



British
High Commission
Nicosia

**INFORMATION FOR BRITISH NATIONALS IMPRISONED & DETAINED IN
POLICE CUSTODY
IN THE REPUBLIC OF CYPRUS**

The British High Commission has made every attempt to ensure that the information contained within this document is accurate and current. However, the British High Commission cannot accept any legal responsibility for any omissions or errors within this document.

**CONSULAR SECTION
BRITISH HIGH COMMISSION
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1587 NICOSIA**

Tel: 22 861367/ 22 861371/ 22 861374/22861361

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Introduction

This guide aims to explain the Cyprus legal system to British Nationals, and the next of kin of British Nationals, who are detained or held on remand at a police station in Cyprus.

About the Consular Section

We are impartial and are not here to judge you. Our aims are to ensure that you are treated humanely and fairly and in accordance with Cypriot regulations, and to ensure that you are treated no less favourably than other prisoners. However, we cannot obtain better treatment for you than that given to other prisoners.

We can answer questions about your welfare and about prison regulations but not questions about legal matters. Legal questions should be addressed to your lawyer or the court. We can give you a list of English speaking lawyers operating in Cyprus.

We cannot get you out of prison, pay fines, stand bail, interfere in local judicial procedures, or secure you an earlier trial date. We cannot investigate a crime.

What will the Consular Section do?

A member of the British High Commission will aim to contact you within two working days of receiving police notification of your detention. We will offer to contact your family or next-of-kin to inform them of the situation. We can give them advice on prison procedure and regulations and on your physical condition and morale. We can pass on any messages for you.

Attached is a list of English speaking lawyers, and details about the legal system in The Republic of Cyprus can be found below. We will ask if you would like us to inform anyone of your arrest.

Who will know that I have been detained?

When a British citizen is arrested and detained in Cyprus the authorities normally inform the British High Commission. This is done in writing and normally takes no longer than two days. However, family or friends may inform us more quickly.

How can I contact my family or friends?

In Cyprus there is no automatic right to make a telephone call when you are arrested and the Police may withhold visits while they are questioning you. However, you can ask a Consular officer to inform next-of-kin or pass on messages via your lawyer.

What will my family be told?

For reasons of confidentiality we are not permitted to tell anyone that you have been detained or the nature of the charges levelled against you without your permission. The Consular Section must have your permission before we will discuss your case, or confirm your detention, with anyone else.

Who are my Consular Representatives?

James McCamley	Zoe Woodward	Simon Longley	Christina Smith
Consular Officer	Consular Officer	Consular Assistant	Vice Consul
Tel: 22 861 371	Tel: 22 861 374	Tel: 22 861 367	Tel: 22 861 361

Additional consular Numbers: Fax: 22 861 200, Switchboard: 22 861 100. For emergencies (only) Out of hours/public holidays phone the switchboard number above and listen for the emergency contact details.

Is the Cyprus Judicial System the same as the UK?

The system in Cyprus is different from the UK. There are two types of offences; major offences and minor offences. Minor offences are dealt with in a local district court and the major cases are heard in the Assizes court in the main towns.

The local district court, where minor cases are heard, is controlled by a single judge. The Assizes court has three judges presiding over each case. The jury system is not employed. The system in Cyprus involves the judges being responsible for carrying out wide-ranging enquiries in order to produce a file of evidence on each case. The judge uses this file of evidence as a basis for deciding his verdict. The trial is regarded as the final act in each investigation and the judge is very much in control of proceedings and will ask most of the questions.

The arrest procedure

Arrests are normally supported by an arrest warrant issued by a judge. However, if a police officer has reasonable grounds to suspect that a person has committed a serious crime, that person may be arrested without a warrant.

A person taken into custody without a warrant must, within twenty-four hours, either be charged with the offence; be released upon certain terms pending the investigation; or be brought before a judge for a warrant of arrest. The latter is the most common procedure. If the warrant is issued, it will state that the person shall be remanded in custody or be released on bail immediately after his or her arrest. If remanded, the remand order will be for a maximum of eight days, but if the police so request, a judge may extend the period of the remand if he is satisfied that the police reasonably require more time to complete their investigations. The length of each remand should not exceed eight days, but it can be shorter.

