

Compensation in accident cases in 2023

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Introduction

We operate one of the biggest departments of insurance law in Cyprus and we represent some of the biggest insurance companies. We also represent natural persons in insurance disputes of all types, including severe injuries cases. We specialize in, among others, cases of road traffic accidents, accidents at work, professional liability, property damage, and procedures of compliance with insurance law. Our experience, expertise, domestic knowledge, and familiarity with modern technology enable us to face the challenges of insurance law in modern times. We seek to identify unreasonable claims, if any, and give legal advice at an early stage, seeking to achieve successful settlement from the onset of a dispute, while in cases where actions are taken to Court, the teams of our litigation department provide legal representation, defending the interests of our clients and seeking to assist the Court in achieving a just outcome in relation to the matters of the litigious dispute. We prepare detailed case assessments, presenting various scenarios and their possibilities before and after the initiation of actions. We also provide analytical reports of cases to foreign reinsurance companies. Lastly, we provide legal services for recovery cases and insurance disputes that extend into more than one jurisdiction.



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Review 2023

The issuance of the Compensations Booklet has now become a tradition. It is sent every year to all insurance companies in Cyprus while it is translated and forwarded to lawyers of insurance law abroad, so that all those concerned await the issuance of the Compensations Booklet to study the lines of the case-law. The following pages provide a summary of the decisions of the Cyprus Courts (firstly of the Supreme Court and subsequently of the courts of first instance) that were issued in 2023, in which compensation was awarded for injuries resulting from any form of accident. The purpose of the following collection of decisions is to provide an indication of the scale of compensation for various personal injuries. However, as repeatedly pointed out by the courts, previous decisions in relation to compensation do not necessarily constitute any binding precedent. Particularly, the courts illustrate that there is no standard valuation measure for human pain. The judgements of Courts in other decisions simply provide a general guidance because it is not possible for two people, who have been injured under totally different conditions and circumstances, to suffer the same personal injuries, pain and discomfort. However, when there exists, with regard to past cases, either a relevance to the trauma, or similarities in the extent, type, or result of the traumas, it is right and fair for Courts to draw guidance from, and take into account, the scale of compensation awarded in other cases. Consequently, while it is true that courts are led to the determination of the amount of the compensation based on the case-law, they first and foremost have to take into consideration the conditions and circumstances of the case in question.

Civil Appeal No.

68/2015

Date of judgment

20.12.2023

Parties

DESPO HADJINIKOLA, IN HER CAPACITY AS ADMINISTRATOR OF THE PROPERTY OF THE DECEASED, MR. X v. CHRISTODOULOU CHRISTODOULOU

Court

New Supreme Court of Cyprus (MALACHTOS, IOANNIDES, EFREM, Judges)

Facts

The appellee was, at the material time, 30 years old, healthy, able-bodied, was engaged in various sports and worked at CYTA, where he handled technical equipment for Civil Aviation. As a result of the road traffic accident, the Appellee sustained: (i) a displaced unstable pelvis fracture (injury mechanism from vertical pressures with displacement of the hemipelvis upward and backward), (ii) a fracture of the right scapula, (iii) a deep open rupturing trauma approximately 24 centimetres long on the inner surface of the right thigh and a parallel deep open rupturing trauma approximately 8 centimetres long near the previous one, (iv) a fracture of the coracoid process of the right shoulder, and (v) a grade III acromioclavicular joint dislocation of the shoulder. He underwent surgery on the left thigh and surgery for the stabilisation of his pelvis. He remained hospitalised and immobilised in the Hospital for approximately 2 months. He has permanent residual effects, including scars and leg length discrepancy, which does not affect movement and is managed by adding an insole to his shoes. Due to the long-term immobilisation and weakening of the muscles surrounding the pelvis and both extremities, the Appellee participated in an intensive physiotherapy and kinesiotherapy programme and his condition improved painfully, slowly and steadily. Nevertheless, the Appellee is able to exercise daily, his sexual activity is unaffected, he travels and continues to do the same job. He is showing slow and steady improvement. The pelvic fracture healed, but the healing took place without the pelvis being restored to its correct position since it remained displaced, which creates problems in Appellee's gait, while the possibility of early post-traumatic osteoarthritis in the sacroiliac joints was diagnosed. He is also unable to continue some sports activities and still feels pain. He also faced psychological problems due to post-traumatic syndrome. Finally, the Appellee will require future operations and physiotherapy/kinesiotherapy sessions, due to future (in 10-15 years) development of severe osteoarthritis and possible rotator cuff tear, as well as the worsening of moderate osteoarthritis in the sacroiliac joints. The amount of €120,000 for general damages awarded by the court of first instance was upheld on appeal.

