assise, composta da tre giudici di un tribunale circoscrizionale e presieduta dal presidente di un tribunale circoscrizionale.

Nei procedimenti sommari, il giorno in cui l'imputato è citato a comparire davanti al giudice risponde all'accusa o alle accuse dichiarandosi colpevole o innocente. Nelle cause giudicate dalla Corte d'Assise, in tale data si tiene un'udienza preliminare davanti al giudice del tribunale circoscrizionale. Tale udienza non è obbligatoria se il procuratore generale certifica che non è necessaria. La prassi seguita oggi è di dispensare dalla convocazione dell'udienza preliminare.

La vittima di un reato ha il diritto di avviare un'azione penale privata.

Il procuratore generale detiene la responsabilità complessiva delle azioni penali, compreso il diritto di interrompere tale azione.

A Cipro non esiste il processo con giuria.

Se dalle indagini emerge che l'imputato non è in grado di deporre a causa di disturbi mentali o di incapacità, il tribunale può ordinare il trattamento sanitario presso un istituto psichiatrico.

L'imputato può sollevare obiezioni preliminari alle accuse per: (a) incompetenza territoriale o in materia, (b) precedente assoluzione o condanna per lo stesso o gli stessi reati, (c) indulto, o (d) accuse incomplete o duplici.

Nel medesimo atto d'accusa possono essere incriminate più persone per condotte penalmente rilevanti connesse. Se ciò non viene considerato legittimo, il tribunale può ordinare la suddivisione delle accuse ai fini del processo.

Il processo ha inizio con le prove dell'accusa. Al termine della presentazione degli argomenti dell'accusa, il tribunale decide in merito alla loro fondatezza.

In caso affermativo l'imputato viene invitato dal tribunale a difendersi e viene informato sul suo diritto di non rispondere, di deporre dal banco degli imputati o di testimoniare sotto giuramento. L'imputato può in qualsiasi momento deporre in sua difesa. Non si possono trarre conclusioni negative dall'esercizio del diritto di non rispondere. Una volta terminata la presentazione degli argomenti della difesa, le parti presentano le loro conclusioni e il tribunale emette la sentenza.

Tutti i testimoni che depongono sotto giuramento possono essere sottoposti a controinterrogatorio.

Il processo deve rispettare le norme di un processo equo. Per tutta la durata del processo, è valido il principio della presunzione di innocenza. L'onere della prova spetta sempre all'accusa. Se alla fine del processo il tribunale non è certo al di là di ogni ragionevole dubbio della colpevolezza dell'imputato, questo deve essere assolto.

Se l'imputato viene condannato, segue la fase di irrogazione della pena.

Nelle note informative potete trovare una descrizione dettagliata di ciascuna fase del processo, nonché dei vostri diritti. Queste informazioni non sostituiscono la consulenza legale e sono intese soltanto come guida.

Il ruolo della Commissione europea

Occorre osservare che la Commissione europea non ha alcun ruolo nei procedimenti penali all'interno degli Stati membri e pertanto non vi può assistere nel caso dobbiate sporgere denuncia. Le informazioni fornite in queste note informative servono per sapere come potete sporgere una denuncia e a chi rivolgervi.

Cliccate sui collegamenti sottostanti per trovare le informazioni di cui avete bisogno

1 - Come ottenere una consulenza legale

2 - I miei diritti durante le indagini su un reato

Arresto e indagini

[3 – I miei diritti durante il processo](#)

Tipi di pena

[4 – I miei diritti dopo il processo](#)

[5 - Violazioni al Codice della strada](#)

Link correlati

[Ufficio legale della Repubblica di Cipro](#)

[Corte suprema di Cipro](#)

[Polizia di Cipro](#)

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1 - Getting legal advice

Getting independent legal advice is very important when you are involved in some way with the criminal process. The factsheets tell you when and in what circumstances you are entitled to be represented by a lawyer. They also tell you what a lawyer will do for you. This general factsheet tells you how to find a lawyer and how the costs of the lawyer will be met if you cannot afford to pay.

Finding a lawyer

If you are suspected of involvement in a crime you have the right to consult a lawyer. If you are charged with a criminal offence you have the right to be represented by a lawyer in court proceedings. At all times you have a right to have the services of a lawyer of your choice.

Communications between lawyer and client are privileged. They are held in private and cannot be disclosed except with your consent.

Paying for a lawyer

If the crime you are charged with carries a sentence of more than a year you have the right to legal aid which is available for all stages of criminal litigation. If you are a legal aid applicant the court will decide whether the grant of legal aid is justified, acting on the basis of a socio economic report prepared by the welfare office at the direction of the court.

