

Remarks to jury in rape hearing defended

By Our Legal Affairs
Correspondent

JUDGE Raymond Dean, QC, ploughed deeper into controversy yesterday when he repeated his view made during a rape trial on Tuesday that "women don't always mean no when they say no".

As calls came for his resignation, the judge, aged 67, defended his remarks and said he had heard such views over the past 40 years expressed to jurors by more eminent judges than himself.

He said that he regretted it if his remark had upset anyone. He would not, however, give any undertaking that he would "not repeat that remark" if, in a similar minority of cases like the one he tried, there was "no support of any allegation of rape".

In spite of criticism from rape victim support groups, women's groups and MPs, the judge refused to back down from his comment to a jury at the Central Criminal Court trying Mr Dieter Kemp, aged 39, a German businessman, accused, and then acquitted, of rape.

"In the course of summing up the case and in the context of lack of corroborating evidence, I said: 'Sometimes — and I underline the word sometimes — even if a woman said 'no' she may not really mean no',” he said yesterday.

After the judge's remarks on Tuesday, the Lord Chancellor's officials said that they were calling for a report of what he said.

Judge Dean opened his remarks in court by saying: "I wish to say a few words in open court about something that I said in a case tried here earlier this week.

"The charge of rape, and rape when proved, is one of the gravest offences in the criminal calendar. The appropriate sentence in such a case is between five years at the bottom end and life imprisonment at the upper end.

"I have passed such sentences, including one of a sentence of life imprisonment, and I shall continue to do so in future when charges are proven. But it is by no means unknown for a man to be falsely accused of rape and in the case of Kemp the jury found him not guilty after a relatively short deliberation of one hour."

Mr Kemp was acquitted after his defence counsel told the jury that the woman consented to sexual intercourse at Kemp's flat in Kings Road, Chelsea, after they drank three bottles of champagne and Japanese *saki* and smoked cannabis.

● The Press Council has upheld complaints against three national newspapers that their coverage of a rape trial unnecessarily identified the defendant as being a black ballet dancer.

It ruled that the *Sun*, *Daily Star* and *Daily Mail* should have avoided revealing the colour of the defendant — who denied the charge and was acquitted — "in the interests of avoiding unjustified discrimination in the minds of readers".



Judge Raymond Dean:
Statement in court