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Abuse trial that shamed the British legal system

Andrew Norfolk

Demands for vulnerable witnesses to receive greater protection in child sex cases are made today as the full details of a trial that critics say shamed British justice can finally be revealed.

Politicians and charities called for action after girls who suffered years of sexual abuse from a street grooming gang were reduced to anguished sobbing during aggressive cross-examination by defence lawyers.

The trial was held at Stafford Crown Court in 2011 but legal restrictions meant that the key details could not be reported until now.

One victim, who was "passed around and used as meat" from the age of 13,

What happened was close to inexcusable

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was cross-examined for 12 days in what became "an almost forensic examination" of her past. Barristers traded angry exchanges, jurors came close to revolt and the judge threatened to quit as the shambolic four-month case, which cost several million pounds, descended into chaos and finally collapsed. A senior judge later denounced the trial as "an unmitigated disaster". Another judge said: "We should all be very ashamed that our criminal justice system allowed it."

Keir Starmer, QC, the Director of Public Prosecutions, said last night that he was holding discussions with the judiciary that may soon lead to the introduction of pre-recorded cross-examination sessions that would potentially spare young victims the ordeal of being questioned in court.

The Ministry of Justice said that it was considering "new ways to better support and protect vulnerable witnesses". Helen Grant, Victims' Minister, said: "Vulnerable victims, like the brave girls in this case, deserve every possible support when they are trying to bring the perpetrators of such sickening crimes to justice."

One victim in the case wept when

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Humiliation in court: how the law treated abuse victims

Girls giving evidence against their abusers were subjected to unforgivable distress, writes

Andrew Norfolk



More than three months into a criminal trial whose prospect of concluding grew bleaker as each week limped by, a juror was heard to remark that she wanted her life back.

"She's not the only one," was the observation of Judge Robin Onions. The case of the Crown v Ali and Others became a miserable endurance test for all in the doomed proceedings. The judge at times seemed close to despair.

"For the first time in my career, I haven't got a clue. I feel as though I've been hit over the head with a large hammer and there seems no end to it. As soon as you think there's a chink of light, someone or something drags you back into the tunnel."

No observer was going to argue with him. What happened at Stafford Crown Court between May and September 2011, a case in which seven men were accused of the systematic sexual abuse of a group of young girls, was at times close to inexcusable.

One by one, damaged teenagers came into court to describe life in a small Shropshire town where a network of offenders traded children as sexual commodities. Exploited by men, they were now abused once more — by the judicial system.

I have watched eight criminal trials over the past 32 months, each featuring a group of men accused of multiple offences linked to the organised sexual exploitation of girls. During some of those cases, including last year's prosecution of a Rochdale sex-grooming network and an Oxford case that ended at the Old Bailey last week, it was appar-

Sex gang trial that shamed British legal system

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she was forced by a defence barrister to read aloud graphic details of a childhood sex attack by her stepfather that was totally unconnected to the case.

Deborah Gould, the prosecution counsel, warned the court that the cross-examination of one teenager risked bringing the justice system into disrepute. "I've never been in a trial where a young witness has been in the witness box for so long. There must come a point at which the questioning ceases. She's been called a liar for day upon day upon day."

As she was speaking, a defence barrister sitting behind her, Dean Kershaw, screwed a sheet of paper into a ball and mimed throwing it at her back. His

gesture, unseen by the judge, was made in full view of other defence counsel and the seven defendants.

Miss Gould faced such strident criticism from some defence teams that during one heated exchange she said that she was "beginning to bitterly regret having any regard for the witness's welfare."

The children's charities Barnardo's and the NSPCC called yesterday for measures to reduce the ordeal faced by young witnesses in such cases.

Alan Wardle, head of public affairs at the NSPCC, said that the Stafford case should be a catalyst for change. "We have surely reached the point where this kind of appalling treatment of child abuse victims cannot continue.

ent that the welfare of vulnerable witnesses was given a high priority. The girls who gave evidence in the Stafford case, after a three-year police inquiry that identified more than 100 victims and almost 200 suspects, were not as fortunate. On trial were seven Telford men who denied offences against girls said to have been used for sex between 2007 and 2009. From day one, the wheels began to fall off. The case was so patently not ready for trial, despite numerous preliminary hearings, that on the opening day the jury was sworn in then promptly sent home for four weeks. It was five weeks before the first evidence was heard.

Even then the proceedings were continually interrupted by lengthy legal argument, many of the delays necessitated by a seemingly dysfunctional relationship between the lead prosecution counsel, Deborah Gould, and some of the defence teams.