If you are entitled to legal aid you have the right to choose a lawyer from a list prepared by the [Cyprus Bar Association](#). You may find relevant information about the list of lawyers at the registry of the court where proceedings against you were instituted. If you do not choose a lawyer from the list, the court may appoint a lawyer for you.

It is a criminal offence to make a false statement about your financial circumstances in order to obtain legal aid. If you commit such an offence you will be liable to refund the State the legal aid received and the court may issue an order to that effect.

If you have a complaint against a lawyer for breach of the rules of conduct, it may be submitted to the disciplinary board of the [Cyprus Bar Association](#).

Related links

[Legal aid information from the Ministry of Justice and Public Order](#)

[Cyprus Bar Association](#)

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2 - My rights during the investigation of a crime and before the case goes to court

What is the purpose of a criminal investigation?

A criminal investigation is designed to establish the facts and circumstances surrounding a crime.

As a rule, the investigation is carried out by the police. In exceptional cases the Council of Ministers or the Attorney-General may authorize experts for the investigation. Decisions to prosecute are as a rule taken by the police under the overall instructions of the Attorney-General. In serious criminal cases the decision is taken by the Attorney-General.

An investigation begins when information reaches the police that a criminal offence(s) has been committed.

The police will examine the scene of the crime and collect relevant information and material. They will also examine and take statement(s) from any person who has information about the crime.

If the evidence suggests that you were involved in a crime, the police may question you before or after arrest.

When and how can I be asked for information by the police?

If the police believe that you have useful information concerning a crime they may demand your presence at a police station in order to give a statement or produce any relevant document. If you refuse to attend, they may serve you with a written notice. Failure to comply without reasonable excuse is a criminal offence.

Will I be cautioned?

If you are suspected of involvement in a crime you must be cautioned in the following terms before being questioned: "you are not obliged to say anything unless you wish to do so but whatever you say will be taken down in writing and may be given in evidence". If you are a minor you must also be informed of your right to communicate with your parent or guardian.

You may be arrested on the strength of a judicial warrant and in certain circumstances without a warrant of arrest. See [here](#).

What information will I be given if I am arrested?

You must be informed of the reasons for your arrest unless a violent reaction from you makes this impossible.

What happens after an arrest?

You must be brought before a judge within 24 hours unless released earlier.

What happens if there is a European Arrest Warrant against me?

A European arrest warrant must follow the process and contain the information required by law. It must be issued by a judicial authority of the applicant state. For more information see [here](#).

Will I be held in custody or released?

If the police consider that you should be detained, they must apply to a district court judge to remand you in custody for no more than eight days. This can be renewed provided that the total period of custody is not more than three months.

The court may remand you in custody if there is evidence suggesting that you were involved in the commission of the offence(s) in question. The court will also consider whether custody is necessary for the investigation and balance this against your right to freedom.

Can I appeal against a decision to remand me in custody?

You can appeal against the decision. The appeal must be lodged within ten days.

What happens if I do not answer the police's questions?

No adverse inferences can be drawn from the exercise of the right to silence.

Police questioning must not be oppressive or repetitive.

Can I have a lawyer during questioning?

You have no right to a lawyer during your interrogation by the police. Once arrested you are entitled to communicate immediately over the phone with a lawyer of your choice in private.

I do not speak the language. Can I have an interpreter?

The law provides that you must have the services of an interpreter in a language which you thoroughly understand and speak.

Can I tell a relative or friend what's happening to me?

You are entitled to communicate with a relative or a person of your choice. If you are a minor you are also entitled to communicate with your parent or guardian in the presence of the police. Your parents or guardian will be informed by the police about your detention.

Your communication with friends and relatives may be delayed for twelve hours if there is reasonable suspicion that the exercise of this right immediately after arrest will:

lead to the destruction of evidence,

prevent the arrest of another person(s) in relation to the same crime or

lead to the escape of other suspect(s) or the commission of another offence.

I am from another Member State. Can I contact my Embassy?

If you are from another country, you have the right to communicate with your Embassy or Consul. If no representative is available, then you have the right to communicate with the [EU Office of the Ombudsman](#) or the [EU National Organisation for the Protection of Human Rights](#).

Can I see a doctor while I am detained?

If during arrest or detention you need medical care, the police must ensure that you are examined by a doctor and if necessary take you to hospital. You have the right to choose the doctor.

Do I have to be present in Cyprus during the investigation?

