

LETTERS TO THE EDITOR  
December 19 2017, 12:01am, the times

<https://www.thetimes.co.uk/article/overhaul-of-disclosure-in-our-justice-system-x9w9lvnxr>

## ***Overhaul of disclosure in our justice system***

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Sir, Regrettably, we are not surprised by the revelations in Liam Allan's case: the disclosure system needs an overhaul to take account of the electronic communications in the past two decades (Comment and letters, Dec 18; letters and news, Dec 16.)

We would suggest that all electronic communications from the complainant and accused should be made available to the Crown Prosecution Service and the defence — decisions about disclosure should be for lawyers not police officers.

We believe there is a pressing need for change to avoid miscarriages, or we have to be prepared to accept the collateral damage that flows from miscarriages of justice and the damage to the international reputation of our justice system.

Such changes should not dissuade the genuine complainant from coming forward.

*Ian Kelcey; Richard Atkinson*

Joint chairmen of the Law Society criminal law committee

Sir, It is wrong to dismiss the impact of reduced resources on the ability of the police to meet the needs of disclosure in the big data era. The Liam Allan case thrown out of court last week should never have got so far but must be seen in the context of a workload that makes catastrophic failure possible.

In 2003-04, the year after I joined the service, there were 140,500 police officers in England and Wales. They investigated 13,272 reported offences of rape. This year the equivalent numbers were just 123,500 officers and 41,150 reported rapes.

Greater additional pressure has come from the explosion in the amount of data to be reviewed for evidence and disclosure. In 2004 the average mobile phone could hold ten text messages, no images, and about 100 contacts. The device on which I write this letter has capacity to store thousands of messages, images and videos. Multiply this volume of data across 28,000 additional rapes, and the conclusion is clear.

*Christopher Balmer*

Newmarket, Suffolk

Sir, The failure of the police to investigate the female accuser's phone records, in which she states that the sex they enjoyed was consensual and enjoyable, is of course hugely worrying. However, I am deeply troubled by the failure of the girl's friends in the months leading up to the trial to come forward with what they knew and provide this information to the police in support of the accused.

The conspiracy of silence on their part is no less a scandal than the failures of the police.

*Simon Russell*

Hove, E Sussex

Sir, I am appalled to note the suffering of Liam Allan, on bail for two years and in the dock for three days, accused falsely of multiple rape and sexual abuse.

What must frighten us is the thought that there are likely to be other innocent men behind bars who have been less “lucky” than the young Mr Allan. In his case, what the complainant has done to her former boyfriend is the cruellest of crimes. The pendulum against men has swung far too far.

*Amanda Noyce*

Bath

### **PARLIAMENT REVAMP**

Sir, Richard Morrison says the Houses of Parliament should be handed over to the private sector instead of refurbished as a parliament for the 21st century (Times2, Dec 15). He cites Somerset House and the Royal Naval College in Greenwich as examples of where this has been achieved. I was lucky enough to lead both of these projects in their formative years, and neither was achieved by handing these fine public places over to the private sector.

The “conservation deficit”, which puts off buyers with even the deepest pockets when it comes to historic buildings, was met from the public purse and the national lottery.

The Houses of Parliament are the symbol of parliamentary democracy throughout the world. Retaining this use, together with allowing the public in more comprehensively and looking after them properly, must surely be the primary objective. It can't be achieved by selling them.

*Duncan Wilson*

Chief executive, Historic England

### **FISHERMEN'S PLASTIC**

Sir, Here in the Western Isles our beaches testify to the amount of debris that washes ashore (“Campaign to cut plastic in seas backed by 200 countries”, News, Dec 14; letter, Dec 18). Yet 80 per cent of the litter is the plastic strapping, fish crates and polypropylene netting used in the UK fishing industry.

An organisation called Fishing For Litter is operating a project in Scotland and the West Country to encourage fishermen to clean up debris in their nets etc and to return it to port where it is dealt with responsibly. Surely it is time to extend this idea across all ports?

