

Written evidence from Dr Anton van Dellen, Barrister, Fraser Chambers (PPS0004)

1. I am a barrister at Fraser Chambers in London.
2. My most recent experience in being instructed to represent a client in a private prosecution involved a particularly nasty incident of domestic violence.
3. My client alleged that she had been falsely imprisoned in her former home, that her face was slapped and her jacket was ripped. The Police were called and her former partner was then arrested for false imprisonment.
4. The Crown Prosecution Service only recommended that he be charged with s.39 common assault.
5. She was not warned to attend his trial at the Magistrates' Court to give evidence and he was consequently acquitted of the charge of s.39 common assault.
6. She received advice about and subsequently brought a private prosecution for false imprisonment and criminal damage. Her former partner pleaded guilty to criminal damage. The CPS declined to take over the prosecution and a trial was conducted at Snaresbrook Crown Court, where he was acquitted of false imprisonment but sentenced for criminal damage.
7. Private prosecutions represent an important constitutional safeguard to protect individuals where the State has failed to prosecute allegations of serious criminality properly.

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