

Stay silent and your attacker could go free, Alison Saunders warns rape victims

<https://www.thetimes.co.uk/article/stay-silent-and-your-attacker-could-go-free-alison-saunders-warns-rape-victims-j7m9qz6dv>

Frances Gibb, Legal Editor | **David Brown**, Chief News Correspondent

January 23 2018, 12:01am, The Times



Alison Saunders, the director of public prosecutions, said men could argue that they had a reasonable belief in the woman's consent if they did not speak out during an alleged attack
TIME PHOTOGRAPHER JACK HILL

Rape complainants who stay silent during the alleged attack risk creating an assumption that they had consented to sex, the director of public prosecutions has said.

Alison Saunders warned that if women did not speak out suspects could argue that they had a reasonable belief in the woman's consent. This meant that the men would not be prosecuted, she said.

Campaigners cautioned that failing to cry out during an attack did not amount to consent. Rachel Kryz, of End Violence Against Women, said that silence was known to be a "very normal response to rape". She added that Mrs Saunders had been trying to increase the rape conviction rate for several years against a background of 85,000 complaints and "that should be the focus of attention".



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Mrs Saunders, head of the Crown Prosecution Service (CPS), was seeking to regain the initiative after a series of collapsed rape trials. Her remarks yesterday were criticised by an MP's aide who was cleared of raping a parliamentary worker in Westminster after evidence was disclosed days before his trial. Samuel Armstrong, 24, was found not guilty when a court was told last month that the complainant, aged in her 20s, had not asked him to stop when they had sex twice after an evening socialising.

Mr Armstrong, who lost his job as chief of staff for the Tory MP Craig Mackinlay, said: "Alison Saunders has still not apologised to me, Liam Allan [another man whose trial collapsed] or the other defendants wrongly put on trial for rape. She has been in charge of a quasi-political agenda at the CPS. There has clearly been a policy of going after young middle-class boys. It was never suggested that the woman who accused me had said 'no'. This policy needs to be urgently amended before there are other cases. If Alison Saunders really acknowledges there is a problem why does she not come and speak with me and other victims?"

Prosecutors and police have been criticised after evidence emerged to exonerate defendants as they faced trial following many months on remand. These included Mr Allan, Isaac Itiary, 25, and Samson Makele, 28.

Mrs Saunders denied accusations that she had been too keen to put the men before the courts. She described the collapse of recent trials because of late disclosure of evidence as "disappointing and irritating".

She said: "If we had had that material earlier we would have not prosecuted the case and saved somebody going through all of that. Or we could have stopped the case at an earlier stage. That's why it's so important and why we need to do our job and get it right."

She admitted that the process had been devastating for the individuals concerned. "We want to get it right," she said. "Prosecutors feel this; they know they are dealing with people's lives."

Mrs Saunders said that two tests were applied when making decisions about consent in "acquaintance rape" cases, where the issue was whether sex was consensual. The first was whether the complainant was capable of consent or too drunk or otherwise incapacitated to have been able to consent; and the second was whether the man was entitled to believe that the woman had agreed to sex, even if she later claimed that she had not.

She told the *Evening Standard* that it was not enough for a complainant to say that she had been raped. Prosecutors also asked whether the suspects had a reasonable belief in consent, she said, adding: "So in some of the cases you can see why, even though the complainant may think they were raped, there was a reasonable belief that they had consented, either through silence or through other actions or whatever."

Mrs Saunders insisted that the CPS did not want to put people wrongly through the courts. "We are there not just to be able to prosecute cases where there has been an offence, but also not to prosecute cases where there isn't sufficient evidence," she said.

Mr Armstrong was prosecuted by Mark Heywood, QC, who, as first senior treasury counsel, usually takes charge of only the most serious cases such as murder and terrorism. Evidence handed over by the prosecution eight days before the trial showed that the alleged victim had tipped off a newspaper within hours of sex with Mr Samuel and wanted to conceal medical records showing that she had suffered from depression and anxiety.

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Margaret Wheatley Jan 26, 2018

There are many reasons for not screaming, as I found out examining victims. Being raped in your own home while children asleep upstairs was a common one. Who wants to alarm their young children?

Flag

RecommendReply

Julian Dodds Jan 24, 2018

The range of reasons why these recent cases have collapsed is mind boggling. It is a worry to me that my son may one day meet what can only be described as a deranged, malicious or vengeful woman who gets into bed, has obviously consensual sex and then tries to pretend that it was something else.

These women are dangerous. Will they now be prosecuted by the CPS for extremely serious lies, wasting police time and ruining innocent young mens lives?

Flag

3RecommendReply

Felicity d z Jan 24, 2018

For someone who claims involved in prosecuting men who rape with women Mrs Saunders betrays her ignorance of the effects of trauma, one of which is to shut down the speech area of the brain so that the victim cannot cry out!

I am giving a general lecture on the effects of trauma on the 12th May for those who want to learn about the subject in an accessible presentation (See nscience 11-12 May 2018)

Dr Felicity de Zulueta

Flag

2RecommendReply

Claire Heginbotham Jan 24, 2018

Once you look at the context of Saunderson's statement, it begins to sound rational. I love posts like this that challenge my conception of right and wrong. This is just one of the many grey areas that judges have to deal with. If a woman says 'rape' the law cannot just take that as fact. It must be harrowing to go through such a case, but I believe that thought processes like these will lead to an advancement of society.

Flag

1RecommendReply

Tim Elster Jan 24, 2018

I believe there are two kinds of rapist, those who are genuinely evil people, as in the case of the London taxi driver who appears to have been a serial and premeditated rapist, and those who are guilty of "accidental/impulsive" rape. This is a fine distinction to make, particularly for victims of this dreadful crime, who may never fully recover from their ordeal irrespective of the rapist's motivation, and for whom any kind of differentiation is both spurious and offensive.

However, in an era of socially accepted binge drinking, drug taking, and diluted inhibitions and responsibility, I believe the prosecution and punishment of rapists should be as clearly delineated as the circumstances of the crime itself.

Premeditated, serial (more than one) rapists should be offered the choice of lethal injection, life imprisonment, or irreversible chemical or other castration. Where financial restitution is possible from the rapist's assets, this should take place to the maximum extent possible.

In the case of unpremeditated, accidental, impulsive rape where one or both parties is under the influence of alcohol or some other form of drug, cases should only be heard by a roster of specially trained and selected judges. Those specially selected judges should have a range of clearly delineated prison sentences to choose from, subject to later appeal. The identity of both parties should either be revealed or protected, but both should be treated the same, except where the offence is admitted.

