

Cuddling photos clear man of rape

<https://www.thetimes.co.uk/article/cuddling-photos-clear-samson-makele-of-rape-k66jj55tm>

David Brown, Chief News Correspondent

January 16 2018, 12:01am, The Times



The CPS offered no evidence at a pre-trial hearing at Snaresbrook crown court yesterday.

Police had said that the man's phone contained nothing of interest

JOHN STILLWELL/PA

A handyman accused of rape was cleared yesterday when it was revealed that the police had failed to disclose photographs of him cuddling in bed with the alleged victim.

Samson Makele, 28, hired his own expert to retrieve the crucial photographs from his mobile phone after the police said that it contained nothing of interest. The case is the latest to be abandoned by prosecutors after concerns about the police failing to find evidence that helps the defence in rape cases.

Mr Makele met the 35-year-old woman at the Notting Hill Carnival in August 2016 and they spent the night together at his home in east London. The woman told the police the next day that she had been raped by Mr Makele.

Mr Makele said that they had consensual sex but he was charged with rape and spent 18 months on bail, during which time he could not leave his home at night and had to wear an electronic tag.

The police said that there was nothing of interest on his phone that was disclosable apart from text messages showing contact with the woman after the event. When detectives returned the handset to Mr Makele an independent expert found that it contained more than a dozen photographs showing Mr Makele and the women in bed cuddling.

The Crown Prosecution Service offered no evidence at a pre-trial hearing at Snaresbrook crown court yesterday.

Mr Makele is originally from Eritrea and if convicted he could have been ordered to be deported. Paris Theodorou, his solicitor, said: "Mr Makele doesn't know whether failure to obtain the photographs by the police was an oversight or an act of sheer incompetence. Either way, his life has been intolerable and traumatic while he waited for the truth to emerge."

Scotland Yard is reviewing the disclosure in all cases involving rape and serious sexual offences after the trial of Liam Allan, 22, collapsed last month when messages not revealed by the police showed that his accuser had lied.

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SJR2020 Jan 17, 2018

On a 'Pro female' agenda the police will believe all reports of male on female sexual and physical assault from the outset. Thereafter, the investigatory path is to prove the offence, not search for the truth.

This, I allege has led to countless dubious convictions, some of which have come to light.

But remember, these are men who have been lucky enough to possess evidence which indicates their innocence; how many don't have this luxury?

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Careless Wispers Jan 16, 2018

What sort of game are the Police playing at by not revealing crucial evidence?

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Prabhat Jan 16, 2018

Another week, another case.

I am not sure this is serving the interests of actual rape victims besides those of the one accused of rape. All thanks to the DPP.

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Jack Hughes Jan 16, 2018

Surely he told his lawyer at the outset that he had taken the photos. Did the police refuse to let the defence expert have access to the phone for 18 months? Is there something missing from this account?

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Ian Tinn Jan 16, 2018

The evidence was missed by accident or incompetence? This is part of a consistent pattern of anti-male activity by the policy and therefore must be regarded as deliberate.

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Germann Arlington Jan 16, 2018

@Ian Tinn

I have a terrible feeling that it is not incompetence but the system - the police is tasked with finding the evidence **against** the accused.

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Graeme Harrison Jan 16, 2018

@Ian Tinn Yes, with under 10% of rape complaints leading to a conviction, there's an enormous amount of evidence of anti-male activity by the police.

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Radlon Jan 16, 2018

Tell all this to the DPP. By naming the alleged rapist and not the alleged victim, this women has broken the Criminal Justice System. To restore fairness , she should be sacked and the Presumption of Innocence restored.

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Graeme Harrison Jan 16, 2018

@Radlon Has the presumption of innocence gone away? When I looked earlier this morning, it was still there.

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John B Jan 16, 2018

Will the false accuser be tried for perjury? Why do women get to remain anonymous in these cases? It's discrimination against men.

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RECH Jan 16, 2018

A lot of comments call either for anonymity for the accused, or for complainants to be named after someone is found not guilty. But I think it's much more complicated, especially as it is becoming very clear that some women do simply make it up when they regret have had consensual sex.

