

TRANSCRIPT OF PROCEEDINGS

Ref. 43SP0485123

IN THE CROWN COURT AT OXFORD

St Aldate's
Oxford

Before HIS HONOUR JUDGE DALY

R E X

- v -

KHALIZ ALI ALSHIMERY

MR E LUCAS appeared on behalf of the Prosecution

MR P DU FEU appeared on behalf of the Defendant

**WHOLE HEARING
15th MAY 2024**

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STATUTORY ANONYMITY APPLIES

A JUDGE DALY: Yes, are you OK there?

THE WITNESS: Hello, I'm good, thank you, how are you?

JUDGE DALY: I'm fine. Just move some of these screens so that I can actually see you.

Mr Lucas.

B MR LUCAS: Your Honour, yes.

JUDGE DALY: Ready for the jury?

MR LUCAS: Yes.

(In the presence of the jury)

C JUDGE DALY: Good morning, ladies and gentlemen. Now, as you know, you saw [Person A] yesterday on the screens. So you've seen the film, now meet the cast. Here we are. She is in the witness box, and you can see that she has got the benefit of screens, and I told you something about that yesterday, and I think we're now ready to hear her evidence. Have you got further questions, Mr Lucas?

MR LUCAS: Yes, your Honour, I have.

D [PERSON A], Affirmed

Examined in-chief by MR LUCAS

E Q. Thank you very much indeed, your Honour. Good morning. Could you possibly just sit forward a wee bit so I can just see you. I don't want to block the juror in the corner. Just give the court your full name, please, would you?

A. [Person A1].

Q. [Person A2], how would you like to be addressed, [Person A3] or [Person A2]?

A. [Person A2] is fine.

Q. OK. [Person A2], could you kindly, don't look at anybody in particular, but imagine you're talking to the back row of the jury, OK?

F A. Mmm.

Q. And the reason why I'm saying that, I'm asking the questions but I'm actually quite close to you now, but if you could direct your questions - answers to them, and it means everyone can hear you, do you understand?

G A. Yes.

Q. All right. [Person A2], I just want to ask you a couple of questions, I mean, obviously we've heard, we heard your video recorded interview yesterday, when did, when did you, when did you see that?

A. I saw that on Sunday.

H Q. On Sunday?

A

A. Sunday.

Q. All right. So a couple of days ago?

A. A couple of days ago.

Q. OK, thank you very much indeed. I just want you to take some photographs,

B members of the jury, I've told, I promise you we'll come to this, some photographs, [Person A2], which I'd like you to look at, please.

A. Mmm.

Q. It's in a bundle in front of you, a bigger bundle, which has got an indictment on the front, the thicker one.

C

A. Mmm.

Q. Could I ask you, please, to turn to page 4.

A. Yes.

Q. Now, I'm going to come back to some other photographs of you later on, but it's only because this appears first in the, in the album that I'm dealing with it in this way. There are four photographs there, [Person A2], and they show marks to the, the right, sorry, the left of your neck. Can you tell us what those caused, what they were caused by?

D

A. So it was sort of a like kissing, sort of biting motion from the defendant on to my neck.

Q. And were they there before you met him?

E

A. No.

Q. So these were caused by the defendant biting and kissing your neck?

A. Yes.

Q. Thank you very much indeed. Let's move over, please, it's page 6 at the top, it says, just to confuse everyone it says page 3, 2 underneath it, but let's operate on the basis of the numbers at the top. Now, [Person A2], this might not make much sense, 6, 7 and 8, but if you turn over to page 9 it might. Do you remember that door, or do you remember anything about it?

F

A. Yes, I remember the door.

G

Q. Tell us about it, what happened on the door?

A. So that door was where he sort of pushed me against the door, and kind of forced his body against mine, against that door.

Q. Tell us, we're going to see some video later on, I'm not - I'm going to deal with that with the police officer, but when he did that what was he doing to you?

