

## Prosecutors in dock as CCTV clears financier Valentin Krzyzyk of Soho sex assault

<https://www.thetimes.co.uk/article/prosecutors-in-dock-as-cctv-clears-financier-valentin-krzyzyk-of-soho-sex-assault-gsk7jzzfh>

David Brown

January 3 2018, 12:01am, The Times



Valentin Krzyzyk was cleared after Narita Bahra, left, watched CCTV footage from the Cirque Le Soir nightclub

CENTRAL NEWS

A judge criticised prosecutors yesterday for failing to hand over crucial CCTV evidence that helped to clear a wealthy financier of groping a woman in a nightclub.

Valentin Krzyzyk, 26, was accused of grabbing the woman's bottom after buying £6,000 worth of Dom Perignon champagne at Cirque Le Soir in Soho, central London, in December 2016.

His defence lawyers repeatedly requested copies of security camera footage from inside the nightclub but it was not handed over until the first day of Mr Krzyzyk's trial for sexual assault at Southwark crown court. The prosecution admitted that they had not watched the video but said they had been assured by police that it contained nothing of interest to the defence.

Narita Bahra, Mr Krzyzyk's defence barrister, watched the five hours of footage and realised that it did not support the woman's account.

Mr Krzyzyk was cleared of a single charge of sexual assault last month. The court heard that the woman complained to police a month after the alleged incident only because her boyfriend was being investigated over an attack on Mr Krzyzyk.

Judge Michael Bromley-Martin ordered an inquiry into the "reprehensible" late delivery of the footage and said that Ms Bahra's persistence may have prevented a "serious risk of injustice".

The judge said yesterday: “This seems to me to be a rather serious omission, especially as it turned out the CCTV assisted the defence. For reasons that are not clear to me, even though that CCTV footage was produced by a prosecution witness and therefore an exhibit in the case, it was not produced to the defence despite many requests for its production. It is necessary for the Crown Prosecution Service to make sure that evidence upon which they wish to rely, particularly evidence which is capable of assisting the defence, [is served] to ensure that such a failure never occurs again.”

The judge said that it was not a repeat of the failure to reveal details of unused evidence that led to the collapse of the rape trial of Liam Allan last month. “This was not a failure of disclosure, this was a failure to serve the prosecution case.”

Ms Bahra said that she believed Mr Krzyzyk would have been convicted if she had not secured the footage.

“In most sex assault cases it is usually the complainant’s word against the defendant’s,” she said. “There will rarely be another eyewitness or independent evidence, but the independent evidence in this case completely supported his defence.

“The woman in this case was very persuasive and I don’t think the jury would have believed him [Mr Krzyzyk] without the CCTV.”



The prosecution admitted that they had not watched the video from Cirque Le Soir JON BOND/  
THE SUN

The five hours of footage, apart from five seconds obscured by a passerby, showed that Mr Krzyzyk had not lifted up the woman’s skirt and patted her bottom and that she had not been left hysterical as she had claimed. Mr Krzyzyk told the court that the woman had initially made the allegation to the club’s manager because he had caught her stealing champagne from his table.

He spent a year on bail, during which he was subject to a curfew and wore an electronic tag, before being cleared.

Senior CPS officials wrote to the judge apologising for the ten-month delay in handing over the video, saying that prosecutors had been unable to play the file given to them by police. Lawyers for the CPS and Metropolitan Police also admitted that there had been an “unnecessary or improper act or omission” in failing to ensure that witnesses attended the first day of the trial.

The judge awarded Mr Krzyzyk £4,800 in wasted costs for his defence.

Scotland Yard is urgently reviewing about 30 sex cases due to go to court after the collapse of Mr Allan’s trial and the halting of the prosecution of Isaac Itiary, who was accused of raping a child, because of the late disclosure of evidence.

Samuel Armstrong, an aide to a Tory MP, was cleared of raping a House of Commons worker last month after evidence was disclosed to his defence team less than two weeks before his trial.

