

Private case brings rapist to justice

Prostitutes succeed with prosecution after CPS refuses to pursue attacker for lack of evidence

Sally Weale

TWO prostitutes made legal history yesterday when a man who attacked them in separate incidents was convicted in the first private prosecution for rape in an English court. The Crown Prosecution Service had refused to pursue the case on grounds of insufficient evidence.

Christopher Davies, aged 44, from Margate, Kent, was convicted at Maidstone crown court of charges of rape, indecent assault, false imprisonment and actual bodily harm on his first victim.

In the case of the second woman he was acquitted of rape, false imprisonment and malicious wounding, but was found guilty of indecent assault and actual bodily harm. He had denied all charges.

Yesterday's convictions were welcomed as a victory by women's organisations, who claim the CPS is dropping cases of rape too readily, particularly if they involve prostitutes, who are frequently deemed "not credible".

According to a recent report by Women Against Rape and Legal Action for Women, fewer than one in five reported rapes led to prosecutions in 1993, compared with more than half 10 years earlier.

The women, who cannot be named, each told the court they went to Davies's home to provide sexual services for cash. On each occasion he turned on them, threatened them with a knife and took obscene photographs while asking them to smile for the camera.

Brendan Finucane, prosecuting, told the jury of eight women and four men that Mr Davies had made appointments through agencies which advertised massage services.

In the first assault in 1991 the mother of two was paid £70 for her services, but Davies became angry when he could not get an erection.

He pinned her to the bed with his knees, tied her up and threatened her with a long carving knife.

He forced her to have oral sex and raped and sexually as-

saulted her, in the meantime trying to force pills down her throat. He took the pictures and took the number of her car, threatening to expose her if she went to the police.

The ordeal left her with injuries to her genitals and ribs, and terrified for the safety of her children. She went to hospital and called the police, but after a conversation with a policewoman decided to drop the case.

It was only after the attack on the second woman in similar circumstances in September 1992 that they decided to press the action. They made complaints to the police, who arrested Davies. After questioning they released him without charge and no further action was taken.

Mr Finucane told the court: "Prostitutes have no lesser rights than any other woman in the land. Prostitutes go to have consensual sex for money, not to have sex at knifepoint... A woman who yields through fear of force or duress is raped."

Speaking after the trial, Nina Lopez-Jones, of Legal Action for Women, said the two women were delighted. "This man was convicted by a jury examining the same evidence the CPS said was not strong enough for a case.

"This shows violent men are walking free. The CPS has to review its policy and practices in the light of this verdict."

Niki Adams, of the English Collective of Prostitutes, added: "It's taken these women 3 years to get this case to court. There have been many obstacles and it's taken enormous courage and determination for them to pursue it.

"This establishes that the issue is consent and that every woman has the right to say "no", regardless of whether it's in the home, on the street, or in the home of a client. The strength of a case should be decided on the facts rather than on the prejudices of the CPS."

The case was adjourned for psychiatric reports, and sentencing will follow.

While the case is the first of its kind in England, there has previously been a successful private prosecution for rape in Wales, and in Scotland a case has been brought by a woman who claims she was gang raped in her home. The case collapsed when a prosecution witness failed to turn up.

The jury at Maidstone only discovered the case they were hearing was a private prosecution when the second victim was cross-examined by defence counsel Michael Gale QC.

Anger over rape 'discrimination'

Duncan Campbell Crime Correspondent

TWO prostitutes who brought the first successful private prosecution for rape have been awarded £5,000 each in compensation.

But women's organisations last night criticised the size of the award for discriminating against them because of their profession.

Last May, after the Crown Prosecution Service decided there were insufficient grounds for a prosecution, the women brought a private action against Christopher Davies, aged 45.

He was jailed for 14 years in September after the court heard how he tied up one of the women, threatened her with a carving knife, forced her to have oral sex, sexually assaulted and raped her; and how he assaulted the second woman at knifepoint nine months later.

This week the Criminal Injury Compensation Authority awarded both women £5,000.

The recommended compensation for a rape under guidelines introduced this month is £7,500 for rape by one man, £10,000 for rape by two or more men and £17,500 if a victim suffers more serious injuries.

Last year, in one of the last cases before the introduction of the guidelines, Merlyn Nuttall, the victim of a savage rape in south London, was awarded £76,000.

Yesterday Lisa Longstaff, of Women Against Rape, who represented the women at the hearing, attacked the award, saying they had been penalised because of their work. She said they were told the attacks they suffered were different from those by a stranger in the street as they would have consented to sex for money.

"The CICA's discretionary power to discriminate on the grounds of character and conduct of the victim should be abolished," she said.

A CICA spokeswoman said that a victim's previous convictions can be taken into account when deciding levels of compensation.

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