Two rape prosecutions and you are a serial rapist and should be treated accordingly.

Women should be protected, irrespective of your views on equality legislation and minority pressure group bandwagons .

Flag

1RecommendReply

Steve Russell Jan 24, 2018

This is on a par with the Italian judge reported in the Times several years ago as saying that a woman wearing tight jeans cannot be raped.

So when someone says to you menacingly in a dark street "Give me your wallet" and you do so because you are fearful for your life, presumably she is saying they weren't committing an offence because you did as they asked.

Having been on a Jury (not for a rape charge) I have little faith in the Jury System.

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1RecommendReply

Trebor Jan 24, 2018

Surely this is just self-explanatory?

Flag

RecommendReply

Neil Barrett Jan 23, 2018

She has done much more to damage the cause of those who have truly been raped, than to advance it. She should recognise this and resign.

Flag

11RecommendReply

Robert Jones Jan 23, 2018

"End Violence Against Women" wants to help stop rapes?

Then, why don't they work to empower, repeat empower women?

Campaign to allow women to arm themselves.

Nothing says "no" to a rapist like a bullet.

Flag

1RecommendReply

C J Delmege Jan 24, 2018

@Robert Jones There are posts; stupid posts; monumentally moronic posts; then posts like yours.

I none of the recent publicised cases has there been any suggestion of violence,

Flag

4RecommendReply

John Snodgrass Jan 23, 2018

Given the appalling mishandling/manipulation of evidence against the accused in these recent acquaintance-sex cases should not Ms Saunders clarify that she is not in any way encouraging complainants to report that they said "no" when they did not? One scarcely dares imagine the emotional eczema that she might suffer if her public statements ended up instructing malicious complainants how to improve their performances.

On another note could someone at the Times explain the quoted statistic of 85,000 rape complaints.

Flag

1RecommendReply

Martin Bryars Jan 23, 2018

I had always imagined that the DPP, or head of the CPS, was a lawyer who took a professional, unbiased view on whether to bring a prosecution or not. It appears that the job description has been changed to that of being a self-opinionated person who bends the law to suit his or her own agenda.

Flag

9RecommendReply

Jenni Kylan-Mcleod Jan 23, 2018

I understand her argument, however from personal experience I was paralyzed in terror and could not move let alone scream or say NO. The powerlessness is the most difficult aspect to come to terms with, even decades later.

Flag

5RecommendReply

catriona talbot Jan 24, 2018

@Robyn Gisborne

I have to say I don't understand her argument at all, and I would be really interested to know why it is that, as a survivor of sexual assault, you do agree with her?

I can only imagine how utterly appalling your experience must have been. Being paralysed with terror must surely be about survival - your instincts forcing your body to close down to try to ensure no greater harm befalls you.

I'm fortunate enough never to have been in your situation, and I offer you my consolation. I sometimes dream that I am unable to move or make a sound; it is the stuff of nightmare, and for that nightmare to happen in real life as a consequence of attack doesn't bear thinking about. I hope you have found, or will find, peace and solace.

Flag

2RecommendReply

Jenni Kylan-Mcleod Jan 24, 2018

@catriona talbot

I understand her argument, but I do not agree with her. It terrifies me that people in my position will be punished in this way. It is very easy for her to make the assumption that you can say no when in this situation. Trauma is a strange thing. Once the autonomic nervous system kicks into freeze mode effective thinking and action is not possible.

Thank you for your kind words.

Flag

3RecommendReply

C J Delmege Jan 24, 2018

@Robyn Gisborne I am very sorry to hear that. But "No!", or "stop" is required. And just to utter those words does give you power.

Flag

RecommendReply

Jenni Kylan-Mcleod Jan 24, 2018

@C J Delmege

Perhaps you could share how a person can override paralysis governed by their autonomic nervous system. That would be helpful.

Flag

3RecommendReply

catriona talbot Jan 24, 2018

@C J Delmege

Yours has to be the most crass comment on how to behave whilst being raped that I have ever come across.

Flag

2RecommendReply

Mark Roberts Jan 23, 2018

This woman should stay silent, she rarely has anything sensible to say.

Flag

11RecommendReply

Zabonga Jan 23, 2018

" She described the collapse of recent trials because of late disclosure of evidence as "disappointing and irritating"."

Not as "disappointed and irritated" as we are with your track record Mrs.Saunders

"Not fit for purpose" is the phrase that springs to mind.

Flag

9RecommendReply

Old Wheezer Jan 23, 2018

It is not difficult to imagine a number of good reasons why a victim might keep quiet, so how can a presumption of consent be other than a very doubtful basis of justice? Convenient for the CPS maybe, but it's not their interests that are important here.

Flag

5RecommendReply

whitaker Jan 23, 2018

What if the perpetrator says "I have a knife and will use it on you if you make a sound" or you have been drugged to incoherence or the perpetrator is hearing impaired etc.?

Some individuals are "struck dumb" when afraid; clearly the DPP must have failed her logic exam.

Flag

8RecommendReply

Did You Ring Sir Jan 23, 2018

So a poor bloke has to differentiate squeals of delight from 'cease and desist'. Yet more onus placed on him !

Flag

2RecommendReply

NR Jan 23, 2018

If Alison Saunders did her job properly she wouldn't need to "sieve the initiative" with badly considered comments, that I suggest are highly offensive to rape and sexual attack victims who where so petrified they didn't scream.

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5RecommendReply

Harris Jan 23, 2018

Alison Saunders - Director of Public Prosecution

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17RecommendReply

PB Joyce Jan 23, 2018

Saunders and those who echo her ideas are inherently anti-male. All agency in sex falls to the man. For example, if a man and a woman get drunk, lose their inhibitions and have sex, why didn't they, in effect, rape each other?

Flag

20RecommendReply

Gerald Collins Jan 23, 2018

@PB Joyce Neither raped nor assaulted the other in your scenario: they both consented. Isn't that easy to understand?

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RecommendReply

Paul Gribble Jan 23, 2018

The sooner she is replaced the better.

Flag

29RecommendReply

David Craig Jan 23, 2018

This ghastly woman is single-handedly destroying a thousand years of British justice. She has decreed (in her wisdom) that if anyone perceives a comment made on the Internet to be 'hostile' to any racial, religious or sexual group then the person making the comment is automatically guilty of a hate crime.

Moreover, she has also decreed that any comment made on the Internet that is critical of any group is equivalent to a physical assault and so must be punished as if it were a physical assault.

British law used to be based on a person being innocent until proved guilty Under this ghastly harridan, you are guilty just because someone (anyone) perceives that you are guilty.

Time to fire this ludicrous excuse for a DPP?