A detained person is entitled to legal advice. If a detainee cannot afford a lawyer, the court has the power to assign a lawyer to defend an accused person if, in the opinion of the court, it is desirable that the accused should be defended by a lawyer. When such an appointment is made, the lawyer is paid from the public funds (Section 64 of the Criminal Procedure Law CAP 155). However, detained British nationals should be aware that it is uncommon for a Cyprus court to assign a publicly funded lawyer. The court may appoint an interpreter for the defendant – it depends upon the circumstances of the case. If found guilty, a fine or a custodial sentence will be imposed by the court.

Fines

If sentenced to a fine, a prisoner will either have to produce the funds there and then or they will be transferred to Nicosia Central Prison until it is paid. (You may have to remain in custody for up to one year, until the fine is paid). If insufficient funds are available in Cyprus, the British High Commission can help by contacting next-of-kin or friends in the UK to tell them how to transfer funds. However, the British High Commission cannot pay fines for prisoners from public funds.

Nicosia Central Prison has recently confirmed to us that they are able to accept payments for fines via Western Union. The procedure is:

- Contact Nicosia Prison and confirm the preferred Western Union Branch in Nicosia, the exact amount (in Euros) of the fine and obtain the prisoner's number.
- Detainee's relatives or friends to arrange the exact amount to be transferred via Western Union.
- When the money has been transferred over, the Prison finance office needs to be informed * of the Address of the WU office and the reference number. * Prison finance office +357 22406165.
- A Prison Officer will be dispatched to collect the money, and then arrangements will be made for the detainee to be released.

Bail

An appointed lawyer on behalf of the detainee may request bail to the judge. Sometimes, bail requests are granted. However, if a case is very serious the judge may use his discretion and not grant bail, and a detainee will remain on remand either at a police cell or moved to Nicosia central prison.

Which is the longest I could be held in remand?

You can be remanded in custody for more than six months if:

- You are suspected of having committed a serious crime
- Extensive investigations are required
- You are awaiting court trial

If any of these conditions apply, your case must be placed before the Assizes Court. If the Assizes Court orders further detention, it must be satisfied that: -

- There is a strong suspicion that an offence has been committed and that if released, you would flee.
- Your conduct suggests that if you were released you might tamper with the evidence or influence witnesses or prejudice the proceedings in some other way.
- Having been charged with sexual offence or offences against the person, there is reason to believe that you will continue to commit these offences if you are not remanded in custody.

Investigation and indictment

The District Attorney Office ie, the Public Prosecutor's Office, will investigate the alleged offence. When it is deemed that there is sufficient evidence to prosecute, (and where there is a 'victim' the Judge will proceed if he or she feels there is a case, even if the charges are dropped by the 'victim') the investigation stage is formally closed and the trial stage is opened. The District Attorney's Office must produce an indictment that sets out details of the accused, the crime of which he or she is accused, when and where the crime took place, the legal definition of the crime and the criminal laws applicable to the case.

When the judge receives the indictment the date for the trial is set.

Legal representation

You can appoint a lawyer for yourself at anytime following your arrest; a list of English-speaking lawyers is provided with this information sheet. Normally, if you appoint a lawyer, he will ask for an advance of his fee (which may be high) before he will take on your case.

Remember - The British High Commission cannot pay legal fees or make financial guarantees to lawyers.

If you do not have a lawyer when you come to trial, the court may appoint a lawyer free of charge, if the judge is satisfied that you do not have sufficient funds. Alternatively, Legal Aid may be available where the court decides that you are unable to afford the cost of the proceedings without affecting your basic needs and obligations and those of your family. Application can be made at the court, where you or your lawyer completes the forms. For further information you can contact the Chief Registrar of the Supreme Court by telephoning 22865716 (for callers in Cyprus) and +35722865716 (for callers outside Cyprus) or in the Legal Affairs Unit of the Ministry of Justice and public Order by telephoning 22805922 or 22808946 (for callers in Cyprus) and +357 22805922 or +35722805946 (for callers outside Cyprus).

The court may also appoint a lawyer at your request, if the charge is a serious or complicated one, whereby you will need legal assistance in order to properly defend yourself. The same applies if it is obvious that you are not capable of handling your own defence.

