

LIBBY PURVES

December 18 2017, 12:01am, the times

<https://www.thetimes.co.uk/article/false-rape-accusers-should-be-punished-gk93b2jk5>

False rape accusers should be punished

libby purves

A grave miscarriage of justice, narrowly avoided, has lessons for the legal system and our dangerously hysterical culture.

The ordeal of Liam Allan must not have been in vain. The torrent of public and legal outrage following the student's two years on bail and instant acquittal must not die away. Police and CPS failures must be analysed, punished and made unthinkable. This was a young man facing a 12-year sentence and lifelong stigma for multiple rapes, and it took the prosecuting barrister to save him.

Jerry Hayes was left spitting rivets of indignation at being put in a position of nearly wrecking a life simply because bad training and lazy procedure meant the police ignored, or never looked at, clear evidence that the accuser lied. She was, as Allan pleaded, out for revenge and had long pestered him for sex after he ended the liaison. Hayes, new to the case but an old warrior in the law, demanded her phone record (previously denied to the defence as "very personal" and not relevant). The defence sat up reading the woman's texts, and in court the next day Hayes announced that there was no case.

Every detail is dismayingly. The accused had asked for the woman's phone to be checked because he had lost his own; police archived it or ignored what was staring them in the face. A report this year by HM Inspectorate of Constabulary and the Crown Prosecution Service indicates that the "scheduling" of evidence is "routinely poor, while revelation by the police to the prosecutor of material that may undermine the prosecution case or assist the defence case is rare".

Liam Allan, vindicated and angry, suspects that in sex-offence cases convictions have become "like sales targets". We know about the psychology of confirmation bias, in which the mind selects evidence that reinforces its prejudices. But to find it in the criminal justice system is horrifying. The director of public prosecutions, Alison Saunders, driven by missionary zeal over real unpunished sexual abuses, has caused unease by referring to complainants — once even after the acquittal — as "victims". The message from police, in a backlash against decades of disgraceful nonchalance, is a soupy "You will be believed", which has led in some cases to believing fantasists and liars.

It is hard not to see confirmation-bias culture in this case. A similar thing occurred in a case of our children's teacher, Simon Warr, accused of fondling a pupil in a changing room 30 years earlier. Police trawled his entire career hoping for similar incidents, found none, but didn't check the simple nuts-and-bolts fact he gave them: that colleagues could confirm that his job at the relevant period never took him anywhere near changing rooms. Or juniors. He traced a witness himself and the case collapsed in half an hour. But two years in shaming limbo meant retirement, a good career prematurely ended.

Confirmation bias in this alarmed age says that because some teachers have been abusers, some men have raped, and many victims weren't believed, it follows that assuming guilt is the safe bet. Yet just because it has long been a dangerous world for women, that is no reason to make it so

dangerous for men. It's happening, though. And the risk is that proper rage at the system's abuse of Liam Allan will be smothered by fashionable truisms about sexual assault: "OK, he is innocent but lots of men do get away with it." Exposure of real sexual misconducts lately has aggravated this feverish anxiety, and a dismaying willingness to punish and smear without investigation. Aled Jones, of all people, is now off the BBC while it pokes suspiciously at a decade-old allegation reported as "inappropriate contact and messages". This he has strongly denied. The new wisdom says that we women are perpetual victims: abused, coerced or freezing in dumb terror.

Take *The New Yorker's* short story *Cat Person* currently overexciting the western world, in which a flirtatious woman enjoying her power suddenly cools off, but proceeds with coupling through a mixture of politeness and vanity ("Look at this beautiful girl, she imagined him thinking. She's so perfect, her body is perfect. . . . The more she imagined his arousal, the more turned-on she got"). Some seize on even that soft-porn fiction as evidence that we are always victims of male domination because, after brushing the poor mutt off with an abrupt text, the heroine gets in return one which irritably ends in the word "whore!".

Well, that's rude of him. Very rude. On the other hand, it is not nearly as bad a response to rejection as crying rape and trying to get your former intimate jailed for a decade, reckoning that officialdom will believe you and not him.

It should be emphasised that false accusations of sexual assault are very rare. Home Office figures suggest 4 per cent. But they do happen, and the present atmosphere of suspicion, and neurotic magnification of minor male clumsinesses may encourage more. Women are not all angels, and a sense of our historical powerlessness may make this particular weapon horribly tempting.

It mustn't be. There have to be consequences, because sexual crime is too serious, lying about it too wicked, to be used as a weapon of the petulant. In the Allan case we know nothing of the vulnerabilities or mental problems of the woman who lied, but it will be dismaying if she is not promptly charged with perverting the course of justice. Or, at least, wasting police time. Certainly she should lose anonymity. That privilege of real victims is far too precious to be brought into disrepute.

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Melissa Menchaca Feb 26, 2018

I can never understand why woman would go to the extent of ruining not only a mans life, but his families, his babies . My husband was wrongfully convicted of rape in 2000, he went to prison and has to register as a sex offender only to have the same girl cry rape on another man 14 years later. Thank god for technology this guy was lucky he recorded the whole thing which in the end saved his life. She ended up recanting and not only his but my husband's, she stole his life and we are still fighting to this day. We are determined to get a life that was stolen from us. We have become obsessed after being blessed with new evidence that will prove what hes been saying since day one. With absolutely no help from our justice system and or community, we find we are not the only ones going through this horror. Its almost as though they are deliberately trying avoid helping us because they know he wasn't lying when he kept arguing his innocence. Our children have lived with the

shared shame he carries, its horrible for elementary is already so brutal to add the whispers of other parents and their children. My 7 year old daughter has to experience Daddy daughter dances with mom beause even after being promised justice our local public deffender and District attorney ignore every call, every letter, every record we request is somehow vanised. Never innocent to those that see sex offender as a father, coworker, husband. I pray that one day soon we will finally be able to live a normal life without ridicule. I really wish the law would consider a bill making these girls accountable for their actions, I fear without they will continue to ruin the lives of innocent. Our Alleged Victim is on # 3 my husband being tjr only unlucky one, this has to stop. They make it harder for actual victims to get help. Im reading so many familar stories and Im glad to see there are many amazing lawyers out there, its unfortunate the lawyers here in our area are horrible and justice just dont seem to take priority over their compensation.

Meli

Flag

RecommendReply

Metlo Feb 26, 2018

@Melissa Menchaca We must keep fighting for justice for male victims of false allegations and their families. The way you and your family have been treated, makes a mockery of the justice system.

Flag

RecommendReply

Robert Holmes Jan 12, 2018

1 as stated elsewhere, the chief constable and or the crime commissioner should be prosecuted for any non disclosure of evidence

2 as suggested years ago any person making a false allegation of rape or racism should be prosecuted. the accuser should not be allowed off with no penalty.

Flag

RecommendReply

John Austin Dec 19, 2017

The Met has just announced a review of all its rape cases after another trial collapsed for non-disclosure of evidence that exonerated the defendant.

Whoops.

Flag

1RecommendReply

Patrick Duke Dec 19, 2017

Looking at the strength of feeling and anger in these posts ..I hope somebody in authority takes action and changes the law.. but there has to be a culture change first in the CPS and the Police..

Flag

4RecommendReply

Chris Parkins Dec 19, 2017

Why does the false accuser still get anonymity? Revealing her name would frankly ensure she gets punished enough.

Flag

6RecommendReply

Amanda Lothian Dec 20, 2017

@Chris Parkins no, it wouldn't, she should face the same punishment he would have got if he had been convicted on her lies. Women lying about rape not only cause enormous harm to their victims they cause enormous harm to all women who have been raped.

Flag

3RecommendReply

Simon Brown Dec 19, 2017

This story and the one of the Iranian refugee, Bijan Ebrahmi, reminded this week how dangerous laziness, incompetence and the wrong mindset still permeate different police forces and the CPS. These not so long after the Rotheram et al cases. It's disturbing. Thank God for a free press willing to

investigate these cases along side first rate legal professionals checking through all the evidence thoroughly. It just shows we can never be to complacent about our institutions less they drift and create large cracks that swallow up innocent people whole.

Flag

3RecommendReply

octopussy Dec 18, 2017

I totally agree with the statement in the title.

Flag

9RecommendReply

John Austin Dec 18, 2017

Let us not forget the recent case of Jemma Beale, 25, from west London, who invented four separate incidents of sexual assault, one of which led to man being wrongly convicted.

She was jailed for 10 years last August.

She was eventually exposed as a lying fantasist, but the case demonstrated how far the police and CPS had lost touch with any common sense in their misguided zeal, with the result that an innocent man went to prison for several years.

Flag

19RecommendReply

Adrian Turner Dec 18, 2017

My last post tonight.

Lots of factors contributed to this and other similar cases.

To name but some:

1. The absence in many alleged rapes of corroboration.
2. The distressing nature of the crime and the consequent difficulties of reporting it.
3. The part alcohol often plays in casual sex and its impact on 'consent'.
4. The vital importance of impartiality in investigations.
5. the need for prosecutions to be driven by forensic considerations and not pre-judgment, one way or the other.

The list could go on and on and we will never achieve perfection.

But we could and should do better.

Flag

4RecommendReply

Alex Ogle Dec 18, 2017

"...but proceeds with coupling through a mixture of politeness and vanity ("Look at this beautiful girl, she imagined him thinking. She's so perfect, her body is perfect . . . The more she imagined his arousal, the more turned-on she got")"

Thank you! You picked out the pertinent paragraphs in the tome. I read it with a mixture of discomfort and fascination. I was trying to work out just which was the point at which the story shifted and you seem to have identified it.

Flag

3RecommendReply

Richard Stout Dec 18, 2017

Prosecutors and police forces that pursue charges of rape (or sexual assault) with no evidence more substantial than "he said - she said" should also be punished.

Flag

12RecommendReply

Wanderer Dec 18, 2017

This is just the tip of the iceberg in the 'criminalisation industry'. Forget PPI miss selling and other such scandals. The police should accept co-responsibility for those who make false or exaggerated claims, they are after all accusers who need to make their case, so both the woman and the police should be prosecuted for the false accusations. Where the police have used excessive/corrupt methods in handling a case they should be prosecuted including senior officers. The methods used in policing and related 'industries' such as social services are creating damage they pretend to be addressing. The politicisation of matters related to sex and domestic violence allow these issues to be manipulated using corrupt activities or omissions as convenient. The inbuilt bias in policies and procedures makes it very easy to effect corruption without it being noticed. If this woman had made a series of complaints over time the poor man would have been in a even worse situation. Were medicines designed, tested and produced in the way the law operates, people would suffer in huge numbers. So lets change the justifications for and the way this flaky legal system operates, from the legislators, to the box ticking staff, to corrupt police. Most of all say it is not acceptable, oh wasn't that.....

Flag

2RecommendReply
Shooter Dec 23, 2017
@Wanderer

With you 100% all the way 'till the last tailing off phrase..... Don't understand, elucidate please

Flag

RecommendReply
Peter O'Toole Dec 18, 2017

".....it will be dismaying if she is not promptly charged with perverting the course of justice. Or, at least wasting police time."

WHAT???.....I mean WHAT???

This venomous creature maintained her story for the best part of two years and should forthwith be charged with malicious prosecution, (if there is no such thing there should be), and, if convicted, her sentence must surely reflect that which HER victim would have served had she not been found out.

Flag

12RecommendReply
James Lawson XIX Dec 18, 2017

It is wrong to suggest that false allegations of rape are rare. The Daily Mail, up until a few years ago not only named the false accuser, but published her photograph as well and that happened regularly as the Paper reported each case with almost messianic zeal!

What the false accuser fails to realise is that once she or he is identified, or prosecuted, they are very likely to become 'open season' on anyone who thinks its OK to 'try it on', secure in the knowledge that if prosecuted, the disclosure of a previous conviction for perverting the course of justice in relation to a false allegation of rape, may be sufficient to undermine the evidential standard of proof beyond reasonable doubt required to convict the offender.

'Cry wolf' once and get caught, then the outcome might well be that the false accuser plays Russian Roulette with their personal sexual inviability the second time he or she complains by handing a gift to the defence.

Flag

3RecommendReply
Metlo Dec 21, 2017

@James Lawson XIXIX police estimate one in six rape accusations are false and women who make serial false rape allegations are common enough to have their own nickname. The police call them frequent flyers.