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Born to Bougie Jan 4, 2018

What recompensate does the accused have in this matter. There has to be consequences for either shoddy police work, suspicious cps work, a false accusation or all three!

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2RecommendReply

A Firswell Jan 4, 2018

*they had been assured by police that it contained nothing of interest to the defence.*

I'm going to have a beer every time I read or hear that sentence this year. I'll be an alcoholic as quick as boiled asparagus.

The Filth really are scum.

Flag

RecommendReply

Patrick Walker Jan 3, 2018

We have 2 alternatives, to boost resources for the police/CPS so they can deal with the volume of demand or reduce that demand by just saying to people we can't deal with your minor cases to concentrate on the major ones. Which do people want?

Flag

RecommendReply

lancsmarsbar Jan 3, 2018

@Patrick Walker There is a further (and necessary) option, and that is for the prosecuting authorities to abandon conviction targets. All these do is create an environment within which this kind of abuse of process is thought to be acceptable.

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2RecommendReply

Richard Pursehouse Jan 4, 2018

@Patrick Walker Option 3 - put the police officers involved on trial for perverting the course of justice?

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RecommendReply

Dec Jan 3, 2018

Sloppy work again, shown by the CPS-appointed lawyer. Perhaps the workload of the lawyer's chambers should be reduced for a period of time, so that all can catch up with all their outstanding business and assure the CPS that they've explored all avenues and seen all evidence for the prosecution of other cases for which they have been considered qualified. This should have been part and parcel of what they were originally assumed to know was a requirement. Having failed, the actual lawyers involved need some kind of admonishment. Future failures should be considered for disbarment, for such sloppy work.

The police ? Yet again they seem to be appointing themselves as the judge and jury. The case needs to be investigated internally and the miscreants fired. No nifty pensioning off. If the case made for firing them is, in their minds, questionable, they can sue their ex-employers. Good luck with that.

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3RecommendReply

Graeme Harrison Jan 3, 2018

Are individual barristers responsible for directing police investigations and for reviewing all the evidence in a case?

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RecommendReply

Patrick Walker Jan 3, 2018

@Dec No, no one fired, you cannot blame officers juggling 30 cases each after an 80% increase in workload in the last decade for not taking 5 hours out to view all the CCTV, the system should change rather than trying to find scapegoats, either give the police/CPS more resources or reduce their workload.

Flag

1RecommendReply

William Thomson Jan 3, 2018

@Patrick Walker @Dec Not sure about the firing, but cant agree with your relaxed view of the circumstance. If your liberty and reputation was at stake over an accusation around a supposed event and you were certain that the event had not happened and the police were in possession of a video that would incontrovertibly settle the issue, I suspect you would be peeved if they hadn't even bothered to watch it. Worse, they never gave the defense the opportunity to watch it. I cant even imagine a circumstance where that wouldn't be the first thing thing you would check.

Flag

5RecommendReply

A Firswell Jan 4, 2018

@Patrick Walker @Dec

So you wouldn't fire an officer for saying "Nothing of interest here", despite not having viewed / examined the evidence?

Just how lazy and incompetent must an officer be before you smack his / her wrist, then?

Flag

2RecommendReply

Mike Davies Jan 3, 2018

If I was him, I'd be thinking of suing the living daylights out of a whole lot of people, especially the original accuser.

Might make the CPS, Police and whoever else take better care next time.

Flag

9RecommendReply

colinus Jan 3, 2018

@Mike Davies Not allowed to sue the "victim".Period.

Flag

RecommendReply

Freebooter Jan 3, 2018

@colinus @Mike Davies

Not even for slander or libel?

Flag

RecommendReply

Richard Pursehouse Jan 4, 2018

@colinus @Mike Davies Why not? if he is 'innocent' then she has slandered (and presumably libelled with her statement?) him

Flag

RecommendReply

A Firswell Jan 4, 2018

@colinus @Mike Davies

Wrong.