English Speaking Lawyers

The British High Commission publishes a list of lawyers who are able to give advice in English to British nationals for the convenience of enquirers. **The High Commission never recommends a particular lawyer in order to maintain complete impartiality.**

Name of Lawyer	Andreas Neocleous
Partnership represented	Andreas Neocleous & Co
Address of Practice	Street address: Neocleous House, 195 Archbishop Makarios III Avenue, Limassol Postal address: P O Box 50613, Limassol, CY3608
Other Offices in Towns	Nicosia, Paphos (also in Moscow, Brussels, Prague, Kiev and Budapest)
Office phone number	+357 25 362818
Out of hours phone number	+357 99 638078
Mobile number	+357 99 638078
Email address	info@neocleous.com
Website address	www.neocleous.com
Where qualified	Andreas Neocleous & Co LLC employs more than 70 lawyers in Cyprus. They are qualified in a variety of jurisdictions, including Cyprus, the United Kingdom, Germany, the Czech Republic, Spain, and Russia.
Professional Association	Cyprus Bar; English Bar; Roll of Solicitors in England and Wales
Name of Lawyer	Antonis Andreou
Law Firm represented	Antonis Andreou & Co LLC
Address of Practice	23-25 Piliou Street, George Mattheou Court, 5 th Floor, 6037 Larnaca. P.O. Box 40391, 6303 Larnaca
Office phone number	+357 24 828373
Out of hours phone number	+ 357 99 657013
Mobile number	+ 357 99 657013
Email address	info@antonisandreou.com
Website address	www.antonisandreou.com
Where qualified	U.K - Barrister at Law (Lincoln's Inn)
Professional Association	Member of the Cyprus Bar Association since 1973
Name of Lawyer	Tasos Coucounis
Law Firm represented	ANDREAS COUCOUNIS & CO LLC
Address of Practice	Street address: 9 Archbishop Makarios III Avenue, Lazaros Centre, Suite 101-102, 6017 Larnaca Postal address: P. O. Box 40519, 6305 Larnaca
Other Offices in Towns	Nicosia: 1 Archbishop Makarios III Avenue, Mitsis Tower, Suite 205, 1065 Nicosia Paphos: Corner Nic. Nicolaides & Char. Mouskou Building, Suite 302, 8010 Paphos
Office phone number	+357 24822460 (Larnaca),+357 22460130 (Nicosia),+357 26930236 (Paphos)
Out of hours phone number	+357 99 493046
Mobile number	+357 99 493046
Email address	couclaw@spidernet.com.cy
Website address	www.coucounis.com
Fax number	+357 24626106 (Larnaca), +357 22460133 (Nicosia), +357 26930554 (Paphos)
Where qualified	LLB (King's College London), Barrister-at-Law, of Gray's Inn, DES en Droit Européen (Brussels), Diploma in EU Law (EUI), Postgraduate Diploma in Professional Legal Skills (ICSL-CITY)

Name of Lawyer

Partnership represented

Address of Practice

Town

Office phone number

Out of hours phone number

Mobile number

Yiannos G. Georgiades

Georgiades & Mylonas

2, Ayios Pavlos & Kadmos Street

Wisdom Tower, 3rd Floor

1105 Nicosia

22819292 (Nicosia)

+ 357 99 639668

+ 357 99 639668

Other Offices in Towns

64, Lordou Vyronos Street, 1st Floor

Larnaca

Office phone number

24656496

Email address

yiannos.georgiades@gmadvocates.com

Website address

www.gmadvocates.com

Where qualified

U.K. LL.B.(Hons) Barrister

Professional Association

Cyprus Bar Association, American Bar Association, Bar of England and Wales (Honourable Society of Gray's Inn), International Institute of Association & Foundation Lawyers (Founding Member), The Society For Computers & Law, The International Technology Law Association and Association of European Lawyers (AEA).

Name of Lawyer

Partnership represented

Address of Practice

Town

Office phone number

Out of hours phone number

Mobile number

Giovannis Kouzalis

A & G Kouzali Law Office

169, 1st April Ave, P.O.BOX 34328, 5402 Paralimni

Paralimni

00 357 23811788 / 00 357 23811787 / Fax: 00357 23811789

00 357 99338538

00 357 99338538

Other Offices in Towns

Ayia Napa, Famagusta and Larnaca can be serviced from the Paralimni office.