Oh dear. My comment marked pending by the idiot moderator so nobody can read it before the work-experience moderator deletes it.

Flag

25RecommendReply

David Murphy Jan 23, 2018

@David Craig Seems to have survived.

Flag

RecommendReply

catriona talbot Jan 24, 2018

David Craig

As I explained to you about 24 hours ago, on certain threads EVERYBODY'S comments are pended, not just yours; you seem to want to make the case that your posts are more deserving of attention than anyone else's. Not so, old fruit.

Flag

RecommendReply

Caffeineinmybrain Jan 23, 2018

'even if she had later claimed she had not(agreed to sex)..' can mean in many cases that she regretted the encounter and is now claiming rape to absolve herself of any guilt felt by agreeing to it possibly in a drunken state.And why not when she is sure that there will be zero repercussions for her whatever the outcome.

Flag

18RecommendReply

Neil Barrett Jan 23, 2018

@Caffeineinmybrain Zero repercussions? What about the five-figure compensation?

Flag

2RecommendReply

8031 Jan 23, 2018

After so many collapsed trials and wrongful convictions, how is she still in her job?

Flag

40RecommendReply

David Craig Jan 23, 2018

@8031 Because she is a member of the elite, progressive, UK-hating, Guardian-reading establishment

Flag

14RecommendReply

Bryan Weston Jan 23, 2018

@ 8031. Swinging doors. Fail miserably in the closed circuit of the public service, and a sideways move, with a better pay grade, or golden handshake, is the alternative to staying in the same job.

Flag

2RecommendReply

Dave Balding Jan 23, 2018

My understanding is that the recent rape cases which were abandoned was down to police officers who did not release evidence that proved innocence which is not the fault of the CPS.

Flag

1RecommendReply

Jackie P Jan 23, 2018

Should the title of the Director of Public Prosecutions be changed to 'Inquisitrix General'?

More simply perhaps, we could drop the 'L' from her original title.

Flag

8RecommendReply

C.G. Portocale Jan 23, 2018

If she wants a balanced outlook she needs to acknowledge the horror of wrongful conviction, about which she couldn't care less.

A one-trick pony with blinkers.

Flag

41RecommendReply

Doug Bates Jan 23, 2018

"The first was whether the complainant was capable of consent or too drunk or otherwise incapacitated to have been able to consent; and the second was whether the man was entitled to believe that the woman had agreed to sex, even if she later claimed that she had not."

This all harks back to the belief that sex is something men "do" to women or that women let men do to them as some sort of favour, it's a denial of female agency and frankly 19th century. It also completely overlooks female sexual assault or that men also have the right of consent.

Flag

30RecommendReply

Steve Williams Jan 23, 2018

She is a complete liability, incompetent and blinkered. Determined to increase a conviction rate which has led to more people claiming rape, refusing to acknowledge that some men may be in prison who are innocent as if suggesting the recent cases where the CPS have been shown to act badly are the only cases where this happens. What I think she is trying to say here is that in a case where it is, on the face of it a reasonable assumption that the couple will have sex then the woman has to be more clear that she doesn't want to. I don't think she is talking about the situation where a woman is attacked by a stranger. You might imagine as a lawyer she would be able to make her point clearer but I guess that's why she manages rather than actually ventures into court.

Flag

38RecommendReply

Orleigh Wragg Jan 23, 2018

According to this very useful guide from Devon & Cornwall Police, silence is under the heading "Signs that consent *hasn't* been given". (My italics.) <https://www.devon-cornwall.police.uk/consent>

Flag

7RecommendReply

Jackie P Jan 23, 2018

@Orleigh Wragg I thought that the principle of English Law was that "Qui tacit consentire" or "Silence gives consent".

The reverse has been imported from American Federal and State Law.

Flag

3RecommendReply

Orleigh Wragg Jan 23, 2018

@Jackie P <https://www.cps.gov.uk/legal-guidance/adverse-inferences>

Flag

1RecommendReply

Mike TC Jan 23, 2018

@Jackie P No - the principle of "silence means consent" is not accepted in English law.

Flag

2RecommendReply

Tim Elster Jan 23, 2018

This is truly outrageous, has nobody heard the expression "paralysed by fear"? It exists because it happens in all kinds of situations, including rape!

Flag

33RecommendReply

Purple with a Red Hat Jan 23, 2018

@Tim Elster Ah. I don't need to comment after all; you've said it.

And it happens to people who would otherwise seem to be the last people to be able to speak out. Trust me, I know.

Flag

RecommendReply

Tim Elster Jan 24, 2018

@Purple with a Red Hat @Tim Elster I'm sorry to hear that.

Flag

RecommendReply

PatricianPat Jan 23, 2018

Upon Saunders' appointment as Director of Public Prosecutions, then Attorney General Dominic Grieve was keen to stress that the internal appointment was "proof of the high quality of the professionals" in the CPS.

I'm afraid that her repeated blunders since then are proof of quite the opposite.

Hopefully the next DPP will be (imminently) appointed from the bar, not another second rate lawyer who fled to the bureaucratic safety of the CPS after failing to be offered tenancy.

Flag

36RecommendReply

Bryan Weston Jan 23, 2018

Stay silent and end up with a rapists cop out. Is that what is being said? If so, then I think it is demented to suggest so.

So some lady being raped is petrified, unable to speak, the rapist gags the lady. So in court, the judge says hard luck, get on with it ??

Flag

17RecommendReply

Dave Balding Jan 23, 2018

That's a ridiculous conclusion. She's talking about two people having sex rather than a woman being attacked. She points out unless the woman makes it clear she doesn't want to proceed the case is unlikely to come to court.

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RecommendReply

Bryan Weston Jan 24, 2018

@ DB. Ok, so you think that it is a ridiculous conclusion. The majority of comments, and an article in the Times today, does not support your argument, much as you are entitled to it.

Flag

RecommendReply

Dave Balding Jan 24, 2018

Fair point Bryan. I reckon the aggrieved are more likely to respond than the voice of reason i.e. ME!
Lol

Flag

RecommendReply

KS Jan 23, 2018

Alternatively, rape victims could scream and get their heads bashed in or their throats cut. Not that the law enforcers would be worried about the loss of life. Murder is so much easier to prove. Does no-one in the justice system have the common sense to realise that silence is a self-protective measure?

Flag

31RecommendReply

Leonsnoyl Jan 23, 2018

@KS My thoughts exactly! Well said!

Flag

RecommendReply

David Murphy Jan 23, 2018

@KS Clearly not

Flag

RecommendReply

Richard Stout Jan 23, 2018

I'm disappointed and irritated that Saunders has not been dismissed already.