Flag

RecommendReply

Anglian Diver Jan 3, 2018

According to CPS thinking where alleged criminal behaviour happens more than once each allegation corroborates the other. This pattern of behaviour by the CPS of denying access to relevant material until the trial has started looks a bit suspicious.

Flag

9RecommendReply

Patrick Walker Jan 3, 2018

@Anglian Diver No criminal behaviour here, just a service that can't cope with the demands placed upon it.

Flag

1RecommendReply

BigJim Jan 3, 2018

Each and every rape and sexual assault conviction in England and Wales since the current Director of Public Prosecutions - Alison Saunders was appointed to the role in November 2013 and began to exert her corrosive influence (say from 2015 onwards) must now be regarded as unsafe. That is until each has been examined thoroughly by independent investigators (not the Police or CPS).

The funds for such an investigation should be taken from the CPS budget - the worst that can happen is that they stop trying to prosecute so many innocent males - so no harm to the criminal justice system if the CPS budget is reduced for a few years.

Once again the core problems are exposed;

1. The CPS continue to bring prosecutions against innocent (invariably male) defendants where evidence of their innocence was already in the possession of the Police or the CPS themselves.
2. The CPS continue to waste vast resources in prosecuting innocent individuals, whose innocence was blatantly clear long before the case was sent-to-trial.
3. The fundamental requirement for the CPS to improve the quality of prosecutions in the UK (determined as-a-need after the Guildford Four and Birmingham Six scandals) has now been lost and the organisations key purpose-for-existence has been rendered a joke.
4. The Police and CPS have a fundamental problem with modern technology and post-Reformation science. They don't appear to be able to cope with social media, CCTV, camera phones, GPS or even (such as in the witchcraft allegation against Mark Pearson) modern physics. I've suggested before that some enterprising journalist should ask the current DPP if she would welcome a return to the use of spectral evidence if it was rendered available for prosecutions for rape/sexual assault against male defendants.

The Lord Chief Justice, Sir John Thomas, may wish to consider imposing substantial charges on the CPS if it continues to bring cases-to-Court that should never have made them there in the first place, resulting in considerable unnecessary strain on the Courts with no gain for the public-at-large.

The CPS should be regarded as being an institution which has a negative impact on English and Welsh society and the rule-of-law.

Flag

10RecommendReply

Graeme Harrison Jan 3, 2018

Is Lord Thomas LCJ? I thought it was Lord Burnett.

Flag

RecommendReply

Bishop Jonathan Blake Jan 3, 2018

Unjust prosecutions, unjust convictions, unjust system.

Flag

6RecommendReply

Colin Moulder Jan 3, 2018

FFS Home Secretary, step in and do your job, clear out the corrupt CPS and Police stables, because these events are now looking suspicious.

And why has the proven liar of a woman not been charged with wasting police time at a minimum? Because she is still seen as a victim?

Flag

15RecommendReply

Patrick Walker Jan 3, 2018

@Colin Moulder What corruption? Officers/CPS unable to cope with the volume of work is not corruption, it is inevitable.

Flag

RecommendReply

John B Jan 3, 2018

And what will happen to the false accuser who has clearly tried to mislead everyone regarding this? Nothing as per usual, anonymity protected by biased laws that should have no place in this land.

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15RecommendReply

Jake Nolan Jan 3, 2018

This is just getting absolutely ridiculous at this point.

Flag

5RecommendReply

Raphael Jan 3, 2018

Putting aside for the moment the major issue of the video not being provided, what amazes me is that a guy can be put under curfew and tagged for alleged "bottom grabbing"

I am not demeaning the seriousness of the allegations, but it was not rape, nowhere near.

Are other alleged criminals tagged whilst they await trial?

Flag

61RecommendReply

GrahamN Jan 3, 2018

@Raphael Yes I agree, it does seem very odd. Made me wonder if there is more to this than has been reported. Apart from the civil liberty aspects the cost of tagging and monitoring a person must be pretty high.