Office phone number

Email address

Website address

lawfirm@cytanet.com.cy

www.lawcyprus.org

Where qualified

LLB Sheffield University. M.A. London Guildhall University

Professional Association

Membership

Cyprus Bar Association, Famagusta Bar Association, Cyprus Chambers of Commerce, Cyprus UK Business Association and AIPP (Association of International Property Professionals)

Name of Lawyer

Partnership represented

Address of Practice

Town

Other Offices in Towns

Office phone number

Michalis Pelekanos

Pelekanos&Co- Advocates and Legal Consultants

6 Louki Pieride Str. , Lysion Court, Block A, 2nd Floor, Flat 9, P.O.Box 42124,

6531-Larnaca

Larnaca

Paralimni and Ayia Napa are serviced from the Larnaca office

+357 24657272

Out of hours phone number +357 99682692
Mobile number +357 99682692
Email address Pelekanos.co@cytanet.com.cy

Where qualified L.L.B.(Hons),University of Kent, Barrister-at-Law of Gray's Inn, London.
Professional Association Member of the Bar Association of England and Wales and member of the
Membership Cyprus Bar Association.

Name of Lawyer **Stelios Triantafyllides**
Partnership represented Antis Triantafyllides & Sons
Address of Practice Triantafyllides Building
Capital Centre, 9th Floor
2-4 Arch. Makarios III
P O Box 21255
Town Nicosia

Office phone number 00357 22 360000
Out of hours phone number 00357 22 360222
Mobile number -
Email address trianta@triantafyllides.com
Website address www.triantafyllides.com.cy

Where qualified Oxford University, Worcester College, University of California and Berkeley
Professional Association Cyprus Bar Association
Committee on Offshore Business of the Cyprus Bar Council
Committee on the Cyprus Stock Exchange of the Cyprus Bar Council

Name of Lawyer **Louise Zambartas**
Partnership represented The Law Offices of Louise Zambartas (incorporating the Law Offices of Louise
Zambartas)
Address of Practice Office 61, 6th Floor Gregoriou Building, 95 Griva Digenis Street.
Town Limassol 3101

Office phone number 00357 25373734 (4 lines)
Out of hours phone numbers 00357 99477193
00357 99457160
Mobile numbers As above
Email address enquiries.law@cytanet.com.cy
Website address www.cyprusproperty-lawyer.com and www.zambartaslawoffices.com

Where qualified We are a team of three lawyers:
Louise Zambartas – Qualified Solicitor of England and Wales, Qualified Cyprus
Advocate
George Zambartas – Qualified Solicitor of England and Wales
Katerina Tsangaris – Qualified Cyprus Advocate
Professional Association Current Practising Certificates held with the Law Society of England and Wales
Membership Current Licenses held with the Cyprus Bar Association

Legal Aid in Cyprus

1. What are the costs of a trial and who should normally pay them?

The costs will depend upon the exact nature of the case and include all costs of the legal proceedings. Normally, the costs include the costs of the procedure, the costs for the preparation of the legal documents and the filing of interim applications, the costs of a hearing and appearances, before the court, before and after the hearing, the costs of the witnesses, the costs for the preparation of the list of costs and the costs for the preparation of letters before and during the proceedings. The court will decide at the end of each case (civil claims and private criminal) taking into account all the circumstances of each case, who should pay the costs. As a rule, in civil and private criminal cases, the losing party to the procedure will be ordered to pay all the costs. However, there are exceptions to this rule. The Court may decide that each party will be liable for its own costs. As regards criminal cases, the Court will set the costs of the legal proceedings on the basis of the complexity of the case.

2. What is legal aid?

Legal aid is a funding provided to a person entitled and usually includes advice and assistance with any legal problems, in relation to proceedings and representation by a lawyer in court. Representation includes any kind of assistance which is usually provided by a lawyer in relation to proceedings, in all stages, until the delivery of a judgment, as well as appeal proceedings and in the case of a criminal procedure includes any stage relating to the procedure before it commence.

3. Can I benefit from legal aid?

Entitled to receive legal aid is any natural person (nationals and non-nationals) who cannot bear the costs of the proceedings without affecting the basic needs and obligations of himself and his family.