Flag

33RecommendReply

lancsmarsbar Jan 23, 2018

@Richard Stout Yes. By saying 'disappointed and irritated' Saunders has displayed a complete lack of insight into the carnage she is creating both in people's lives and the criminal justice system. She really must go.

Flag

2RecommendReply

chiamonti Jan 23, 2018

Nearly all these cases have failed (and in many cases rightly failed to secure a conviction) because relevant material which goes directly to the issue of consent has not been disclosed early enough or at all. Where consent is the sole issue (very common where the parties are acquainted) the essential first problem lies in the investigation. When an accused raises the issue of consent, frequently when first interviewed by the police, the investigating officers MUST consider every lead whether it assists the prosecution or not and disclose all material discovered that goes to that issue. Complainants must be listened to but not necessarily believed. The CPS must also improve the quality and judgment of its reviewing lawyers. There are still too many cases allowed to proceed when a conviction is highly unlikely (and sometimes cases stopped which should proceed).

Flag

12RecommendReply

Minority Man Jan 23, 2018

This whole issue will have had many men thinking back to the 70s and girlfriends of that era, wondering what nightmares would be emerging from the mists of time. But that then is surely the motive of the "Arch-Feminists " in all of this.

Flag

10RecommendReply

lancsmarsbar Jan 23, 2018

This Saunders woman is obsessed - she needs to go.

Flag

31RecommendReply

Michael Askew Jan 23, 2018

The most worrying aspect is the statement by Alison Saunders that not a single one of the several thousand people currently in prison for rape has been wrongly convicted. This flies in the face of everything we know about cases where convictions have been overturned on appeal.

Flag

56RecommendReply

Peter Cressall Jan 23, 2018

Go free? Don't you mean come free?

Flag

3RecommendReply

Ghoti Jan 23, 2018

This woman is not just incompetent, she is embarrassing. Why is she still employed?

Flag

30RecommendReply

Vivien Hall Jan 23, 2018

How does a woman, not kept in shackles have sex twice then say she's been raped.

Flag

17RecommendReply

Dave Balding Jan 23, 2018

Perhaps the rape was on the second occasion.

Flag

RecommendReply

Bishop Jonathan Blake Jan 23, 2018

Saunders is living in an isolation bubble. When you are being raped, it may be possible for you to find a voice, but it may be that you are paralysed with fear and confusion, incapable of clear thinking, or in terror that protest might lead to greater violence, even death. Having been raped, it may be possible for you to find a voice, but then you face the incompetence of the police, the CPS and the courts to secure your rapist's conviction and so suffer a subsequent raping at the hands of the media, as they humiliate, degrade and destroy you, while vaunting your rapist as innocent and wronged.

Flag

31RecommendReply

David Jan 23, 2018

@Bishop Jonathan Blake " a subsequent raping at the hands of the media, as they humiliate, degrade and destroy you, while vaunting your rapist as innocent and wronged. " but all, for the victim at least, anonymously.

Flag

6RecommendReply

Bishop Jonathan Blake Jan 23, 2018

@David @Bishop Jonathan Blake Not anonymously for the victims and all who know them. It can be the evacuation of their world.

Flag

1RecommendReply

JMcL Jan 23, 2018

@Bishop Jonathan Blake To repeat from below: I think you're missing Ms Saunders' point, which is that silence makes it harder (but not impossible) to prosecute. She is not saying that silence implies consent.

It may amount for a plea for the law to be changed so the silence on the part of the alleged victim implies neither consent nor acceptance, but is purely neutral

Flag

1RecommendReply

Steve Williams Jan 23, 2018

@Bishop Jonathan Blake I agree to a point but the media can't humiliate, degrade or destroy them because they remain anonymous. The media do that to innocent people falsely charged who don't have that anonymity.

Flag

9RecommendReply

Bishop Jonathan Blake Jan 23, 2018

@Steve Williams @Bishop Jonathan Blake Not anonymous, as I have replied to @David above. The media's approach throughout lacks any moral probity.

Flag

RecommendReply

Steve Williams Jan 23, 2018

@Bishop Jonathan Blake @Steve Williams Yes, I see it may become known to those that know the complainant if he or she has told them of the complaint and the name of the person he or she alleged raped him or her.

Flag

RecommendReply

Tim Elster Jan 23, 2018

@Bishop Jonathan Blake @Steve Williams Bish, this string should be about the law and the application of the law, not about the press. The press in this country has been bought and sold so many times over such a long period of time that faux outrage is a bit passe. In a democracy, of sorts, the people get the politicians and the press they deserve, don't you think? Tim

Flag

RecommendReply

Rebecca Bartleet Jan 23, 2018

It no longer matters whether what she says is right or wrong, what is important is that there cannot be many people in the country who have any confidence left in her judgement. For this reason alone she must go.

Flag

46RecommendReply

JMcL Jan 23, 2018

@Rebecca Bartleet Now *that* is very true.

Flag

11RecommendReply

John MacArthur Jan 23, 2018

This is a total minefield, not least because the issue of consent is so very difficult to establish. If a woman has the presence of mind to say (or, better, shout) 'No!' then whatever has happened previously in terms of flirting, foreplay, etc, is rendered null and void. If the woman gives a man cause to believe that he's "making a bit of progress" then withdraws, it becomes far more difficult to establish consent.

Flag

7RecommendReply

Ytongs Jan 23, 2018

@John MacArthur Perhaps but it doesn't prevent either party lying about whether the statement was ever made or not.

Flag

6RecommendReply

catriona talbot Jan 23, 2018

@Ytongs

Quite; and who's to know? He said, she said.

Flag

2RecommendReply

Robert Smallwood Jan 23, 2018

@catriona talbot That`s exactly what I was thinking. For the future all ladies read Catriona Talbot , and REMEMBER.

Flag

1RecommendReply

Caspertg Jan 23, 2018

The police and CPS have acted with vindictiveness, incompetence and have shown extremely strong desire to damage young men based on zero evidence just to meet targets. The recent cases in the media have demonstrated this superbly but are just the tip of the iceberg.

Believe the victim and the failure of disclosure has resulted in the justice system of the police state. An anonymous allegation with no corroborating evidence can result in a drawn out, hugely damaging arrest and prosecution process. Lives are being badly damaged and in some cases being lost because of this hugely flawed nonsense.

This is a little bit more than "disappointing and irritating". The tyranny of believe the victim needs to go along with this appalling woman!

Flag

45RecommendReply

HazeR Jan 23, 2018

@Caspertg I suspect that infinitely more women are damaged by the failure to prosecute or, as is suggested by many surveys, their fear of reporting. Yet you show no compassion for them.