Flag

3RecommendReply

Vicious Hippo Dec 18, 2017

Safe sex these days = record every encounter with the opposite sex, however trivial...

Flag

3RecommendReply

Adrian Turner Dec 18, 2017

@Vicious Hippo I can think of several laws which might be breached by that!

'Safe sex' is sex with a properly known and loving partner. Anything less will always be dodgy.

Flag

3RecommendReply

Vicious Hippo Dec 18, 2017

I agree that my remedy is not entirely realistic! Your remedy is more attainable in principle -but it would not solve the problem of someone making up a story. If the police aren't going to bother investigating crimes properly any more, and uphold the rule of law, we ALL need protecting.

Flag

2RecommendReply

Adrian Turner Dec 18, 2017

I add to my earlier post on disclosure, that the current statutory regime - which was clearly not adhered by the police in the present case - would never have come about if it had not been for the antics of some defence lawyers, who used the previous, and broad, common law rules to grind down prosecutions.

Attempts to do this continue even now, for example, by some firms which (very expensively) defend those accused of drink driving. They apply for disclosure of anything and everything to do with the device which was used to measure the alcohol reading in the hope that by attrition they will grind down the prosecution and thereby secure the acquittal of a patently guilty defendant.

The result of such behaviour is the enactment of laws which make genuine attempts to obtain disclosure more difficult to achieve.

In the Allan case, prosecuting counsel directed disclosure almost in spite of the law and police assurances that the phone records contained nothing which would undermine the prosecution or assist the defence. He turned out to be right and, thank goodness, a potential miscarriage of justice was consequently avoided. Few prosecuting counsel, however, have had the clout and courage to do this.

But, to repeat, this situation would never have arisen if some defence practitioners had not abused the previous regime.

Obviously, disclosure is an area of criminal law which needs to be revisited urgently.

Flag

2RecommendReply

Antony Martin Dec 18, 2017

Fair play to Mr John Russell. He made an error of judgement in an earlier post and has subsequently gone to great lengths to respond to numerous individual commentators who took particular issue with his original point of view. He deserves recognition for taking the time to make his apology public on this forum. Thank you Mr Russell.

Flag

1RecommendReply

jeb Dec 18, 2017

While I can understand the desire to punish the woman in this case I do not think we know enough about her circumstances to make a judgement. There are legal provisions for punishing lies under oath.

More important however I think we should not to loose sight of the fact that the police held evidence at an early stage which would have exonerated the accused. If they had acted competently and with integrity the case would never had got so far. It is this incompetence / corruption that is the real scandal. Sadly this does not seem to be the only example.

The police must deal with dishonest liars every day they should not be suckered by them.

Any accusation should be investigated properly and decisions to proceed made on the basis of evidence not current fashion, targets, or naïve notions such as false accusations are vanishingly rare.

Flag

1RecommendReply

Aravind Venkatram Dec 18, 2017

@jeb There is no "right" circumstances for a lie. A woman who lies should not be let off given the gravity of her accusation.

Flag

4RecommendReply

Rylstone Dec 18, 2017

False accusations are more common than we are allowed to admit.

I work with teenagers and I would say that anecdotally false accusations are about as common as ones that turn out to match the accusation. Sadly, they are often related to mental health issues and also to the effects of the trauma of earlier childhood abuse playing out later. It is all very sad and the false accusers are not actually doing it out of evil desire to harm, they are damaged themselves.

Flag

4RecommendReply

Amanda Lothian Dec 20, 2017

@Rylstone I hope you are not seeking to excuse such behaviour

Flag

1RecommendReply

Rylstone Dec 18, 2017

One big lesson is that the media and politicians have got to stop treating accusers as automatic victims and the accused as automatically abusers. That does not mean being cruel to the alleged, but, it does mean we have got to stop the kneejerk reactions, the calls for the accused to be stripped of their job/honours etc etc.

Innocent until proven guilty has got to be restored as the guide.

Flag

7RecommendReply

john barker Dec 18, 2017

Never mind. Alison Saunders will get to the bottom of this.

Flag

3RecommendReply

McRaker Dec 18, 2017

Removal of anonymity & the bill for the court case seems fitting. Might act as a deterrent to any other vindictive liars.

Flag

18RecommendReply

Adrian Turner Dec 18, 2017

@McRaker Or deter genuine complainants!

Flag

3RecommendReply

Shooter Dec 18, 2017

@Adrian Turner @McRaker

This is the gripe of the more sensible women that silly, fatuous complaints of harassment (hand on knee, failed lunge, bottom pat) detract from the seriousness of genuine cases of serious abuse.

Flag

4RecommendReply

Vicious Hippo Dec 18, 2017

@Adrian Turner @McRaker Yes but better 100 guilty go free than one innocent go to jail. Just imagine if it was you, or a member of your family, who was the innocent.

Flag

7RecommendReply

Adrian Turner Dec 18, 2017

@Vicious Hippo @Adrian Turner @McRaker Better still that no guilty people go free and no innocent people go to jail!

Flag

3RecommendReply

Peter Humphreys Dec 18, 2017

@Adrian Turner @Vicious Hippo @McRaker Absolutely. Please tell us how you are going to guarantee that happening. By all accepted standards of justice, the onus is on the courts to prove guilt, rather than to assume it.

Flag

5RecommendReply

Shooter Dec 19, 2017

@Vicious Hippo @Adrian Turner @McRaker Roy Jenkins on capital punishment is apposite

"The severity of the punishment is not commensurate with the frailty of human judgement"

Flag

RecommendReply

Reader 54 Dec 18, 2017

The false accusers simply have to be named and shamed, and presumably should face a custodial sentence or at the very least some form of community service. In the same way as the public need to be protected from rapists, so too should the public be protected from false accusers.

Flag

21RecommendReply

Waldorf Dec 18, 2017

@Reader 54. In short we need more justice.

Flag

4RecommendReply

Adrian Turner Dec 18, 2017

@Reader 54 But what is a 'false' complaint?

The acquittal of a defendant, in the majority of cases, means no more than the tribunal was not convinced of guilt. It does not mean that the allegation was clearly false.

The Allan case is a rare example of the latter, and it does not begin to justify this sort of backlash.

Flag

RecommendReply

Peter Humphreys Dec 18, 2017

@Adrian Turner @Reader 54 Why not?

Flag

3RecommendReply

John Austin Dec 18, 2017

Are malicious allegations of sexual assault as vanishingly rare as the CPS and HO would have us believe?

I think they are becoming more common. That is purely anecdotal, based on my observations and those of my wife, who works in mental health law. Just because it may have been the case that malicious allegations were relatively rare 6 years ago, it doesn't mean they are just as rare now. Things can change, sometimes rapidly and as usual, the legal system is achingly slow to keep up.

Flag

4RecommendReply

Amanda Lothian Dec 20, 2017

@John Austin they have never been rare

Flag

1RecommendReply

Reader 54 Dec 18, 2017

@Adrian Turner

Your points are noted but my post is not a backlash and is not gender or case specific.

Flag

1RecommendReply

Henry Scrope Dec 18, 2017

What is the reason why a person who alleges she/he has been raped is allowed anonymity? Is it something to do with shame - that people who have been raped are ashamed and so are more likely to come forward if granted anonymity? But since by definition someone who accuses someone else of raping them didn't agree to what happened, they should only be ashamed if their behaviour was such a "come on" that they've got something to be ashamed about. Given there's a delicate balance surely this suggests that on balance either both accused and accuser should have anonymity or that neither of them should.

Flag

12RecommendReply

Adrian Turner Dec 18, 2017

@Henry Scrope Because it often takes huge courage to report a rape, and if the case is dismissed - as many are though lack of corroboration - the complainant faces shame and stigma.

I add, I am unaware of any evidence that anonymity has encouraged false complaints, or played any part in the Allan case.

Flag

RecommendReply

Henry Scrope Dec 19, 2017

The point I was trying to make is that what is sauce for the goose should surely also be sauce for the gander. Anonymity may be OK, as you suggest, but if so why only for the accuser?

Flag

2RecommendReply

Newminster Dec 18, 2017

I am something of a cynic and would suggest that, in this age of confirmation bias (not to mention back-covering!), if the HO puts the false accusation rate at 4% then 10% is probably nearer the mark.

Flag

15RecommendReply

Bishop Jonathan Blake Dec 18, 2017

The gross injustice that could have shattered Liam Allan's life, centres around the withholding of evidence, an institutional form of jury tampering. The present system of so called 'justice' is contaminated by multiple acts of evidence erosion. Much can have been withheld, screened out, declared not relevant, not disclosed, hidden and deliberately camouflaged. Many judgements precede the jury's consideration and the material with which they are presented can have been compromised by the 'victim', the police, the CPS, the prosecuting barrister, the law and the judge.

Additionally, special measures make it easier for witnesses to lie when giving evidence and prevent defence barristers from cross-examining freely and robustly. The jury has become a plaything, to learn how to control, and a considerable part of this, is exerted in serving them up with a manipulated set of information. This results in the innocent being found guilty and the guilty found innocent. It is a fatal weakness of our present judicial system.

Flag

15RecommendReply

Adrian Turner Dec 18, 2017

@Bishop Jonathan Blake A good argument, then, for abolition of jury trial.

Judges are astute to 'tricks' and good at spotting them.

It is unrealistic, unfair, and a recipe for injustice to expect a lay jury to see through all that is going on.

Flag

RecommendReply

Alison Dow Dec 18, 2017

Well said Libby!

At the very least she must be named it is outrageous that this poor chap has gone through all this (without anonymity) without some action being taken against her. Unfortunately the stocks seems to be out of fashion...

Flag

26RecommendReply

BARBADOSBELLE Dec 18, 2017

@Alison Dow .

Most parties should remain anonymous until the verdict. And then whomever is the guilty party should be named and shamed.

.

Flag

12RecommendReply

A Firswell Dec 18, 2017

More than just perverting the course of justice, which will drag on and on and on while the Filth just let it die away through its own inertia. Mr Allan must sue this lying b1tch for many many thousands of pounds and at the very least bring her name into the public domain and into the disrepute and contempt it deserves.

Flag

14RecommendReply

I'm not Robert Winston Dec 18, 2017

False accusers are a separate issue to beyond reasonable doubt..however if the evidence clearly shows lies and deceit or concealment of evidence, then, those guilty of such should face the same punishment.

How can someone accused of perverting the course of justice face a few months or years against what there deceit would have bought upon the innocent...that is were the law needs upgrading, also equality is the zeitgeist today, so anonymity until the verdict.

Flag

12RecommendReply

Adrian Turner Dec 18, 2017

@I'm not Robert Winston The law did briefly apply anonymity to defendants as well as complainants in rape cases. That changed when Parliament decided that, after all, their positions were different.

This is a good example of see-sawing in criminal justice law.

There have been too many knee-jerk reforms to satisfy different pressure groups and interests.

Lessons to be learned here, I think, about the Allan case. Do not judge the law or a legal system by the outcome of one case.

Flag

1RecommendReply

Chris Wood Dec 18, 2017

Why bother with the article the headline says it all - "False rape accusers should be punished"

Flag

10RecommendReply

Mr Christopher Pryor Dec 18, 2017

@Chris Wood

"Verses made by Sir Walter Raleigh the night before he was beheaded"

....From thence to Heavens Bliss - full hall

Where noe corrupted Lawyers brawle

Noe conscience moulten into goulde

Noe forge acusser bought or sould

It's the false allegations that brought it to mind

Flag

RecommendReply

Findlay Niederle Dec 18, 2017

I fear it may be more than laziness, incompetence and lack of interest. Did the CPA and the Police have this evidence, which we understand the accused told them about? If so, did they go ahead anyway, just to get a conviction in a target based feminazi society? I am not saying this is so but if they did, the question becomes, did they thus conspire to pervert the course of justice and are they exempt from trial and punishment for this because they are the state? Pended at 15:00 hrs.

Flag

7RecommendReply

MJJ Dec 18, 2017

@Findlay Niederle Alison Saunders is certainly the ultimate feminazi. She has also expressed her support for the police actions at Hillsboro. Why does she still have a job? Is it because the legal system hasn't yet ground to a complete halt?