There is no point in bemoaning plastic containers in the Yangtze when we should be first clearing our own shores. (I am still sad about the seal I found wrapped in twine last week.)

*Honor Leveson Gower, aged 17*

North Uist

Sir, If BW Rogers (“Plastic-free zones”, letter, Dec 18) can point me to where people are throwing away Bank of England plastic bank notes so that they pose a risk to marine life, I would be much obliged.

*Stephen Dawson*

Bury St Edmunds

### **UNDERWATER CABLES**

Sir, Cutting underwater cables as “an act of war” is by no means new (“Down to the wire”, leading article, Dec 16). The Americans destroyed the cable house at Cienfuegos on the southern coast of Cuba during the Spanish-American War in 1898, thereby cutting Cuba off from other Caribbean

islands and hence the outside world. (The cables on the north coast led directly from Havana to Key West and hence were controlled anyway by US forces).

It is interesting to note the plans declared for the Brics countries (Brazil, Russia, India and China plus South Africa) to create a set of submarine cables that will be independent of those managed by the West.

*Professor Tim Connell*

Gresham College, London EC1

### **MILITARY PUSH ON HODEIDAH, YEMEN**

Sir, Richard Spencer's piece on Yemen ("Saudi-led forces target Yemen's food supply route", News, Dec 13) highlights the dangers of a Saudi military escalation. An assault on Hodeidah port will result in massive loss of civilian life both directly and indirectly. Even temporary loss of essential port and road infrastructure will further disrupt food, fuel and medicine supplies to a highly vulnerable population where one in four now faces famine.

This ever-escalating horror needs to stop, and another Aleppo be avoided. The UK government has long argued that its relationship with Saudi Arabia gives it leverage. It acknowledges that the war is unwinnable, and must now take the initiative to ensure no further use of British weapons in this conflict — by suspending licences on arms, military training and advice — until fully satisfied there will be no contravention of international law.

The threat of complicity in abuses against civilians hangs over the government, as it is already painfully aware. This exposure is massively magnified if ground conflict extends to major population centres and if the infrastructure vital for feeding millions is destroyed.

*Frances Guy*, former British ambassador to Yemen; *Capt Philip Holihead*, former defence attaché and regional head of counter-piracy; *James Firebrace*, co-ordinator, Yemen Safe Passage Group

### **SURNAME SPELLINGS**

Sir, I was interested to read that people are more likely to spell Daniel Finkelstein's surname correctly than his first name because it is such "a mouthful" (Notebook, Dec 16). I do not share this experience.

*Frances Luczyc-Wyhowska*

London SW11

### **DICKENSIAN MISERS**

Sir, Ben Macintyre omits one likely candidate from his list of misers thought to have inspired Charles Dickens's character, Ebenezer Scrooge (Comment, Dec 16).

John Camden Neild (1780-1852) was a lawyer and property magnate educated at Eton and Cambridge. But his huge house in Cheyne Walk, Chelsea, would be illuminated by a solitary candle that he carried with him from room to room, and he wore clothes until they fell to pieces.

A well-known figure in Dickensian London, he became famous upon his death by leaving his £500,000 fortune to Queen Victoria. She used his legacy to give pensions to his few servants (to whom he'd left nothing) and paid for a memorial window in the church at North Marston, Buckinghamshire, where Neild was buried.

The remainder of this huge amount has since been recognised by many royal historians as the source of the private wealth that transformed the penniless Hanoverians into the Windsor plutocrats of

today.

*Dr Christopher Goulding*  
Newcastle upon Tyne

### **GRENFELL REVIEW**

Sir, Dame Judith Hackitt's review of building safety arrangements relevant to the Grenfell Tower fire seems likely to be critical of the current regulatory system ("High-rise regulations not fit for purpose, says Grenfell review", News, Dec 18).

This echoes that part of Lord Cullen's review of the Piper Alpha oilrig fire of 1988 in which he criticised the relevant regulatory system at that time. His criticisms and related lessons triggered examination of the systems in other regulatory bodies and caused them to be brought up to the highest standards certifiable by the International Organization for Standardization (ISO).