But the principle of open justice is very important, so I am not sure that anonymity for the accused, certainly after being charged, is this the answer. And despite the injustices that have happened I can understand the reasons for anonymity at least for some complainants and the fact that some trials may end in not guilty without the complainant having been dishonest.

May be three things need looking at:

- Allowing a judge to make an order that a complainant should be named when there has been blatant dishonesty, which may of itself deter false accusations;

- A few prosecutions for perjury;

- And a review of the presumed lack of ability to consent when drunk. It seems odd that someone can be convicted of drink driving because it is presumed that they are able to exercise responsibility

over whether or not to get in to a car after a couple of bottles of vodka, but then to presume that they are not able to exercise responsibility over whether or not to get into bed with someone.

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Bishop Jonathan Blake Jan 16, 2018

How can the police sleep at nights knowing that because they have failed to honour their responsibilities, innocent people are in terror of being sent to prison or are languishing in prison, and they, their families and their children are bereft of peace and traumatised. It is intolerable that our so called system of 'justice' permits this outrageous destruction of innocent people's lives.

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Joannah Yacoub Jan 16, 2018

So, if you read the article about the new Amazon "alarm clock" above and my comment, I'm sadly not so far out.

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jedflores Jan 16, 2018

Is it just me, or is it starting to feel like women have declared war on men?

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KS Jan 16, 2018

@ jedflores: I don't think women have declared war on men. But the police certainly appear to be trying to increase the number of convictions in rape cases without following due process and by withholding crucial evidence.

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rgm Jan 16, 2018

@KS It is not a conspiracy. most disclosure officers do not fully understand their role - they are not lawyers. They are also vastly under-resourced and overwhelmed by the volume of cases. It is a systemic failure rather than actively withholding evidence.

The disclosure procedure set down in the CPIA needs re-examining

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KS Jan 16, 2018

Yes; fair point. I agree that the police are under pressure to produce results and under-resourced.

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jedflores Jan 16, 2018

@KS An increasing number of women have recently been exposed as being false accusers of rape. This is just the latest. What are the motives behind this attack on men, is it simply misandry?

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KS Jan 16, 2018

@jedflores: I think the number of women bringing false cases like this is statistically insignificant. That is why these cases are featured in the news, because these cases are the exceptions. I do not wish to comment in any detail on the motives of the women concerned without having access to the relevant reports. Revenge against a former lover is a possibility, rather than general misandry.

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R Ward Jan 16, 2018

We constantly fail to recognize that justice if it is to have credibility must be balanced, fair, transparent and be seen to be done. So we have choices to be made.

First, consider keeping identities of alleged offender secret until found guilty except in exceptional circumstances where it is clear from the onset that a serial offence have taken place. Given the damage which is, despite efforts of society to the contrary, devastating to personal lives and relationships including family relationships within the wider community, about innocence etc we know that those accused of such offenses are tarnished for life. Let's be honest many HR professionals would not touch a candidate whose CV showed him to be a suspect of such offenses even if found not guilty or charges being dropped. Subconsciously we simply would not do it. I have yet to come across an HR professional saying they have done so, so in this respect it is a case of natural justice.

Secondly, we should investigate the alleged victims of such alleged offences with a view to bringing criminal charges for perverting the course of justice and wasting police time including scare resources. Again if justice is to be fair and transparent then such action and investigation should be given.

Thirdly, public servants including the police and CPS staff failing in their duty because of dereliction and incompetence should be held to account and, if the circumstances warrant, tried for abuse of public office.

In conclusion we need a level playing field that whilst recognising the seriousness of such allegations treats each party to it with confidentiality and total fairness. Justice works both ways and must be seen to be done as the damage done to innocent parties cannot ever be undone.

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John Smart Jan 16, 2018

'Makele doesn't know whether failure to obtain the photographs by the police was an oversight or an act of sheer incompetence.'

Oversights generally indicate incompetence.

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gcu_hello Jan 16, 2018

What is with these women who want to destroy lives?

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Richard Pursehouse Jan 16, 2018

Another example of the police going out of their way to avoid doing their job properly. However, proff we need more police - partly to avoid such criminal activity and mainly to replace the muppets not up to the task

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Luke Watts-Apnin Jan 16, 2018

Man puts hand on woman's knee twenty years ago; result - tsunami of hysterical reportage all over the front pages for weeks.