Flag

4RecommendReply

sumwot Dec 18, 2017

There is something very wrong at the CPS. I think it goes beyond simple "sales targets". It is a reclassification of crime and misdemeanour - they seem peculiarly disinterested in violent crime and anti-social behaviour, but are fervent about anything to do with sex and anything they can term a "hate crime".

I am all for charging false accusers but I'd also be in favour of holding the CPS to account - not only for its tendency to prosecute on the basis of maximum publicity, but also for its habit of being disinterested in the crimes which make people's lives a misery but are now so everyday they go without mention.

Flag

13RecommendReply
Freebooter Dec 18, 2017
"False rape accusers should be punished"

False rape accusers MUST be punished, and punished very severely: where it is a definite malicious attempt by an accuser then the punishment should be similar to that that the poor sod she accused would have got if found guilty.

Flag

18RecommendReply
MJJ Dec 18, 2017

@Freebooter Then there would have to be another trial to prove that she was guilty of lying. Most rape cases are he said she said - what are the odds that the jury would not, once again, know who to believe and she would be not guilty too?

Flag

RecommendReply
JezzO Dec 18, 2017

If I had been his defence solicitor I would be asking myself, how did I fail to get this material much earlier. Why did I not get the case listed before a judge to apply for an order of disclosure immediately my client told me about the messages. Anyway I'm sure the complainant will be arrested and interviewed. True victims must be reassured that they themselves will never be prosecuted MERELY because a jury might find a defendant not guilty. That it will not follow that in the light of such a verdict, alone, the state will assume he/she will be presumed to have lied. The hysterical coverage of this story could well reinforce the reluctance of real victims to go to the police.

Flag

4RecommendReply
Adrian Turner Dec 18, 2017

@JezzO The defence can apply for disclosure, but they need to persuade the court that the material they seek might undermine the prosecution case or assist the defence which is being run (which is detailed in a defence case statement).

Ultimately, however, any system of disclosure is highly dependent on the integrity of the disclosure officer in the case and the reviewing prosecution lawyers.

Flag

1RecommendReply
Ian Boyce Dec 18, 2017

The focus shouldn't be on changing the law, but on following the current procedures properly.

And whilst Jerry Hayes is lauded as a fearless seeker of the truth, what about the previous prosecution barrister and the defence? Why wasn't the defence screaming at the judge for these records if their client knew (as he says) they would vindicate him?

This is a failure, but not of the law. If people did the jobs they are paid to do, the truth would have emerged much earlier.

Flag

9RecommendReply
MJJ Dec 18, 2017

@Ian Boyce Perhaps if CPS and the police were not under so much pressure to get a conviction for every rape case, as well as prosecute every complaint when there isn't a hope of a conviction?

Flag

3RecommendReply
SARAH Dec 18, 2017

Everyone agrees with this, but Libby Purves puts it SO convincingly and articulately that it just has to become a reality now.

What I would also like to know is are women in this type of case who have committed perjury treated differently from others who lie under oath?

Flag

21RecommendReply

Russell Hogg Dec 18, 2017

How do we arrive at the 4% figure? Do they send a questionnaire to accusers? If Liam Allan had been (wrongly) convicted would the accusation have been recorded as false??

Flag

4RecommendReply

Vicuna Dec 18, 2017

@Russell Hogg

It is a dodgy statistic.

Here is the

Report <http://webarchive.nationalarchives.gov.uk/20110218141141/http://rds.homeoffice.gov.uk/rds/pdfs05/hors293.pdf>

Here is an extract from page 53 of the Report

- "The authors' analysis suggests that the designation of false allegations in a number of cases was uncertain according to Home Office counting rules, and if these were excluded, would reduce the proportion of false complaints to three per cent of reported cases. "

This is from a section dealing with the initial police classification of false claims, not with the overall figures for false claims. Clearly, the police may classify a claim as not false, but it may be false.

The International Association of Chiefs of Police states that an allegation of sexual assault is to be classified as false only if it is proven to be false. <https://atixa.org/wordpress/wp-content/uploads/2012/01/Lisak-False-Allegations-16-VAW-1318-2010.pdf>

That, of course, leaves the vast majority of rape claims in a grey area, where there is no conviction for rape and no conviction for false claim. It is therefore wholly misleading to say that only 3% (or any other percentage) is false. We simply do not have the information to decide either way.

Flag

8RecommendReply

JohnJoe Dec 18, 2017

Cressida Dick, where are you? Why are you so uncharacteristically silent?

Flag

19RecommendReply

Peter Jordan Dec 18, 2017

The fact that rape allegations have increased 4-fold since the DPP revised the CPS's policy, without any increase in successful prosecutions tells us that the policy needs review.

The main effect of the policy is that the police have become even more overworked.

Flag

7RecommendReply

Slightly Tipsy Max Dec 18, 2017

They publish the name of the alleged rapist because it may encourage other victims to come forward, and it does. Perhaps the police need to consider this with accusers, or at least do a national search of other forces.

Flag

8RecommendReply

Mr Christopher Pryor Dec 18, 2017

@Slightly Topsy Max

Wow....YES

Seem to recall a case a while ago about a serial false accuser which only came to light after a fluke recollection of a policeman involved.

Flag

1RecommendReply

Robert Coleman Dec 18, 2017

It seems to me that senior (and not so senior) figures in the CPS and the police who authorise prosecutions and appear to connive at the withholding of evidence to produce convictions are prima facie guilty of criminal conspiracy. The justified damages which should be awarded to Liam Allen would not be sufficient in themselves to punish those guilty of, in effect, framing him. Not only should they be made to contribute personally to the damages awarded (and made criminally bankrupt thereby) but they should be tried and, if found guilty, serve serious time in prison.

Flag

8RecommendReply

Adrian Turner Dec 18, 2017

@Robert Coleman As far as we so far know, the non-disclosure did not involve anyone apart from the officer concerned. It takes at least two to conspire.

If the non-disclosure was a deliberate omission to pervert the course of justice, criminal offences will have been committed. Mere negligence, however, is not enough.

Flag

3RecommendReply

Mrs Sarah Rees Dec 18, 2017

Very well said and I for one 100pct agree.

Flag

5RecommendReply

midlife mum Dec 18, 2017

Every single case will be different. This particular case is a clear miscarriage and every effort should be made not to repeat this.

But where do we draw the line? A woman accuses a man of rape but he could be cunning enough to have a plausible excuse. Is she then prosecuted? This is enough to stop any woman accusing a man of rape and leads to a reduction in the already appalling rate of rape convictions.

Flag

5RecommendReply

HazeR Dec 18, 2017

@midlife mum There is also a suggestion that 80% of sexual assaults don't get reported at all.

Flag

2RecommendReply

Saint John Dec 18, 2017

@midlife mum

Why is the rate of convictions appalling ? Might it be that it is correct ?

Flag

5RecommendReply

Mr Christopher Pryor Dec 18, 2017

@midlife mum

"Appalling rate of rape convictions" ! Therein lies the root of the problem, the pursuit of targets and not justice.

Flag

4RecommendReply

Zak Dec 18, 2017

I read recently that less than 9% of rape allegations are false. Maybe, instead, we should be focusing on how to reduce/eliminate the 91% true cases of rape.

Flag

4RecommendReply

MJJ Dec 18, 2017

@Zak Only the complainant and the accused know the truth. In some cases the complainant was so drunk she doesn't actually remember what happened. So how does anyone know, except by guessing, what percentage of allegations are false?

Flag

3RecommendReply

Michael Duerden Dec 18, 2017

"Convictions have become like sales targets" - It's too easy for organisations (in this case the police and CPS) to measure their performance in terms of the amount of activity rather than measure real effectiveness, in this case true justice. Hence these organisations get seduced and swayed by the latest public outcries inspired by political correctness, sexual predators and paedophiles rather than apply rigorous unemotional unearthing of facts.

Not only will this help to ensure that the innocent are not punished but will also ensure that the guilty are given appropriate sentences which cannot be appealed against owing to a poorly constructed case and prosecution.

Flag

2RecommendReply

Grumpy Pensioner Dec 18, 2017

After years of comments such as, ' she asked for it ' ' she was gagging' 'she dressed in this or that way' ' she was pissed' etc., which resulted in lack of belief and lack of resultant prosecutions, I wonder of the incentive of believing any and all allegations (not forgetting decades ago instances of harassment/abuse) have led to the authorities wanting to get convictions without thorough, intricate investigation?

This woman, however, should be prosecuted for several offences and most certainly receive a decent custodial sentence (and may be psychiatric counselling.)

Flag

5RecommendReply

Cheryl Emmanuel Dec 18, 2017

@Grumpy Pensioner No maybe about it as far as I'm concerned! I think this was a great piece by Libby and agree with her 100%.

Flag

1RecommendReply

Margaret Morgan Dec 18, 2017

If you say that the complainant must be believed then by extension, the underlying assumption is that the accused is guilty. If an investigation starts from that premise then it will focus on whether the evidence disproves that underlying assumption. So in effect , for the purpose of the investigation at least there is a reversal of the burden of proof. In that environment any text messages do not disprove the central allegation so the investigators could conclude that the prosecution should proceed.

I suspect that the failures here arise from adopting this approach (and the 'no smoke without fire' view demonstrated elsewhere in this comments section) rather than any shortage of resources. In that case this may well be the tip of the iceberg.

A criminal justice system is supposed to punish the guilty AND protect the innocent. If the destruction of innocent lives is now considered to be merely collateral damage in some more pointed campaign then the justice system itself is under threat.

Flag

19RecommendReply

Erasure Dec 18, 2017

In the very last sentence she says what 99% of the population want to hear; the woman should be exposed, and charged.

Libby begins her piece rightly blaming the police and CPS; very true but the case came to court because a woman lied.

So why wait 'till the last sentence to say that?

Lost faith in you, Libby.....

And for the record, so far 5 men have committed suicide after being accused of sexual offences - none had been proven yet, either. Funny how not one female journalist has mentioned this.

I can say as a man, that being accused of being a rapist or a paedophile will induce most decent men to consider suicide as there is no place for such men in society (rightly so) after such an accusation, as mud sticks and women know this; thus of all assaults committed by people, the CPS/Police should be hyper sensitive to BOTH parties involved in rape/paedophilia cases for this precise reason.

Flag

42RecommendReply

Graeme Harrison Dec 18, 2017

"as there is no place for such men in society (rightly so) after such an accusation,"
Sorry, I thought your point was innocent until proven guilty rather than until accusation.

Flag

2RecommendReply

Alan Davison Dec 18, 2017

@Graeme Harrison I think he meant proven rapists and paedophiles.

Flag

2RecommendReply

William Clark Dec 19, 2017

@Erasure In my experience as a GP if a guilty person is accused it is a fair cop, but if an innocent person is accused they go to pieces, because they then have no faith in the system that could make an accusation against someone innocent, hence the suicides.

Flag

RecommendReply

Brian Vallance (Corfu) Dec 18, 2017

Too true! And what has happened to "Nick"?

Serious prosecutions of false accusers are vital to deter the others!

Flag

29RecommendReply

This comment has been deleted

Samantha Pearce Dec 18, 2017

@John Russell Well in this case it has been. I rather think that is the point. It pains me as a woman to think another woman would use this as a means of revenge, but that is clearly what she was doing.

Your initial comment suggests that there "is no smoke without fire", but in this case he really was innocent.

I do not woman not to be believed, but this woman's actions demeans the mistreatment and abuse of other women. I do think she should face punishment for what she has done. Not every case where rape isn't proved means the woman is lying - as you say the standard is high. The point in this case was that the police did investigate properly before charging Liam Allan.

Flag

41RecommendReply

Michael Duerden Dec 18, 2017

Absolutely agree. A woman making false allegations demeans not only herself but makes it that bit more difficult to ensure that true rape cases are taken seriously and properly investigated.

Flag

9RecommendReply

John Russell Dec 18, 2017

@Michael Duerden I have deleted my earlier posts. While I stand by my general comments (with regard to equating an acquittal with a false accusation), when I posted I had read only the early reports as to the content of the messages on the complainant's phone in this case. Having read the fuller, more recent reports it seems clear that the messages in this case went much further in terms of establishing Mr Allan's innocence than I had understood when I posted initially. Apologies.

