



Leto Cariolou

YEAR OF CALL: 2007, 2003 (CYPRUS)



Leto is a specialist human rights and criminal law practitioner. She has substantial experience in representing applicants before the European Court of Human Rights at all stages of the proceedings, including in Grand Chamber hearings.

In addition, Leto has more than 13 years of experience providing advice in cases pending before the International Criminal Court, the UN International Residual Mechanism for Criminal Tribunals, the Special Tribunal for Lebanon, the Kosovo Specialist Chambers, the International Criminal Tribunal for the former Yugoslavia, and the International Criminal Tribunal for Rwanda.

Called to the Bar in 2007, Leto specialises in human rights, international criminal law, and media and information law. She has had a distinguished career practising at the European Court of Human Rights and the international criminal tribunals in The Hague. Leto regularly acts as expert consultant in human rights & criminal justice for various international organisations, including UNODC, OSCE, and the Council of Europe.

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INTERNATIONAL HUMAN RIGHTS

Leto has substantial experience in representing applicants before the European Court of Human Rights at all stages of the proceedings, including Grand Chamber hearings. She has worked on a vast variety of issues arising under the Convention and has an encyclopedic knowledge of Strasbourg case law.

NOTABLE CASES

Recently, Leto represented Makarios Drousiotis, a Cypriot journalist found liable for defamation in respect of political speech; the impugned publication was an article criticizing the Cypriot government and former deputy Attorney General of Cyprus. The case is currently pending before the European Court of Human Rights.

Leto represented in Strasbourg the Hudorovic and Novak families who live in informal Roma settlements in Slovenia. The applicants issued proceedings in Strasbourg against the Slovenian government complaining of a violation of Articles 3 and 8 of the Convention on account of the lack of safe drinking water and poor sanitation at their settlement as well as a violation of Article 14 due to the systemic inequality they suffer as a result of being members of the Roma community. The Court recognized for the first time that persistent lack of access to safe drinking water may engage the State's positive obligations under Article 8 of the Convention. However, it found no violation of the Convention in the particular circumstances of the case.

Leto advised a Turkish Cypriot conscientious objector who was convicted by the Turkish authorities for failing to serve in the reservist service of their armed forces in proceedings in Strasbourg complaining of a violation of his rights under Articles 9, 13, and 14 of the Convention. The case was communicated and is currently pending before the Court.

She acted in a number of applications representing Greek Cypriots challenging the continuing violation of their rights to property and peaceful enjoyment of their homes situated in the northern part of Cyprus as a result of the Turkish invasion of 1974. She also represented the families of persons who went missing after being captured by Turkish forces in Cyprus in 1974.

Leto, along with Achilleas Demetriades, represented Kafkaris in proceedings before the Cypriot Supreme Court and subsequently in Strasbourg challenging the lawfulness of the imposition under Cypriot law of mandatory life imprisonment without the possibility of parole. The Grand Chamber of the Court found that there had been a violation of Article 7 of the Convention.

Along with Achilleas Demetriades, she represented Azinas in proceedings before the European Court of Human Rights against the Republic of Cyprus. Azinas complained of a violation of Article 1 of Protocol No. 1 in relation to his dismissal from the Cypriot public service and the consequent forfeiture of his pension rights. The Chamber judgment found that the applicant had acquired a right to a pension when entering the public service in Cyprus, which right constituted a “possession” for the purposes of the Convention. The Grand Chamber subsequently denied jurisdiction over the case.

Leto also advised the Cypriot government with regard to the High-Level Conferences on the future of the European Court of Human Rights in 2011 and 2012.

Leto’s notable cases from her time as a Case Lawyer with the European Court of Human Rights include:

Rantsev v. Cyprus and Russia - lead judgment on prohibition of forced labour and human trafficking. The case concerned the complaints under Articles 2, 3, 4, 5, and 8 of the Convention brought by the father of a Russian girl who had been trafficked in Cyprus and was ultimately killed;

Panovits v. Cyprus - lead judgment on the right to legal representation of minors during police interrogation. The Court found multiple violations of Article 6 and for the first time endorsed the doctrine of the fruit of the poisonous tree in respect of the reliance by the Cypriot Assize Court on a tainted confession for the purposes of the applicant’s conviction;

Sufi and Elmi v. the UK - concerning the applicants’ proposed expulsion to Mogadishu, Somalia, which was ultimately suspended due to the intense indiscriminate violence posing a real risk to civilians in Mogadishu at the time.

MEDIA AND INFORMATION LAW

Leto accepts instructions in libel proceedings in Cyprus for both plaintiffs as well as defendants.

She gives pre-publication advice to journalists on a number of areas of media law, including defamation, privacy, and whistleblowing protection.

NOTABLE CASES

She advised a journalist complaining in Strasbourg of a violation of his right to freedom of expression as a result of being found liable for libel when criticising the former deputy Attorney-General of Cyprus. The case has been communicated and is currently pending before the Court.