It is literally a crying shame that corporate memories are so short as to need yet another disaster to remind us of these still essential lessons.

*Dr Allan Duncan*  
Former chief inspector HM Inspectorate of Pollution

### **BIBLICAL ELEGANCE**

Sir, The King James Bible may have been a poshed-up Tyndale version put together by a committee of translators, as the Rev Peter Ridley suggests (letter, Dec 15). That committee was overseen, however, by a literary giant, Lancelot Andrewes, Bishop of Winchester. Such was the merit of Andrewes's Christmas sermon that TS Eliot saw fit to borrow from it for his *Journey of the Magi*.

As thousands of us listen to the lessons in Christmas services this coming week, it is the elegant work of Bishop Andrewes and his team that will captivate us and not anybody else's dull versions before or since.

*Bruce Parker*  
Appleshaw, Hants

### **HOLY PAUSE**

Sir, Further to the letters on the virtue of the pause (Dec 15 and 18), during this week many of us may be inclined to wonder whether the most decisive and powerful pause of all was not the unknowable one between Gabriel's salutation and Mary's affirmative response (Luke i, 38).

*Nicholas Marston*

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Brian Cope Dec 19, 2017

Re Christopher Balmer's letter. If Police numbers had kept in line with rape accusations then some 433,780 would now be employed. One benefit of that would be that inadequate space within Police Stations would mean that foot patrols would be essential. Or much smaller Police Officers.

The solution to the increased amount of data is to work smarter with increased technology.

Flag

2RecommendReply

Ken P Dec 19, 2017

*As thousands of us listen to the lessons in Christmas services this coming week, it is the elegant work of Bishop Andrewes and his team that will captivate us and not anybody else's dull versions before or since.*

One hopes so. Many people coming to church at Christmas do not go at other times, and if they don't hear King James they won't know it's the Word of God.

Which is better:

And when she saw him, she was troubled at his saying, and cast in her mind what manner of salutation this should **be, or**. *Confused and disturbed, Mary tried to think what the angel could mean.*  
1:34 Then said Mary unto the angel, How shall this be, seeing I know not a man?  
*Mary asked the angel, "But how can this happen? I am a virgin."?*

The later versions may be more accurate, but there is no power in them. Dull? They are pathetic!

Flag

1RecommendReply

Ed R Dec 19, 2017

Re Christopher Balmer. As I understand it, many disclosure officers within the police force when faced with quite impossibly large amounts of electronic data, can and do (don't ask me how) key in 'trigger words' hopefully to identify anything of relevance. In this case, the words 'sex' and 'rape' would have thrown up quite a lot of messages, which should then have been served on the defence. If the defence wish to trawl further, they can do so, time and resources permitting.

Flag

RecommendReply

Ken P Dec 19, 2017

#### **HOLY PAUSE**

*Sir, Further to the letters on the virtue of the pause (Dec 15 and 18), during this week many of us may be inclined to wonder whether the most decisive and powerful pause of all was not the unknowable one between Gabriel's salutation and Mary's affirmative response (Luke i, 38).*

I cannot find any evidence in my King James to a pause. Please enlighten me.

There is a remarkable one in Exodus 32:32. *And Moses returned unto the LORD, and said, Oh, this people have sinned a great sin, and have made them gods of gold. 32:32 Yet now, if thou wilt forgive their sin—; and if not, blot me, I pray thee, out of thy book which thou hast written.* .Nobody knows what Moses would have said.

Flag

1RecommendReply

Will Boid Dec 19, 2017

Compare two police stories, this and the Yorkshire motorist whose car was impounded as his insurance did not cover commuting. Has the reputation of the police ever been lower? Resources are only part of the story. They really need shaking up, though the Tories are never really likely to do so.