General Damages

€ 120.000

Civil Appeal No.**51/18****Date of judgment**

24.11.2023

Parties

MICHALIS PAPAYIANNI v. VASSILIKO CEMENT WORKS PUBLIC COMPANY

Court

Court of Appeal (STAVROU, KONIS, CHRISTODOULOU-MESSIOU, JUDGES)

Facts

The appellant was 63 years old at the time of the disputed accident and worked at a cement factory. While conducting a ball mill extraction work at the Cement Works, he sustained injuries. The appellant was hospitalised in a polyclinic for 43 days, of which 39 days were in the Intensive Care Unit. Subsequently, he was admitted to the clinic again for surgery twice, and postoperatively, he suffers from a large abdominal hernia, for which the repair of the large abdominal wall defect is required, which is a major and dangerous operation that involves risks to his life. He cannot lift weights, do heavy work, or perform manual labour. He can, however, take care of himself, walk short distances, but not engage in brisk walking; he can enter the sea but is unable to swim. It is dangerous to drive a car due to the risk of injury to the intestines and viscera due to the lack of abdominal walls. He should be careful with his diet; his ability to have intercourse has been affected, and there is still discomfort in the lumbar area, which will be permanent. The pain and suffering he has endured has undoubtedly been immense and has certainly changed the quality of his life. Also, in addition to the claimant's injuries related to the acute abdomen, the Claimant sustained soft tissue injuries to the lumbar spine, for which he underwent physiotherapy for recover. The Court of first instance awarded the amount of €155.000 as general damages, but the court of appeal reduced it to €120.000.

Γενικές αποζημιώσεις**€ 120.000**

Action No.**2343/2014****Date of judgment**

08.02.2023

Parties

Richard Gregory Garrett v. Asfalistikis Etairias i "Kentriki" Ltd

Court

NICOSIA DISTRICT COURT (M. Christodoulou D.J.)

Facts

The Claimant was a motorcycle driver whose course was cut off by the involved vehicle of the person insured by the Defendant, which, while being driven in the right lane of the Avenue, entered the left lane (where the first driver was driving) with the intention to turn into an adjacent side street, violating a white continuous line and without using a turn signal. As a result of the accident, the Claimant sustained a head injury, abrasions to his left knee and tibia, aching pain in his left knee, left tibia, left shoulder and neck. Also, severe sprain of the cervical spine and heavy injury of the left shoulder with dislocation of the acromioclavicular joint, rupture of the coracobrachialis tendon and coracoclavicular ligaments and injury of the right index. He also sustained a haematoma in the left glute area and bruising to the anterior left hemithorax, abrasions on the dorsal surface of the right hand and the anterior part of the left tibia. Initially, the injury was treated conservatively. The claimant received medication, wore a cervical collar for a period of 6 weeks and immobilised his shoulder with a shoulder splint. On 13.9.2013, he underwent surgery. In particular, he underwent open reduction and stabilisation of the clavicle. Regarding the finger, no surgery was required, and conservative treatment was followed. Post-operatively, a shoulder immobilisation splint was placed for 5 weeks, and a physiotherapy programme was followed. The surgical scar healed, but there was still some aesthetic deficit. The mobility of the left shoulder is normal in all joint movements. There is normal mobility of the right hand and all his fingers. There is no muscle atrophy or neurovascular residual. The claimant will experience pain from time to time on the left shoulder. Lastly, he sustained an open tooth crown fracture (right upper segment).