H

- A** A. He was kind of, he was just still like kissing my neck and kind of biting my neck, and, yes.
- Q. And what were you doing?
- A. I'm trying to push him off.
- B** Q. Trying to push him off. All right. Page 8, 9, and I think 9 gives us the aerial, it's right at the end of the High Street, your Honour, I'm sure everyone knows it, just as you go under the Plain, and that's where the door is. We're looking back towards the bridge that way, at page 9, and page 10 we're looking away from it. So is it right, on page 10, that one road goes up to Headington and the other road goes up to Cowley?
- C** A. Yes.
- Q. And that's the junction. Right, page 11 we can see another, a door, a blue doorway, do you remember what happened there?
- A. Yes, that was the same incident of where he pushed me against the door.
- Q. Pardon?
- D** A. The same incident of where he pushed me against the door.
- Q. Pushed you against the door, all right. Let's just, the succeeding photographs, just of various descriptions of the same scene, so there's no point in me asking more questions about that. Page 15 is a similar one. Now, page 18 here, is that the concrete block where the allegations occurred?
- E** A. Yes.
- Q. All right. I mean, it speaks for itself. Page 18, page 19, page 20, if we look to page 23, have you got page 23, [Person A2]?
- A. Yes.
- F** Q. If we look towards the end of that path, is that the path where the road goes past, or is that looking up towards the church?
- A. So that pathway goes down towards the church.
- Q. Right. If we look at page 24, we can see, can't we, something which is absolutely self explanatory, we can see a police tent over the, over the block which we just saw, and that road beside it is the main road, isn't it?
- G** A. Yes.
- Q. All right. If we look at page - I'm doing this as quickly as I can, members of the jury, but to avoid repetition I'm just going to go through it quite quickly. 25 we see it again, 26 we see it again, 27 we see it again, 28 we see it again, 29 we see it again, 30 we see it again, 31
- H** we see it again from another angle, 32 we see it again. 33 we see it from a straight on angle.

A 34, 35, 36, 37, 38, there's a close up at page 39, another close up at page 40, another close up at page 41, an even closer one at 42. 43, 44, 45, 46, 47, 48, 49 looking down towards the church again. 50 just outside the church, 51 just outside the church, 52 just outside the church. 55 shows the road that you were walking along, and that shows the entrance into the church, looking down as if you're looking down, is that looking up or looking down towards Oxford?

A. So that's looking down towards Headington.

Q. That's looking down towards Headington?

A. Yes.

C Q. All right. A further image of that, and we don't need to bother about that any more, but it just gives everybody an idea of where the scene is, if you didn't know it already. There's another little photo, album of photographs, [Person A4], which I'd like you to look at. This one here. Did I call you [Person A4]? I'm so sorry, [Person A2].

A. That's OK.

D Q. Now, members of the jury, you've got this one. Now, it's a bit hard to make out, but that's I'm afraid your nose there.

A. Mmm.

Q. And there are some marks underneath it.

A. Mmm.

E Q. What were those caused by?

A. It was again sort of like a biting and kissing motion, the same as on my neck but this time sort of on the side of my mouth.

Q. So that was bite marks on the side of your mouth?

F A. Mmm.

Q. OK. Over to the next photograph. Oh, let me ask you this, were those marks on your mouth before you met this defendant?

A. No.

Q. Over to the second one. We can see marks again to the left side of your neck.

G A. Mmm.

Q. What were they, caused by the same thing or what?

A. Caused by the same thing.

Q. And were they there before you met this defendant?

A. No.

H

A Q. The third photograph I think shows an abrasion to the right of your neck, down at the base of your neck, what was that caused by, do you remember?

A. I'm not too sure about that one.

Q. Well, was it there before you met this defendant?

B A. It wasn't.

Q. The next one's a more indistinct one. The next one's a photograph of your arm showing two marks on your arm. Do you know what that was caused by?

A. I can't pinpoint it specifically.

Q. Were those marks on your arm before you met this defendant?

C A. No.

Q. The next one I think is a closer up, closer image of your arm. The last two photographs show redness towards your knees, and marks on your legs.

A. Mmm.

Q. Could you tell us what those were caused by?

D A. The concrete block, being against the concrete block.

Q. Pardon?

A. The concrete block, being against the concrete block.

Q. Being against the concrete block?

A. Yes.

E Q. And is that the same for the last photograph, which shows redness around your knees?

A. Yes.

Q. Just in conclusion, [Person A2], did you ever consent to any sexual activity with that man on that night?

F A. No.

Q. I've got no further questions to ask you. The other barrister's going to take my place and I'm going to disappear round the corner, OK?

