

LETTERS TO THE EDITOR

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<https://www.thetimes.co.uk/article/fears-for-safety-of-criminal-prosecutions-npb6mrg5h>

Fears for safety of criminal prosecutions

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Sir, Your reports (Dec 20) on the collapse of two rape cases in a week reveal the tip of the iceberg. Fair disclosure of evidence gathered in an investigation in a criminal prosecution is essential to a fair trial. Sadly such failures are only too common. In our own recent survey, more than 98 per cent of respondents reported serious disclosure failures, and of those who responded, 90 per cent reported it as commonplace.

The Criminal Justice Joint Inspection report in July found that adequate disclosure took place in 13 per cent of cases. This is a national scandal. Thousands are being denied a fair trial: innocent people are being convicted and guilty ones acquitted. Something has to change.

This undisclosed material is deemed “unused material” and legal aid lawyers are not paid for reading it. The Legal Aid Agency clearly views it as unimportant. Thank goodness in Liam Allan’s case that good unpaid work by defence and prosecution lawyers discovered the failings.

The present review by the Metropolitan Police should be extended to all cases, not only rape and sex cases.

Bill Waddington

Chairman, Criminal Law Solicitors’ Association

Sir, Although it is absolutely right that the Metropolitan Police should review evidence in all rape and sex cases in progress, this review should urgently be extended to concluded cases where a guilty verdict was achieved and a prison sentence is being served.

The failure to disclose material evidence to the defence teams revealed in the Isaac Itiary case confirms that the Liam Allan matter was not a one-off and that there must be a serious risk that other people have been wrongly convicted.

Lord Gold

London W1

Sir, Further to the collapse of the rape cases against Liam Allan and Isaac Itiary, I do not see why defendants in such cases should be afforded anonymity. In my own case, the experience of being acquitted of rape in a highly publicised trial in 1993, although difficult for me, did not have a long-lasting impact on my life. I gave those who asked me about it the facts of the case, and no stigma resulted. Alongside their obvious sense of relief on the ending of the legal process, Mr Itiary and Mr Allan should take some comfort from the fact that, despite their names being in the public eye now,

people will soon forget and they can then get on with their lives. Starting legal proceedings against the Metropolitan Police or CPS would serve only to prolong their time in the limelight.

Austen Donnellan

Bideford, Devon

Sir, The problems raised by the Liam Allan trial could be solved very simply, and with a great saving of cost, through the use of the independent Bar as opposed to in-house CPS lawyers. There are three clear benefits: a member of the independent Bar is not constrained by bureaucratic policy; if his or her work is not satisfactory, he or she need not be briefed again; payment would be confined to the work done, without a salary including holiday pay, pension, national insurance contributions, etc, which in-house CPS lawyers get.

The result would be affordable, fair and independent justice.

His Honour Graham Hume Jones

Bristol

Sir, I represented Liam Allan at his trial and concur with the views of Lord Morris of Aberavon, Lord Judge and Lord Cormack (The Brief, Dec 19) that there must be a judge-led inquiry into the failures of disclosure in this case. The present climate of a failure to investigate impartially and disclose fully must be addressed. Mr Allan's case, as shocking as it is, is not unique. Justice will only be done when the police and CPS are able and willing to investigate allegations objectively and to comply with their duties of disclosure from the outset. The system should not rely upon defence barristers mid-trial trawling through this kind of voluminous material (often unpaid) into the early hours of the morning.

Julia Smart

Furnival Chambers, London EC4

NATIONAL ARCHIVES AND COLONIALISM

Sir, By a strange irony the most virulent examples of the strident anti-colonialism about which Nigel Biggar complained ("Oxford backs academic over 'bigoted' views", Dec 16) have, I think, taken place at the National Archives at Kew, the very place where much of our imperial past is stored.

The specific area where this empire-bashing has occurred is the Keeper's Gallery within the archive, which according to its mission statement celebrates 1,000 years of our history. Yet there has been precious little favourable about our imperial past (or any other aspect of our history) on the wall displays. The display board on Empire & Colonialism, for example, described colonial policy as "profoundly oppressive"; it took seven years of campaigning to get this extravagant language removed. The wording has stood while thousands of schoolchildren and other visitors toured the gallery, and was only removed on appeal, when it was finally acknowledged that the language was inappropriate and betrayed the archive's obligation of fairness.