General Damages**€ 25.000**

Action No.	4745/13
Date of judgment	24.02.2023
Parties	G.P. v. 1. Giannis Nikolaou and others
Court	NICOSIA DISTRICT COURT(N. Talaridou-Kontopoulou, S.D.J.)
Facts	<p>The Claimant, aged 53, while crossing an Avenue on foot, was hit by a motorcycle driven by Defendant 1. The Claimant sustained severe traumatic brain injury, subarachnoid haemorrhage, which posed a life-threatening risk, cerebral haematoma, cerebral contusions, fractures of the facial skeleton, and was transferred in a comatose state to the Accident and Emergency Department of the General Hospital of Nicosia with life-threatening intracranial pressure, as a result of which he underwent a craniectomy. Furthermore, he suffered friction burns and injuries, pressure ulcers and scars on various parts of his body, including a permanent scar on his head. He also suffered permanent left hemiparesis, dysphasia, muscle weakness on the left side, an increased likelihood of developing epilepsy, permanent chronic headache and dizziness episodes, permanent unsteady gait and loss of smell, as well as permanent loss of taste and unbridled appetite for food. Finally, pathological crying and intense uncontrolled emotional arousals (due to permanent neurological damage). He was hospitalised in a special rehabilitation centre and then underwent a second major surgery to reposition the removed bone. His recovery was difficult, and his life was in immediate danger. He has a hideous scar on the forehead that makes him stand out from other people. He spent a long time in hospital and in intensive care in a comatose state, and it took months before he was able to take care of himself. His ability to work has been assessed with a 20% permanent disability and incapacity, and it took him many years to find a job. He will not undergo any future surgeries to repair the scar on his head.</p>
General Damages	€150.000

Action No.**504/2015****Date of judgment**

06.03.2023

Parties

M. F. v. Dr G. K.

Court

LARNACA DISTRICT COURT (M. Papathanasiou D.J.)

Facts

The claimant, aged 68, after undergoing treatment for thread placement in the area of her legs by the defendant, the latter left a needle in the claimant's leg. The claimant underwent needle removal surgery, and 2 sutures were placed at the surgical site. She endured great suffering, deprivation of her personal comfort and suffered from severe pains, discomfort, fear and anxiety. Her psychological condition was bad. At the site where the surgical incision was made, there is to date a 2.2 cm linear surgical non-visible/malformed scar.

General Damages**€10.000**

Action No.	1296/2012
Date of judgment	27.03.2023
Parties	GS v. Genikou Eisaggelea tis Dimorkatias
Court	NICOSIA DISTRICT COURT(E. Efraim, P.D.C.)
Facts	<p>The Defendant (government doctors of the Republic) was negligent as he was unreasonably delayed in subjecting the Claimant to surgery following a stroke on 24.3.09, resulting in permanent brain damage to the Claimant. The Court took into account the nature of the permanent damage, the development of the Claimant's situation and the risks he faced both in Cyprus and Germany (where he was transferred to continue his treatment and rehabilitation), the anguish, pain and suffering he suffered. Finally, he took into account that the Claimant is now bedridden and unable to look after himself and has lost every aspect and enjoyment of his life – professional, social, and sexual.</p>
General Damages	€1.000.000

Action No.**268/2013****Date of judgment**

04.04.2023

Parties

C. A. v. 1. R. G. H, 2. O. B.

Court

LIMASSOL DISTRICT COURT (Chr. G. Philippou, P.D.C.)

Facts

The Claimant was driving along Kolonakiou Street heading west. Defendant 1 was driving his car along the aforementioned street heading east. At the same time, the vehicle of Defendant 2 was parked on the left asphalt extension of the aforementioned road, started and entered the main road of Kolonakiou, heading east, and cut off the course of the oncoming vehicle of Defendant 1, resulting in colliding with it. As a result of the collision, defendant 1 lost control of his vehicle, moved to the right and after covering some distance he violently collided with the Claimant's vehicle. The Claimant suffered a cervical, thoracic and lumbar spine injury with traumatic cervical disc herniation with pressure on the spinal cord, three difficult and severe surgical procedures, frequent headache episodes, easy fatigue, attention-memory disturbances, concentration and irritability. Also, weakness in the upper limbs and impaired deep sensation, abnormal gait, pain in the shoulders and upper limbs, weakness and numbness of the upper and lower limbs, impairment during sexual intercourse. Finally, the Court took into account the permanent use of medication to alleviate and relieve the unceasing and intense permanent pain, burns, weakness and discomfort that Claimant is experiencing and will continue to experience, as well as his need for periodic medical and psychiatric monitoring, physiotherapy, and other treatments, and his failure to return to his pre-accident job.