A. OK, mmm.

G Cross-examined by MR DU FEU

Q. Is it OK if I call you [Person A2] as well?

A. Yes.

Q. You've probably guessed, I'm asking questions on behalf of the defendant.

A. Mmm.

H

- A** Q. If a question I ask doesn't make sense can you please just assume it's my fault, it will be, and get me to ask it again and I'll try harder, OK, so just let me know if what I'm asking doesn't make any sense.
- A. OK.
- B** Q. I'm going to try to take my questions through as best I can in chronological order, so starting at the beginning of the evening and going through to the end, so that those listening can, can follow and you can follow the theme as well, all right?
- A. OK.
- C** Q. So starting at the beginning, you were drinking at home I think with, is it [Person B3] or [Person B2]?
- A. [Person B2].
- Q. Before going out?
- A. Yes.
- D** Q. And again, I don't want to know the address, but it was halls of residence, wasn't it?
- A. Yes.
- Q. You've described it as Headington, but is it up the Marston Road, somewhere on the right?
- A. Yes, it is up the Marston Road on the right.
- E** Q. Described as Headington, just beyond the Headington Hill park?
- A. Yes.
- Q. Matter of detail, but do you remember if you were drinking vodkas or rum?
- A. Vodka.
- Q. I think you said to us in the ABE interview with the police that you'd had perhaps
- F** four shots?
- A. Yes.
- Q. You'd done that from about 11.30, all in one drink, mixed with lemonade, is that right?
- A. Yes.
- G** Q. And how did you measure those shots?
- A. They were just by eye.
- Q. Just by eye, so home measures?
- A. Yes.
- Q. You and [Person B2] then both went off to Spirit?
- H** A. Mmm.

A

Q. Was that your intention, to go to that club---

A. Yes.

Q. ---late on, having had a few drinks at home?

A. Yes.

B

Q. And how long were you in the club about?

A. May be about an hour, an hour and a half.

Q. And in that hour, hour and a half, how much more do you think you had to drink?

A. One more shot.

Q. Not more than that in all that time?

C

A. Possibly two shots.

Q. OK. Did you buy those or did [Person B2] but them, do you remember?

A. I think I bought one shot for myself at the beginning, and then somebody else bought me a second shot right towards the end before I left.

D

Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

E

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

F

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

G

Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

H

[REDACTED]

[REDACTED]



- A**
- Q. You walked off down the High, the High Street, towards the Plain?
- A. Yes.
- Q. And on the way you met the defendant, there's no dispute about that, OK?
- A. Yes.
- B**
- Q. When you first met the defendant can I suggest you were happy and smiling?
- A. Yes.
- Q. Because I think you had an Instagram exchange shortly after events with your friend [Person C1], do you remember, and you said to [Person C1] "I remember being so happy and literally smiling on my way home"?
- C**
- A. Yes.
- Q. Now, you told the police that he, the defendant, sort of wrapped himself around you, can you try and help us with what you meant by that, please?
- A. So he was stood behind me and he's wrapped his arms sort of around my body, we're both facing the same way. Yes, he just kind of wrapped around from behind.
- D**
- Q. OK. Well, can I suggest that in fact once you met you were just walking along with your arms around each other?
- A. My arms weren't around him.
- Q. Walking and laughing together?
- A. May be briefly for about five seconds, but not after he wrapped around me.
- E**
- Q. It was obvious to you, wasn't it, that he didn't speak much English?
- A. Yes.
- Q. He didn't seem to understand much either?
- A. Yes.
- F**
- Q. He just kept, I think you said he kept repeating the same phrase, "Yeah, no problem"?
- A. Yes.
- Q. Was that pretty much his stock answer to anything?
- A. Pretty much.
- G**
- Q. Do you remember trying to talk to him about him going to school to improve his English?
- A. No.
- Q. You gave him a false name?
- A. Yes.
- H**
- Q. Sophie, was it?

A

A. Yes.

Q. Did you also say to him that you were 25?

A. No.

Q. I think at the very end of your interview with the police, when they asked you if there

B was anything else, you said “Oh yes, I should have mentioned he tried to lead me down a slip way”, I think you meant a slip way to the left of the bridge, as you approach the bridge?

A. Yes.

Q. Are you sure about that, or might you be mistaken?

A. No, he did try and sort of lean into like the slip way, he tried to sort of gesture that I

C should come down that way with him.

