

We may despise Levi Bellfield, but justice was done

Peter Lodder



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The Dowler case showed the strength of our legal system: the right to a fair trial

There is understandable revulsion at the appalling, inhuman and murderous behaviour of Levi Bellfield. He did not acknowledge his guilt. He ran a defence that distressed his victim's family. A convicted serial killer, he even refused to attend court for his sentence. Many now liken him to an animal. In doing so, they have the moral authority that comes from knowing that he was properly represented and fairly tried, by a jury. However, that is not a licence to shoot the messenger.

The case against Bellfield was not strong. It rested on the hypothesis that Milly Dowler disappeared outside his home and that this was no coincidence. But there was information that caused the police, initially, to be suspicious of Milly's father. It was cross-examination founded upon this information that distressed the Dowler family. Mark Rowley, the chief constable of Surrey, must be aware of the importance of testing in court the points that his police force's investigation raised.

Bellfield's defence asserted that it was too easy to convict him because of his record. His instructions were to show that there were other reasons why Milly might have disappeared, as the police themselves had originally suspected. An experienced judge decided that investigation of this evidence was relevant and legitimate. The jury heard that evidence, considered it and rejected it. Justice was done.

The more appalling the crime, the keener the public interest in a guilty verdict; the greater, too, the pressure on those who have the difficult task of representing the accused. This was the experience of Colin Stagg, charged with sexually assaulting and murdering Rachel Nickell on Wimbledon Common in front of her infant son. Although he was acquitted in 1994, for many years there was a suspicion that his barristers "had got a guilty man off". Nearly 15 years later the actual killer was convicted. Justice had, in truth, been done.

Jeffrey Samuels, QC, who represented Bellfield at his trial, acted in the appeal and re-trial for Barry George, a man who had an obsession for celebrities and previous convictions for sexual offending. Initially convicted of the murder of Jill Dando, George was acquitted in the retrial in 2008. In that case the media approved of the outcome. But for doing his job on behalf of Bellfield, Mr Samuels has been pilloried and his young family have suffered death threats and abuse. If a British citizen was charged with a criminal offence abroad, and his lawyer was vilified for representing him, we would be outraged.

"The first thing we do, let's kill all the lawyers" (Henry VI, part 2) is often misquoted against legal practitioners. But Shakespeare puts these words into the mouth of Dick the butcher, the revolutionary, to underline that the rule of law is a bulwark for a stable and civilised society. And the rule of law is epitomised in the right to a fair trial.

Barristers are not permitted to turn away a case because the crime is a horrible one or because the barrister does not like the look of it. The "cab rank" rule ensures that we take the rough with the smooth. All are entitled to a proper defence and, under our justice system, up to now they have been guaranteed a capable and suitably experienced advocate to conduct it. It is all too easy to dismiss, with hindsight, the presumption of innocence that forms the bedrock of our system. Whoever the defendant, however appalling the crime, the trial process, supervised by a judge, is a strength of our system of justice.

Bellfield's trial was exceptional. It would be a poor basis for changing the law, especially if it compromised a Colin Stagg or Barry George in the future.

Peter Lodder, QC, is Chairman of the Bar