In my view the display boards remain unremittingly anti-British; the archive produced a thoroughly anti-colonialist blog on the 75th anniversary of Indian partition in August. Two weeks ago it was finally taken down because it was deemed to have breached the archive's own rules and standards.

It is self-evident that the imperial history was flawed but it is sad that such vigilance is needed to ensure that the historical past is not distorted by those within such a great institution as the National Archives.

Tony Adler

Kew

SCOTTISH HYGGE

Sir, I suspect that wonderful word *hygnmie* (letter, Dec 20) comes from *thingmie*, which in turn comes from *thingummyjig*. It sounds even better when pronounced in Glaswegian with a slight guttural “ch”, similar to that in loch, at the start of the word, rather than “th”. It all becomes perfectly clear when used — I think.

Mrs A Alexander
Stirling

Sir, Mark Boyle (letter, Dec 20) is mistook: the word is *hingmy*, which is much easier to pronounce than his aberration. Lang may yer lum reek.

Angus Dunn
Forgandenny, Perth and Kinross

GRENFELL ‘SHORTCUTS’

Sir, Dame Judith Hackitt (“Firms’ shortcuts over safety shock Grenfell inquiry chief”, News, Dec 19) may well have been shocked by construction industry practices indicating “a systemic failure” in existing regulatory requirements, but not as shocked as I was to read her statement that “the mindset of doing things as cheaply as possible . . . must stop”.

Most, if not all, building projects in the public sector are procured through competitive tendering, with the lowest tender winning the contract. Unless public-sector clients and their funders (in other words, taxpayers) are prepared to start accepting the highest tenders so that “things” are not done as cheaply as possible, then this “mindset” will inevitably prevail.

Geoff Yeates
Holton, Oxon

TRAINING OF DOCTORS

Sir, Your leader (“Doctor, Doctor”, Dec 20) surely overlooks the most important point. The training of doctors is largely funded by taxpayers. These same taxpayers require the services of the doctors they have paid for. There is no shortage of very able applicants to study medicine; many of those rejected would be glad to serve the NHS as a career. Is it not now time to restrict taxpayer funding to those who will?

Kenneth Ross
Auchencairn, Dumfries and Galloway

ABSENT WARSHIPS

Sir, Your report on the state of our naval readiness (Dec 20) takes me back to 1968. That year I was sailing through the Mediterranean on the commando carrier HMS *Bulwark* to Cyprus on exercise. We were escorted by at least five warships, frigates and a destroyer, while being shadowed by Russian warships. One wonders what will happen when HMS *Queen Elizabeth* takes to sea on exercise. It looks as if it will take about half our serviceable navy to escort her.

John R Crichton
Bournemouth

SNIFF TEST FOR ILLNESS

Sir, The ability to “smell” Parkinson’s before it becomes clinically manifest opens exciting possibilities (report, Dec 19). However, it is not restricted to this condition. For very many years I cared for a patient with bipolar affective disorder whose wife could accurately predict the impending onset of the manic phase quite some days before it became clinically manifest. She used to tell me that the smell of her husband’s perspiration changed in the week or so before the onset of the typical clinical presentation.

My co-workers and I were unable to detect this change on the very many occasions when we tried. Both my patient and his wife are no longer with us, but I am sure she would have been delighted to know that she shared this ability with Joy Milne. It is likely that these are not the only two clinical conditions in which body smell alters.

David Pariente

Consultant psychiatrist, Gibraltar

VIRTUOUS SIGNALLING

Sir, Further to your report "Friends post a boast instead of Christmas card" (Dec 18), two years ago I was told by a good friend that she would no longer be sending Christmas cards but would be making a donation to charity instead. I have continued to send her a card as I enjoy both sending and receiving them.

Last week I received an email from this friend that began: "Thank you for your card but please, next year, just send your good wishes in a text or email."

Judy Spittlehouse

Pentraeth, Anglesey

BAN PLASTIC BAGS

Sir, Surely one solution to the mountains of plastic rubbish is for the government to ban plastic bags completely. The Kenyan government has done this recently and it is making a difference. The 5p charge for plastic carrier bags here is not a deterrent and one feels that the retail outlets profit from this ruling because they were quick to replace large paper carrier bags with plastic ones. Could we not simply have the paper ones back — and plant more trees?