Flag

1RecommendReply

Raphael Jan 3, 2018

@Graham

Perhaps more than reported, but I found the following:-

"Electronic tagging: Where the court is satisfied that there is local provision for electronic tagging, and but for the tagging of the offender, he would not be granted bail, it may order that this condition be imposed (s. 3AB of the Bail Act 1976)."

So I still cannot see why he would not normally be given bail for this relatively minor (with respect to murder, rape, violence) alleged offence.

Flag

1RecommendReply

GrahamN Jan 3, 2018

@Raphael Yes, it also seems odd given that she didn't complain for month and then only because her boyfriend attacked the man.

Is there a separate but related case still going on? On what has been reported it would appear blindingly obvious that it's a malicious prosecution and to tag and curfew him seems even worse.

Flag

8RecommendReply

Graeme Harrison Jan 3, 2018

Perhaps the court regarded him as a flight risk, what with his wealth and his international connections and what not.

Flag

RecommendReply

Raphael Jan 3, 2018

@Graeme

You may be correct, but it was a "relatively" minor offence.

Flag

RecommendReply

D C Jan 3, 2018

What would have happened, had there been no CCTV footage to support the defendants claim? While I abhor sexual assault, it seems all too easy to prosecute someone for sexual assault on very flimsy evidence.

Flag

36RecommendReply

Rebecca Bartleet Jan 3, 2018

Yet another young man treated as a criminal, and forced to live for a year under bail conditions, all the while knowing he was innocent.

This, and other similar recent cases, have brought the police and CPS into almost total disrepute. At best they appear incompetent, at worst actively conniving in miscarriages of justice.

An honorable attempt to help genuine victims of sexual crime seems instead to have given a free pass for a whole range of unscrupulous people, who are using false accusations as a weapon for revenge, or sometimes as a face saving measure after an ill-advised encounter.

This situation has to be remedied immediately, and I can see no place for Alison Saunders anywhere in that process.

Not only that, but we need to be fully alert to other situations where a more 'open' attitude from the police can be similarly abused. I am thinking of the ever increasing range of 'hate crimes' which are being added to the list of offences. It is frighteningly easy to falsely accuse someone of a racist or misogynist comment, perhaps we need to rethink this whole direction of travel, before even more innocent people have to endure these ordeals, or worse, end up being convicted.

Flag

37RecommendReply

Germann Arlington Jan 3, 2018

"The prosecution admitted that they had not watched the video but said they had been assured by police that it contained nothing of interest to the defence."

It is lucky that the recordings were not destroyed as they "contained nothing of interest to the defence".

Once again the great British justice system forces the accused to prove their innocence.

May we should stop pretending that we have "presumption of innocence"?

Flag

38RecommendReply

CM Jan 3, 2018

Seriously? Police are no longer investigating theft, burglary, low level assault, but we spend this amount of money because some guy supposedly lifted up a woman's skirt? Wouldn't a caution have done the job? Apart from the fact this evil woman invented this and should be sent down, no one got hurt. Except me, the taxpayer. I am sick of our Establishment, they have ruined this country. They need to go. Who is going to stand for election on sacking Alison Saunders, abolishing the hate laws, building more prisons, and making the police work in the crimes we actually care about?

Flag

30RecommendReply

Patrick Walker Jan 3, 2018

@CM Hey, everyone raised an almighty fuss about the police not paying enough attention to sex crimes victims before, well now they've got what they want.

Flag

RecommendReply

DS Jan 3, 2018

Mmmmm ..... CPS not looking great here.

Flag

6RecommendReply

Ramtops Jan 3, 2018

@DS Again.

Flag

2RecommendReply

Michael Fisher Jan 3, 2018

When is she in court for perjury?

And when will we have the requirement that there is actual evidence that a crime has been committed before a man can be convicted of a sexual assault?

Flag

46RecommendReply

David Hope Robertson Jan 3, 2018

Did she actually give evidence in court? If not, presumably she can only be charged with wasting police time.

Flag

RecommendReply

Graeme Harrison Jan 3, 2018

Or attempting to pervert the course of justice.