Flag

10RecommendReply

David Murphy Jan 23, 2018

@HazeR @Caspertg The article is specifically about falsely accused young men, what is so difficult about understanding and following the particular issue?

Flag

1RecommendReply

Ms Elizabeth Keith Jan 23, 2018

@Caspertg 'The police and CPS have acted with vindictiveness, incompetence and have shown extremely strong desire to damage young men based on zero evidence just to meet targets. ' Comes straight from the top - one Alison Saunders.

Flag

5RecommendReply

Coley Jan 23, 2018

Outrageous. Three reasons victims stay silent during rape are: unable to speak because petrified with fear; in shock. Daren't speak because rapist had threatened severe consequences if do. If this woman is not aware of this, she should be sacked.

Flag

30RecommendReply

Cormac Friel Jan 23, 2018

@Coley Completely agree with what you have said apart from the final sentence.

However, I also think that where a suspect believes they had consent and was not asked to stop, it is then an extremely unfortunate misunderstanding that probably shouldn't result in a decade or two behind bars.

In the latter of your three examples, then that is inarguably a case of rape that should end in a sentence. In the first two (where there were no threats), it would be difficult to impossible to convince a jury that it was a rape beyond reasonable doubt so why put people through the ordeal of a damaging trial where there is likely to be no winners. In this case, I actually think the judge has taken a position balanced between empathy for the victims and knowledge of how the courts will handle the case. This kind of nuanced approach is what our courts need and she should definitely not be sacked.

Flag

2RecommendReply

Coley Jan 23, 2018

My post was not related to any case. It was giving reasons why the victim (male or female) may remain silent during the attack- the DPP's comment indicates her complete lack of understanding - hence my sack her comment.

Flag

4RecommendReply

Neil Barrett Jan 23, 2018

@Cormac Friel @Coley 'This woman' is not a judge. Thankfully.

Flag

RecommendReply

RECH Jan 23, 2018

The thought of someone who has been raped not being able see their rapist convicted is appalling, but in the absence of any forensic or other independent evidence how actually is a jury ever meant to decide whether there was consent or not? A moment's thought will tell you that there is no rational basis for preferring to believe either the complainant's or the accused's story - it is simply a toss up; how they "present" in court, perhaps months or years later, just does not cut the mustard.

It is a disgrace that in the recent cases social media evidence emerged so late, but what if it had not existed to emerge in the first place? In at least some of these cases innocent people would almost certainly have been convicted.

There is no easy or satisfactory answer. As a society we have to decide what balance of risk we will accept between rape victims not seeing their attackers convicted on the one hand, and locking up innocent people on the other. In most cases of acquaintance rape there seems no way of reconciling the two.

For me, it is more important to tilt towards not convicting the innocent.

Flag

31RecommendReply

Ghoti Jan 23, 2018

@RECH So let a rapist go free to do it again? Is that your preference?

Flag

RecommendReply

RECH Jan 23, 2018

@Ghoti @RECH As I thought (or at least hoped) I had made clear, it is really difficult. In terms of my preference, I think the rule of law and presumption of innocence is so important for a society to function at all that as I say would tilt the balance towards not convicting the innocent.

It might be more helpful if you would explain what course of action you would prefer when there is no real evidence either way except for one person's word against another's.

Flag

8RecommendReply

Whatsmyname Jan 23, 2018

@Ghoti

Aren't you only a rapist if found guilty of the crime?

Flag

3RecommendReply

Graeme Harrison Jan 23, 2018

No: you're a rapist if you rape someone.

Flag

2RecommendReply

JMcL Jan 23, 2018

@Ghoti @RECH Yes. 'Fraid so. That's the meaning of innocence being presumed except beyond reasonable doubt. And if you're ever in trouble for anything, you will I am sure be the first to remember this and be grateful for it.

Flag

3RecommendReply

Saint John Jan 23, 2018

@Ghoti @RECH

Yes rather than convict the innocent

Flag

4RecommendReply

David Murphy Jan 23, 2018

@Ghoti @RECH Or to rephrase, punish and ruin the lives of all men just so the minority can be convicted. Using your 'logic' we should just punish everyone and that makes sure all criminals get some punishment.

Flag

RecommendReply

Neil Barrett Jan 23, 2018

@Ghoti @RECH You think it's preferable to imprison innocent people?

Thankfully, that's the reverse of what our system of justice has always been - until now.

Flag

RecommendReply

Jason Paul Jan 23, 2018

The disclosure that she finds the collapse of these trials "ANNOYING AND IRRITATING" says that her complete absorption is upon herself rather than upon the victims that are put through the wringer.

How about instead "TRAGIC AND UPSETTING" ?

It really shows that the world actually revolves around her, in her mind.

Flag

15RecommendReply

judy ludlow Jan 23, 2018

I think this was a misleading headline. Her argument is more reasoned than you indicate.

Flag

2RecommendReply

Brian Cope Jan 23, 2018

@judy ludlow I should hope so, otherwise the headline would be "DPP is an idiot".

Flag

4RecommendReply

Peter Smith Jan 23, 2018

The First Senior Treasury Counsel was brought in to prosecute Mr Armstrong. No explanation for this has been given but we may draw the obvious conclusion. Those who make false accusations of rape retain their anonymity and usually escape prosecution. This is hardly a deterrent. Ms Saunders makes no mention of these wicked people. The woman is playing with a marked deck and the sooner she falls into her own cauldron and perishes the better.

Flag

16RecommendReply

Dr Nick Cornish Jan 23, 2018

Rape must be a terrifying experience and silence, frozen with fear must be a natural response. In any event the accused could simply deny that the rape victim had protested.

This person doesn't seem to understand that prosecution is difficult when it is one person's word against another.

I wonder if she will next suggest that the rape victim physically fights back not realising that this will cause even more trauma.

Since telling the police one has been raped must be extremely difficult and traumatic let alone standing before a verbally aggressive defence barrister in open court and most victims choose not to report so 85 000 complaints (is that a year) is probably a gross underestimate.

Perhaps Ms. Saunders could stop loving the limelight and just do her job?

Flag

10RecommendReply

JMcL Jan 23, 2018

@Dr Nick Cornish "This person doesn't seem to understand that prosecution is difficult when it is one person's word against another."

No - that's plain silly. Her awareness of it is implicit in her pointing out that corroborative evidence is needed: silence makes it harder (but not impossible) to prosecute.