General Damages**€250.000**

Action No.	49/2022
Date of judgment	11.04.2023
Parties	ELISAVET TSAKALIDOU v. GAGANDEEP SINGH
Court	PAPHOS DISTRICT COURT (Chr. Middleton, D.J.)
Facts	<p>The Claimant was driving her vehicle (vehicle A) on the Apostolou Pavlou Avenue in Paphos, and the Defendant was driving his vehicle (vehicle B) on the same street. The Defendant attempted to turn right towards Niovis street, failing to give way to a motorcycle driven by a third person, whose path was cut off, causing it to collide with the Defendant and then with the Claimant's vehicle, which was in the opposite traffic lane. As a result of this collision, the third person was fatally injured, and the Claimant sustained injuries and damage. The Claimant sustained traumatic brain injury, a posterior horn medial meniscus tear, and injuries of the right shoulder, CS, LS, right wrist, chest and right knee. Additionally, pain in the CS and LS, limitation of CS movements, pain in the scaphoid area, mild swelling in the patella, neck pain, and painful flexion in internal and external rotation in the right knee. Furthermore, the Court took into account the worsening of the already existing depression as a result of the accident, with the presentation of other symptoms indicative of post-traumatic stress. Lastly, the Claimant has not sustained any permanent residuals, neither did she require surgery or more invasive medical procedures.</p>
General Damages	€10.000

Action No.**3623/2014****Date of judgment**

23.05.2023

Parties

Charalambos Panayi v. A.N. Constantinou Trading Limited

Court

LIMASSOL DISTRICT COURT (M-A STYLIANOU, D.J..)

Facts

The Claimant, aged 27, injured his fingers while operating a complex tissue printing machine at the Defendant's factory. Due to injuries to his 2nd and 3rd finger, the Claimant sustained an amputation of a small part of the distal phalanx of the index and middle finger of his left hand. His wounds were cleaned, and he received precautionary antibiotic treatment and painkillers. On the same day, he was transferred to a special orthopaedic surgeon who operated on him. After the operation, the extension and flexion of the 2nd but not his 3rd finger was fully restored. After his surgery, he was prescribed medication. He has difficulty using touch screens; he is forced to use his right hand. The fingers of his left hand are not recognised by the screens. He also suffers on a personal level. He cannot, for instance, cut a steak. In addition to the aesthetic appearance, his daily habits have also been affected.

General Damages**€20.000**

Action No.	259/2014
Date of judgment	24.05.2023
Parties	IVAN BOTNARU v. I.M.K.A. QUALITY FARM LTD
Court	FAMAGUSTA DISTRICT COURT (CHR. G. PPEKRI, D.J.)
Facts	<p>The Claimant was 52 at the time of the disputed accident and was working as an employee of the defendant on his farm. On 3.10.2023, before the claimant started working on the farm, he went into an unfinished construction site of the defendant and fell into a ditch resulting in injuries. He suffered an anterior compression fracture of the 1st lumbar vertebra and underwent physiotherapy - kinesiotherapy. The radiologist and the orthopaedic also recommended that he should stay off work for at least 2 months and use a special belt.</p>
General Damages	€10,000 (reduced by 40% due to the Claimant's contributory negligence)

Action No.**6822/13****Date of judgment**

02.06.2023

Parties

STELIOS VOSKOU v. 1) S. STYLIANOU & SON AUTO-CARE SERVICES LTD and 2) STELIOS STYLIANOU

Court

NICOSIA DISTRICT COURT (N. Talaridou-Kontopoulou, S.D.J.)

