

COSMOPOLITAN



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JUN 5, 2019

On 31 of January 2016, Liam Allan was accused of rape. It took one afternoon to ruin his life and two years to clear his name.

It was a quiet knock at the door, late afternoon in January 2016, that changed Liam Allan's life. "There was no *EastEnders*-style showdown," he explains, eerily matter-of-fact and with the tired resignation of someone who has repeated this particular story a hundred times before. "It was almost casual."

Liam had just returned home from football practice and was in a dressing gown when the police called. "I thought perhaps I'd witnessed a crime," he says softly. It was only when Liam was in the back of the police car and an officer pulled out a notepad, from which he began to read a series of allegations made against him by

an ex-girlfriend, that he realised this wasn't the case. Instead it appeared that *he* was the one who had committed a crime. And it was one of the most heinous imaginable: rape.

As the police officer's words settled in, he remembers that it seemed strange; the relationship had ended on good terms, he had thought. At the time, Liam was a criminology and criminal psychology student, and assumed the legal system would work correctly. He'd be able to chalk this up to one unpleasant afternoon and move on with his life. His duty solicitor agreed: "He told me, 'I've seen loads of [cases involving accusations like] these and they're rarely taken further'." Except both men were wrong. On every count.

Because over the next two years, Liam Allan's life went into freefall as he was accused, then charged, then finally cleared in one of the most controversial rape cases the UK has ever seen. Controversial not because of the eventual outcome but because of the highly politicised backdrop against which it was conducted. His was a case that exposed cracks in a judicial system at breaking point and tested the new presumptive notion of "guilty until proven innocent" that social-media campaigns like #BelieveAllWomen seemed to encourage. What's more, the case challenged even our own prejudices about victims and the accused. Because in a world where we are told to #BelieveAllWomen, what happens when not *all* women are to be believed?

FALSE ACCUSATIONS

The first thing you have to do when you're accused of rape is tell people. Your part-time employer. Your university lecturer. Girls you are about to date. Next you have to get your head around the logistics. In the UK, rape carries with it a maximum penalty of life imprisonment and a lifetime on the Sex Offenders Register. And then the nightmares start... of being attacked, raped or indeed killed in prison if you are found guilty. Of never being able to start a family. Of never being able to have a relationship with a woman ever again. Liam told his university first. "We won't judge you for this," his lecturers assured him. "But I knew, deep down, as humans, they would. How could they not?" Next he was suspended from the retail job at which he worked part-time. ("I get it; they couldn't run the risk.") When he was out on dates with girls – though these were seldom as he waited to be charged – it hung like a thundercloud over him. When to tell them? At the beginning or at the end of the date? Because keeping quiet wasn't an option. What if he was found guilty? And how would life look after years behind bars?

"By the time I'd left prison, I would probably have considered suicide"

Liam looks thoughtful, as he sits in his burgundy hooded top opposite me in a brightly lit office, itself not dissimilar to the questioning rooms he found himself in back in 2016. "By the time I'd left prison, I would probably have considered

suicide,” he says plainly. “I love my mum, but what would there be to live for? Nobody would want a family with me, I wouldn’t be able to take my own child to primary school.”

In February 2017, after a full year of being on bail and living in limbo, Liam received the news he had most dreaded: he’d need to stand trial. He was at university when he found out. He took a phone call from the officer. It began, “I’m really sorry but...” and he fell to his knees right there in the middle of university. Then, on 1 March 2017, he was officially charged with six counts of rape and seven of sexual assault. “I started gearing up to convince 12 untrained strangers of my innocence. Ultimately, it comes down to your word against the complainant’s. I lost hope, thinking, ‘If I was in the jury, who would I feel more sorry for?’ It’s never going to be the guy defending himself for rape.”

In the UK, a rape victim will, quite understandably, remain anonymous throughout the trial. Since 1988, however, a rape suspect will not. (There are many reasons behind this, not least because many feel naming an accused encourages other victims to come forward, as was the case with Operation Yewtree and “black-cab rapist” John Worboys.) That meant Liam’s name was out there, the stench of sexual predator attached firmly to it. “Innocent until proven guilty” is the legal tenet by which a democratic society is supposed to abide, but at a time of high-profile allegations and mounting pressure for the Crown Prosecution Service (CPS) to get more rape convictions, “guilty until proven innocent” was the refrain across social media.

“Rape is the very worst thing to be accused of. If you ask someone if they’re [more] likely to hire a convicted burglar or a rapist, they’ll choose the burglar every time,” Liam says. His life, he was certain, was as good as over.

FAILURE TO DISCLOSE

And then something unexpected happened. A small chink of hope. The prosecution counsel submitted text messages from the accuser’s phone, evidence that the officer in charge of the case had previously dismissed as “girlie chat” and that neither side knew existed until the trial was already well underway. Liam’s defence team, which included barrister Julia Smart of Furnival Chambers, immediately put in a request to access the disc of messages, hoping it may contain something to help prove Liam’s innocence. What they found would not only upturn the entire case, but also expose a mile-wide gap in the justice system.