Q. When you got to the Plain, and by the Plain I think I mean the roundabout at the bottom---

A. Mmm.

Q. ---I think that’s known as the Plain---

D A. Mmm.

Q. ---you and he ended up, as we’ve just heard again, in a doorway kissing, or you say he was kissing your neck and biting your neck?

A. Yes.

Q. Can I suggest that it was you as much as him initiating this?

E A. No.

Q. That the kissing was consensual between you?

A. No.

Q. And quite passionate, you were going at each other’s necks, weren’t you?

F A. No.

Q. So you say that all this was being forced on you, correct?

A. Correct.

Q. When the passer-by stopped to ask if you were OK, why didn’t you say “No”, and go off with her?

G A. So she was walking in the opposite direction that I was walking, and she also directed the question at him, not at me, and I was more focused on getting away rather than hanging around.

Q. But do you agree this was your moment, “No, I’m not OK, can I come with you, please”?

H

- A**
- A. Potentially, but I'm not really like a confrontational sort of person, I'm more of a sort of just obviously going to carry on walking.
- Q. Now you say that he responded for you with something like "Oh yeah, she's fine"?
- A. Yes.
- B**
- Q. So not "OK, no problem" this time?
- A. Yes.
- Q. When you walked off again did you say something about not wanting to be seen with him because your friend or boyfriend might see you together?
- A. No.
- C**
- Q. Did you tell him to follow you?
- A. No.
- Q. When you got to the lights by the junction with Marston Road, I think in your interview you described it as the junction with Morrell Avenue, which is the hill that goes off to the right, isn't it?
- D**
- A. Yes.
- Q. And Marston Road back to your accommodation goes off to the left?
- A. Yes.
- Q. And then there's a steep hill going off towards Headington itself?
- A. Yes.
- E**
- Q. Straight ahead, OK. So you're at that junction---
- JUDGE DALY: Sorry, Morrell Avenue junction is before the junction with Marston Road.
- MR DU FEU: You're quite right, thank you, your Honour. Let's just go through that again. You're at the traffic lights and Morrell Avenue is on your right?
- F**
- A. Yes.
- Q. Yes, and then you have to go about another 100 yards to another set of traffic lights where you can turn left to, towards your digs, towards your accommodation?
- A. Yes.
- Q. Thank you, your Honour. Did he catch up with you at the first set of traffic lights, by
- G**
- Morrell Avenue, or the second one, at Marston Road?
- A. The first one, Morrell, Morrell Avenue.
- Q. So you knew that he was there with you then?
- A. Yes.
- Q. What happens between there and Marston Road, that 100 yards or so? Is he with
- H**
- you, is he touching you, what's happening?

- A** A. Yes, so it was kind of the same as before, where he wraps, wraps around me.
- Q. Now, that's a relatively busy well lit road, isn't it? It's the London Road going straight up to Headington?
- A. Yes.
- B** Q. He's with you, you say he's still wrapping himself round you?
- A. Yes.
- Q. Why did you decide to turn down the less busy road of Marston Road?
- A. Because that's the way up to my accommodation.
- Q. But weren't you worried that you were going into a darker area with this stranger who'd already paid you too much attention?
- C** A. That didn't really cross my mind, I was just really was focused on getting home.
- Q. You'd started at college, I think [School A2], am I right, in the October? So fairly new---
- A. September.
- D** Q. September, so fairly new to the city?
- A. Yes.
- Q. But the walk we've just described and then turning left to your accommodation would have been a familiar walk to you, I assume?
- A. Yes.
- E** Q. So you would have known where the entrance to St Clement's churchyard is?
- A. Yes.
- Q. Can I suggest that you actually said to the man "Follow me to the park"?
- A. No.
- F** Q. You led him to the entrance to the churchyard?
- A. No.
- Q. Didn't you? Into that entrance to the brick block that you knew was there, I suggest?
- A. No.
- JUDGE DALY: Can I just be clear, are you suggesting she knew that the brick thing was there, or - because there's two parts to the question.
- G** MR DU FEU: Yes.
- JUDGE DALY: About the leading to.
- MR DU FEU: Yes.
- JUDGE DALY: Did you know that the brick area was there? The brick concrete slab thing?
- H** A. I don't think I'd ever noticed it, walking past it before.