Flag

4RecommendReply

Michael Duerden Dec 18, 2017

@John Russell @Michael Duerden Thanks - Not often that people admit they might be wrong.

Flag

3RecommendReply

William Clark Dec 19, 2017

@Michael Duerden @John Russell One should always be prepared to admit one is wrong, especially when there are new facts.

Flag

RecommendReply

This comment has been deleted

Freebooter Dec 18, 2017

@John Russell @Samantha Pearce

"but I do not think we know enough to come to that conclusion beyond reasonable doubt, "

A text message saying that it was not rape and that she enjoyed it is not 'beyond reasonable doubt'??

Flag

2RecommendReply

Newminster Dec 18, 2017

Freebooter — John Russell —

The judge took the highly unusual step of declaring Allan "innocent". Hayes offered no evidence and said the case should never have been brought.

That goes a lot further than "reasonable doubt". There is conclusive evidence that the crime with which Allan was charged never happened.

Flag

4RecommendReply

Angela Barratt Dec 18, 2017

@John Russell @Samantha Pearce

I think we do know enough from the woman's texts to her friends to know -not merely assume - that he was innocent and the accusation false. Reasonable doubt doesn't even come into this case, the evidence is conclusive.

Flag

2RecommendReply

John Russell Dec 18, 2017

@Freebooter @John Russell @Samantha Pearce I have deleted my earlier posts. While I stand by my general comments (with regard to equating an acquittal with a false accusation), when I posted I had read only the early reports as to the content of the messages on the complainant's phone in this case. Having read the fuller, more recent reports it is seems clear that the messages in this case went much further in terms of establishing Mr Allan's innocence than I had understood when I posted initially. Apologies.

Flag

RecommendReply

John Russell Dec 18, 2017

@Newminster I have deleted my earlier posts. While I stand by my general comments (with regard to equating an acquittal with a false accusation), when I posted I had read only the early reports as to the content of the messages on the complainant's phone in this case. Having read the fuller, more recent reports it is seems clear that the messages in this case went much further in terms of establishing Mr Allan's innocence than I had understood when I posted initially. Apologies.

Flag

RecommendReply

John Russell Dec 18, 2017

@Angela Barratt @John Russell @Samantha Pearce I have deleted my earlier posts. While I stand by my general comments (with regard to equating an acquittal with a false accusation), when I posted I had read only the early reports as to the content of the messages on the complainant's phone in this case. Having read the fuller, more recent reports it is seems clear that the messages in this case went much further in terms of establishing Mr Allan's innocence than I had understood when I posted initially. Apologies.

Flag

RecommendReply

Angela Barratt Dec 18, 2017

@John Russell @Angela Barratt @Samantha Pearce

Your apology is both welcome and accepted. It is a relief to know that you are not determined, as it originally appeared, to think the worst of this unfortunate young man.

Flag

2RecommendReply

BARBADOSBELLE Dec 18, 2017

@Samantha Pearce @John Russell

.

You forgot the 'not' in your last sentence.

.

Flag

RecommendReply

John Russell Dec 18, 2017

@Samantha Pearce @John Russell I have deleted my earlier posts. While I stand by my general comments (with regard to equating an acquittal with a false accusation), when I posted I had read only the early reports as to the content of the messages on the complainant's phone in this case. Having read the fuller, more recent reports it is seems clear that the messages in this case went much further in terms of establishing Mr Allan's innocence than I had understood when I posted initially. Apologies.

Flag

RecommendReply

Antony Martin Dec 18, 2017

@John Russell How can it be otherwise? Surely if this woman has brought a case against Allan accusing him of rape and it is then proved, with factual evidence that rape did not occur then she should be charged commensurately for making a false claim. The case should be brought before the court, the evidence considered and prosecution or acquittal should follow.

I agree with your final sentence; that is the law of our land. What is so alarming in the current climate is that the male protagonists in these sorts of cases more often than not end up being treated as criminals way before any guilty or innocent verdict has been agreed upon.

Flag

30RecommendReply

This comment has been deleted

Prabhat Dec 18, 2017

@John Russell @Antony Martin

"So far as I am aware, it has not been proved with factual evidence that rape did not occur"

You seem to implying that it is for the defendant to prove that he did not rape and unless he does so he is guilty and is a rapist for all intents and purposes. Incredible!

Flag

1RecommendReply

Antony Martin Dec 18, 2017

@John Russell @Antony Martin Are you suggesting that just because Allan was found not guilty based on the evidence of the textual behaviour of the woman, that he nevertheless may have actually raped her? This is beyond the pale Sir. I find your rationale outrageous in the extreme. Indeed, it is any wonder that any man is able to undertake any form of discourse with a woman, be it face to face or on social media knowing that should a consensual sexual relationship develop a charge of rape might be levelled against him simply because he is a man. Once again I say, the evidence in this case speaks for itself; the behaviour of the woman in question is sufficient evidence enough to suggest to any jury that in all probability Allan did not rape her. If the throwing out of the case was good enough for the judiciary then it should be good enough for the common man and we refrain from suggesting otherwise. We'll be on very fragile ground if we do.

Flag

1RecommendReply

Angela Barratt Dec 18, 2017

@John Russell @Antony Martin

Please tell us what constitutes factual evidence for you?

How else do you explain the many texts to her friends saying how much she enjoyed the sex and wanted to repeat the experience? Believe me, if a woman has been raped she doesn't text her friends saying she enjoyed it and wants more. Furthermore, her texts to Mr Allan soliciting more sex occurred **after** his alleged attacks on her. This is not consistent with accusations of rape.

Flag

2RecommendReply

John Russell Dec 18, 2017

@Prabhat @John Russell @Antony Martin I have deleted my earlier posts. While I stand by my general comments (with regard to equating an acquittal with a false accusation), when I posted I had read only the early reports as to the content of the messages on the complainant's phone in this case. Having read the fuller, more recent reports it is seems clear that the messages in this case went much further in terms of establishing Mr Allan's innocence than I had understood when I posted initially. Apologies.

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RecommendReply

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Flag

RecommendReply

John Russell Dec 18, 2017

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Flag

RecommendReply

Antony Martin Dec 18, 2017

@John Russell @Antony Martin Thank you for your clarification. Merry Christmas to you.

Flag

1RecommendReply

William Clark Dec 19, 2017

@Antony Martin @John Russell The precedent was set in Blair's race relations act which required no evidence or proof of wrong-doing other than someone, be it victim or observer, "thinks" discrimination has occurred. There can therefore be no defence. That is the legal cancer created which is eating away at "innocent until proved guilty"

Flag

RecommendReply

Prabhat Dec 18, 2017

@John Russell Would you agree that both parties should be accorded anonymity pending actual conviction?

And when you say "...does not mean that the defendant did not commit the crime" - do you mean that someone can be called a criminal even before a court finds one guilty?

Flag

20RecommendReply

Erasure Dec 18, 2017

@John Russell B/S John; this is precisely my point - what you are saying is "mud (may, possibly, could, suggests) stick", after a man is found innocent.

And you wonder why men are killing themselves both sides of the Atlantic now ???!!!

Thye had consensual sex; he finished the relationship; she asked to continue the sex; she told friends even post-separation that the sex was great; he tells her no again; she sent 50,000 texts(!); he would have gone to jail.

And you think she deserves anonymity and reservatin about judgemnet over her??!

Q? what more could this guy have done to make his feelings clearer and avoid the accusation of rape?

Flag

8RecommendReply

31linden Dec 18, 2017

This "logic" promulgates the old adage "no smoke without fire"hardly fair !

Flag

1RecommendReply

seen it all Dec 18, 2017

@John Russell That is absolutely nonsensical. The accuser must be certain beyond reasonable doubt that the case is 99.99% sound before the accused is revealed.

Flag

1RecommendReply

Michael Askew Dec 18, 2017

@John Russell The complainant admitted in text messages to friends that the accusations she made were false and motivated by malice. It is a bit strange to make a point to the effect that the man should still be considered possibly guilty.

Flag

7RecommendReply

John Russell Dec 18, 2017

@Michael Askew @John Russell I have deleted my earlier posts. While I stand by my general comments (with regard to equating an acquittal with a false accusation), when I posted I had read only the early reports as to the content of the messages on the complainant's phone in this case. Having read the fuller, more recent reports it is seems clear that the messages in this case went much further in terms of establishing Mr Allan's innocence than I had understood when I posted initially. Apologies.

Flag

RecommendReply

Alan Davison Dec 18, 2017

@John Russell Read the reports. This guy's innocence is nailed on. You are part of the problem.

Flag

5RecommendReply

John Russell Dec 18, 2017

@Alan Davison @John Russell I have deleted my earlier posts. While I stand by my general comments (with regard to equating an acquittal with a false accusation), when I posted I had read only the early reports as to the content of the messages on the complainant's phone in this case. Having read the fuller, more recent reports it is seems clear that the messages in this case went much further in terms of establishing Mr Allan's innocence than I had understood when I posted initially. Apologies.

Flag

RecommendReply

Alan Davison Dec 18, 2017

@john Russell

At least you are man enough to admit your error.

Flag

RecommendReply

Peter Mason Dec 18, 2017

@John Russell

Perhaps you should re-read the Judge's comments, which say that Mr Allan left the Court 'an innocent man without a stain on his character'

<https://www.thetimes.co.uk/past-six-days/2017-12-15/news/judge-slams-met-police-after-liam-allan-cleared-in-rape-trial-pcqsp5x9s>

He could not be clearer than that.

Flag

4RecommendReply

John Russell Dec 18, 2017

@Peter Mason @John Russell I have deleted my earlier posts. While I stand by my general comments (with regard to equating an acquittal with a false accusation), when I posted I had read only the early reports as to the content of the messages on the complainant's phone in this case. Having read the fuller, more recent reports it is seems clear that the messages in this case went much further in terms of establishing Mr Allan's innocence than I had understood when I posted initially. Apologies.

Flag

RecommendReply

Mr R Bloxham Dec 18, 2017

As I understand it, in any trial, the accused is 'judged to be' innocent or guilty - not 'proven'.

Flag

RecommendReply

Foreversideways Dec 18, 2017

We can't be certain that false accusations of rape are rare can we ?

Flag

34RecommendReply

Paul Blake Dec 18, 2017

She should be charged with perverting the course of justice, or at least "wasting police time". The woman was trying to ruin the accused life! Would you say someone who assaulted someone with a baseball bat should be charged with inconveniencing the NHS?

Flag

47RecommendReply

Luke Crawford Dec 18, 2017

@Paul Blake Brilliant!

Flag

2RecommendReply

Adrian Turner Dec 18, 2017

@Paul Blake A better analogy would be somebody hits a person with a baseball and then sending the ambulance to the wrong place.

However, I see your point. Unless she destroyed evidence or deliberately put the police on the wrong scent, perverting the course of justice would probably not be found.

Of course, there is still perjury if she lied on oath, or the tort of malicious prosecution for making a false allegation out of revenge.

Flag

RecommendReply

Newminster Dec 18, 2017

Paul Blake —

I wondered if she could be done for malicious prosecution or is that a step too removed from the act? 'Wasting police time' when the accused could end up with 10 years (+ the rest of his life!) doesn't quite hack it somehow!

Flag

3RecommendReply

Not Viner Dec 18, 2017

If you are going to give evidence that can send someone to prison for years then you should expect to be publicly identified. With the exception of children, there should be no anonymity for alleged perpetrators or alleged victims from the date charges are laid.

If an alleged perpetrator is denied anonymity because this allows other alleged victims to come forward, it must cut both ways. I think it likely that several people who know this woman would have been prepared to say she was lying, had they known she made a complaint.

Flag

41RecommendReply

Alan Harris Dec 18, 2017

Wasting police time and potentially private prosecution of the victim by the accused to set compensation. Petulant "victims" must realise that there are consequences for lying to the police.

Flag

25RecommendReply

Peter Iden Dec 18, 2017

Allison Saunders keeps saying the victim must be believed, so why did the police not believe him.

Flag

22RecommendReply

Stanley Cohen Dec 18, 2017

@Peter Iden

Erm, because Liam was the accused not the 'victim' here, Peter.