If you are resident abroad you are not legally obliged to be present during a police investigation. The law does not yet provide for you to take part in the investigation by video link.

You may leave the country unless a warrant of arrest is issued against you.

Can my home or business premises be searched during the investigation?

Your house or premises may only be searched if a search warrant has been obtained, unless you consent to the search in writing.

Can there be a body search?

You may also be subjected to a body search by someone of the same sex. See [here](#).

Can the police take my fingerprints, samples of my DNA, etc?

If you are detained, the police are legally entitled to take measurements, photographs, fingerprints, palm prints, samples of your handwriting, nail, hair and saliva as part of the investigation.

Your failure to consent is a criminal offence punishable with imprisonment or a fine. The police may also take samples of your blood or urine if you consent. If not, a court order may be obtained authorising the police to take such samples under medical supervision.

Will I have to take part in an identification parade?

If you are lawfully detained the police are entitled to demand that you take part in an identification parade.

Can I complain about my treatment by the police?

A complaint against the police may be submitted to the [EU Independent Authority for the Investigation of Allegations and Complaints against the Police](#)

What happens at the end of the investigation?

You may be charged by the police if there is enough evidence at the end of the investigation to establish a criminal case against you. Before being charged you must again be cautioned. You may answer guilty or not guilty or reserve the right to answer in court. The indictment will then be filed in court.

The charges in the indictment may differ from the original charges.

Can I be charged with an offence which I have already been charged with in another Member State?

If you are acquitted or convicted of an offence you cannot be tried again for it. You cannot be found guilty of an act or omission which was not a crime at the time when it was committed.

There is no rule against bringing criminal charges against you before the courts of two different states. But this is highly unusual and you may object to the proceedings in either of the courts.

What happens at the first court hearing?

Once you are summoned to appear before the court you have the right to be provided with the witnesses' statements as well as with the documents collected during the police investigation including those forming part of the prosecution case.

The prosecution may call additional witnesses at the trial provided adequate notice is given to the defence.

Will information be requested about my criminal record?

Evidence of your previous convictions will not normally be presented at the trial.

If you are convicted of the offence, any similar convictions will be considered in deciding the sentence ([see Factsheet 5](#)).

Powers of arrest and search

Police power to arrest

The [EU Constitution of Cyprus](#) provides that a person cannot be lawfully arrested, except where a correctly reasoned warrant has been issued. All provisions of the criminal procedure law authorising arrest without a judicial warrant must be read subject to this constitutional rule.

The police may apply to a judge of the district court for a warrant for arrest. The police must submit an affidavit demonstrating that there is evidence to suggest that you are suspected of involvement in a crime and your arrest is necessary for the criminal investigation.

The issue of a warrant of arrest is not automatic. The judge has a discretion and must balance the right of a person to freedom, on the one hand, and public security on the other.

A warrant of arrest remains in force until executed or cancelled by a judge.

Police power to search

A search warrant must be obtained for the search of your home, or your business premises unless you expressly consent in writing to the search. A search warrant must give reasons. It is issued by a district court judge based on information provided by the police under oath. The judge must be satisfied that there are reasonable grounds for the search warrant to be issued.

A police officer has the right to stop and search your vehicle:-

if the officer reasonably believes that narcotic drugs may be found,

to check whether any explosive substance or illegal weapon is in the vehicle.

A search of your body must be carried out by a member of the police force of the same sex.

A police officer who reasonably suspects that you are in possession of narcotic drugs has the right to stop and search you and if drugs are found, to arrest you.

You have no right of appeal against the issuing of an arrest or a search warrant.

Related links

[Law Office of the Republic](#)

[Supreme Court of Cyprus](#)

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3 - My rights during the trial

Where will the trial be held?

The case will be heard by the court of the district where the offence was committed.

Your trial will be held in public unless the court directs that it should be in private. The [Constitution](#) sets out reasons for holding the trial in private.

In Cyprus there is no trial by jury. The court, composed of professional judges, is the judge of law and fact.

Can charges be amended during the trial?

The charges may be amended during the trial if the court agrees. This may happen if the information in the charge is inadequate or to streamline the charges with the evidence.

New charges can be added during the trial if they emerge from the evidence, and the court agrees. If this happens the proceedings may be adjourned to allow you to prepare your defence.

If at the end of the trial only part of a charge is proved and it is a stand-alone offence you may be convicted of that offence without amendment of the charge. Likewise you may be convicted of an attempt to commit the offence with which you are charged without amendment of the charge. At the end of proceedings the court may order that additional charges should be added arising from the evidence, and may convict you without amending the indictment. This must not lead to a miscarriage of justice.