Flag

RecommendReply

catriona talbot Jan 23, 2018

@JMcL

But only the two people involved know whether there was silence or not! The defendant - I imagine - is going to say there was silence, the complainant - I imagine - is going to say there wasn't. I don't understand how this assertion/denial can be given any weight as 'evidence'.

Flag

2RecommendReply

Penny Jan 23, 2018

How is she still in her job?

Flag

13RecommendReply

Jay Lacey Jan 23, 2018

The cases didn't collapse because the 'victims' didn't explicitly say 'no' but because the CPS had concealed evidence that showed definitively the accusers had lied lied lied.

You live in a society where mens' right to due process is suspended when it suits you ladies. Own it.

Flag

18RecommendReply

Mark Eltringham Jan 23, 2018

It's hard to know what to make of this. On the one hand, Saunders has inverted the presumption of evidence and facilitated a culture in which evidence is deliberately withheld that might clear the accused of a terrible crime. Now she's putting the onus on the victims of rape to behave in a particular way to secure a conviction.

I'd always concluded she was solely a misandrist, but this would suggest that her ideology also involves throwing a few women to the wolves if they don't do as they're told.

Flag

14RecommendReply

Robert Smallwood Jan 24, 2018

@Mark Eltringham

Couldn't find MISANDRIST in the Oxford Illustrated Dictionary (second edition), which should have been between MISALLIANCE and MISANTHROPE. Please explain.

Flag

RecommendReply

Matthew Twigg Jan 23, 2018

Why is this disgraceful woman still in a job? After all the recent CPS gaffes and now this, she should do the honourable thing and step down.

Flag

10RecommendReply

AOT Le Snarque Jan 23, 2018

What if the victim is threatened with further violence or disfigurement if she makes a sound?

Flag

9RecommendReply

high-torque wrap Jan 23, 2018

No need to comment. We have seen what Alison Saunders said. The jury can now retire to consider the verdict.

Flag

4RecommendReply

Grumpy Old Git Jan 23, 2018

I think the names of ALL involved should not be released until a verdict of guilty is given in court, Why is it that an accusers name is forever secret despite the verdict

Flag

24RecommendReply

The Woodster Jan 23, 2018

I wonder what Ms Saunders said EXACTLY.

Flag

1RecommendReply

Ms Elizabeth Keith Jan 23, 2018

' She added that Mrs Saunders had been trying to increase the rape conviction rate for several years against a background of 85,000 complaints and "that should be the focus of attention".' Justice,

regardless of gender, should be the focus of attention, not a desire to increase convictions at all costs, a desire that seems to result in disproportionate numbers of innocent young men being falsely taken to the judicial cleaners.

Flag

20RecommendReply

CJ Jan 23, 2018

If men do not want to be falsely accused of sexual assault then they should take precautions not to put themselves in that position. If men did not indulge in this risky behaviour, then there would be no false allegations. They need to take responsibility for their own conduct.

Flag

3RecommendReply

Duncan Massey Jan 23, 2018

@CJ So ban all one night stands? Ban any sex after alcohol? Ensure all sexual interactions are recorded? Ensure all one on one conversation and interaction with women are recorded? Is this your solution?

Flag

8RecommendReply

Michael Askew Jan 23, 2018

@CJ Craig Charles was held in prison on remand for over a year despite the fact that no physical contact had taken place. The police refused his request to collect the DNA evidence that would have exonerated him. False accusations by deranged or malicious people may be hard to protect yourself against.

Flag

11RecommendReply

Neil Barrett Jan 23, 2018

@CJ Turn that around and replace men with women, and accused of with subjected to. Then realise how biased and silly that sounds.

Flag

RecommendReply

Ann Lyon Jan 23, 2018

'Assumption' is probably the wrong word, but for once Ms Saunders is right; if the woman does not actually say 'no' it is going to be much more difficult for the prosecution to prove that the defendant did not reasonably believe she consented.

The other point is that a woman who claims to have been raped needs to go to the police at once - then there will be forensic evidence to establish at least that she had sex with this particular man.

Flag

3RecommendReply

littleol'me Jan 23, 2018

@Ann Lyon Problem comes when it's her word against his. Plus, I guess the strength of her ability to withstand intimate and intrusive defence questioning in a court.

Flag

RecommendReply

Neil Barrett Jan 23, 2018

@Ann Lyon "The other point is that a woman who claims to have been raped needs to go to the police at once"

And certainly not immediately try and sell the story to newspapers.

Flag

RecommendReply

R Wallace Jan 23, 2018

"I DID say NO, Mr Police Officer really I did."

"She most definitely didn't say NO, Mr Police Officer."

Who's telling the truth?

Flag

10RecommendReply

Saint John Jan 23, 2018

Alison Saunders needs to be sacked.

Her utterances get worse . They have no place in justice. Her staff appear to be instructed to get convictions. Rather than uphold justice. .

And advising the victims to object - this must be the last straw- surely a victim crying out is a good way to make the attack worse ?

And how is Saunders qualified to advise a victim how to respond in an attack ?

Flag

18RecommendReply

Anna Laney Jan 23, 2018

<https://www.youtube.com/watch?v=51-hepLP8J4>

Flag

RecommendReply

R Ward Jan 23, 2018

I do not believe this to be an appropriate intervention. Rape is rape and we know that it involves one party forcing themselves on another against consent. To suggest that the other party can claim that they withdrew consent in the, to be blunt, heat of sex when both parties may be raptourisly panting and the like or after the event opens a minefield. Some will soon be suggesting that written permission will be needed as the comments made by Mrs Saunders also opens up the possibility of cries of rape after the event on the grounds of guilt and or regret on the part of the other party. I would urge that we tread carefully and be cautious about ensuring both parties alike are treated fairly with prosecutions based on evidence. Similarly those crying rape without reasons I.e. on the basis of regrets post the event need to be dealt with as well. I expect some may view my comments as being a typically male approach however I would really suggest that we go carefully with all of this as a yes no approach really does open a minefield.

Flag

9RecommendReply

Alien Looking Down Jan 23, 2018

And no mention of how she will deal with those making false accusations that waste police time, thus diverting attention away from genuine allegations.

Flag

21RecommendReply

j turner Jan 23, 2018

Madness. Genuine rape victims who are assaulted and stay silent out of fear get no justice, meanwhile, a drunken student can claim she was raped because she did not give consent even if she screamed and shouted about it. Rape has always been difficult to prosecute because of the issue of consent but in recent years many young men have been falsely accused and in the past many young women did not get justice. Each case needs judging by a jury on its merits.

Flag

6RecommendReply

HazeR Jan 23, 2018

@j turner "..... many young men have been falsely accused and in the past many young women did not get justice. Each case needs judging by a jury on its merits."