A

MR DU FEU: It's just inside the entrance, isn't it, and visible from the pavement?

A. Yes.

Q. Thank you, your Honour. And I'm suggesting that having led him to that block, you and he then sat on the block or brick structure, do you remember that, sitting next to him on it?

B

A. No.

Q. And just so that we're clear, [Person A2], I'm saying, suggesting to you that he didn't push you into the churchyard at all, what do you say about that?

C

A. So he did, he kind of just, like steered like into the churchyard, as in we were walking forward anyway, and he just kind of like to see he kind of had control of where we were going he kind of just pushed to the side, and we've gone into the churchyard. I didn't really have a say on it.

Q. Now, you've described in your interview with the police that it was quite dark?

A. Yes.

D

Q. When you turned, you say pushed by him into the churchyard, could you see the brick block?

A. Probably, I don't think I really focused on it.

Q. Again, so that we're clear, [Person A2], I'm suggesting that he didn't pin you against the block as you've described at all, did he?

E

A. He pushed me against it.

Q. I want to ask you about your phone, please. You had your phone in your hand but you decided to put it down on the block, why did you do that?

A. To free up my hands.

F

Q. Why hadn't you used your phone to call a friend or even the police?

A. I'm not really too sure, I think I was just sort of panicking, I didn't really know what to do. Like I say, I'm not really any sort of a confrontational sort of person, I'm very like calm, diffuse the situation, type of person, and to call somebody and have them come out kind of felt like adding more drama to the situation.

G

Q. By this time you were in the dark, in a graveyard, up against a block with a man who's already paid you too much attention, isn't it time to start being a little bit more responsive, [Person A2]?

A. Yes, and it did cross my mind to phone somebody, but I don't really think I got the chance to.

H

- A** Q. Why didn't you, either on the way to the churchyard, or when you got there, why didn't you at least wave your phone at him, and tell him to go away or you'd call the police?
- A. It didn't cross my mind.
- MR LUCAS: What was that, sorry?
- B** MR DU FEU: "It didn't cross my mind". Now, just to go through this with the phone, you said to the police that "I had the phone in my hand but I kind of placed it down on the block", yes?
- A. Yes.
- Q. You've just conformed that that was to free up your hands?
- C** A. Mmm.
- Q. And I think talking to the police you said perhaps so that you could push him off?
- A. Yes.
- Q. In your Insta chat with [Person C1] you said this, "I was trying to phone you when it happened, but I was busy trying to push him off, I couldn't get to my phone because I'd
- D** dropped it by the wall and he took me away from it, but before I was trying to call you". Can you explain what you were trying to say to [Person C1], please?
- A. So it had crossed my mind to phone him, but I left my phone on the brick wall. We went from the brick wall kind of down on to the floor, next to the brick wall, which is when I
- E** felt like I was away from my phone, because my phone was on the, on the concrete block, and I was on the floor, next to the concrete block, I wasn't with my phone any more, so I was away from it, but it did cross my mind to phone him originally when I was against the concrete block.
- Q. So that's what you meant by "because I'd dropped it by the wall and he took me
- F** away from it"?
- A. Yes.
- Q. [Person A2], did you put your phone down because you wanted to be free to engage in a sexual encounter with the man?
- A. No.
- G** Q. What I suggest to you is that you were sitting on the block with him and kissing and fondling?
- A. No.
- Q. You were grabbing at his penis through his, through his tracksuit bottoms, and trying to stimulate him, weren't you?
- H** A. No.

- A**
- Q. Did you see him at one point go off a little way to urinate?
- A. No.
- Q. You told the police that he removed your skirt and tights?
- A. Yes.
- B**
- Q. And presumably your knickers?
- A. Yes.
- Q. How did he do that? Try and help us with that, please?
- A. So there's a zip on my skirt, and he just undid the zip and then pulled all three garments down sort of at the same time.
- C**
- Q. And were you just standing still at this point?
- A. Yes.
- Q. Were you using your two free hands to try to prevent him from doing this?
- A. No.
- Q. Why not?
- D**
- A. I think I was sort of a little bit in shock, a little bit panicked, a little frozen.
- Q. [Person A2], what I've got to suggest to you is that in fact you deliberately exposed your bottom to the man in a provocative way, and asked him to have sex with you?
- A. No.
- E**
- Q. You were taking his hand and pressing it on to your vagina, weren't you?
- A. No.
- Q. And in fact you asked him for £50 to have sex with you, I suggest?
- A. No.
- Q. Now, you say that you kept telling him to get off you, is that right?
- F**
- A. Yes.
- Q. But that didn't work?
- A. No.
- Q. So you changed the plan, and decided to tell him that he was touching another man's cum?
- G**
- A. Yes.
- Q. Thinking about it, why did you think that was a good plan with a man with very limited English?
- A. Well, it was sort of like a, sort of like a last resort. I mean, I know so previously from my flat mates, who are all men, having previous conversations with them, they were all quite grossed out at the thought of touching each other's cum. So that may it was another
- H**