You may change your plea during the trial in relation to all or any of the charges, if the court agrees to allow you to do so. If you plead guilty to some of the charges the court will hear the case in relation to the remaining charges. If you plead guilty to all the charges the court will move directly to the sentencing process.

What are my rights during the trial?

You are entitled to a fair and public hearing within a reasonable time by an independent, impartial and competent court established by law.

The judgement of the court must be reasoned and is generally given in public, unless publicity would prejudice the interests of justice.

If you are charged with a criminal offence you have the following minimum constitutional rights:-

to be informed promptly and in a language you understand and in detail of the nature and grounds of the charges against you;

to have adequate time and facilities for the preparation of your defence;

to defend yourself in person or through a lawyer of your own choice or, if you cannot pay for legal assistance, to be given free legal assistance if that is in the interests of justice ;

to ask questions of witnesses against you and to have the same conditions apply to witnesses on your behalf as to those against you.

to have the free legal assistance of an interpreter if you cannot understand or speak the language used in court.

Must I attend the trial?

Once you have been served with a summons requiring you to appear in court, you must attend. If you do not attend, an arrest warrant will be issued against you.

Will I be held in custody, or released during the trial?

As a rule you will be given bail during the trial except in serious cases. Detention may be ordered if there is a serious risk that you will not appear at the trial if you are released. Bail may also be refused if there is a risk that you will commit further offences if you are released.

If bail is refused and the case is tried before a district court, you cannot be detained for more than eight days until your next appearance in court. There is no limit on the period of detention if the case is tried before the Assize Court.

You have the right to appeal against a decision refusing bail. The appeal must be lodged within 10 days of the decision.

There is no fixed time limit for your detention pending the trial. However, you must be tried within a reasonable time.

I live in another Member State. Can I participate in the trial by video link?

There is no provision for participation in criminal proceedings by video link.

Will I have a lawyer to represent me during the trial?

You do not have to be represented by a lawyer in court proceedings. You have the right to defend yourself in person. If you are represented by a lawyer you have the right to change your lawyer at any stage of the proceedings.

If you cannot afford a lawyer, you may be entitled to legal aid if that is in the interests of justice.

If you are represented by a lawyer at the trial, he or she will present your defence. If you defend yourself in person you have the same rights including the right to silence and the right against self-incrimination.

What is my role in the trial?

After the prosecution has presented its case, you have the right to submit to the court that there is no case to answer for any of the following reasons:

there has been no evidence to prove an essential element of the offence,

the prosecution's evidence has been shown to be unreliable and insufficient for a safe conviction.

If the court agrees with your argument, you will be acquitted without being called to make your defence.

If the court decides that there is a case to answer it must inform you of the following rights:

to give evidence under oath. If you do this, you will be cross-examined by the prosecution.
to make an unsworn statement from the dock. In this case you will not be liable to cross-examination;
to remain silent. No adverse inferences may be drawn from the exercise of the right to silence.

Can I call witnesses in my defence?

Whether you choose to give evidence or not, you have the right to call witnesses in your defence.

If you choose to give evidence under oath and you are faced with an incriminating question you must be warned by the court of your right not to answer.

What happens if I lie in court?

If you make a false statement at the trial you commit the crime of perjury which is punishable with imprisonment.

What are my rights in relation to the charges against me?

You have the right to challenge prosecution evidence by cross-examining prosecution witnesses. You can also object to evidence.

Can I present evidence to support my case?

You may produce any evidence in support of your defence that is relevant to the trial issues and admissible in law. If you put your character in issue you may call a character witness in your defence.

Can I use a private detective to collect evidence on my behalf?

Yes you can. The evidence collected may be produced in court subject to the same rules as any other evidence.

Will information about my criminal record be taken into account?

Your criminal record may not be disclosed during the trial unless you decide to give evidence and you put your character in issue by making an allegation against the character of a prosecution witness during cross-examination.

Evidence of your previous offences may be presented to the court, provided the crime that you are being tried for is similar to other crimes which you have committed.

Your previous convictions in another Member State may be taken into account except where the convictions have expired.

What happens at the end of the trial?

At the close of trial the parties make their final addresses and the court delivers its judgement.

You may be convicted or acquitted by the court.

If you are convicted, you have the right to address the court before it passes sentence, with a view to reducing your sentence.

For information about possible sentences, see [here](#).

What is the role of the victim during the trial?