Not only in the past did many young women not get justice but I also believe that they far outnumber the number of men wrongly accused.

Flag

RecommendReply

Ms Elizabeth Keith Jan 23, 2018

@HazeR @j turner 'Not only in the past did many young women not get justice but I also believe that they far outnumber the number of men wrongly accused.' That young women don't necessarily get justice doesn't mean that innocent young men should be banged up. Two wrongs don't make a right, a cliché but true.

Flag

1RecommendReply

The Dynamic Flashy Jan 23, 2018

She's implying the men are guilty, but only avoid prison due to technicalities. What ever happens to due process?

Flag

11RecommendReply

John Sheard Jan 23, 2018

Every time this woman opens her mouth she puts both feet in it. To describe the collapse of several rape trials as "irritating" is outrageous.

Getting a parking ticket is irritating, being on bail for two years, one's reputation maligned and your potential future put at risk on dodgy evidence, is devastating.

If she had any pride in her office, she should resign. So far, this does not appear to be the case.

Flag

20RecommendReply

Ian Hynes Jan 23, 2018

Put rubbish in the front end of the sausage machine and you get rubbish out the back end. Incompetent investigation (call handler onwards) feeds poor decision-making, mix it with politics, targets, and austerity, sprinkle, with a bit of confirmation bias and you have a toxic recipe for miscarriages. All this predicted a decade ago but ignored. How many victims since?

Flag

5RecommendReply

Prabhat Jan 23, 2018

I am struggling with the bizarre antics of this DPP. Now she is turning on the rape victims. How difficult is it to encourage actual rape victims to come forward and conduct thorough investigation based on full evidence so that right people are locked up and where rape allegations are false punish those whilst ensuring pending conviction both sides are kept anonymous? Seeing this DPP it seems like impossible. What a failure!

Flag

7RecommendReply

Come and Go Jan 23, 2018

My word against theirs, it would seem. Very difficult to argue one way or the other in court.

Flag

3RecommendReply

Richard Pursehouse Jan 23, 2018

Maybe she needs to send the same message/ advice to the Hollywood actresses who are jumping on the 'me too' bandwagon years after alleged attacks - refusing to speak out years ago subjects those that follow on to the same attacks.

Flag

3RecommendReply

David Tallboys Jan 23, 2018

So, innocent men narrowly avoiding being jailed is "irritating and disappointing"? This woman Saunders is mad and should be removed.

Flag

29RecommendReply

Michael Jones Jan 23, 2018

A bit rich coming from Saunders given the evident problems with disclosure of evidence and now claiming that the CPS do not want to put the wrong people through the courts. Strange timing too for this call from her, given that all the recent problems just happened to be males getting the crap end of the stick based on women speaking out. Unfortunately they were all lies.

Flag

9RecommendReply

Sam Day Jan 23, 2018

In her search for the perfect rape conviction it appears that Saunders has not only taken the approach that it is better that 10 innocent men have their lives destroyed lest one should go free, but now advocates that women enduring a terrifying, full on rape should scream and holler as it is happening. If the screaming and hollering intensifies the viciousness of the assault on the victim resulting in a worse outcome is Saunders' advice safe or sensible?

She appears to be so ideologically convinced in her approaches to rape cases that both victims and accused are being treated as pawns in her 'master plan'.

Flag

11RecommendReply

The Dark Lord Jan 23, 2018

Our rape laws are farcical and the feminist agendas in our policing and prosecution systems are outrageous. Double anonymity in such cases is surely now required as are rigorous efforts to investigate and prosecute in cases of malicious allegation.

Flag

33RecommendReply

Omo Ode Jan 23, 2018

Some of Alison Saunders's utterances make one wonder if she actually is a lawyer. Isn't it an obvious fact that some rape victims are shocked into silence?

She is reported as describing the collapse of recent trials because of late disclosure of evidence as "disappointing and irritating". Now, 'irritating' is defined in one dictionary as 'something causing mild anger'. It's obvious that this word is totally inadequate and inappropriate in describing the effect of recent disclosure failures, especially on the hapless defendants.

I seriously doubt Alison Saunders's fitness to hold the very important post of head of the CPS.

Flag

24RecommendReply

Exceptio Jan 23, 2018

Those recently cleared were lucky to have found the non disclosed evidence.

What about those wrongly found guilty on the word of the "victim" when they had a reasonable understanding of consent.

It cannot be in criminal law that intent of the defendant can be only defined by what is in the mind, often years after the event.

Imagine any other crime where a complainant goes to the police and accuses a person of for instance defrauding him 10 years ago. I seriously doubt the police would march down to his place of work on the basis of the complaint (it must be true) arrest him , stick him on indefinite bail and leak the details to ruin his life.

Flag

14RecommendReply

Observer20 Jan 23, 2018

"She added that Mrs Saunders had been trying to increase the rape conviction rate for several years against a background of 85,000 complaints and "that should be the focus of attention".

Call me old fashioned but I think justice should be the focus of attention and the resulting prosecution and conviction rate will be whatever it is, not the requirement of a lobby group or the personnel aims of one individual.

Flag

35RecommendReply

Annette Nicolls Jan 23, 2018

In the first case no names should ever be made public before a court conviction.

Flag

23RecommendReply

Gerryco Jan 23, 2018

This article and in particular its headline have skewed Ms Saunders' words to be a "warning" to genuine victims of rape, that in the midst of an attack they should start thinking like a lawyer and bolster the potential prosecution evidence by saying "no".

What in fact she was saying was that when assessing the prospect of conviction, a CPS lawyer must consider the absence of any evidence of overt lack of consent, and how a jury will interpret that.

In cases where victims have not said "no", and there are no other relevant factors e.g. extreme intoxication to the point of unconsciousness, juries are less inclined to find that the complainant did not consent , (or at least that the accused was aware that she did not consent).

That is common sense really, not a "warning to rape victims" as your headline writer scandalously puts it.

Flag

3RecommendReply

lancsmarsbar Jan 23, 2018

@Gerryco I'm afraid Ms.Saunders has got herself into the position whereby nothing she says seems sensible to anybody. In other words, she now completely lacks even a shred of credibility and needs to either resign or be removed.

Flag

5RecommendReply

thebeancounter Jan 23, 2018

Saunders has the audacity to double down on her political agenda, rather than make an apology and to do the honourable thing.

To call ruining men's lives' as "disappointing and irritating" shows how much this crusade has damaged her cognitive ability.

Surely she must follow her fellow campaigner, Liz Truss, out of the justice system.