- A** like a self defence mechanism or may be he might be a little bit grossed out at the thought of touching another man's cum, so to get off me.
- Q. You described it as a last resort, might it just have been simpler to try running back to the pavement, it was only a few feet away?
- B** A. No, he was kind of blocking me in with his body.
- Q. You had your two hands free, it was a last resort, push him out of the way and run to the pavement, did you try that?
- A. No, from the when we were on the door, by the Plain roundabout, when I did try and push him off with my arms it didn't really do a lot.
- C** Q. How about calling out for help as a last resort?
- A. It didn't really sound like there was anybody sort of around.
- Q. Somebody came by and you heard them, didn't you?
- A. Yes.
- Q. Did you call out then to them?
- D** A. No.
- Q. [Person A2], were you really trying to get away?
- A. Yes.
- Q. Can I suggest the defendant's penis never came out of his tracksuit bottoms, did it?
- A. It did.
- E** Q. When you asked for money I suggest he understood and said no, that's what happened, isn't it?
- A. No, he never asked, no, I never asked for any money.
- Q. And I suggest that was the end of it. The only sexual touching was initiated by you, repeatedly putting his hand to your vagina?
- F** A. No.
- Q. What you say happened is that having had his - sorry, you having had your back to him, yes, am I right, at the block?
- A. Yes.
- G** Q. You managed to push back at him and turn around, is that right?
- A. Yes.
- Q. He pushed you to the ground and his penis was out?
- A. Yes.
- Q. You thought perhaps that he was using one hand on you, your vagina, and the other
- H** to hold his penis?

- A**
- A. Potentially, yes.
- Q. So he didn't have any spare hands to hold you down?
- A. No.
- Q. And you're not sure whether his penis in fact went into your vagina, are you?
- B**
- A. It did while we were by the concrete block, very briefly, on the floor, I'm not too confident whether it was his penis or not, it just felt different from his fingers.
- Q. So while you were still standing up you think that his penis entered your vagina from behind?
- A. Yes.
- C**
- Q. Do you remember if you said that to the police?
- A. Yes.
- Q. You don't think he ejaculated, do you?
- A. No.
- Q. Now, we've mentioned them already, but you say that it ended abruptly when there were sounds of passers-by?
- D**
- A. Yes.
- Q. I've already asked you why you didn't call out to them.
- A. Mmm.
- E**
- Q. Instead, you say he said "Oh, quickly, stand up, stand up, and make it look like you're OK"?
- A. Yes.
- Q. You went back to that a few moments later with the police, and said he'd said "Stand up, stand up, and pretend you're OK"?
- F**
- A. Yes.
- Q. Did his English seem to have suddenly improved?
- A. Kind of. He was stuttering a bit, but you could make out what he was trying to say.
- Q. And the next thing that happened, you say, is that you jump up and try to get dressed?
- A. Mmm, yes.
- G**
- Q. But it's dark, and you can't work out your skirt and tights?
- A. Yes.
- Q. And that makes you really frustrated and angry?
- A. Yes.
- Q. Hadn't you been angry before, when he was trying to rape you, or raping you?
- H**
- A. Yes.