The victim has no specific role in the trial, but may be called to give evidence about the events surrounding the offence and the injury, damage and loss suffered as a result.

In the sentencing process the victim may be asked by the prosecution to describe the consequences of the crime. If you agree to compensate the victim, or the victim is prepared to forgive the act, your sentence may be reduced.

Modes of punishment

The following is a list of the various sentences which can be imposed by a court in Cyprus.

Imprisonment i.e., incarceration in a state prison for a specified period of time.

Periodic imprisonment. If you are convicted of a crime carrying a sentence of three years or less, you may be sentenced to periodic imprisonment lasting no more than fifty two weeks. The period of weekly imprisonment lasts from Friday 8:00am to Monday 5:00pm.

Suspended sentence of imprisonment. If your sentence of imprisonment is two years or less it may be suspended for a period of three years subject to conditions. If you breach the conditions, the original prison sentence will be applied and there may be other consequences.

Probation order. The court may make a probation order requiring you to be under the supervision of a probation officer for a period between one to three years. Special provision is made by law for the treatment of juvenile offenders.

Young offenders. The age of criminal liability is fourteen years. Imprisonment of persons between the ages of fourteen and eighteen is rare.

An order directing the removal of a minor from his/her family. If a parent or person who is responsible for a minor is convicted of certain crimes, the court can order that the child be taken to a place of safety. The child then becomes the responsibility of the director of the social welfare department.

An order for the treatment of a drug addict. A person convicted of a drug offence, may be ordered to undergo treatment at a drug withdrawal centre, instead of imposing any other punishment, provided that the person consents.

Giving security to appear for judgement. In this case, conditions are imposed, requiring you to keep the law for a specified period of time. If the condition is breached you may be convicted both for breaking the order and the original offence.

The court may bind you over to keep the peace over a specified period of time.

Prohibition on attending sporting events. If you are convicted of an act(s) of violence at a football match or any other athletic contest the court may in addition to any other punishment, prohibit you from attending a football match or athletic contest.

Confiscation order relating to the proceeds of crime.

Disqualification from using a motor vehicle. In the case of a conviction relating to a traffic offence, you may be disqualified from using a motor vehicle. This is supplementary to any other punishment the court may impose.

Disqualification from holding or using a sporting gun. This may apply if you are convicted of the illegal use of the gun for the pursuit of game.

A forfeiture order. You may be ordered to forfeit objects which you hold illegally, or which you have obtained illegally.

Demolition order. The court may order the demolition of a building which has been erected illegally.

Related links

[Government web site referring to the Constitution](#)

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4 - My rights after the trial

Can I appeal?

You have an unqualified right to appeal to the Supreme Court against conviction and sentence. A conviction which resulted from a guilty plea by you cannot be appealed except where the facts set out in the charge are not in fact an offence.

What time limits apply?

Your appeal against conviction and/or sentence must be lodged within ten days from the date of sentence. A notice of appeal is filed with the registry of the district court in which the case was tried and with the registry of the Supreme Court if the case was tried by an Assize Court.

What are the grounds of appeal?

The grounds of appeal against conviction are that:
the normal rules of a fair trial have been breached,
the conviction is unreasonable, based on the evidence led
the decision of the court is wrong on a question of law,
a substantial miscarriage of justice has occurred.

The grounds of appeal against sentence are that:

the sentence is wrong in principle – that the trial court was misdirected on the facts or the law or both,
the sentence is manifestly excessive or manifestly inadequate.

The grounds of appeal against conviction and sentence must be fully explained and justified in the notice of appeal.

What happens if I appeal?

If you exercise your right to appeal, your conviction or sentence will remain valid until the appeal is decided.

Normally, an appeal is resolved within six to twelve months.

Evidence is not normally heard on appeal. New evidence can be heard if through no fault of your own, it has only come to light after the trial. It must be significant to the trial and relevant to your innocence.

What happens at the appeal hearing?

The parties to the appeal have a right to address the court for and against the appeal. An outline of the arguments is filed in writing before the hearing. The appeal is not a rehearing of the original case. The object is to review the soundness of the first instance decision.

What can the court decide?

The Supreme Court may:

allow the appeal and quash your conviction;

allow the appeal in part and confirm other parts of the conviction where you were found guilty on a number of counts;

dismiss the appeal;

set aside the conviction and convict you for another offence which is more appropriate, based on the evidence and apply a new sentence;

allow the appeal and send the case back for retrial before the same or another court.

What happens if the appeal is successful/unsuccessful?