Flag

4RecommendReply

Graham Jan 3, 2018

It seems every week we have another case like this, it appears that there is something rotten at the heart of the way this country is now policed.

Flag

10RecommendReply

Heather Jan 3, 2018

*'The judge said that it was not a repeat of the failure to reveal details of unused evidence that led to the collapse of the rape trial of Liam Allan last month.'*

It sounds exactly the same.

- 21RecommendReply  
mark darcy Jan 3, 2018  
And what about the woman who made the false allegations? Surely, if justice is to be served, she should be named and made to serve the sentence that the defendant would have got had he been found guilty.
- 37RecommendReply  
David Jones Jan 3, 2018  
And she has now been charged with?
- 13RecommendReply  
ScorpionBoris Jan 3, 2018  
What's going on? Is this a spike, a pattern or the way things usually operate?
- 1RecommendReply  
David Tallboys Jan 3, 2018  
It's beginning to look like the police and CPS have been politicised or weaponised, like the NHS to show they are meeting targets.
- 10RecommendReply  
Andrew Wilson Jan 3, 2018  
Is the woman who made the accusation going to be prosecuted?
- 27RecommendReply  
D C Jan 3, 2018  
@Andrew Wilson If not, it is a miscarriage of justice. She not only has harmed the person she accused, but also every legitimate charge.
- 16RecommendReply  
GrumpyPete Jan 3, 2018  
And the woman name? Will she now be prosecuted? Or will the PC brigade support her as a victim of Defence cruelty
- 28RecommendReply  
Prabhat Jan 3, 2018  
Well done police. I doubt you will ever change. Bent as ever.
- 9RecommendReply  
Patrick Walker Jan 3, 2018  
@Prabhat What on earth are you talking about? Being overwhelmed by demand is not being 'bent'! This is overwork, not corruption.
- RecommendReply  
Saint John Jan 3, 2018  
Why isn't any such request for evidence just handed over immediately . Why do the police or cps have any involvement in the decision to release it ?
- 9RecommendReply  
Andy Crofts Jan 3, 2018  
Here we go again...Anonymity for both, or neither. Surely gender discrimination?

13RecommendReply  
cabbie Jan 3, 2018

The prosecution admitted that they had not watched the video but said they had been assured by police that it contained nothing of interest to the defence.

Assured by the police? Nothing of interest to the defence?

It would be interesting to know if DC Mark Azariah was involved in yet another debacle, or whoever gave that information to the prosecution should be sacked.

Flag

9RecommendReply  
Patrick Walker Jan 3, 2018

@cabbie You don't know the circumstances, so don't judge yet. We don't want scapegoats but reform to the system.

Flag

RecommendReply  
cabbie Jan 4, 2018  
@Patrick Walker @cabbie

Sorry for the delay.

Dont Judge?

The police told the prosecution that there was 'nothing of interest to the defence', even though it was clear she hadn't been assaulted in any way.

The CPS took ten months to hand over the video (after many requests) and in the meantime the guy is walking around with a tag.

You don't need to know any more 'circumstances'.

£4,800, what a joke.

Sack whoever is responsible at the MET & CPS, sue the lot of them and hope that they sharpen up their act.

Flag

RecommendReply  
thebeancounter Jan 3, 2018

Yet another one. What on earth is going on at the CPS and Police? This requires a full inquiry, and surely heads to roll. How many innocent men are behind bars? And these woman should be utterly ashamed of themselves and made to serve the sentence the men would have had, had they been found guilty.

Flag

20RecommendReply  
Germann Arlington Jan 3, 2018  
@thebeancounter

I would be tempted to ask a question: how many men were convicted while the evidence which "contained nothing of interest to the defence" was left on the shelves gathering dust? How much of such evidence was discarded or destroyed?

Flag

7RecommendReply

Newminster Jan 3, 2018

thebeancounter —

There does seem to be a pattern emerging here.