- A** Q. And you said to him "Can you just help me get this back on"?
- A. Yes.
- Q. And you say he did just that?
- A. Yes.
- B** Q. [Person A2], did that really happen?
- A. Yes.
- Q. Why would you want the rapist anywhere near you, much less fiddling with your skirt and tights?
- A. Well, I obviously didn't really want to walk home sort of half naked, if I couldn't
- C** figure it out, so I figured if it was just easier to get him to kind of see what was kind of twisted in my skirt, and pull it down, and then I could go home a little quicker.
- Q. You say he did help you with your skirt and that you were suddenly free to walk off?
- A. Yes.
- Q. And he said "Thank you"?
- D** A. Yes.
- Q. And again, is that really how it happened, [Person A2]?
- A. Yes.
- Q. By the time you got back to your lodgings you were very upset and saying you
- E** thought you'd been raped?
- A. Yes.
- Q. Lastly this, [Person A2], can I suggest that you just had too much to drink, the whole evening just became overwhelming for you, you were just very upset with it all, but you hadn't been raped, had you?
- F** A. No, I have been raped.
- Q. Thank you for answering my questions, that's all I have for you.
- Re-examined by MR LUCAS
- Q. Your Honour, just very briefly, if I may. [Person A2], it's been put to you that you offered, you asked him for £50 to have sex with you.
- G** A. Mmm.
- Q. What do you say about that, how does that make you feel?
- A. Really degraded actually. I never asked him for £50.
- Q. At any time did you consent to this stranger having sex with you?
- A. No.
- H** Q. Your Honour, I've no further questions. Has your Honour any questions?

A JUDGE DALY: No, thank you very much. Ladies and gentlemen, I'm going to ask you just to sit behind the scenes for a minute.

(In the absence of the jury)

B JUDGE DALY: Thank you. Can the defendant go behind the dock, please. Yes, can we - the public gallery's closed, please, can you leave court. Yes, thank you for coming and giving your evidence, you're now free to go.

THE WITNESS: OK, thank you.

JUDGE DALY: Just getting everything arranged. Yes, can we have the defendant back into court. The public gallery open. What's next, Mr Lucas?

C MR LUCAS: Your Honour, a couple of statements to be read.

JUDGE DALY: Have we got any more special measures?

MR LUCAS: No.

JUDGE DALY: No, very well. Jury back, please.

(In the presence of the jury)

D JUDGE DALY: Mr Lucas.

MR LUCAS: Your Honour, yes, the next couple of statements are to be read, and they're from the friends of the complainant, who I referred to earlier on. The first is [Person C], and it's J3 and J4, your Honour.

E JUDGE DALY: Ladies and gentlemen, you're going to have some statements read to you. They're being read because they made a statement prior to coming to court, that's been given to the defence. The defence don't wish to ask them any questions, don't challenge things, and so they don't have to come to court. You can still, they can have their statements read to you. It's evidence the same as any other evidence, and you put on it what weight you think fit. Sorry, yes, Mr Lucas.

F MR LUCAS: Yes, members of the jury, it's [Person C], he made a statement on the 20th of November 2023, and he says this.

G "This statement is in relation to what happened to my friend [Person A2] in the early hours of the morning of the 19th of November. On the 19th of November I was asleep in my bedroom in my halls at [School A1] where I'm a student. It was between half past three and 4 o'clock in the morning when I woke up because I could hear my friend [Person A2] knocking at the door, calling my name. She was buzzed into the building by one of my flat mates. I could hear that she was crying and sobbing. When I opened the door for a minute or two she couldn't say anything at all because she was crying so much. When I was finally
H able to talk [Person A2] told me that she was raped by a man she didn't know on her way

A home. She said that when she first got into contact with him he had pushed her up against a wall. She didn't go into any more detail but said she felt shaken up by this and continued walking off."

B "[Person A2] told me that the male grabbed her again and tried to pin her down. She told me she tried to get him off, him off of her, but he pinned her down again and raped her, and she had no control over it. [Person A2] told me this happened in a churchyard in Marston Road, which is about ten minutes' walk away from our halls. [Person A2] said that she had marks on her neck from this incident but I didn't feel comfortable seeing them so I told her I didn't want to look at them. [Person A2] did not tell me anything more details
C about what happened at this time, but said that after the incident she walked back home to our halls. She said she tried calling me but I was asleep and didn't hear my phone ring, so she walked straight to my room."

