

Cyprus

UK raises concerns with Cyprus over teenager convicted of lying about rape

Foreign Office says case of 19-year-old who said she was gang-raped is 'deeply distressing'

Helena Smith *in Paralimni*

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A British woman, accused of lying about being gang raped, covers her face as she arrives at the Famagusta courthouse in Paralimni, Cyprus. Photograph: Yiannis Kourtoglou/Reuters

The UK government is to raise concerns with the authorities in Cyprus over the fairness of a trial in which a British teenager was found guilty of lying about being gang-raped.

A judge ruled on Monday that the 19-year-old wilfully indulged in public mischief in claiming she was raped by a group of Israeli males aged between 15 and 22 while she was on holiday in Ayia Napa in July.

The ruling by Michalis Papathanasiou at Famagusta's district court in Paralimni was immediately and strongly condemned by the defence team and rights groups. They claimed the trial was full of legal irregularities that called the verdict into question and suggested a desire to protect relations with Israel may have influenced the process.

A Foreign Office spokesman said: "The UK is seriously concerned about the fair trial guarantees in this deeply distressing case and we will be raising the issue with the Cypriot authorities."

The case against the student hinged on a statement retracting her original accusation, signed after hours of questioning by detectives in a police station that was neither recorded nor attended by a lawyer. She said in court that the police had forced her to change her story, telling the judge she was "scared for my life".

"We believe there have been many violations of procedure and the rights of a fair trial," her defence lawyer, Nicoletta Charalambidou, said. Moments earlier, the defendant and her mother had emerged from the courthouse wearing masks with images of sewn-up lips on them, brought by protesters from the Network Against Violence Against Women (NAVAW), who filled the court and demonstrated outside.

Charalambidou said: "We are planning to appeal the decision before the supreme court, and if justice fails ... take our case to the European court of human rights."

“The judge has been very strict,” she told the Guardian. “He has rejected all the witnesses of defence and our repeated requests to expedite the case.”

The legal aid group Justice Abroad said the trial had been far from fair because Papathanasiou had refused to consider whether the defendant had actually been assaulted.

“We are not surprised by the result given the frequent refusal during the trial of the judge to consider evidence which supported the fact that the teenager had been raped,” said Michael Polak, a barrister with the group.

“Shutting down questioning from our Cypriot advocates and the production of evidence into the trial on a handful of occasions, the judge stridently stated, ‘This is not a rape case, I will not consider whether she was raped or not.’”

The way court proceedings had been conducted violated Cypriot, European community and European human rights law, he claimed.

Among those called to testify was Dr Marios Matsakis, a prominent forensic pathologist who told the court he was entirely convinced “violence was exercised” during the alleged incident. Scratch marks and bruising on the teenager’s body were “consistent with rape having taken place”, he said.

But Papathanasiou insisted the young woman had fabricated an imaginary offence. “The guilt of the accused is proven. She has confessed,” he pronounced.

The Briton looked visibly stunned, as the judge announced that sentencing would be deferred until 7 January. Her mother burst into tears.

The teenager, who has already spent a month in prison, could be jailed for up to a year and fined in excess of €1,000 (£850). Although released on bail from Nicosia general prison, she has been forced to relinquish her passport, moving from safe house to safe house ever since.

Describing the verdict as “absolutely astonishing”, her mother told ITV News: “It would be an absolute injustice if they decide to imprison her for any more days than the four and a half weeks she’s already spent in prison.

“She is resolute to see justice, she’s absolutely resolute that she’ll fight it, she wants to appeal and I will fully support her 100%, as will her lawyers. So we’ll continue on with appeal and go down that route. If we end up in the European court of human rights, that’s great.”

The case has made headlines in Cyprus, Israel and the UK ever since the young woman, who was in the country on a working holiday, reported the alleged gang rape. She told police how she had been having consensual sex with one of the Israelis when the others came in, and she was pinned down and attacked.

The men, most of whom were about to enter the army as conscripts, were rounded up and remanded in custody. The woman revoked the criminal complaint weeks later, issuing a statement that changed her status from victim to suspect overnight. The alleged assailants were allowed to return home the next day, flying into Ben Gurion airport where they were greeted as heroes.

The defence team later described the confession, extracted after eight hours of police questioning, as the product of coercion. They argued its poor English and grammar made clear that the “highly educated” teenager had not written it.

Ritsa Pekri, defending, asked the judge on Monday to mitigate the sentence, saying the young woman suffered from psychological problems and was taking antidepressants.

Rights groups have described the trial – which was beset with frequent adjournments and unexpected twists – as a travesty of justice. Senior officials in Cyprus’s criminal justice system have also voiced objections, saying privately that the island’s attorney general should have dismissed court proceedings.

Local protesters gathered at the court in a display of solidarity with the defendant for the first time on Monday. Holding banners aloft in the rain, the women, young and old, accused the Cypriot authorities of submitting to a deeply conservative society, one in which reports of rape are all too often ignored.

They said court officials and police were neither trained nor sensitised in matters of gender, and alleged that national interests had influenced the verdict.

“We are here to defend a 19-year-old girl who has been horribly punished because of political interests,” said Andri Gioakatzis, who works in one of the sovereign UK base areas in the former British colony. “She has had to pay the price of Cyprus’s desire to have good relations with Israel. That is why she has been through this and they let all the Israeli boys go.”

Filing into the packed courtroom for the morning hearing, the protesters angered assembled police and the judge by donning masks with the image of sewn-up lips. The masks symbolised the enforced silence women were often subjected to when they encountered violence, activists said. Papatthanasiou ordered them to uncover their faces or face arrest for contempt of court.

“It is extraordinary that the court felt threatened by this piece of cloth and should demand that we remove it,” said Zelia Gregoriou, who teaches gender studies at the University of Cyprus and is a member of the newly created NAVAW.

“This is certainly not the first case of rape in Cyprus and certainly not the first time that a rape complaint is ignored, but it also takes place at a very significant time when Cyprus is trying to reinvent its relationship with Israel both economically and as a partner in defence.”

As the race to tap gas deposits in the eastern Mediterranean has intensified in recent years, the partitioned island’s internationally recognised Greek Cypriot government has worked hard to forge ever better ties with Israel.

The protesters said Monday’s verdict also spoke of the desire of authorities to “look good” at a time when Cyprus’s police force is facing unprecedented scrutiny for a string of perceived failures, including in detecting a serial killer who has since admitted killing seven foreign women and girls on the island.

“There is no doubt that this young British woman is a victim of the need to seal that political friendship,” said Gregoriou. “She was an essential sacrifice. We have come to help her belatedly, but help her we will.”

<https://www.theguardian.com/uk-news/2019/dec/30/briton-found-guilty-over-ayia-napa-false-claim-cyprus>

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