Flag

4RecommendReply

E Mitchell Dec 19, 2017

Ref Richard Allen: Do not be hoodwinked by bleats about the lack of resources. The police said that the phone contained nothing of relevance - "personal stuff". In so saying they represented that they had looked at it. This was a lie if they did not look at it and a worse lie if they did. If the police officer had not had time to look at the phone he should have said so instead of lying about it.

Flag

8RecommendReply

D C Dec 19, 2017

With reference to Liam Allen's case - what, if anything has happened to his accuser? Isn't it about time the judicial system sends a strong message to people who make false rape allegations? Not only

do they cause immeasurable harm to those who are falsely accused, but they also harm those real victims of rape, who are less likely to be believed or to come forward.

Flag

12RecommendReply

Will Boid Dec 19, 2017

Re the friends of the woman in the Liam Allen case, and why they didn't come forward. The phrase "By their friends shall ye know them" comes to mind. If they freely associate with such a character we shouldn't be too surprised that they share a morality, or should I say a lack of one.

Flag

13RecommendReply

Robert Holmes Dec 19, 2017

In civilised countries on the continent the names of the accused are not revealed until a conviction has been secured.

Flag

10RecommendReply

John Cameron Dec 19, 2017

Sir David Attenborough is, of course, a national treasure and the beauty of life under water shown in *Blue Planet II* is fantastic but his preachy commentary is tedious. His obsession with global warming and carbon dioxide often diverts attention from more urgent environmental issues such as industrial pollution and over-fishing.

For example 95% of the 8 million tons of plastic entering the oceans each year comes from just ten rivers in Asia and Africa and that's what needs to be targeted. The producers claim every word of Sir David's commentary is based on scientific evidence but that's manifestly not the case and detracts from a truly magnificent series.

Flag

3RecommendReply

Yersinia Pestis Dec 19, 2017

@John Cameron

<https://www.thetimes.co.uk/article/blue-planet-ii-was-superb-save-a-few-fishy-facts-p7gjwg8pz>

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RecommendReply

Geoffrey Woollard Dec 19, 2017

A lesser-known consequence of Liam Allan's arrest, even though the subsequent trial collapsed, is that he will be unlikely to travel to the United States. Merely being arrested for a relatively serious crime, particularly one that involves 'moral turpitude,' means that he cannot travel using the Visa Waiver Program and will have to apply for a Visa. This usually costs money and a visit to the US Embassy for an interview. Being arrested - even though not convicted - for a relatively serious crime, particularly one that involves 'moral turpitude,' could be a no-no for a Visa and could prevent Mr Allan ever visiting the US. One can protest at the injustice of this as much as one likes from outside the US but that's the score.

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8RecommendReply

Stanley Cohen Dec 19, 2017

@Geoffrey Woollard

So - a bonus, Geoffrey?

Flag

RecommendReply

Geoffrey Woollard Dec 19, 2017

@Stanley Cohen @Geoffrey Woollard For whom?

Flag

1RecommendReply  
Stanley Cohen Dec 19, 2017  
For Liam

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RecommendReply  
Geoffrey Woollard Dec 19, 2017  
@Stanley Cohen The US is a great country. The present problem will pass away. Probably at the last trump.

Flag

5RecommendReply  
Brian Cope Dec 19, 2017  
@Geoffrey Woollard Perhaps after Brexit we will be able to introduce similar controls to block the entry of European Union criminals. How many rapists and murderers have been refused entry under the EU Citizenship Directive?

Flag

1RecommendReply  
Geoffrey Woollard Dec 19, 2017  
@Brian Cope @Geoffrey Woollard No idea, but I'll tell you what: I'd rather make EU migrants welcome than some from much further afield with 'funny' ideas. EU migrants are 'like us.' Many of the others are not 'like us.'

Flag

1RecommendReply  
Graeme Harrison Dec 19, 2017  
Could Messrs Kelcey and Atkinson please explain why my confidential data (particularly those that have nothing to do with a police investigation) should be disclosed to them and their clients and how they propose to prevent that data, if so disclosed, from falling into the wrong hands?