Wasn't it Goldfinger who said that once was happenstance, twice coincidence, and thrice a declaration of war?

Conviction at all costs is beginning to look like Met/CPS policy.

Flag

5RecommendReply

karlos Jan 3, 2018

So has the woman been tagged awaiting trial?

Flag

26RecommendReply

Germann Arlington Jan 3, 2018

@karlos

As far as I can see the woman remains anonymous.

Flag

3RecommendReply

Matthew L Jan 3, 2018

Will the (unnamed-again) woman who made the false allegation be prosecuted? This really needs to stop

Flag

25RecommendReply

mick Jan 3, 2018

Are the police being investigated for perverting the course of justice? Why has the woman not been named, why has she not been charged with a crime? We need to know much more TOL.

I hope Mr Krzyzyk pursues a civil case against her and sues her arse off.

Flag

31RecommendReply

C.G. Portocale Jan 3, 2018

False accusations of sexual assault are bad as sexual assault itself. This could have ruined this man's life. Danny Kay has just been freed after four years of jail for a rape he did not commit, and it was hardly reported. This has got to stop.

Flag

40RecommendReply

Gerryco Jan 3, 2018

I am astonished if it is true that the CCTV showed the defendant for 5 hours. Didn't he move at all?

Flag

RecommendReply

Clear Day Jan 3, 2018

What is wrong with these women? Is it a fame thing or what? Well, she's been named and shamed now and her future looks bleak! Good luck to Mr Krzyzyk but what a terrible experience for him.

Flag

4RecommendReply

Patrick Hogan Jan 3, 2018

***"The prosecution admitted that they had not watched the video but said they had been assured by police that it contained nothing of interest to the defence."***

An action for damages seems likely to succeed - and rightly so.

Flag

33RecommendReply

Germann Arlington Jan 3, 2018

@Patrick Hogan

A call to review all earlier sex assault cases would not go amiss too but the evidence which "contained nothing of interest to the defence" may be destroyed after conviction.

Flag

1RecommendReply

Ken Harvey Jan 3, 2018

Surely it is not the police's or CPS's job to decide whether evidence in a case would be of any benefit to a defence case. If it exists and the defence team request a copy of it, then it should, nay, must be handed over. The criminal justice system in this country is apparently broken, almost beyond repair, and excuses by the CPS for it not happening are unacceptable in what is supposed to be a free society.

Flag

22RecommendReply

Graeme Harrison Jan 3, 2018

"Surely it is not the police's or CPS's job to decide whether evidence in a case would be of any benefit to a defence case."

Surely it is in order to prevent vast quantities of irrelevant, confidential data being to a defendant (who might not be the sort of person you'd want your confidential data being disclosed to).

Flag

RecommendReply

Simon57 Jan 3, 2018

@Graeme Harrison That might be an issue with text messages or diaries, but hardly applies to contemporaneous CCTV tapes from the scene of the alleged crime.

Flag

RecommendReply

Grumpy Old Man Jan 3, 2018

Again the Police have deliberately withheld evidence, an innocent man has suffered and the tax payer has been left to pick-up the bill.

Maybe it's about time that the Police were paid according to their performance. No retiring early in order to avoid investigation for example.

Flag

6RecommendReply

Patrick Walker Jan 3, 2018

@Grumpy Old Man The police didn't deliberately withhold anything, if the police were paid by their performance they'd all be millionaires for their industry and self-sacrifice.

Flag

RecommendReply

Robert Bielby Jan 3, 2018

What the hell is going on at the CPS? I hope Alison Saunders (Director of the CPS) is going to be brought in front of MPs to explain.

It's not just the innocent who may be wrongly convicted. If the CPS lawyers can be this slapdash, what about the guilty who are acquitted because they don't prepare the case properly or make a procedural mistake so the case is dismissed on technicalities?

Flag

16RecommendReply



*Ref.: Prosecutors in dock as CCTV clears financier Valentin Krzyzyk of Soho sex assault.docx  
26/04/2018 10:38*