4. Can legal aid be obtained for all disputes?

Legal aid is granted in proceedings before the Courts of Cyprus and particularly in:

- Criminal proceedings before the District Court, the Tribunal Court, the Military Court and the Supreme Court.
- Civil and criminal proceedings for specific violations of human rights.
- Proceedings before the Family Court in relation to matters of family relations, parental responsibility, alimony, recognition of child, adoption, property relations of spouses and any other dispute in the marriage or in the family; and
- cross-border disputes.

5. Is there a specific procedure for emergencies?

If the case is urgent, the lawyer, may ask the court, before which the case is tried, to issue a certificate for granting legal aid. The court in such cases shall give the necessary priority of examining the application.

6. Where can I obtain an application form for legal aid?

An application form can be obtained from the Registry of the Court which has, depending on the case, jurisdiction to examine the application to grant legal aid. The application form is then completed by the applicant or his/her lawyer, is submitted to the Court, before which the case is tried and is registered in the Special Register of the same Registry.

7. Which documents should I attach to my request for legal aid?

A written statement containing general information in relation to your personal data, your profession, your remunerations and incomes, your property assets, your marital status etc (Form 2 of Application for granting legal aid).

8. Where should I register my request for legal aid?

The application is submitted to the Court where your case is tried unless it is related to cross-border disputes, where in such a case, the application should first be received by the Ministry of Justice and Public Order, which ensures that this application is submitted to the competent court which will consider it.

9. How will I be informed of whether or not I am eligible for legal aid?

Through any Legal Service (Courts, Law Office of the Republic, Chief Registrar of the Supreme Court, Registries of District Courts, Ministry of Justice and Public Order, Cyprus Bar Association, Local Bar Associations).

10. If I qualify for legal aid, what should I do?

For the proceedings referred to in 4 (a),(b)and (c) above, you should apply in writing to the Court, before which the case is tried and request the issue of a certificate of legal aid. In proceedings relating to cross border disputes, competent receiving and transmitting authority has been designated the Ministry of Justice and Public Order, 125, Athalassas Avenue, 1461, Strovolos, Nicosia. The Ministry of Justice and Public Order receives such applications via mail(including e-mail), or via fax. Such applications are accepted in the Greek or the English Language.

11. If I qualify for legal aid, who will choose my lawyer?

The lawyer is chosen by the person entitled to legal aid from a list of lawyers who are willing to offer their services. In the case where the person entitled to legal aid does not indicate a lawyer of his own choice, the Court that issues the certificate of legal aid calls this person to choose a lawyer of his/her preference from the list of lawyers, interested to offer their services within the framework of the institution of legal aid, prepared by the Cyprus Bar Association.

12. If I qualify for legal aid, will this cover all the costs of my trial?

If a certificate for free legal aid is granted by the Court, then all your costs are covered.

13. If I qualify for partial legal aid, who will pay the other costs?

No such provision exists under the laws of Cyprus. See answer 12 above.

14. If I qualify for legal aid, will it cover any review I might make following the trial?

The granting of legal aid applies for any instance of jurisdiction (first instance or appeal). Where, for example, legal aid was granted to you during the first instance procedure, then you are entitled to a grant of legal aid in any other procedure that follows, in relation to your case. In an appeal, however the issue of a new certificate is requested, after a new written application is made.

15. If I qualify for legal aid, can it be withdrawn before the end of the trial (or even after the trial)?

The certificate for legal aid may be withdrawn by the Court ex officio or after an application made by the Office of the Attorney-General where there is substantial change in relation to your personal and financial data. Withdrawal of the issued certificate, does not affect the right of the lawyer for remuneration, for his/hers services offered until the date of withdrawal.

16. If I do not qualify for legal aid, can I appeal against the decision?

A right of appeal against a decision for not issuing a certificate for legal aid exists, on the basis of the basic rule, that all decisions of the courts are subject to appeal.

17. Further information

For further information you can contact the Chief Registrar of the Supreme Court by telephoning 22865716 (for callers in Cyprus) and +35722865716 (for callers outside Cyprus) or in the Legal Affairs Unit of the Ministry of Justice and public Order by telephoning 22805922 or 22808946 (for callers in Cyprus) and +357 22805922 or +35722805946 (for callers outside Cyprus).