Flag

8RecommendReply

Doug Bates Dec 18, 2017

@Stanley Cohen

Whooooooooooooosh

Flag

3RecommendReply

Philippa Rees Dec 18, 2017

@Stanley Cohen @Peter Iden I think Peter Iden's point was that in the case of a malicious allegation he **was** the victim.

Hell hath no fury...should be the first possibility when a relationship has ended, not the last. The fact that she continued to see someone she alleged had raped her made it suspect from the start.

This is not 'wasting police time' this is malicious libel, and should feel the full force of the law and exposure of her name.

Rapists frequently rape again. Malice likewise, for extortion, entrapment etc.

Flag

9RecommendReply

LondonKen Dec 18, 2017

Libby, you're one of my very favourite writers and thank you for reporting on this awful near miscarriage of justice.

I want to focus on the paragraph where you cite the Home Office estimate of false allegations of sexual assault at 4%. Even if the Home Office figure is accurate, and I am sceptical, this is a statistic that suggests a too common occurrence where the liberty of a person is threatened, and should be viewed as a national scandal.

Besides, at the risk of conflating issues, many of those in authority who seek to diminish this as only being 4% so hardly worth concern, are the same people who are propelling forward at great speed and cost and with full support of the state, advancement and recognition of transgenderism, reckoned by the "Gender Identity Research and Education Society to affect at most 1% of the British population.

Flag

29RecommendReply

S Narayanan Dec 18, 2017

@LondonKen Indeed. 4% is a significant percentage and not "very rare".

Flag

13RecommendReply

Ben King Dec 18, 2017

@LondonKen The conviction rate for allegations of rape is around 7% (per the CPS statistics for 2015/16). Given your scepticism regarding the 4% rate of false allegations, let's be generous and double it - 8%. So, 8% of rape allegations are false. 7% of rape allegations result in convictions. 85% of rape allegations (which are not demonstrably false) do NOT result in convictions. I would suggest this is the 'national scandal'.

You worry, as a man, about being falsely convicted of rape - a vanishingly unlikely circumstance. I would suggest that were you a woman, the apparently very-much-more-likely circumstance of you being sexually assaulted or raped, and having to live with the fact that that you are too afraid to report it because you fear being ridiculed and/or imprisoned for false allegation because the criminal justice system is unfit for purpose, might be a far more realistic and greater worry.

Flag

4RecommendReply

Mark Eltringham Dec 18, 2017

@Ben King @LondonKen Do you apply statistical analyses to all crimes to do away with the presumption of innocence, or just this one? And are you arguing that it is OK for innocent people to go to jail for years because of imperfections elsewhere?

Flag

17RecommendReply

Ben King Dec 18, 2017

@Mark Eltringham @Ben King @LondonKen No, and no. My quibble is with Ken's hysterical assertion that the level of false allegations of rape is some kind of national scandal. On any measure, I would suggest that the number of rapes and sexual assaults which go unpunished are far greater than the number of false allegations in which the complainant goes unpunished. Whenever a case of the latter comes to light, it is by its very nature given a great deal of publicity by horrendously offended middle-aged Weinsteinian men, who worry (with very little statistical backup) that they may one day be falsely accused of rape.

The statistics re. unpunished allegations of rape/SA take no account of the countless times such crimes do not even get reported.

You clearly think that rape/SA is a very rare event. I do not. Neither of us has the hard statistics to prove otherwise, unfortunately. I would rather all rapists go to jail, and that all those who falsely accuse others of rape go to jail. Neither is likely to happen any time soon, and there are no winners (other than perhaps those men who commit rape and sexual assault and get away with it).

Flag

1RecommendReply
L G Dec 18, 2017

@Ben King @Mark Eltringham @LondonKen two wrongs don't make a right. Both a wrongly accused man and a victim who is reluctant to report the incident, suffer. Its not an either or.

Flag

1RecommendReply
Mark Eltringham Dec 18, 2017

@Ben King @Mark Eltringham @LondonKen I don't think that at all. That just seems to be a straw man. A good judicial system will allow guilty people to go free sometimes. That is better than the innocent going to prison, especially if they are being scapegoated for the crimes of others who share some of their identity. Unfortunately we have a DPP who is perfectly happy for innocent men to go to prison to make some ideological point.

Flag

2RecommendReply
Not Viner Dec 18, 2017

@Ben King @LondonKen Your reasoning is flawed. For all we know, the main reason for not proceeding with a prosecution for rape is that the police rightly don't believe the woman.

If this is true the number of untrue allegations of rape greatly exceeds the number of convictions for rape.

Yet it is almost impossible to prove a woman is lying about rape - it's extremely unlikely she would be convicted for it. Even in this case where there is the clearest possible proof she is lying, she has yet to be charged.

Flag

9RecommendReply
Michael Askew Dec 18, 2017

@Not Viner @Ben King @LondonKen The main reason for not proceeding with a rape prosecution is that it is usually one person's word against another's, making the beyond reasonable doubt evidence standard unlikely to be achieved.

Flag

RecommendReply
Michael Askew Dec 18, 2017

@Ben King @LondonKen The worry goes further than being wrongly convicted. Even to be accused of rape is to have your life ruined.

Flag

6RecommendReply
Freebooter Dec 18, 2017
@Ben King @LondonKen

The problem with using statistics to justify a standpoint is that they are meant to be used on populations, not individual cases and the effect of faulty verdicts on the individuals who fall within groups represented by small percentages are devastating. Never forget the individual.

Flag

1RecommendReply
Adrian Turner Dec 18, 2017

@LondonKen Interesting analogy, but I take your point.

I would, however, add this. Lots of people make false complaints to the police for a variety of reasons.

The difference between this case and most others is how far it got. I assume the complainant handed over her phone voluntarily at a fairly early stage, thereby providing the police with all they needed to see there was no credible case, yet on they went.

Flag

11RecommendReply

Michael Duerden Dec 18, 2017

A little hard on Libby. Yes I don't always agree with Libby and indeed with other Times columnists. Some waffle some say outrageous things but I value their independence and very often they say things that need to be said and often they display a perceptive analysis which certainly helps me put things in better context. So keep going Libby!

Flag

2RecommendReply

RECH Dec 18, 2017

"The ordeal of Liam Allan must not have been in vain"

Absolutely - perhaps Libby Purvis - or better still The Times - could return to this every three or six months for a major update, otherwise it will drop off the agenda.

Flag

54RecommendReply

Prabhat Dec 18, 2017

@RECH We have the same hue and cry every time we read a story of this kind. It lasts for a week and then it is buried. Time and time again.

It is a politically toxic issue and there will not be any change.

Flag

4RecommendReply

judy ludlow Dec 18, 2017

and not just the woman - but whoever within the police who was in charge - gross dereliction of duty seems about right to me.

Flag

27RecommendReply

Foreversideways Dec 18, 2017

Those whose fingers were on this case in the police and the CPS should suffer serious consequences, that will make those who find themselves in similar positions in the future think very carefully. Personally I doubt that it was laziness or inefficiency which caused this.

Flag

8RecommendReply

james murray Dec 18, 2017

Is it not now time to keep the names of those accused of rape anonymous in exactly the same way as they are allowed for rape accusers?

-

The cry is that other victims may come forward and so justice helped.

-

In exactly the same way it is that last false rape accusations may well have made previous false accusations but their existence may well not come out.

-

Jim Murray

Flag

12RecommendReply

Adrian Turner Dec 18, 2017

By far the best Times comment so far on this subject.

All criminal investigations must be objective and that must continue throughout any subsequent prosecution.

It is time that the prosecution of historic allegations was reviewed. It is a breeding ground for injustice when it is combined with institutional prejudice against the accused and one-sided investigation.

Sentencing is in even greater need of attention. It is unacceptable that aged defendants convicted of ancient offences should receive sentences far in excess of any punishment they would have received if they had been prosecuted at the time.

Flag

11RecommendReply

Saint John Dec 18, 2017

The CPS said they dropped the case because - their words/ there was no realistic prospect of a conviction .

This was after Jerry Hayes proved the man was innocent .

The defence had repeatedly asked for the evidence earlier and been refused it .

The CPS were still inferring guilt after Hayes had shown he could not be guilty . . Alison Saunders must be sacked over this .

Flag

42RecommendReply

Adrian Turner Dec 18, 2017

@Saint John Why? As far as I know she had no personal involvement in the case and what happened was down to a dereliction of duty by a police officer.

Flag

RecommendReply

John Austin Dec 18, 2017

Possibly because she has encouraged an increasing the number of rape and sex crimes prosecutions when she knows perfectly well that the system is likely to be unfair to defendants?

Besides, why shouldn't the buck rest with her? It's her organisation, after all that failed to press for disclosure of this evidence that was always available had the CPS bothered to ask.

This isn't the first of such screw-ups either.

Flag

12RecommendReply

D Grant Dec 18, 2017

@John Austin I would also like to know details of the people at the CPS, qualifications, experience and background etc. Is there a gender imbalance, or ethnic bias? Anyone know?

Flag

1RecommendReply

Adrian Turner Dec 18, 2017

@John Austin She did not create the 'system' and there is a statutory procedure governing the disclosure of unused material, in which the roles of the police and the CPS are clearly set out.

It may be that the CPS failed in its statutory obligations, but that is conjecture at this stage and I await the outcome of the inevitable inquiry before passing judgment,

Flag

RecommendReply

Smallswan Dec 18, 2017

@Adrian Turner @Saint John She should be sacked because she is in charge of a system where officers seem to believe not doing that for which they are paid and blaming lack of funding is an acceptable way to behave. She doesn't have to have personal involvement to have to carry the can.

Flag

10RecommendReply

Adrian Turner Dec 18, 2017

@Smallswan @Adrian Turner @Saint John The CPS is constitutionally independent of the police. If a prosecution lawyer cocks up a case you would not sack the Chief Constable.

Flag

RecommendReply

Steve Young Dec 18, 2017

@Adrian Turner @Saint John Because it goes to the top.

Flag

7RecommendReply

Saint John Dec 18, 2017

@Adrian Turner @Saint John

Because she has pursued a policy of increasing rape convictions regardless of justice . Staff know they will get merit from guilty verdicts more than from fair just processes .

Because her organisation knew perfectly well that phone records are crucial evidence in such a case but did not look at them - or worse did and concealed them . Because the CPS refused to give the defence the phone records . As did the police.

Because after all that and the case being dismissed and the judge castigating the prosecution side - she then issued a statement saying they were not proceeding because there was "an insufficient likelihood of a conviction"-a disgraceful thing to say about an innocent man. .

Flag

12RecommendReply

Adrian Turner Dec 18, 2017

@Saint John @Adrian Turner It was the police disclosure officer who said the phone records contained nothing relevant. Maybe that assurance should not have been taken at face value, but I would need to know more facts before coming to a conclusion on that.

I agree the quote comment - though technically true - fell terribly short of the explanation and apology which was called for,

As for your other points, where is your evidence that 'she has pursued a policy of increasing rape convictions regardless of justice'? Juries convict, not prosecutors, so your claim is valid only if she has established a policy of manipulating the course of justice to improve unjustly the chances of a guilty verdict.

Flag

RecommendReply

London Resident Dec 18, 2017

@Adrian Turner @Saint John Alison Saunders launched a high profile campaign to increase the number of rape convictions. That is the cultural backdrop against which these cases are being brought to trial.

In recent months there have been almost weekly instances of trials collapsing that self-evidently not have been brought to trial. Several men (that we know of) have faced potential custodial sentences for crimes they didn't commit and Saunders presides over this culture.

It doesn't matter whether she was directly conducting the prosecution, she has set the tone from the top.

Flag

2RecommendReply

Foreversideways Dec 18, 2017

Saunders should never be allowed to work in the legal profession again.

Flag

7RecommendReply

Graeme Harrison Dec 18, 2017

Hayes didn't prove anything.

Flag

1RecommendReply

Saint John Dec 18, 2017

@Graeme Harrison

He proved the lady sent text messages saying how much she was enjoying sex with the man she accused of rape. Thats pretty clear inset it ?