If your appeal against conviction is successful the verdict is quashed and the punishment is set aside. If unsuccessful the appeal against conviction is dismissed. On appeal against sentence, the Supreme Court has the power to reduce, vary, modify or alter the sentence. If the appeal against conviction and/or sentence is unsuccessful the Supreme Court has the power to direct that imprisonment should run from the day of dismissal of the appeal.

Is there a right to appeal to a higher/different court?

There is no third tier of justice. The remedies available to you are exhausted when the appeal is decided. If any of your rights guaranteed by the [European Convention on Human Rights](#) are violated, you may appeal to the European Court of Human Rights when no more local remedies are possible.

If the first decision is wrong, will I get any compensation?

If your appeal against conviction is successful and you have already spent time in prison, the law entitles you to seek compensation for loss suffered on account of your inability to work.

If my appeal is successful, will a record be held of the initial conviction?

If your conviction is quashed on appeal no record will be kept of the conviction.

I am from another Member State. Can I be sent back after trial?

If you are sentenced to a term of imprisonment in Cyprus you can be sent to your country to serve sentence provided the imprisonment is for more than six months; exceptionally this limitation may be lifted. You will be informed of this right when you are admitted to prison.

Transfer to your Member State is not automatic. You must express the wish to serve the sentence in your country by making an application either in the sentencing state (Cyprus) or to your Member State.

Exceptionally, if one of the states considers it necessary, because of your age or physical or mental condition, transfer can take place without your consent.

The conditions for transfer are prescribed by the [Convention on Transfer of Sentenced Persons](#). One condition is that the act or omission for which you were convicted must be a crime under the law of the administering state.

Upon transfer to your Member State all matters relating to the conditions of detention are governed by the law of that state, and not the law of the state which issued the sentence. You must consent to such transfer unless the exceptions noted above apply.

There is no right to appeal against a decision to transfer you to your home country to serve the sentence.

If I am convicted can I be tried again for the same offence?

You cannot be tried twice for the same offence whether committed in Cyprus or in another State. The principle against double jeopardy is a fundamental right guaranteed by the Constitution of Cyprus.

Will information about the charges be added to my criminal record?

A register of previous convictions is kept by the police. Every new conviction is added to your criminal record. The register of convictions is primarily kept and used for sentencing purposes. No record is kept of criminal charges which did not result in a conviction.

The length of time over which the criminal record of your conviction will be kept in the register of previous convictions depends upon the nature of the sentence and ranges from five to 12 years maximum.

Your criminal record can be kept by the police without your consent and you cannot object to the inclusion of your criminal conviction(s) in the registry.

Related links

[Convention on Transfer of Sentenced Persons](#)

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5 - Road traffic offences

Minor as well as serious traffic offences are treated like any other offence. Fines are the normal punishment. Habitual offenders can be disqualified from driving. Most minor traffic offences are dealt with administratively.

Who deals with road traffic offences?

A number of minor motoring and related offences may be dealt with administratively by the imposition of a fine prescribed by law.

In the case of speeding or use of a mobile phone whilst driving and some other minor offences, penalty points are also added to your driving licence. When the penalty points exceed twelve, your case must be referred to court. If you do not agree to the imposition of a fine and penalty points, a criminal case will be filed against you in court.

A policeman or a municipal or local authority traffic warden may notify you that a fine has been imposed. In the case of a parking offence, the notice must state the offence and inform you that if you do not pay the fine within 15 days, it will increase by one half.

If the fine is not paid within 30 days, a prosecution may be mounted. Fines can be imposed for traffic offences committed by pedestrians and cyclists, as well as motorists. The level of the fine is set by law.

An administrative fine cannot be appealed if you consent to it. If on the other hand you deny committing the offence, the authorities may go to court in order to prove the offence. The court's decision may be appealed, like any other decision for a criminal offence.

A fine which is imposed administratively may be collected like a fine imposed by a court of law. It does not give rise to a criminal record.

What happens if the case goes to court?

The district court of the area where the traffic offence is committed has jurisdiction to deal with it.

The procedure used at the trial of minor traffic offences is the same with any other offence.

The penalties that may be imposed by the court are:

fine,

imprisonment,

disqualification from driving a motor vehicle.

Citizens of other Member States are equally liable as nationals to be prosecuted for minor traffic offences.

A conviction as well as the sentence imposed for a minor traffic offence can be appealed in the same way and for the same reasons as any other case.

Related links

 [Driving in Cyprus – Cyprus Traffic Laws – Offences, Fines and Points](#)

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