Whilst serving as Case Lawyer with the European Court of Human Rights, she worked on a number of high-profile cases raising various issues under Article 10 of the Convention. Notable cases include:

MGN Ltd v. the UK - concerning the proceedings related to an article in the Daily Mirror portraying Naomi Campbell as a drug addict;

Wall Street Journal Europe SPRL and others v. the UK - concerning complaints of a violation of Articles 6 and 10 of the Convention with regard to the publication of an article associating Saudi businessmen with funneling funds to terrorist organisations;

Alithia Publishing Company Ltd and Constantinides v. Cyprus - concerning the publication of a series of articles accusing a former minister of defence of Cyprus of misappropriation of public funds.

Sigma Radio Television Ltd v. Cyprus - concerning fines imposed on the applicant by the Cypriot Broadcasting Authority.

INTERNATIONAL CRIMINAL LAW

Leto has worked on a number of high-profile cases at various international criminal tribunals. Leto was admitted to the List of Counsel before the International Criminal Court and the Lists of Specialist Counsel at the Kosovo Specialist Chambers.

Recently, she was appointed legal adviser to the defence teams representing the interests of Mr Pjeter Shala who is facing trial for war crimes before the Kosovo Specialist Chambers and Mr Salim Ayyash who is facing a trial in absentia in relation to terrorism offences before the Special Tribunal for Lebanon in The Hague.

Previously Leto advised the Appeals Chamber of the United Nations Mechanism for International Criminal Tribunals in a number of cases including the appeal proceedings in the cases of Radovan Karadžić, Augustin Ndirabatware, Uwinkindi as well as various contempt proceedings.

Leto has also assisted the ICTY Trial Chamber in the trials of Ratko Mladić and Stanišić & Simatović.

She advised the Pre-Trial Chamber of the International Criminal Court on the Kenyan situation and particularly with regard to the decision authorising the ICC Prosecutor to investigate ex proprio motu the Kenyan situation, which was the first ICC decision authorising such investigations.

Furthermore, she advised an international NGO, which seeks the restitution of art and cultural goods looted during armed conflicts.

INQUESTS AND INQUIRIES

Leto advised the investigating judge appointed by the President of the UN Mechanism for International Criminal Tribunals to conduct the investigation into the circumstances of death of a detainee at the UN Detention Unit in The Hague and report on the findings of his investigation to the UN Security Council.

PUBLICATIONS

Book chapters:

‘Circumnavigating the Conflict Between the Right to Reputation and the Right to Freedom of Expression’ in E. Brems and S. Smet (eds), *When Human Rights Clash at the European Court of Human Rights* (OUP, 2017);

‘The Applicability of the European Convention of Human Rights in Situations of Effective Control over Another State’s Internationally Recognised Territory’, in *Protection of Human Rights in Administrative Proceedings: Developments in the Ukraine* (Kiev, 2015) (in Ukrainian);

‘Two Variations on a Theme: Privacy and Reputation’, in J. Casadevall et al. (eds), *Mélanges en l’honneur de Dean Spielmann* (Wolf Legal Publishers, October 2015);

‘Protection of Reputation under the European Convention of Human Rights’ (with D. Spielmann), in D. Spielmann, M. Tsirli and P. Voyatzis (eds.), *The European Convention on Human Rights, A Living Instrument* (Brussels, Bruylant, 2011);

‘The search for an equilibrium undertaken by the European Court of Human Rights’, in E. Brems (ed.), *Conflicts Between Fundamental Rights* (Intersentia, 2008);

‘The right to reputation’ (with D. Spielmann), in *Law in the Changing Europe: Liber Amicorum Pranas Kuris* (Mykolo Romerio Universitetas, 2008);

‘Article 47 - Right to an effective remedy and to a fair trial’, in *Commentary of the Charter of Fundamental Rights of the EU* by EU Network of Independent Experts on Fundamental Rights (June 2006).

Journal articles and informational notes:

Editor-In-Chief, Cyprus Human Rights Law Review (2011-2017);

‘The Developing Law of Privacy and the Limits to the Public Interest Defence: The Grand Chamber Judgment in *Couderc and Hachette Filipacchi Associés v France*’, *Media Law Journal* (2016).

‘Advancing the Court’s Remedial Competence and Complementary Role in the Field of Execution: The *Cyprus v Turkey (Just Satisfaction) Judgment*’, *Cyprus Human Rights Law Review*, Vol. 3 (2014);

‘*Salduz and the Right to Legal Assistance - Report on NJCM Conference*’, *Nederlands Tijdschrift voor de Mensenrechten*, Vol. 38, No. 1 (2013);

‘Recent case-law of the European Court of Human Rights concerning minorities’, *European Yearbook of Minority Issues*, Vol. 6 (2006/2007) and Vol. 7 (2007/2008);

‘The right not to be offended by members of the British National Party: An analysis of *Serco Ltd v Redfearn* in the light of the European Convention of Human Rights’, *Industrial Law Journal*, Vol. 35, No. 4 (December 2006).

Evaluation reports:

Co-author, Annual report on the situation of fundamental rights in the Republic of Cyprus, Cellule de Recherche Interdisciplinaire en Droits de l’Homme (2003 and 2004), www.cpdr.ucl.ac.be/cridho.

EDUCATION

LLB (King’s College London);

LLM in Public International Law (University College London);

MA in Legal and Political Theory (University College London).

LANGUAGES

Greek (native fluency)

Dutch (working knowledge)

French (working knowledge)

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