(Yet another) Woman falsely accuses man of recent rape and destroys his life; result - a few short paragraphs in the depths of the newspapers and no outrage whatsoever about the what the appropriate punishment should be for the woman. A complete non-story.

I wonder when we might see one of these stories promoted to the front page = after all Men's Lives Matter too.

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G W F Hegel Jan 16, 2018

Update: Dr Ketland analyses the Samson Makele case in the website I've posted below, as false accusation No. 83.

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Harleys Dad Jan 16, 2018
What's her name, will she be arrested for wasting police time?
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G W F Hegel Jan 16, 2018
Dr. Jeffrey Ketland, who had his own terrifying run-in with the forces of feminism, keeps a very interesting website called Critica where inter alia he analyses in forensic detail scores of false claims of rape and sexual assault <https://criticathink.wordpress.com/author/jeffreyketland/>
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Jay Patel Jan 16, 2018
@G W F Hegel Interesting how that site reports yet another case, of doctor Stephen Glascoe, but there seems to be no mention whatsoever of it in The Times. Even the BBC report it but The Times it seems do not think it warrants a mention but that every detail and nuance of the MeToo hysteria does.
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- 1RecommendReply
G W F Hegel Jan 16, 2018
@Jay Patel @G W F Hegel Excellent point. The Glascoe case sounds even more disturbing than the one here. I hope that the journalist who wrote this piece, David Brown, 'Chief News Correspondent', will use Dr Ketland's site in future.
The MeToo indeed runs on hysteria and copies the methods of Joseph McCarthy. No evidence required.
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Mr T R Butchard Jan 16, 2018
It is now widely known and accepted that British police are often devious and untrustworthy. It is a very sad slur against our democracy.
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Richard Rryan Jan 16, 2018
Yet again incompetent police
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Simon Jenkins Jan 16, 2018
@Richard Rryan
If the behaviour of the police was deliberate then it wasn't incompetence.
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Denial Jan 16, 2018
Why is this woman's identity not disclosed after it has been shown she made a false rape allegation? Surely it is in the public interest to protect public from possible future false allegations?
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David Jan 16, 2018
@Denial I couldn't agree more.
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littleol'me Jan 16, 2018

@Denial Perhaps the Police don't know who she is....

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Graeme Harrison Jan 16, 2018

@Denial Has it been shown she made a false rape allegation? I thought the trial was abandoned before the jury returned a verdict (and even an acquittal by a jury wouldn't amount to a finding that the allegation was false).

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Ann Lyon Jan 16, 2018

@Graeme Harrison @Denial If the CPS dropped the prosecution that suggests that there is no evidence which could lead to a conviction.

An acquittal does not of itself signify a false accusation, but rather that the prosecution has not proved its case beyond reasonable doubt. In most rape cases, the issue is consent, not whether sexual intercourse took place, and usually it is one person's word against another. Frequently, the situation is ambiguous - the woman says she did not consent, the man says he genuinely thought she did - and the jury decides that there is reasonable doubt.

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MKW Jan 16, 2018

@Denial Are you saying that if a woman allows herself to be cuddled it is impossible for the cuddler to have sex with her against her will? How does that work then?

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Paul Lattimore Jan 16, 2018

Once again, his name all over the papers while his false accuser keeps her anonymity.

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KS Jan 16, 2018

The problem is a little more complicated. Very few rape cases get to the trial stage because people who have been raped are usually unwilling to relive it all over and over again in the trial. They also do not want their story all over the press. Hence the granting of anonymity, to encourage more victims to come forward and to prevent anyone from hounding them in the press and social media. To make matters fair, the accused should be granted anonymity too. Only convicted rapists' identities should be revealed, after all appeal cases have been decided.

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cme Jan 16, 2018

@KS Well then she should be prosecuted for wasting police time and when convicted then have her name plastered all over the front pages.

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MKW Jan 16, 2018

@cme @KS Imagine that you allow someone to cuddle you, but not have sex with you, but they have sex with you anyway.

Would you tell the police?

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littleol'me Jan 16, 2018

@KS Agreed.

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