Caroline Vaughan-Lee

Corscombe, Dorset

HANGOVER CURE

Sir, Further to your article on hangover cures (Times2, Dec 19), years ago I worked as the barman in a small country hotel near Savernake Forest in Wiltshire. One of my customers was often in need of a hangover cure and he told me of the famed "prairie oyster". Made with a raw egg (leaving the yolk intact), Worcester sauce, salt and pepper and two or three dashes of Tabasco, it was to be drunk in one gulp. One should avoid asking for it in Canada, however, where it is the name given to a dish made of bulls' testicles.

FW Nunneley

Beckley, E Sussex

BARD AND LODGING

Sir, Your theatre critic Ann Treneman writes: "Seriously, ask anyone what the Midlands is famous for and listen to the void" (Notebook, Dec 19, and letter, Dec 20).

How about Shakespeare?

Fay Weighell

Leamington Spa, Warwickshire

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Whiskybreath Dec 21, 2017

Hurrah for the Tony Adlers in our country. I would caution him, however, not to visit the National Army Museum, which appears to be under the management of a white-tile sociology department; he would likely suffer a blood-pressure explosion.

Flag

5RecommendReply

Stanley Cohen Dec 21, 2017

@Whiskybreath

Explanation for the rest of us, please, W?

Flag

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Whiskybreath Dec 21, 2017

@Stanley Cohen @Whiskybreath Visit and see. The history of the British Army is now an interactive, multicultural, diverse and vibrant experience. I believe there may be some reference, carefully vetted and screened for offensiveness, to the fact that soldiers have killed the Queen's enemies when directed to do so, but in a caring way.

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Stanley Cohen Dec 22, 2017

@Whiskybreath @Stanley Cohen

Sorry, WB, too far to walk from Jerusalem and there are no white tiles in our army museum.

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Whiskybreath Dec 22, 2017

@Stanley Cohen @Whiskybreath Apologies! No lengthy marching required... I'd be prepared to bet that your (national) army museums reflect their history more accurately than ours. Our Regimental museums, when they can get the funding, tend to be excellent, but they're not staffed by Government appointees with sociology degrees.

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Whiskybreath Dec 21, 2017

Allan case We have heard almost as much about the defence team's late-night activities as the facts of the failures in the police and CPS. Should there be an Inquiry into barristers' work-life balance?

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Stanley Cohen Dec 21, 2017

@Whiskybreath

Erm, no, W.

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Whiskybreath Dec 21, 2017

@Stanley Cohen @Whiskybreath Oh, good. It'd probably involve many QCs, large teams of busy juniors and cost into the millions.

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Brian Cope Dec 21, 2017

"Hygnmie?" I often hear inebriate Scots calling out "Hey Jimmy, Gis a tenner fur a drink/ ticket hame." Isn't that the same word?

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Angela Barratt Dec 21, 2017

Caroline Vaughan-Lee has clearly never had the experience of standing at a bus stop in the pouring rain and watching her sodden paper carrier bags disintegrate, dumping her shopping on the wet ground.

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12RecommendReply

Horatio Dec 21, 2017

@Angela Barratt Other types of baskets and bags are available in materials other than plastic, after all people used to transport their shopping long before the invention of plastic. I favour the foldaway shopping bags that fit easily into a coat pocket or bag. A little more imagination and a little less whinging perhaps.

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8RecommendReply

Brian Cope Dec 21, 2017

@Angela Barratt Whatever's happened to the ubiquitous string bag?

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John Austin Dec 21, 2017

They were the mainstay of the soviet citizen's optimism, called a "perhaps bag", on the basis the shops may perhaps have something worth buying that day!

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Stanley Cohen Dec 21, 2017

@Brian Cope @Angela Barratt

It went the way of the ubiquitous string vest owing to a blight among the nation's ubiquitous string trees, Brian.

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Brian Cope Dec 21, 2017

@Stanley Cohen @Brian Cope @Angela Barratt Are ubiquitous string trees related to the spaghetti trees found only in one canton of Switzerland, Stanley?

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Stanley Cohen Dec 21, 2017

I'm not sure but there was a grove of them near Glasgow tended by Rabbi Nesbitt.

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Arthur Rolfe Dec 26, 2017

The string vest has not gone Stanley; like my father before me, I still wear string vests as the most healthy article of underwear - cool in the warm months and warm when cooler. There was a very good quality product available from a Norwegian supplier that went out of business a couple of decades ago. But they can still be bought, albeit in a lesser quality from an East London supplier.

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*Ref.: Fears for safety of criminal prosecutions
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