

## British woman in Cyprus rape case faces two-year ordeal

**Lucy Fisher, Defence Editor | Hannah Lucinda Smith, Istanbul**

January 1 2020, 12:00am, The Times



The woman claimed that she had been raped by 12 Israeli men and boys in a hotel in the resort of Ayia Napa KATIA CHRISTODOULOU/EPA

The British woman convicted of lying about being gang-raped in Cyprus could have to wait two years for an appeal, her lawyer said.

Dominic Raab, the foreign secretary, is [facing calls to pressurise the Cypriot authorities](#) to expedite her case and to appoint a British QC to conduct an independent review of the prosecution.

The woman, who is 19 and has not been identified, claimed that she was raped by 12 Israelis in a hotel in the resort of Ayia Napa on July 17. She withdrew her allegation under what she claims was duress, during eight hours of police questioning without a lawyer present. The Israelis flew home, where they were greeted by friends and family and were filmed opening champagne and chanting: "The Brit is a whore."



There were protests outside the court in Cyprus as the 19-year-old woman was convicted of lying  
KATIA CHRISTODOULOU/EPA

The woman was convicted on Monday of public mischief, which carries a jail sentence of up to one year and a £1,500 fine. She is due to be sentenced on Tuesday, after which she has 15 days to lodge an appeal at the supreme court. Her legal team said that if the court found against her they would seek to take her case to the European Court of Human Rights. The route cannot be pursued until the woman has exhausted all legal avenues in Cyprus.

Michael Polak, a British lawyer on her defence team, said that the court system in Cyprus was “very slow” and her appeal could take two years.

After her conviction the British government said that it was “seriously concerned about the fair trial guarantees in this deeply distressing case”. It is understood that these concerns have been raised with the Cypriot authorities and Britain has made clear that it expects the woman’s rights to be protected.

Mr Polak said he was disappointed that the British high commission had attended only some of the hearings. He said: “We hope that [the Foreign Office] will make representations to expedite the appeal and for the case to be properly considered in light of clear breaches of the rights of a British national.”

Cyprus’s attorney-general, Costas Clerides, has come under pressure from two of his predecessors asking him to intervene. They said that the legal system appeared to be “crushing a 19-year-old tourist”, adding that there was damage to the “public interest”.

The Foreign Office is facing calls to appoint an independent barrister to lead a review of the trial. Geoffrey Robertson, QC, said: “It should be the subject of an independent investigation. If the Foreign Office really is concerned, they should have been monitoring it and they should ask an

experienced QC here [in the UK] to report on it, to see if there are grounds on which Britain can complain to Cyprus about the conduct of its judicial system.”

The Cypriot legal system is derived from English common law and includes the presumption of innocence and the right to appeal. The first recourse for a defendant found guilty is the supreme court, which hears new evidence only in exceptional circumstances. This case might qualify; the defence claim that vital evidence was not heard and key witnesses were not called. The court has the power to uphold, vary or set aside the verdict or to order a retrial.

Once the appeals process at the supreme court has been exhausted, a defendant can take the case to the European Court of Human Rights, which does not make a judgment on the charges but decides whether the European Convention on Human Rights has been breached. The defence team are likely to argue that the right to a fair hearing in criminal or civil matters has not been upheld.

If the court of human rights found in their favour, it could order the Cypriot state to pay compensation and to reimburse legal costs, but it cannot overturn the national court’s verdict.

If the Cypriot supreme court found against the woman she could take her case to the European Court of Justice, the supreme court of the European Union. Her legal team could argue that the Cypriot authorities had breached her right of access to a lawyer in criminal proceedings, which is an obligation under a directive of the EU.

The Foreign Office declined to comment.

### **Profile**

The young woman convicted of causing a public mischief by making a false claim of rape went to Ayia Napa for a bit of fun between her A levels and university (Jack Malvern writes).

She was 18 when she signed up with Summer Takeover, a company offering cheap holidays in exchange for bar work. Its website suggests participants can enjoy “foam parties, chilled drinks in quirky bars, fun-filled days at the local water park, and multiple beaches”.

The woman, now 19 and from Derbyshire, travelled to the resort to share a room with other British visitors at the Pambos Napa Rocks Hotel. She began a holiday romance with an Israeli, aged 21, which involved numerous nights out until it ended on the night of July 16.

She had been due to take up a university place but missed the deadline to enrol on account of being remanded in custody for two months after the incident.

The court in Paralimni heard that she accused 12 Israeli men of raping her when a gang of youths barged in while she was having consensual sex with her boyfriend.

Her family says she has post-traumatic stress and that it was this, combined with pressure from a police officer, that caused her to sign a document withdrawing her accusations. She said Detective Sergeant Marios Christou threatened to arrest her friends unless she signed it.

John Hobbs, the British lawyer who is helping to co-ordinate a crowdfunding campaign that has raised £79,000, wrote on Monday that the judge’s decision to convict the teenager was “a very disappointing verdict”.

Speaking to ITV News, the woman's mother said: "It would be an absolute injustice if they decided to imprison her for any more days. She's already spent four and a half weeks in prison — actually in prison with prisoners that were guilty of crimes — and she has spent nearly six months in Cyprus unable to have any kind of life, any kind of social life. OK, so she's not in prison but she's still effectively in a gilded cage."

<https://www.thetimes.co.uk/article/briton-convicted-over-gang-rape-lies-could-wait-two-years-for-appeal-0cjsqt5k5>

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1/2/2020 11:16 AM