Flag

16RecommendReply

peter sitch Jan 23, 2018

Obviously my comment isn't PC enough for the Times

Flag

8RecommendReply

George Brown Jan 23, 2018

@peter sitch Which is becoming an increasing theme. Anything that steers away from the approved narrative is left in the purgatory of 'pending'.

Flag

3RecommendReply

RGT Jan 23, 2018

"We are there (note past tense) not just to be able to prosecute cases where there has been an offence, but also not to prosecute cases where there isn't sufficient evidence,"

Alison Saunders needs some lessons in plain English.

Flag

7RecommendReply

Angela Barratt Jan 23, 2018

Doesn't this idiot of a woman realise that many women are paralysed with fear during a sex attack and are incapable of protesting or crying out? Just more evidence that she is unfit for her job.

Flag

50RecommendReply

JMcL Jan 23, 2018

@Angela Barratt I think that you're missing her point, perhaps wilfully. She is not saying that silence implies consent; she's pointing out that it makes it far harder to prosecute successfully, which is her job.

Flag

1RecommendReply

stephen winter Jan 23, 2018

@Angela Barratt the same woman who 'thinks' prosecution cases are ok. unbelievable ignorant woman

Flag

4RecommendReply

Minority Man Jan 23, 2018

@Angela Barratt Not only that but they may well keep silent for fear of precipitating further attack and even facial or bodily marking, a woman's often greatest fear. They may even take the view that getting the dreadful experience over asap is their best course. I am amazed that the Head of CPS has made such statements. Surely they have been reported in the wrong context? If not, then she has to be removed and that done, this morning!

Flag

5RecommendReply

peter sitch Jan 23, 2018

@Angela Barratt Indeed, there are some who counsel remaining silent during violent attacks as saving greater violence

Flag

2RecommendReply

Robert Hughes Jan 23, 2018

I wonder how many people know that you cannot successfully prosecute a rape case even when the complainant has not consented if the accused had a reasonable belief that she had.

Flag

5RecommendReply

peter sitch Jan 23, 2018

'She described the collapse of recent trials because of late disclosure of evidence as "disappointing and irritating".'

Doesn't that turn of phrase reinforce her misandry and seeming campaign to vilify men for their relationships with women. A more neutral 'I am pleased that these potential miscarriages of justice were averted, albeit at the last minute. I need to counsel the police to follow correct evidential exposure and gathering'?? Might have been a more appropriate comment

If I was her doctor I'd be looking long and hard at events in her background which are driving this venomous and irrational campaign.

Flag

59RecommendReply

Jacqueline Thompson Jan 23, 2018

Mrs Saunders needs to be pulled up on this. People who are being attacked frequently don't scream and shout. Many react with a watchful muteness. It is common when people are shocked. It is even more likely when women are sexually assaulted and fear that anything they might say would provoke their attacker to use a more violent approach.

I was once physically attacked in a deserted street after dark and fought with the assailant for some minutes until a passer by appeared who raced to my rescue. Afterwards I realised this had gone on in complete silence. I hadn't even screamed. That, I was later told, is not uncommon.

Flag

44RecommendReply

TP Jan 23, 2018

@Jacqueline Thompson I think there is a difference between being on the street (being attacked by a perfect stranger) and the situation where you are in the room of an acquaintance, things start to happen and the woman is mute? I'm a woman. We need to stop being victims. if we are in any of the situations like the three in the cases described here, then of course we are obliged to say no or else there is clearly a reasonable case that the man could misunderstand the situation depending on how the rest of the evening has progressed. I'm not condoning rape but there are some cases where the line is not so clear and I am not convinced at all that it is always the man at fault. Your experience is entirely different - a stranger attack has no ambiguity.

Flag

4RecommendReply

Mrs Ruth Bruce Jan 23, 2018

@Jacqueline Thompson

That is reasonable and natural; it is also the reason why women need to be actively taught to overcome the natural impulse to fight in silence and to scream aloud. That can have two positive outcomes: an attacker might run, afraid of discovery; and the noise will alert anyone in earshot, perhaps bringing help.

Women of my generation were routinely advised by their mothers: if attacked, scream. It is only common sense. If your natural voice is too soft, a rape alarm can do the job for you.

In he case you describe:

I was once physically attacked in a deserted street after dark and fought with the assailant for some minutes

it is in any case unlikely that your assailant could have got away with a defence of consent; scratch and bite marks on his skin would give him the lie. Another piece of advice (from a police officer in my youth):

If assaulted, bite his face. One, it proves that you resisted. Two, tooth-marks are as individual as fingerprints, and it makes chummy's identification easy.

Flag

2RecommendReply

Ann Lyon Jan 23, 2018

@Mrs Ruth Bruce @Jacqueline Thompson Another piece of advice I've seen is that a jab with a car or house key can do a decent amount of damage, particularly to the face.

Flag

1RecommendReply

Sal Jan 23, 2018

A rape alarm is the worst piece of kit ever made. Why? It causes the aggressor to release adrenaline, which is highly likely to produce reckless violence in a vengeful attack which is likely to be more severe than the original assault. Secondly, the person who is operating the rape alarm will find their heartbeat quickens, breath shortens and options for escape are considerably reduced by their weakened, breathless state.

Flag

RecommendReply

JMcL Jan 23, 2018

@Jacqueline Thompson As Ms Barrett above, I think you're missing Ms Saunders' point, which is that silence makes it harder (but not impossible) to prosecute. She is not saying that silence implies consent.

It may amount for a plea for the law to be changed so the silence on the part of the alleged victim implies neither consent nor acceptance, but is purely neutral?

Flag

2RecommendReply

John Smart Jan 23, 2018

@Jacqueline Thompson A very good point about shouting or screaming provoking even more violence.

Flag

1RecommendReply

Ann Lyon Jan 23, 2018

@Jacqueline Thompson A critical point here is that as you fought back (good for you!), there were presumably marks on you as evidence, so shouting and screaming didn't really matter. Plus there was the person who rescued you as a witness.

Flag

1RecommendReply

MaryR Jan 23, 2018

Saunders should lose her job because because of this.

Flag

RecommendReply

Alan Hawkes Jan 23, 2018

Might not an attacker lie about what his victim said, anyway?

Flag

14RecommendReply
Matt Jan 23, 2018
@Alan Hawkes

Yes, but it's one persons word against anothers. I really don't see how a just society can prosecute in these cases.

Flag

6RecommendReply
JMcl Jan 23, 2018
@Alan Hawkes And indeed the alleged victim

Flag

5RecommendReply

*Ref.: Stay silent and your attacker could go free, Alison Saunders warns rape victims.docx
26/04/2018 11:08*