Flag

6RecommendReply

Prabhat Dec 18, 2017

Just how the women manipulate the current protections that are offered was abundantly clear when the barrister who was caught having sex with a client solicitor outside Waterloo changed her story to rape (after admitting the smaller offence of public nuisance of having sex in the open) just so that she can be afforded anonymity thereby she will not lose her licence and marriage and in the meantime the solicitor client was plastered wall to wall.

She still walks a free woman and fully anonymous. His career is ruined.

As for the column, thank you and it is too little, too late and in the meantime and going forward men will continue to be framed.

DPP has a vendetta and this will remain the case until there is a coherent political lobby for a more measured process - like giving both the woman and the man the anonymity until actual conviction.

Flag

19RecommendReply

Foreversideways Dec 18, 2017

Just as it's dangerous for women to walk alone in some areas of the country it is also now dangerous for men who find themselves in certain sexual situations with women. Men need to acknowledge that many women would rather consign a man to years in prison than admit to consensual sex, there are many vindictive women out there but quite how even the most vindictive can watch a man go to prison for 12 years is beyond me.

Flag

9RecommendReply

Stanley Cohen Dec 18, 2017

" It should be emphasised that false accusations of sexual assault are very rare. Home Office figures suggest 4 per cent."

How can anyone be sure?

Flag

14RecommendReply

Graeme Harrison Dec 18, 2017

They can't but imagine the reaction of Harriet Harmen if the truth got out.

Flag

4RecommendReply

David Edwards Dec 18, 2017

The prevalence of false claims is inevitably a "known unknown". All that can be ever known is the percentage of claims that are conclusively demonstrated to be false. I suspect that the alacrity with which statistics like the Home Office's 4% are seized upon is itself confirmation bias, because the possibility of widespread false convictions is unacceptable.

Flag

14RecommendReply

John Prince Dec 18, 2017

There can, of course, be no excuse for the utterly incompetent police officer who ran this case. He should be summarily sacked.

More interesting is the fate reserved for the CPS official - presumably also qualified in the law - who allowed the case to proceed without disclosure and who cannot plead ignorance without admitting gross incompetence. Or was he/she pressured from above?

The hero of the piece is Jerry Hayes - an ideal replacement for Ms Saunders. Soon.

Flag

25RecommendReply

31linden Dec 18, 2017

There has quite rightly been an outcry from the Public about the inadequacies (being generous here) in this case and the need for "justice".

All the right noises will be made by the Establishment and then when the issue has been dropped by the media etc, guess what?

NOTHING WILL HAPPEN

Flag

30RecommendReply

D Grant Dec 18, 2017

@31linden Please, Times, do not let this happen.

Flag

2RecommendReply

Henry Scrope Dec 18, 2017

It's worth reading Dominic Lawson's leading article in the Sunday Times yesterday, also prompted by the Liam Allan case.

Flag

13RecommendReply

Angela Niblett Dec 18, 2017

What I find fascinating is that the police do not have time to look at important phone records with vital information of an ongoing case, and yet they had time to trawl through boxes and boxes, over months, of dusty records relating to a dead man, Edward Heath. In both cases the accusations seem to have been completely spurious.

Flag

78RecommendReply

John Prince Dec 18, 2017

@Angela Niblett Wilts Constabulary and PCC have a lot to answer for. Which they will never do.

Flag

5RecommendReply

Ernie Washer Dec 18, 2017

An excellent article, full of common sense. False accusers know they can say anything they like behind the cloak of anonymity and this has to stop. The impact of a single rape claim is instant and horrendous- jobs can be lost, families can be destroyed and reputations shredded. The false accuser's name should be published, she should go to court and, if found guilty, she should receive the same sentence that her innocent "attacker" would have been given. These steps are easy to put in place and would deter most of the claims based on sheer malice alone.

Flag

72RecommendReply
Peter c Dec 18, 2017
@Ernie Washer

I think it is more important that anonymity should be given to both parties until the full trial is commenced.

On this morning's Today programme, apparently it took 8, yes 8, policeman to raid a house for teenage texting. What has gone wrong with the police force?

Flag

15RecommendReply
Graeme Carr Dec 18, 2017
"It should be emphasised that false accusations of sexual assault are very rare. Home Office figures suggest 4 per cent."

I ask, purely out of curiosity, how is this figure calculated?

It is presumably not the rate of failed prosecutions, which we know is much higher, so what is it?

Flag

35RecommendReply
Graeme Harrison Dec 18, 2017
The Kier Starmer Method: the number of successful prosecutions of complainants for perjury, wasting police time, etc.

Flag

5RecommendReply
Samuel Trefgarne Dec 18, 2017
It's totally impossible to calculate. So anyone who provides figures is lying.

Flag

6RecommendReply
Neil Barrett Dec 18, 2017
An official level of close to one in twenty is not rare, though, is it? And from women's conversation, anecdotally, it's a lot more frequent than that.

These are the people - every single one of them - who undermine those who have really suffered and make it harder for them to be believed.

Flag

18RecommendReply
AOT Le Snarque Dec 18, 2017
What "women's conversation"? I've heard plenty of confidences from women in my 50-plus years of life and never heard such a thing. Everyone here accepts that Allan's former girlfriend lied - don't over-egg the pudding with dubious claims.

Flag

6RecommendReply

MKW Dec 18, 2017

@Neil Barrett One in twenty 'rapes' not being rapes means that 19 in 20 are genuine. However unrare 1 in 20 is, I'd suggest that 19 in 20 is rather less rare.

I initially thought you meant that from women's conversation rapes are more frequent than the number which are reported. After all, why bother reporting it when you forgot to get raped on CCTV and so know your rapist will face no consequences? And I know plenty of female friends who have been sexually assaulted and never reported it, for that exact reason. But not once have I ever heard 'anecdotally' your claim. I think you've been listening to people with an axe to grind.

A rape trial is a ghastly thing, for a rape victim. It's not something anyone wants to have to go through, especially after the rape, which most women agree is pretty bad, in fact nearly as bad as being involved in the subsequent trial of the rapist, knowing that he'll probably walk free. In your pity for the 1 in 20, don't forget the 19 in 20.

Flag

1RecommendReply

Mr Moderate Dec 18, 2017

It is still not clear to me whether the police were incompetent (very bad) or actively suppressing evidence which would help the defence (horrific). Any inquiry must answer this question and anyone found to have suppressed evidence should go to jail for a very long time.

Flag

57RecommendReply

Hugh Maund Dec 18, 2017

Can the police be charged with perverting the course of justice by deliberately hiding vital evidence. This seems to be what happened in this case. Presumably the more convictions they achieve the better things are for their careers. The complainant should also be charges, as no doubt she will.

Flag

5RecommendReply

MJR Dec 18, 2017

@Mr Moderate

The first almost beggars belief though doesn't it?

In a case of she-says, he-says surely the most important evidence is whether there is any supporting info for either side on each mobile phone or email etc. To suggest that the police didn't check the phone in that case is barely believable. If in fact that is the case, then what on earth were they doing for the last 2 years before the case went to court.

The concern will be that the police portray this instance as being due to stretched resources and cuts meaning standard procedures were not followed. That would be par for the course but equally unacceptable.

I think the article has caught the issues full on in the headlights.

Flag

12RecommendReply

tightlywoundballofhate Dec 18, 2017

Fantastically written and thought out.

Flag

52RecommendReply

Mr K Miller Dec 18, 2017

This seems such a straightforward case of police incompetence. In a situation where the rape claim involves someone who was in a relationship with the 'victim' the scope for 'revenge' claims is enormous.

Any rape claim that involves multiple rapes within what was a voluntary relationship raises the immediate question of why did the victim continue to see the rapist? Unless there is evidence of violence, coercion or economic dependence there must be a suspicion that all is not what it seems.

In such circumstances surely one of the first things the police must investigate is the evidence provided by e mails, texts and phone calls and other messages between the couple? Not to do so is unforgivable.

Flag

87RecommendReply

Families Need Fathers Dec 18, 2017

The Liam Allan case appears to be based on a vengeful response to a relationship that had ended. Family justice disputes are almost entirely based on ended relationships and some that never really existed, but resulted in children. Where these involve genuine abuse, these are clearly serious matters.

False allegations of abuse, however, are also a serious matter. They have become part of the landscape of such disputes. Few accurate statistics exist, but one study by Professor Tommy MacKay of the University of Strathclyde suggested that allegations judged or found to be false could be as high as 70%.

Most do not result in criminal prosecutions, but they do cause considerable delay and cost in family proceedings and, most importantly, their consequent effect is often to damage or completely destroy child-parent relationships.

Imagine, you've had a close and loving parent who provided day-to-day care for their child. Then, following break-up, face false allegations made to the police or family courts... for months and sometimes years the accuser treated as a 'victim'. Then when the family court find the allegation to have been malicious there is no consequence to the person who made the accusation. Meanwhile, the damage has been done. The accused has been destroyed as a parent, having lost everything they have lived for and treasured. The child has lost a once loved parent (and half of their wider family).

So yes, as Libby Purves says, there do 'have to be consequences'.

Flag

59RecommendReply

Andrew Davies Dec 18, 2017

I completely get the difficulties the authorities have in investigating, however what is very clear is the woman consciously lied. Whatever the reasons may be, she lied and did so knowingly, potentially committing the young man to a life in prison for 12 years. Any justice system that does not make her face trial, with I would suggest likewise a potential 12 years in prison is not a balanced system and would be wrongly described as a justice system. If she suffers from mental health issues, just as if a rapist is seen to suffer similar, then the time of her incarceration would be in a suitable location for those with issues but the system itself should apply balance to accused and accuser and where accuser is blatantly lying then he or she should face the music.

Flag

86RecommendReply

Richard James Dec 18, 2017

@Andrew Davies for once I am in almost total agreement. The only fear is that if real rape victims feel they may be tried themselves, if not believed, then we are on a slippery slope. And they may

keep quiet allowing other potential victims to be attacked in a similar manner. We saw how the veil of secrecy seemed prevalent in Hollywood and protected Weinstein.

Flag

RecommendReply

Simon Andrews Dec 18, 2017

@Richard James @Andrew Davies You are conflating a failure to secure a prosecution with evidence of a false accusation. No one is saying that someone making an accusation of rape should be prosecuted if the defendant is found not guilty. People are suggesting that where there is tangible evidence that the accuser knowingly made a false accusation then it should be recognised that this is itself a crime.

There is a world of difference between not having enough evidence to secure a conviction and having evidence of a false accusation.

Flag

2RecommendReply

Andrew Davies Dec 18, 2017

This is where the law can sometimes become the ass. In terms of the big picture any law has as its primary aim to assist justice being achieved. But if a law is so framed as to have the opposite effect, yes then clearly it is not operating as it should.

Flag

RecommendReply

Thecaveartist Dec 18, 2017

Really can see no option but presuming innocence until guilt proven. Guilty people do go free, that is the consequence of our justice system. What is grossly unjust is the naming of those arrested and anonymity for complainants. This must end. It has become the oxygen of publicity off which the political witchunts that deliver promotions for senior police officers thrives. And very unedifying it is too.

Flag

66RecommendReply

Hafthor Ericsson Dec 18, 2017

False rape accusers have to have their names published.

Flag

68RecommendReply

j h Dec 18, 2017

The truly guilty ones in this young man's case (the woman, police and prosecution) have of course, the luxury of remaining anonymous.

It is not up to the police to determine guilt, but to gather the evidence to let the court decide.

Flag

36RecommendReply

AB Dec 18, 2017

The presumption is guilt and assault is regularly used in divorce cases to get a better settlement no evidence is required just the ability to make the claim and generally its believed .

Rape is terrible but now a weapon of choice for a few women who want to ruin a guy and the police will arrest a man on none or little evidence

Until a change in the fact that all men are guilty as a presumption it will continue and until false accusers are punished and named ,it will allow real rapists to get away from justice .

There must be anonymity for both parties and I wonder how many guys are inside because of the situation .

Flag

16RecommendReply

RDS Dec 18, 2017

As Libby points out the so called "victim" ought to be prosecuted for perverting the course of justice and wasting police time. The real victim in this case, the accused, should also sue her for deformation of character.

Flag

55RecommendReply
Stanley Cohen Dec 18, 2017
@RDS
-- and even defamation, RDS.

Flag

1RecommendReply
RDS Dec 18, 2017
Bloody spell check.