“Instead of a few hundred or so texts, the disc actually contained 2,418 pages worth of messages. It was a staggering amount of new evidence, and we had just 24 hours to trawl through it,” says Liam. “Everything just flipped on its head.” At around 4am that same night, Smart found the message that served as the pulled thread to unravel the case. Nestled within the reams of reported violent sexual fantasies, a message read: “[On the subject of having sex with Liam] It wasn’t against my will or anything.” In the final hour, he was saved from a very different future.



Liam Allan pictured in 2019
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Suddenly he found himself the poster boy for the wrongly accused, his face splashed over every global news outlet. Across social media, the mere mention of his name provided fuel for the ongoing debate about the “witch-hunt-like” tendencies some perceived the #MeToo movement to have developed. And for those who *had* been caught up in the momentum of #MeToo, it raised the question of whether there were innocent men being sacrificed for a greater cause.

"INVESTIGATING DIGITAL EVIDENCE NEEDS LIMITLESS HOURS AND MANPOWER - NEITHER OF WHICH THE POLICE HAVE"

After speaking with Liam, I contacted Julia Smart. She describes Liam as having “suffered hell for nothing. I had to do the investigating officer’s job at the eleventh hour, which sadly isn’t uncommon. Liam’s case is just the first time failure to disclose evidence has commanded such public attention.” She states that due to immense pressure to raise conviction rates, a mindset has been adopted within the police force that is akin to a “sales-target culture”. The fact that so much of our lives now exists online means there are growing reams of digital evidence, the examination of which requires limitless hours and man power – two things officers don’t have. “It’s as though ‘believing the victim’ trumps objective and thorough investigation,” says Smart.

Research into false rape allegations is lacking, but one US-based study found that over the past 20 years, just two to 10% of all allegations made were “false”. This also covers cases where victims pull out of the emotionally taxing process of reliving their experience through trial: so, in theory, the number of “false” accusations could be lower. British charity **Rape Crisis** states that its specialist services were accessed by 78,461 individuals between 2017 and 2018 – an increase of 17% from the previous year. Additionally, its centres provided in excess of 650,000 sessions of specialist support – an increase of 44% since 2016 to 17. And yet, alongside this, according to the CPS, the number of rape charges is at a 10-year low – declining by 23.1%. So, what’s happening? For Liam, the issue was undisclosed evidence. And, in many cases, it’s the same issue for victims too.

Increasingly, lawyers from the CPS have “early investigative advice” conversations. Meaning they decide at this stage which lines of inquiry should be followed, instead of waiting for all the evidence from detectives. Often, after this, cases are “administratively finalised”, and, sometimes, crucial evidence is overlooked. In an ironic twist of fate, this can mean that both victims and the accused could end up suffering from the same blows of a system trying to streamline its processes. In the same way, the system is failing both the accused and accuser.

A week after the disc was brought to light, and almost two years after the police first rapped on his door, Liam received a different kind of phone call from his solicitors. It was all over. He cried with relief.

Since Liam’s case, the CPS has undertaken a review of 3,637 other sexual offence cases – many of which digital evidence played a part in – to try and re-establish some of the much-eroded trust in their operations. Last summer, the then-director of public prosecutions, Alison Saunders, apologised when a review found 47 of the cases scrutinised hadn’t been conducted properly. Months later she stepped down from her role. When we reached out to the CPS for comment, a spokesperson said, “Under the Joint National Disclosure Improvement Plan [established in January 2018], we are working with the police to drive lasting improvements and bring about necessary change.”



Liam celebrating with friends and family

Despite his case being dropped, life will never be the same for Liam. (He is currently in the process of suing the Metropolitan Police.) “I haven’t applied for new jobs, I’ve purposely avoided it. It’s funny, you get your life back and there’s a hole in it – it’s hard to know where to go afterwards,” he says. Instead, like many victims, Liam has become a campaigner. His organisation, **Innovation of Justice**, aims to raise awareness of the numerous ways miscarriages of justice occur. Legal professionals, government figureheads and those with personal experience all attend and speak at their nationwide conferences. “There seems to be a gender war happening right now, especially on Twitter, but it shouldn’t be a competition of who’s had more pain or who is worse off.”



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In the end, the issues in Liam's case were put down to "a combination of error, lack of challenge and lack of knowledge", a joint review by the Metropolitan Police (the Met) and CPS found. His case, however, has led to hundreds more live rape cases being investigated by the Met. While his life has irrevocably changed, the woman who lied remains anonymous.

But has it changed us? In an era where social media makes judge and jury out of us all, while groups such as #BelieveAllWomen call for us to choose a side, what do we do? Should men like Liam be sacrificed for the perceived greater good? Or is the best course of action for us all to wait, hear both sides and judge everything on an individual basis? Because things can look much simpler from the outside. Appearances do not tell the whole story. Just as with Liam, who, as he walks into the distance – a young man in a hooded sports top – looks like any other carefree boy on his way to meet friends. How wrong we would be to judge him that way.

This feature was originally published in the March 2019 issue of Cosmopolitan UK.

<https://www.cosmopolitan.com/uk/reports/a27451529/false-accusation-accused-rape-liam-allan/>