

Solicitor for student in rape case condemns 'grave errors'

Police failure to disclose phone records to defence resulted in collapse of trial

Owen Bowcott

The solicitor representing the student at the heart of a collapsed rape trial has dismissed a police and prosecution review of the case that resulted in an apology to her client as disingenuous and warned that the police's determination to obtain convictions overrides their attention to other duties.

Simone Meerabux, a partner at the law firm Lam & Meerabux in Croydon, said she was disappointed by the joint Metropolitan police-Crown Prosecution Service (CPS) report into the case of Liam Allan and added that he would probably seek compensation.

Allan, from Beckenham, south-east London, was charged with 12 counts of rape and sexual assault, but his trial was abandoned after police were

ordered to hand over phone records that should have already been provided to the defence.

After reading the review, Allan expressed his own frustrations at the way his case was handled, saying: "There were certain messages that were plucked specifically to go against me." This meant that "at some point" officers must have read the messages, he added. "I hope somewhere down the line there are consequences and lessons are learnt," he told Sky News.

"I don't want one person being a scapegoat. There are other cases that have been dropped."

The student, who was studying psychology at the University of Greenwich, was on bail for almost two years and spent three days in the dock at Croydon crown court before the case against him fell apart.

Metropolitan police officers eventually handed over messages between the complainant and her friends that cast doubt on the allegations against Allan. In one message, she was reported to have told another woman:

"It wasn't against my will or anything" Commander Richard Smith and the chief crown prosecutor for London south, Claire Lindley, met Allan and Meerabux on Monday and apologised to him for his prolonged ordeal.

But Meerabux told the Guardian: "The review refers to the near miscarriage of justice as errors. These errors were grave and very serious and cost Liam almost two years of his life. We are likely to be pursuing compensation on [his] behalf.

"There are already provisions in place to deal with data evidence. All we are seeking is for the CPS and the police

to do their jobs and follow their duties properly. I would call this review disingenuous. I'm aware, having dealt with more serious cases, that the police and CPS are all too willing to serve data evidence which assists their case.

"There's such a desire to obtain convictions and it appears that this overrides the duties of the police and the crown. This report is not really dealing with the issues. My view is that the CPS are scapegoating the police, whereas it's the entire system that needs a review. It's a pervasive problem. It's not just rape cases."

The review by the Met and the CPS said there was no evidence that information was withheld, deliberately. However, it blamed the disclosure issues on "a combination of error, lack of challenge, and lack of knowledge".

Giving details of the review to reporters, Smith said he and Lindley had met Allan on Monday and had both apologised.

"I was really pleased to have that opportunity to meet with him face to face, allow him to read the report and apologise for the errors that were made," Smith said.

Smith said the review had revealed no indication of misconduct by officers and there would be no disciplinary action. "The officer who had failed to spot the evidence exonerating Allan had requested to be moved to other duties, but Smith said he still had confidence in him.



▲ Liam Allan says police 'plucked' messages to use against him in court

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