Flag

2RecommendReply
Stanley Cohen Dec 18, 2017
@RDS
So switch it off, RDS.

Flag

RecommendReply
RDS Dec 18, 2017
Thank you, I wood if I new how! :)

Flag

1RecommendReply
Stanley Cohen Dec 18, 2017
@RDS
Like the predictive dictated text on my iPhone, it can provide hours of endless entertainment. Strangely enough, when I switch from English to Hebrew it never makes any mistakes at all -- I don't understand either.

Flag

RecommendReply
james walton Dec 18, 2017
@RDS or even for defamation of character..... I think she was the deformed one....

Flag

3RecommendReply
RDS Dec 18, 2017
Spell check hah!!

Flag

RecommendReply
Jack Jones Dec 18, 2017
How do you know false allegations are rare?
-

That line effectively claims that almost every man acquitted of rape is in fact guilty. OK... but HOW do you know that? How does the home office know? What do they know that the acquitting jury doesn't?

-
How can any government department of organisation know for sure who is lying and who is telling the truth?
-

Incidentally, the issue of the phone records is a total red herring. There was clearly NO evidence of a crime, so he should never have been charged. All this fuss about phone records ignores the fact Liam Allan was treated as guilty till proven innocent. This is a purely feminist principle, applied only to

cases of sexual abuse (and only where men are the accused), and the OPPOSITE of the principle that is MEANT to underlie our judicial process.

-

How has one lobby group managed to totally overturn the principles that underpin our justice system?

Flag

82RecommendReply

Graeme Harrison Dec 18, 2017

There was evidence of a crime, the complainant's false statement that she'd been raped. "Not guilty" doesn't necessarily mean someone's innocent.

Flag

RecommendReply

Gerald Collins Dec 18, 2017

Any presumption that a person whose claim of rape is disproved should be prosecuted would probably be counter-productive, in that genuine victims, already reluctant enough to register their claim, would need to be warned of that possibility and this may well tip the balance in their mind that it would be safer to let the perpetrator get away with it.

A more measured approach would be a return by the CPS to the previous (pre-Saunders) practice, which was that some cogent supporting evidence to the complainant's account should be necessary before a case of rape or other serious sexual assault is prosecuted. The legal requirement for corroboration was dropped many years ago, but it had been there for a purpose, which was not to risk a wrongful conviction or at least to minimise that risk. It simply formalised the common-sense principle that one person's word against another's cannot, when both are rational accounts, prove a case beyond reasonable doubt.

I am generally an admirer of Alison Saunders, who knows the CPS better than many recent DPPs, and who is unafraid to stand up in her polite and articulate way to populist criticism from media or politicians. But on this subject, her cause celebre as it were, her faith in the ability of a jury find the truth is excessive.

Flag

7RecommendReply

akibitzer Dec 18, 2017

@Gerald Collins I'm not aware of anyone asking that "a person whose claim of rape is disproved should be prosecuted". What has been demanded is that obvious liars (with evidence proving their falsehood) should be prosecuted.

Flag

2RecommendReply

Gerald Collins Dec 21, 2017

@akibitzer @Gerald Collins That's what "disproved" means.

Flag

RecommendReply

John Sheppard Dec 18, 2017

Rape cases will always be difficult to deal with as I suspect in most cases the only two people who know exactly what went on will be the two protagonists. However in the case of Allan the evidence was there for all to see. The police/prosecution service were incompetent at best and I do not swallow the story they are peddling of cost constraints etc. leading to non provision of the information requested by the defence.

I'm sorry to say I believe their actions were deliberate and designed to prevent the natural justice that the accused was entitled to, there can be no other explanation sadly.

Flag

37RecommendReply
Tim Place Dec 18, 2017
@John Sheppard Don't be sorry!

Flag

4RecommendReply
Jon G Dec 18, 2017

I thought Libby Purves was supposed to be an intellectual heavyweight, not a female version of Richard Littlejohn.

Since few journalists seem to understand criminal law, I suppose it's up to the readers to set the record straight. The complainant isn't shown to be a liar or a fraud. We have seen a tiny fraction of the evidence. The prosecution and the judge believed that the evidence of rape was strong enough to take the case to trial up until the point when the complainant's text messages were disclosed. They were enough to raise sufficient doubt in any jury's mind that from that point the case could no longer go to trial and the prosecution was rightly abandoned. But that isn't conclusive proof either that she wasn't raped or that she has told any lies. A rape victim might, in theory, still make jokes about rape, might be in denial about whether she was raped, might have rape fantasies.

Will it be "dismaying" if she isn't charged with perverting the course of justice? You have no right to be dismayed. Court cases aren't soap operas devised for the entertainment of the public. You're free to be dismayed if Coronation Street's Pat Phelan doesn't get his comeuppance, but when you pander to the worst instincts of the public you are a disgrace to journalism. Libby's silly opinion piece should never have been printed.

Flag

RecommendReply

David Williams Dec 18, 2017

@Jon G You seem to be jumping to a conclusion here in saying that the prosecution and judge believed that the evidence was strong enough. The underlying issue that the article highlights is there is a presumption that the complainant is telling the truth. CPS's own guidelines state that: "The police will always look for corroboration or supporting evidence ... but it is not essential and a prosecution can still go ahead without it."

The guidelines do also make it clear "that there is a duty to disclose to the defence any material that might undermine the prosecution case or assist the defence" and there was a failure in this respect.

Flag

24RecommendReply

John Austin Dec 18, 2017

You seem determined to believe what you want to believe. You conveniently omitted to mention the texts sent after the alleged event from the woman pestering Mr. Allen for casual sex.

Let's guess you work for the CPS?

Flag

21RecommendReply

Graeme Harrison Dec 18, 2017

Let's guess that he doesn't because he believes that a judge has a role in deciding whether or not the prosecution should be brought and maintained.

Flag

3RecommendReply

Saint John Dec 18, 2017

Except the woman was in a voluntary relationship with the man -you overlook this fact -if he was so awful why did she keep

Visiting him ?

Flag

5RecommendReply

RCS Dec 18, 2017

@Jon G I would say that, if the facts are correctly reported, the accused has been falsely accused, has nearly had his life ruined, undergone 2 years of misery and saved at the last moment by the integrity of the prosecuting barrister.

He has suffered a pretty massive injury to his career, his life and possibly his health. I would suggest that, if he has genuinely been defamed, he sues his accuser and, although I'm not a lawyer, the truth might come out.

Flag

7RecommendReply

Goldfish1 Dec 18, 2017

@Jon G well... in this particular instance, I think that the text message evidence was quite solid proof of the complainant's real intention. No one who has been raped would go on to text their rapist pestering him for sex, as well as text their own friends saying they really fancied him/liked having sex with him. that would be very far from what most people see as plausible.

Flag

10RecommendReply

Jon G Dec 18, 2017

@Goldfish1 There are many things that "most people" would not regard as "plausible" if such things are outside normal experience. It is sometimes said that the victims of child abuse should have told someone immediately. Or that they should not have gone back for more abuse. It is sometimes said that Weinstein's (adult) victims could not have been abused because they were later photographed smiling in his company and worked with him on various projects.

A victim can change his/her mind about whether or not the event was consensual and can also make jokes about rape.

This was a prosecution that had reached a very late stage - I think the accused had already given evidence in court. She would have been cross examined on her story. She would have been asked about the text messages she sent to the defendant, because he would have remembered those messages and told his lawyers about them. We do not have all the facts. We do not know if any of her text messages show her to be a liar. We certainly don't have sufficient facts to justify demands for a prosecution for perverting the course of justice, though maybe the police might.

It is obnoxious that some readers take a case like this as proof that many accusations of rape are dishonest and deceitful and that men are unjustly oppressed by the system.

Flag

1RecommendReply

Penelope Standen Dec 18, 2017

@Jon G. The trial had not even begun. The prosecution withdrew the case as soon as it opened. I do not think you can have read the reports or Libby's article and you should not be commenting on here until you have done so.

Flag

4RecommendReply

Mrs Ruth Bruce Dec 18, 2017

@Jon G @Goldfish1

A victim can change his/her mind about whether or not the event was consensual

Not with any hope of being taken seriously by a rational observer. Consent is a contemporaneous act. If I (willingly and knowingly, being of age and of sound mind) agree to sex with someone (i.e.

consent to it) I have taken an operational decision. If I afterwards change my mind and decide that it was a bad idea, and that I ought not to have consented, that is my right.

What I cannot rationally do is to decide, with hindsight, that I did not consent.

I think that confusion in this area might lie behind some of the hard cases recently reported.

Flag

5RecommendReply

Jon G Dec 18, 2017

@Penelope Standen You shouldn't regard Libby as an expert or as an accurate source of information. Don't comment until you have done your homework. Try the Barrister Blog. Quotes:
The case collapsed after three days when analysis of the complainant's mobile phone was finally revealed to the persistent prosecution barrister, former Tory MP (and now incidentally the [renowned legal blogger](#)) [Jerry Hayes](#). I have no idea what impression Mr Allan's accuser made on the jury: perhaps they had seen through her and would have acquitted Mr Allan in a few minutes. But it is quite likely that she was convincing and that Mr Allan would have been found guilty and would by now be settling down by now to the first of many miserable Christmases behind bars.

Flag

2RecommendReply

London Resident Dec 18, 2017

@Jon G Jon I am with you that just because this case collapsed it doesn't automatically follow that the allegation was malicious. I am also a bit uneasy about assuming that the woman in question was lying and calls for her to immediately face charges seem premature without the full facts being available.

However, the CPS and police have questions to answer here. Your claims that consent can vary and be something one later revoke is disturbing. The law cannot be subjective. It cannot work on the basis of a claimant saying "that was then, this is now and I feel what I feel so the law should respect that".

Flag

2RecommendReply

Penelope Standen Dec 19, 2017

@Jon G @Penelope Standen I apologise for having missed the fact that the trial had already started. But I continue to be baffled by your position.

The judge, who knows better than anyone that "not guilty" does not equate to "innocent", nevertheless stated that the defendant "leaves this court an innocent man without a stain on his character".

Do you really believe that a judge would express his opinion so unequivocally, if he believed there was still the scope for the sort of doubt that you are suggesting?

Similarly both the judge and lead prosecuting counsel are on record as saying that if the existence of the text message evidence had been disclosed by the police when it should have been, the defendant would never have been charged, let alone brought to trial.

The police denied that they were holding any relevant evidence until lead prosecuting counsel demanded to see the record (which the defence did not know existed) part way through the trial. I

am glad to note that elsewhere, you have acknowledged that this was a scandal and I hope you now accept that it was a perfectly sound piece of journalism on the part of Libby Purves, to have drawn attention to it.

Flag

2RecommendReply

Jon G Dec 19, 2017

@Penelope Standen No, I am still firmly of the view that Libby Purves has produced a crowd-pleasing but vacuous piece of journalism. After repeating what everyone else already knows, she doesn't focus on the real scandal which is that the police and prosecutors withheld important evidence that would be vital to the jury's decision, but instead she opts to call for the prosecution of the complainant.

It was a shoddy piece of journalism. It's the sort of rubbish that is frequently seen in the comments section of Daily Mail articles. Every time a nice young man is acquitted of rape, the rabble call for the complainant to be prosecuted and to be punished to the greatest extent permitted by law. It's the only solution that they can come up with because to them, in any rape case someone is lying and someone else is telling the truth. Those who have that simplistic mind-set and have no time to study criminal law should not be allowed to write opinion columns in The Times.

Flag

RecommendReply

Penelope Standen Dec 20, 2017

@Jon G @Penelope Standen I am responding as someone who did study criminal law and who practiced as a solicitor for 30 years.

This was NOT a case where the prosecution simply decided that the evidence would not stand up. Both the judge and prosecuting counsel - both of whom knew the facts far better than either you or I - publicly stated that the defendant should never even have been charged. That is a whole different situation from the one on which you are basing your opinion.

Now you may want to believe that the complainant might nevertheless have been telling the truth in claiming that she was raped six times as well as suffering other sexual assaults, although quite how you reconcile that belief with the evidence is a bit beyond me. But I, for one, do think that questions should be asked about how far the system is open to what appears to be gross abuse and what should be done to prevent it.

And if that makes me one of "the rabble", well so be it.

