Allegations of Sexual Abuse in NZ

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System failing falsely accused, says QC by Mark Stevens

Innocent people accused of rape are enduring terrifying court trials because of systemic failures in the justice system, a Wellington QC has warned.

Donald Stevens said false rape complaints were surfacing frequently. He questioned how much radical feminists and rape crisis organisations were to blame.

"False complaints are altogether too common ... false complaints from men and from women."

Adding to Dr Stevens' concerns, was the possibility that in the face of mounting false complaints, genuine cases might not always be treated with the degree of sympathy and concern they deserved.

Addressing Eastern Hutt and Pencarrow rotary clubs this week, he listed five systemic failings that allowed false complaints to snowball once lodged:

* A mid-1980s law change removing the requirement of judges to warn juries of the dangers of convicting on uncorroborated complainant evidence in a sex case.

* Police no longer properly exercise the discretion to prosecute, sometimes leaving a flimsy case for the court to decide on.

* Experienced police departing the force, leaving rookie cops to investigate rapes.

* A reluctance of crown solicitors to halt prosecutions, with no prospect of success.

* Judges tending to be too cautious in exercising their power to halt a trial in circumstances where a reasonable jury could not convict.

"The consequence, is any deceitful or disturbed person can make a
fabricated allegation, and that's enough to put the person on trial," Dr Stevens said.

"The system is failing, important safeguards in the justice system are failing."

Not a lot was being done to resist the tide of false complaints because it was not seen as politically correct, he said.

"We must not shirk from asking ourselves how much the agitation of radical feminists and rape crisis organisations has contributed towards various of these systematic failings," Dr Stevens said.

"It is sobering to reflect that there are some who influence the feminist jurisprudence, and the lobbying of rape crisis organisations who appear to take the view that it is a lesser social evil for an innocent man to be convicted of rape than for a complainant not to be believed."

Detective Inspector Gary Knowles said flimsy evidence was not put before the court. Evidence first went through a robust assessment process, including peer review.

And, as senior investigators left police they were being replaced by well-trained and highly competent officers.