Facts

The Claimant, who, at the material time, was 25 years old, requested to work for the Defendants. Defendant 2 is the owner of Defendant 1, a company operating as a machine shop. During the Claimant's attempt to repair a vehicle, sudden self-ignition occurred, followed by an explosion, resulting in the vehicle and Defendant being engulfed in flames. As a result of the accident, he suffered burns on 24% of his body surface, i.e. on his upper and lower limbs, mostly 1st and 2nd degree burns. The injury to the upper limbs healed in approximately 3 weeks, while the burn on the lower limbs was of full thickness extending from the upper third of the left thigh and the lower third of the right thigh down to the lower legs. Upon admission, escharotomies were performed on both tibias and the Claimant underwent surgery twice, which included escharotomy and skin grafting. He remained hospitalised in the Intensive Care Department for 40 days. After his discharge he continued to visit his doctors and follow a medication regimen which included painkillers and various creams for his burns, as well as special pressure socks to prevent possible thrombosis from his injuries. During his treatment, frequent blood transfusions were performed. Due to prolonged immobility during his hospitalisation, he had to follow a specific diet in order to regain his physical condition. The entire experience of the accident and subsequent hospitalisation caused him severe anxiety and sleep disturbances. He was unable to work for a period of 8 months. The accident left him with a permanent residual arterial ulcer on the left medial malleolus and prominent scars with redness, sclerosis and itching, along with pain and sensory disturbances in the knees and ankles. There is a possibility that arterial ulcers or even skin cancer may develop at the scar sites on his lower limbs. He cannot tolerate standing and still experiences intense internal pain at the burn site, with sunlight causing additional sensitivity to pain, making him suffer more during the summer.

General Damages**€120.000**

Action No.

735/11

Date of judgment

12.09.2023

Parties

E L v. C K

Court

LIMASSOL DISTRICT COURT (Th. Thome, P.D.C.)

Facts

The Defendant, a doctor, negligently subjected the Claimant to treatment for a period of time after the latter visited him in poor health. The Defendant misdiagnosed her with spondylolisthesis and cervical spine instability. He subjected her to a very painful treatment that caused the Claimant constant pain, dizziness, spasms, memory loss, and loss of contact with her surroundings. She was unable to walk and remained almost paralysed. Ultimately, when she was in a “vegetative state”, as a result of the above treatment, she sought help from doctors abroad.

General Damages

€27.000

Action No.**6779/2013****Date of judgment**

31.10.2023

Parties

XXX STEFANIDOU and others v. THE REPUBLIC OF CYPRUS, through the Ministry of Health and Archbishop Makarios III Hospital, through the ATTORNEY GENERAL

Court

NICOSIA DISTRICT COURT (CH. V. CHARALAMBOUS, P.D.C.)

Facts

The Claimant was born in Makario Hospital by natural childbirth. The pregnancy was smooth, and both the mother and the newborn received medical care from Makario Hospital throughout the pregnancy and after the birth. Approximately seven months after the birth, there were indications of a left hip dislocation, which constitutes Developmental Dysplasia of the Hip. The Defendant delayed the diagnosis of the dislocation by approximately 15 months since the first indications during the monitoring of the minor at Makario Hospital, and therefore bears sole responsibility. The Claimant underwent two major surgeries for left hip reduction. There is a restriction in all movements of the affected left hip joint, particularly in internal rotation and abduction (20 degrees), and pain in the extreme positions of the range of motion. These issues are the primary cause of her problems and the negative impact on her life (pain, debility, impaired balance, instability, difficulty in certain movements). The restriction in movement will prevent her from engaging in sports, dancing or other activities that require intense use of the lower limbs, with corresponding effects on her socialisation. The need for physiotherapy will be ongoing in an effort to strengthen and improve the functionality of the left lower limb, or at least maintain its current functionality, while at a later stage there may be a need for hydrotherapy. In the future, osteoarthritis will develop, knee and spine pain, muscle weakening and problems with walking. Most importantly, due to these issues, around the age of 60, the only solution will be total hip arthroplasty surgery. She is not expected to be able to engage in work of a purely manual nature. She was therefore awarded the sum of €130,000 for the pain, suffering, loss of comfort and enjoyment experienced and to be experienced and the consequences and all the difficulties she has endured, the sum of €70,000 for loss of future earnings (reduction in earning capacity), €10,000 for future surgery and €18,000 for future hydrotherapy. The parents of the minor were compensated with the amount of €20,000 and €10,000, for the pain and suffering they endured as her parents.