Flag

1RecommendReply

Jon G Dec 20, 2017

@Penelope Standen We are going round in circles here, which is never a useful exercise. As you have had the same legal training that I've had, you will of course know that in any trial each witness gives evidence and it is the task of the court to assess which witnesses are reliable and whether the burden of proof has been satisfied. The case under discussion is one in which the weight of the evidence, after all the evidence had been made available, did not support a finding of guilty. That does not mean that the complainant is to be regarded as deliberately untruthful. It does not mean that the presumption now should be that the complainant has attempted to pervert the course of justice. Such a presumption would be worthy of some of the more barbaric Islamic countries where a woman knows that if she reports a crime of rape and is not believed she will then be charged with adultery or prostitution.

There is insufficient evidence in the public domain to support a belief that this complainant should be charged with perverting the course of justice. You are wrong to suggest that my words imply that I still believe that the complainant was raped. There are other rational possibilities, the most obvious

of which are mental instability and/or a willingness at the outset to persuade herself that she was not a victim and was not raped followed by a genuine belief on her part that she was the victim of a rape. It is not now possible to judge the case in the media. It is an appalling disservice to victims to join a lynch mob demanding that complainants should be prosecuted whenever a prosecution collapses.

Flag

RecommendReply
BARBADOSBELLE Dec 20, 2017

I thought that the 'prosecution collapsed' because withheld evidence proved that there was absolutely no case to answer.
Are you saying that in all cases (rape / fraud / assault / etc etc etc) we shouldn't believe in the decision of the Court and that innocent victims shouldn't have recourse to private prosecutions?

Flag

RecommendReply
Jon G Dec 20, 2017

@BARBADOSBELLE No, it was not a case of "absolutely no case to answer", rather a case of plenty of evidence to show that there was reasonable doubt.
And no, I'm not saying the second bit of your comment, but actually I don't understand what you're asking. If you are asking whether the complainant in this case could start a private prosecution, then yes she probably could. If you are asking whether the defendant could start a private prosecution against the complainant for perverting the course of justice (see the Eleanor de Freitas case) then yes, he could.

Flag

RecommendReply
Frankenfurter Dec 18, 2017

It has to be one of the most difficult forms of crime to deal with. Its a nightmare for all involved.
Politicised to the extent that truth seems secondary to justice or non-justice.

I feel sorry for victims and non-perpetrators, defence lawyers and prosecution, judges and jury. Because it is difficult and complicated and deals with humans at their most raw and intimate interfacing with the law.

The creep that jumps from the bushes are nice and simple but everything else is a minefield with chances for injustice both ways.

Flag

26RecommendReply
Jack Jones Dec 18, 2017

It seems simple to me. If there is no evidence you can't charge someone.

Flag

26RecommendReply
Frankenfurter Dec 18, 2017

@Jack Jones

well in this case clearly.

The trouble is that in many cases the only evidence is one persons word against another.

Flag

RecommendReply
Alan Simpson Dec 18, 2017

Several years ago, when I was a detective inspector, I attended a two-week training course on the subject of rape. It was held at what was then the police staff college in Bramshill, a rather grand Elizabethan manor house in Hampshire. About twenty-five officers from across the UK were in my group.

The course director was a civilian lady academic who had just written a book on the crime of rape. She was assisted by a chief inspector who was a permanent member of the college training staff.

The general theme of the course was that someone who claimed to have been raped or otherwise sexually assaulted should be believed without question. I think it was on the second day when I began to voice my concerns at this and argued that at least some elementary enquiries should be made to confirm the veracity of the victim. I made the point that there were few crimes worse than rape but second to that was a man being falsely charged with such a heinous offence.

My points went against the grain of the course so for the remainder of it I was basically cold-shouldered.

When I returned to my busy police division, where reports of rape were an almost weekly occurrence, I consciously kept a check on how these investigations were developing and within the following six months my colleagues uncovered no less than six false claims. The most basic one came from a young lady who cried "rape" after consensual sex with a casual boyfriend. When she got home after the encounter she panicked at the thought of becoming pregnant and decided that her false claim of rape would explain her condition to her family and friends.

There probably had many as many false claims in the six months prior to my attendance at the course but I didn't have the time to check the records.

I should qualify the above by stating that during my period of checking we had many genuine rapes, some of them quite horrendous with attendant physical violence. We had a good clearance on these crimes and the perpetrators received lengthy terms of imprisonment.

It is to my eternal regret that I didn't muster copies of the files on the false claims and send them off to those running the course that I had attended.

The point I am striving to make is that basic detective work should apply to both victim and the alleged rapist and if Liam Allan's case had been properly examined he would not have had to endure the two years of immense stress awaiting trial.

Flag

276RecommendReply

witne55 Dec 18, 2017

Excellent contribution to this debate.
Thank you.

Flag

105RecommendReply

Waldorf Dec 18, 2017

@witness55@alan Simpson. Seconded.

Flag

14RecommendReply

Jon G Dec 18, 2017

@Alan Simpson Your contribution to the debate is a valuable one, but in truth you can never know whether you successfully identified all the false rape claims. There may have been many innocent people convicted as well as many guilty people acquitted. The Liam Allan case is a very straightforward one - all it needed was for a police officer to examine all the available evidence and to assess the case in the light of those text messages. Presumably the messages sent to Liam were available to his defence team anyway. The ones she sent to other people were enough to tip the balance. But we don't actually have sufficient information to judge that the prosecution should never have been brought. We have only edited highlights.

Flag

5RecommendReply

Amit Basu Dec 18, 2017

@Jon G @Alan Simpson

If you re-read Libby Purves' article you will see that the messages sent to Liam Allan weren't available to the defence as he had lost his phone, and hence the defence's repeated requests to the police to check the accuser's phone records.

Flag

19RecommendReply

Andrew Daws Dec 18, 2017

And for how long have we been able to look at old text messages? There would have been no acquittal without them.

Flag

7RecommendReply

Jack Jones Dec 18, 2017

JohnG, They didn't need the phone records. There was no evidence! Without evidence you can't charge someone.

-

This principle applies in EVERY other crime. Why is rape treated differently? For POLITICAL reasons.

Flag

20RecommendReply

Graeme Harrison Dec 18, 2017

There was evidence: the complainant's statement.

Flag

2RecommendReply

William Clark Dec 19, 2017

@Jack Jones Actually no; in my comment above there need be no evidence in racial discrimination other than the victim or observer "thinking" there has been discrimination. A very dangerous precedent.

Flag

RecommendReply

j h Dec 18, 2017

@Jon G @Alan Simpson A bit of a pattern is developing though, isn't it? The truth is, it's a perfect revenge crime for those ruthless enough to hijack the hurt and suffering of real victims of rape.

Flag

12RecommendReply

Alan Simpson Dec 18, 2017

@Jon G @Alan Simpson I cannot guarantee that no man was falsely convicted of rape under my watch nor can any other police officer dealing with such crimes. I sincerely hope not. The thought of any innocent person being behind bars fills me with horror.

Flag

12RecommendReply

Thecaveartist Dec 18, 2017

Unless the text messages were adduced as evidence by the prosecution and of course they weren't because it would have destroyed their case, then they would not have been made automatically available to the defence.

Flag

2RecommendReply

Heather Dec 18, 2017

@Thecaveartist

Flag

RecommendReply

David Stubbs Dec 18, 2017

Read the article, her phone records were denied to the defence by the police

Flag

10RecommendReply

Mr Ian Kelcey Dec 18, 2017

@Jon G @Alan Simpson The messages sent to his victim would not be available to him, it is standard practice in crimes of this sort for Phones and computers to be seized from the accused. The Criminal Procedure and Investigation Act 1996 is now 21 years out of date we need the system revamped and now. In 1996 Facebook, Twitter et al did not exist, methods of communication have changed. The law of disclosure now needs to change. Over the past years we have seen enormous cutbacks in resources for the Police, CPS and the Defence, we need to recognise that by spending a little more on the system, which as Alan Simpson points out is slanted against a defendant, we may save money through weeding out bad cases, avoiding an accused being wrongfully incarcerated and all that flows from that e.g constant monitoring, unemployability on release etc.

It is correct all that was needed was for the electronic material to be examined my experience as a defence solicitor is that it frequently is not.

Systems need to change and keep pace with changes in the way people interact with each other, if not we must accept the collateral damage by way of the innocent being convicted and incarcerated. Let us not forget that cases Like Liam Allens undermine the system of Justice and put off those with genuine complaints from coming forward.

Flag

4RecommendReply

Jon G Dec 18, 2017

@Mr Ian Kelcey So the defendant knew that his accuser had pestered him for sex in text messages. Even if he had lost his phone, are you really saying that it was impossible for him or his defence team

to obtain a transcript of the text messages on his own phone? Even after requesting them from the prosecution?

That seems very implausible but if it's true, then it certainly is a scandal.

Flag

RecommendReply

tightlywoundballofhate Dec 18, 2017

@Jon G @Alan Simpson Are you working at the CPS? Evidence was not made available. It is bad policing and bad prosecution. Apparently his own phone had been lost so he didn't have the records himself. Therein lies the problem.

To be told that her phone records were private and hence not available is just ridiculous in a case as important as this.

Flag

12RecommendReply

Jack Jones Dec 18, 2017

Thank you Alison, really interesting, though truly shocking.

-

Rape prosecution has become an ideology, not a matter of criminal justice.

Flag

8RecommendReply

Max Dec 18, 2017

@Alan Simpson Thank you for your good honest post that confirms my suspicion that the estimate of 4% false accusations is far too low. It is so easy to make these false claims but so difficult to fight them. It is sad how the legal system has let men down in many ways.

Flag

11RecommendReply

Londoner Dec 18, 2017

@Alan Simpson I always enjoy your posts and your approach to this crime is exactly the commonsensical one that the public has a right to expect. I recall an article in the Guardian during the last couple of years in which the author argued that wrongful convictions are a price worth paying for the conviction of rapists. Unfortunately, I can't find it now, but I was horrified at the time. It is also notable that that 'paper is not reporting this story and was disgraceful in the way it wrote up the initial reports, suggesting the woman was a 'victim' and that the new evidence 'cast doubt' on her claims, which was a gross misrepresenting of the truth. It may be a subsidiary story, but the silence of the left to this story also needs investigation.

Flag

17RecommendReply

Bebop Dec 18, 2017

@Londoner @Alan Simpson

'I recall an article in the Guardian during the last couple of years...'

I think I may have read the same or a similar article.

I am also reminded that Jessica Valenti in a Guardian article worked hard to salvage the possibility of a rape having happened in the University of Virginia allegation by 'Jackie.' As that unravelled it looked more and more like Jackie invented it, perhaps after being rejected.

Flag

RecommendReply

Mark Dec 18, 2017

Thank you. I only wish policy makers had your common sense.

Flag

5RecommendReply

Patrick Duke Dec 18, 2017

Shouldn't we have the names restricted for accuser and defendant..? Until after the outcome of the case? Malicious false accusations should have consequences. Good article.

Flag

97RecommendReply

Ken Broadbent Dec 18, 2017

These cases are rare enough to be front page news though. I still shudder of what it must have felt like for women who were party to failed prosecutions, say because of a viscous defence counsel. After waiting for months to get to trail. All after having been raped! Talk about traumatic.

Flag

6RecommendReply

Alan Hawkes Dec 18, 2017

' viscous'?

Flag

4RecommendReply

Ken Broadbent Dec 18, 2017

Spell Czech!

Flag

19RecommendReply

Moreinsorrow Dec 18, 2017

@Alan Hawkes 'Viscous' seems like good adjective to describe some lawyers..

Flag

4RecommendReply

Jack Jones Dec 18, 2017

How do you know how rare they are? There could be many where the innocent party simply goes to jail. That wouldn't make the news... just another criminal conviction. This was only reported because this travesty of justice was averted at the last minute.

-

By the way, there have been MANY news stories about false allegations of this kind.

Flag

9RecommendReply

Ken Broadbent Dec 18, 2017

I said it's rare enough to be front page news.

Flag

3RecommendReply

CMB Dec 18, 2017

@Ken Broadbent

How would we know?

Flag

2RecommendReply

*Ref.: False rape accusers should be punished.docx
26/04/2018 09:37*