Equipment malfunctioned, microphones broke down and the poor quality of some of the girls' filmed police interviews rendered them inaudible. At one point Judge Onions threatened to walk out. Caught in the middle of this uncertain process were the jury. And the girls. The first prosecution witness, aged 18, had been sold to men across northern England and the Midlands since she was 13.

Ms Gould said: "She was having sex with pretty much everything that moved. Pretty much every Asian male she met in Telford, usually the first time she met them."

The teenager spent 15 days in the witness box, 12 of them under cross-examination by a succession of defence lawyers. Some performed their roles admirably, seeking to challenge the evidence in a methodical way. Others were less restrained.

Questioned closely about her sexual encounters with adults, the young woman was repeatedly accused of lying, of "telling fibs", of being "naughty". At one stage of his cross-examination, Dean Kershaw told her to "stop fiddling... and try to concentrate".

Mohammed Tayyab Khan, another defence barrister, went so far as to ask whether she repented her sins. She did not understand the question.

On the final day of her cross-examination, pushed beyond endurance, she broke down. Mr Khan, a Leicester-based barrister, was merely warming up for the third witness.

She gave evidence of being taken by men to have sex with their friends or clients. Mr Khan wanted to question her about something else. Some years earlier, when she was 13, the girl told her mother that she was being sexually abused by her stepfather. Police were called and a detailed statement taken. It was soon withdrawn.

The judge



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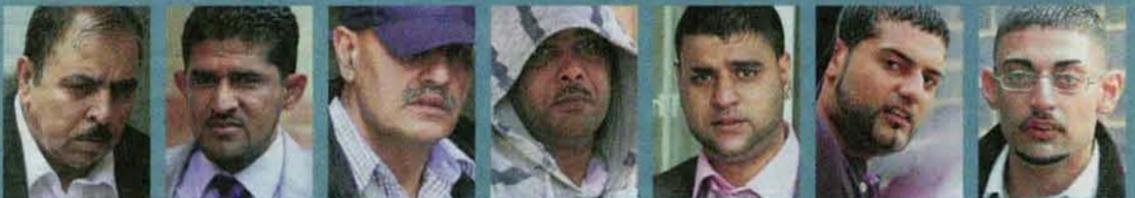
Judge Robin Onions, left

The lawyer

The judge asked the defence barrister Mohammed Tayyab Khan, right, if it was necessary for one girl to read out details of abuse by her stepfather. One lawyer walked out in disgust



The convicted



The seven men on trial denied offences against girls said to have been used for sex. From left they are: Mohammed Younis, Mahroof Khan, Mohammed Islam Choudhrey, Tanveer Ahmed, Mohammed Ali Sultan, Mubarek Ali, Abdel Ali

reality, she maintained throughout bouts of angry sobbing, was that she had been abused but had dropped the complaint because she was worried about the impact on her mother.

Here, officially, was a record of the child making a false complaint of sexual abuse. Mr Khan intended to use it to argue that her evidence in court could not be trusted.

He obliged her to read aloud, line by intimate line, her initial account of what her stepfather did to her. The girl's raw misery and pain was apparent to all, except Mr Khan. The jurors seemed angry and dismayed. One defence barrister walked out in disgust.

Judge Onions asked whether it was necessary for the witness "to read it

out". Mr Khan said it was. After more complaints, Mr Khan was allowed to continue his line of questioning, but now he read aloud the girl's words. The teenager's distress continued. After the trial collapsed, the Presiding Judge of the Midland circuit, Mr Justice Flaux, delivered a withering assessment of the way it was conducted.

The case was "an unmitigated disaster", he said. When the two main defendants faced the same charges at a second trial, the witnesses were treated very differently.

Before Mr Khan cross-examined the same girl, Judge Patrick Thomas, QC, warned him that he would not be allowed to repeat the distress caused at the previous trial. "The way things went last time is just so wrong that we should all be very ashamed that our justice system allowed it."

When the lawyer attempted to venture into the same territory, he was rebuked by the judge. "Is it difficult for you to understand that she finds all this troublesome and embarrassing and it has nothing to do with the case?"

Such reproaches did not prevent Mr Khan from shouting at her, as he had in the first trial, nor from again accusing her of being "a very wicked woman". She was not wicked. She was a troubled, exploited young teenager whose courage in seeking justice was rewarded with a lengthy mauling by legal professionals intent on blaming her for the abuse she suffered. It made for unedifying viewing. For the young witness, its impact must have been devastating.

● *The Hunt for Britain's Sex Gangs, the inside story of the police investigation that led to the Stafford trial, will be on Channel 4 at 9pm tonight*

Six of the seven defendants were subsequently convicted of 31 child-sex offences against four girls. They were all given substantial jail terms.

She told the jury that one of her abusers, later jailed for 14 years, put pres-