Flag

1RecommendReply  
Sir Desmond Glazebrook Dec 19, 2017  
The most important pause in British history was the German tanks in Northern France who paused long enough to allow (unwittingly, despite what conspiracy theorists think) the BEF to escape via Dunkirk. Absent that, the British government would have fallen and a Halifax led new one would have sued for peace.

Flag

2RecommendReply  
Niblo Dec 19, 2017  
@Sir Desmond Glazebrook I'm not sure I follow why the British government would have fallen. Am I missing something?

Flag

RecommendReply  
Sir Desmond Glazebrook Dec 19, 2017  
Sorry, badly worded (it's still early am). The BEF cut off and captured would have made fighting the war untenable, making Churchill's position untenable, meaning he would have been replaced by Halifax and some other stuffed shirts, who would have sued for peace.  
Hitler would then have been able to attack Russia without having to retain aircraft, 88mm guns, much of the troops in France, the Channel Islands and Scandandavia, which might have been enough to win. Especially as his factories would not have been under constant attack and much resource going into the battle of the Atlantic as well, also presumably the Arctic convoys would never have happened.

Flag

5RecommendReply

John Austin Dec 19, 2017

Good points and let's not forget that Operation Barbarossa started later than ideal in 1941 because the Panzers were needed for the invasion of Greece, to drive out the British Army.

Had the Germans been able to invade the USSR in the spring of 1941 and capture Moscow before the first autumn frosts, then the War may have been lost by the Soviets in 4 or 5 months.

Flag

5RecommendReply

Brian Cope Dec 19, 2017

@Sir Desmond Glazebrook But Halifax would have been praised by people claiming we didn't declare war to make ourselves poorer. The opportunity to arm and man the German/Europa Army would have been a more sensible option than years of Woolton pie and lend-lease.

Flag

RecommendReply

Peter Hobday Dec 19, 2017

@Sir Desmond Glazebrook @Niblo -- as I understand it, Sir Desmond, it was Hitler himself who ordered the German tanks to halt. He constantly interfered and countermanded his Generals -- mostly to the German army's advantage in those early years.

Flag

1RecommendReply

Sir Desmond Glazebrook Dec 19, 2017

No, I'm pretty sure it was a myth Hitler ordered the pause. The reason was the Germans were putting most of their strategic effort into defeating the much larger French army, and they took their eye off the English ball.

After the fall of France Hitler convinced himself he was a strategic genius because he had backed Von Manstein's Ardennes punch, the critical move of the campaign. He became more meddlesome after that.

Flag

RecommendReply

Sir Desmond Glazebrook Dec 19, 2017

Well Lord Haw Haw and Sir Oswald Mosley would have been pleased, but most people then as now viewed the war as a grim necessity, and with hindsight not having a giant fascist empire on our doorstep wasn't a bad thing, terrible though the cost was in blood and treasure.

Flag

RecommendReply

Peter Hobday Dec 20, 2017

@Sir Desmond Glazebrook I think Hitler meddled with, and countermanded his Generals before Ardennes, Sir Desmond:

"The decision of Adolf Hitler to invade Poland was a gamble. The *Wehrmacht* was not yet at full strength and the German economy was still locked into peacetime production. As such, the invasion alarmed Hitler's generals and raised opposition to his command - and leaks of his war plans to Britain and France."

[http://www.bbc.co.uk/history/worldwars/wwtwo/invasion\\_poland\\_01.shtml](http://www.bbc.co.uk/history/worldwars/wwtwo/invasion_poland_01.shtml)

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RecommendReply

cecile Dec 19, 2017

Surname spellings — Frances Luczyc-Wychowska, surely?

Flag

1RecommendReply

Alistair Speirs Dec 19, 2017

@cecile

Apparently not

<https://www.companiesintheuk.co.uk/director/11178795/frances-luczyc-wyhowska>

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2RecommendReply

Ken P Dec 19, 2017

@Alistair Speirs @cecile No, that's a different Frances Luczyc-Wychowska, .

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26/04/2018 10:11*