

The Times  
Letters to the Editor 19 July 2010

### **Anonymity in rape trials is essential**

Sir, In the Commons debate on anonymity for rape defendants Maria Eagle, the Shadow Justice Minister, warned that it would be signalling to victims that they will not be believed (report, July 9). The argument is both tendentious and speculative, and furnishes no answer to the main points in favour.

First, by establishing parity with complainants, defendants' anonymity (until conviction) ensures that we never forget the presumption of innocence, or who exactly are on trial for their liberty. Second, anonymity is the only way to avoid the enormous stigma that would otherwise inevitably stick to acquitted defendants.

The third point concerns the main ground put forward for opposing anonymity, that victims of rape allegedly committed by a male known to them by name are encouraged to come forward purely in consequence of hearing that a man bearing the same name as their attacker is on trial for a different rape. The incidence of this would have to be substantial enough to outweigh the primacy of the first two points. In fact, where on rare occasions other victims do come forward it is almost always as a result of recognition cues based on circumstantial similarities.

The final, and perhaps most important, point to make is that, as we contend, the prevalence of concoction is significantly higher in rape than in all other types of criminal charge. In our recent study, *Rape Trials*, in *Criminal Law and Justice Weekly* (Vol 174, No 17, April 24, 2010), we listed a huge number of established cases of concoction meticulously trawled from several years of press reports and gathered under various categories of motivation. These factors simply do not operate on anything like the same scale in other types of offence and male defendants are therefore unusually vulnerable to false rape allegations.

Last year we sought a freedom of information inquiry into recorded offences of attempting to pervert the course of justice, seeking a breakdown by falsely alleged offence type, the purpose being to discover the officially computed frequency of false rape allegations. The application was refused ostensibly on the ground of cost. At our suggestion Baroness Stern, then conducting her independent review for the Government on the handling of rape complaints, pursued the same inquiry. We understand she was similarly rebuffed.

It is to be hoped that the Prime Minister and the Justice Secretary will be less inclined to shut their eyes to inconvenient truths.

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