

Juror shocked by court 'cruelty' to abuse victims

Marcello Mega

A juror in a child sex abuse case has revealed her distress and shame over the treatment of victims in court after learning one later committed suicide.

Dawn McCormick took her own life late last year, as her father Richard was sentenced to eight years for child sex offences going back more than 30 years.

McCormick, 69, was found guilty in October of eight charges against five girls, including his daughter. One charge involved the attempted rape of an eight-year-old girl.

The female juror, a former education professional whom The Sunday Times has decided not to name, was forced to judge the harrowing evidence given at the High Court in Edinburgh.

She said: "As I listened to and watched how the witnesses were treated, I felt at first uneasy, then actually ashamed. I know this might be the role of the defence lawyers, but it seemed excessive and cruel. Just watching made me feel I was part of that process. Ironically, the accused did not undergo such badgering because he chose not to give evidence."

The juror later did an internet search to find out what sentence was handed down by the judge Lady Carmichael in December, and stumbled across a press article about the suicide of 42-year-old Dawn McCormick.

She said: "I felt sad and upset, and I couldn't help but wonder if the way she had been treated in court had contributed to that drastic action."

"She had been called a liar. She had been told her allegations couldn't be true because she had begged her mother not to divorce her father. She was reminded that she had accepted gifts and treats from her father, and I watched her crumble before my eyes."

She added: "When she came in to give evidence, she looked damaged and fragile. By the time the justice system had finished undermining her, she looked pathetic and completely broken."

"I noted that two of the other victims, the ones who were putting up a bit more resistance to the defence, were treated even more aggressively than Dawn."

The juror, a mother and grandmother, said she did not blame the judge for not



The manner in which barristers cross-examine alleged victims of sexual abuse has been described as shameful and excessive



Dawn McCormick 'looked broken'

intervening but said it became clear as the case unfolded "that the rights of the man in the dock counted for far more than the rights of the victims".

She added: "You're left wondering why anyone would report such a crime if they knew what they were in for."

The senior counsel in McCormick's defence team was Frances McMenamin. She was also one of six defence counsel in a child abuse case in 2001 that prompted a juror to make public his concerns about the conduct of the case.

A girl of 11 and her brother, then eight, from Ayrshire, had accused six men of serious sexual abuse. The girl gave evidence over 10 days and was cross-examined by all six defence counsel, but the boy broke down twice under cross-examination by the barrister Stuart Gale and the case was thrown out.

Retired teacher Chris Garner was so

outraged at the treatment of the children in court that he made the at the time unprecedented decision to criticise the justice system.

The latest juror's decision to do the same could influence future laws on the cross-examination of vulnerable witnesses in sexual crime cases.

Holyrood justice minister Michael Matheson recently said child witnesses would soon be treated differently in court. They will make a recorded statement under controlled conditions soon after disclosing sexual abuse, and that will become their evidence in chief.

Once a new system for dealing with children is established, sources claim ministers will seek to extend better protections to vulnerable adults.

McMenamin has maintained that she treated her client's victims correctly. She added: "Like all advocates, I have a duty

to put forward a client's instructed defence to the best of my ability, and I approached my duty in this case, as in every case, in an entirely proper way, treating each witness with fairness and courtesy."

"Neither prosecuting counsel nor the judge found any reason to question my conduct. I am bound by a professional code of conduct, as well as by legislation and the rules of the court, all of which I take very seriously, and have always done so during 32 years in practice."

Matheson said: "Giving evidence during a criminal trial can be a stressful event for anybody but particularly so for children and vulnerable adult witnesses. We want to ensure that they have all the necessary support to reduce anxiety and ensure they can give their best evidence, while maintaining the necessary rights of accused persons."

Holyrood urged to end benefits misery

Julia Horton

Families across Scotland face years of "horrific" treatment under Westminster's controversial benefits system as the SNP lacks "urgency" in taking full control of handling claims, says a former Holyrood welfare adviser.

Unpaid carer Lynn Williams and her husband Derek, who was paralysed after a childhood road accident, spent weeks terrified of losing his vital disability benefit as they waited for a face-to-face interview at their Glasgow home. The questions are now mandatory as part of the UK government's assessments for its personal independence payments (PIPs).

The couple complained to the private contractor Atos Healthcare, which conducts the checks, that they should have been spared the "demeaning" interrogation, as they had submitted ample medical evidence showing the former teacher and Paralympian, now 68, will never walk again and needs ongoing support for several conditions.

Atos, which continued the benefit at the same level but for 10 years instead of life, admitted that there was no need to interview the couple and apologised.

But Williams, 46, a past member of a key Holyrood expert group on welfare, fears that, although power over the benefits was devolved this week, Scottish ministers have shown little will to speed up full transfer of the responsibilities – which is currently not expected until 2020.

Describing the assessment, she said: "It was horrific and demeaning... The interviewer was frankly appalling. She clearly had an agenda to reduce Derek's benefit but we didn't challenge what she was asking because we were so damn scared that we would

lose his payments, which make up a third of our income now, or his adapted car, which we could not survive without."

"After acting as an adviser, I understand more than most that they have to unpick a very complex system, but the longer they wait the more families will have to go through the current system."

While praising SNP MPs for being "vocal" at Westminster, she added: "I don't sense the same urgency from the Scottish government. They have positive rhetoric but that's not enough. Language doesn't pay your bills, heat your house or feed your belly." However, Williams welcomed – and has joined – the new "experience" panels of people who have been through assessments which the SNP is setting up to help improve the system here.

Her criticism follows a



Williams: assessment was 'horrific and demeaning'

record number of complaints UK-wide about the benefits assessments as Westminster replaces the former disability living allowance with PIP.

Last year the Scottish Tories attacked the SNP for "dragging its feet" on transferring powers. The Department for Work and Pensions said the timing was set by "mutual agreement" between both governments.

The Scottish government said changing legislation took time and it was acting as fast as possible to introduce a social security system based on "dignity and respect".





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