General Damages**€130.000**

Action No.	435/15
Date of judgment	20.11.2023
Parties	Despina Alfredou v. 1. AVGOUSTINOS ZIATIT, 2. MINERVA ASFALISTIKI ETAIREIA (DIMOSIA) LTD
Court	PAPHOS DISTRICT COURT (S. Simeou, D.J.)
Facts	<p>Defendant 1, while driving his vehicle on an Avenue, hit the pedestrian Claimant as she was crossing the road. As a result of the collision, the Claimant was seriously injured and was transported by ambulance to the Paphos General Hospital. The Claimant, who was 18 at the time, sustained a comminuted fracture of the left tibia and fibula, for which she underwent surgery twice, and a nose injury, for which she underwent an additional surgery at a later date. Overall, she remained bedridden in the Hospital for a period of 11 days immediately after the accident, and additionally was hospitalised for another 2 days regarding the nose surgery she underwent. For the fracture of the tibia and fibula, the Claimant had a splint placed on her leg for a period of approximately 5 months, while its total removal lasted for a total of 7 months. She also received medication for a period of 1 month after the first surgery and was given daily antithrombotic injections. She underwent physiotherapy for an extended period while at the same time she was being at the outpatient clinics of the General Hospital of Paphos after being discharged from the hospital. Regarding the surgical procedure she underwent on her nose it involved a rhinoplasty of the nasal turbinate, cauterisation of the lower nasal turbinate, posterior turbinectomy and rhinoplasty due to nasal deformity and deviated nasal diaphragm. In the future, surgery to remove the screw from the Claimant's tibia will have to be performed. The Claimant did not suffer any permanent residual effects and is currently working without facing any health problems.</p>
General Damages	€21.000

Action No.	1870/2015
Date of judgment	11.12.2023
Parties	ARISTIDES TZIAMALIS v. ERGOSTASIO MOSAIKON PARTHENON TZIAMALIS LTD
Court	PAPHOS DISTRICT COURT (Chr. Middleton, D.J.)
Facts	<p>The Claimant was working in the Defendant, a company engaged, inter alia, in the sale and placement of marbles and related products. The accident occurred at the Claimant's workplace when, during the process of transporting a marble slab with a lifting machine operated by another employee of the Defendant, part of the marble fell and injured the Claimant's knee. An amount of €28.000 was declared by the parties in the event of full liability, and the issue of liability was adjudicated. It was decided by the Court that there was contributory negligence on the part of the Claimant amounting to 50% and the general damages were reduced accordingly.</p>
General Damages	€28,000 (Reduced by 50% due to the Claimant's contributory negligence)

Our Team



Nicolas Kyriakides
Partner

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Expertise

Banking and Finance, Insurance Law and Personal Injury

Academic Qualifications

DPhil (PhD), University of Oxford, 2016
LLM, New York University, 2013
MSt, University of Oxford, 2012
LLM, Corporate Law University College London, 2011
LLB, National and Kapodistrian University of Athens, 2010

Professional Qualifications

Member of the Cyprus Bar Association and committee member of the Larnaca Bar Association
Board member of the Larnaca Chamber of Commerce and Industry
Founding member of the Cyprus Forum
Board Member of the Cyprus Arbitration Forum
Founder and co-director of the Procedural Law Unit at the University of Nicosia

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Christos Raounas is a Junior Associate of the Insurance Law and Personal Injury Department at Harris Kyriakides. He has previously graduated from University of Leicester as LLB student in 2020 and from University College London (UCL) in 2021 with LLM. After completing his studies, Christos joined the Cyprus Bar Association upon completing his 12-month training in Cyprus while also successfully completing the exams of Cyprus Legal Council in June 2022. During his legal training he has obtained experience at representing clients in Courts of various jurisdictions in Cyprus.

Expertise

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LLB, University of Leicester, 2020
LLM, University College London (UCL), 2021

Professional Qualifications

Member of the Cyprus Bar, 2022

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Our Team



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Junior Associate

Stavri Kosiari is a Junior Associate of the Insurance Law and Personal Injury Department at Harris Kyriakides. She is an LLB graduate from Democritus University of Thrace. After completing her studies, Stavri joined the Cyprus Bar Association in 2021 upon completing the 12-month training in Cyprus while also successfully completing the exams of Cyprus Legal Council. She then moved on to pursue an LLM in European Public Law from the University of Cyprus in June 2023. Stavri has obtained experience in providing legal advice and representing clients in Courts of various jurisdictions in Cyprus.

Expertise

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Academic Qualifications

LLB, Democritus University of Thrace, 2019

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