D "[Person A2] was crying the whole time she was in my room, and while she was telling me what happened I kept trying to comfort her and tell her it was going to be OK. I told her that we should call the police and tell them what happened so that they could find the guy who did this, but I'm not sure exactly when she did call the police. [Person A2] stayed for a little bit longer, and was in my room for between 20 and 30 minutes. After a while I told [Person A2] to go home and get some sleep because she was tired and had been drinking, and that all this happened, so I know she needed some sleep."
E

"Later on that day on the 19th I spoke to [Person A2] on Snapchat and she told me she was going to the police station and going to take some DNA samples, and I just wanted to make sure she was OK. [Person A2] said she was stressed and felt exhausted, and I felt stressed for her too. I was shocked that someone could do that to her, so I was trying to check up on her as much as possible."
F

"Next day after that, on Monday the 20th, I spoke to [Person A2] a lot about what happened over Snapchat. She told me in more detail what happened that night, on the man on the 19th, and what the police had told her. [Person A2] kept me updated when she was going to the police and when the police arrested the man that had been identified from CCTV. [Person A2] wasn't convinced the police were able to, would be able to find him but I kept reassuring her that the police would be able to."
G

H "The last time I saw [Person A2] before she came into my room in the early hours of the morning of Sunday the 19th was around 11.45 on Saturday the 18th of November. She was with a mutual friend, [Person B2], and they both seemed pretty drunk already at this point. They said they were going to Spirit in Oxford city centre as they do theme nights, and

A I was going to catch a midnight bus into Oxford. I was not with them when they were pre drinking as they were drinking together in [Person A2]’s room, but I saw them just before they went out. I remember [Person A2] was wearing a black, black tights and skirt and a top, but I can’t remember the colours. I’d been friends, we’ve been friends since mid September
B ’23 when we started uni together. I’d not known her before then but we speak to each other and see each other almost every day. I would say I know her quite well in terms of personally, and I’d say that she’s one of my closer friends at uni.”

“When [Person A2] came to me on the 19th of November in the early hours she was extremely upset, scared, and seemed like she was in shock. I’ve never seen [Person A2] like this before and she just seemed so stressed, because she didn’t know what to do. I just wanted to be there for her and support her as a friend.” That’s what he says.
C

Your Honour, at J5 [Person B4]. She made her statement on the 20th of November.

“I’m a student at [School A1], I currently live in a student village at Headington. I live in a ground floor flat. On Saturday the 18th of November my friend and I were having pre drinks in her room in her flat. [Person A2] lives above me in a different flat. I was drinking wine and lemonade, and [Person A2] was having rum and lemonade. We were planning to go out in Oxford town centre.”
D

“At around midnight we left the accommodation and took the X3 bus into Oxford town centre, and we walked to the Spirit Bar. Spirit Bar is in the town centre and it’s opposite Attic”, whatever that is. “When we first went into the bar it was initially quite quiet. [Person A2] came across, saw a guy across the bar who she was interested in, so we went to speak to him. [REDACTED]
[REDACTED]
[REDACTED]
E

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].”
F

“After a few hours at the bar I decided to go home and walked into the town to get an Uber. [Person A2] had left the bar by this time, although I did not see her leave, and she’d not told me where she was going. I messaged her on Snapchat and asked where she was going, and that was on my phone, and she replied pretty quickly, and said that she was coming home. I think it was around 2.30 at this point. I got back after three and went back to my room and turned my phone off. After around ten minutes of being in my room I heard knocking on the window outside. I turned on my phone and saw that [Person A2] was
G
H

A messaging me on Snapchat, she said something along the lines ‘Can you come up, I think I was raped’. I replied back saying I was coming up and left my flat and went to see her.”

“I went into the flat and saw that she was crying and shaking. She had tears running down her face. She told me that she’d been raped and that a man had started kissing her by B Sainsbury’s, and that he’d pushed her against the block and raped her, and then he’d left.

[Person A2] told me that she didn’t know what to do and she didn’t know if she wanted to call the police or not. I told her that we should call the police, so I called them using my phone and told them what [Person A2] had told me. [Person A2] didn’t tell me too much detail at this point, and I didn’t really want to ask her what had happened. The police told me C on the phone that they would be there as soon as possible, and I sat with [Person A2] on a bed until they arrived. We both fell asleep in bed for a bit, I think it was an hour before the police got there.”

“When the police came I stayed with [Person A2] whilst they asked what had happened. D

[Person A2] walked home, and at some point on her walk a random guy come up behind her and started talking to her in broken English. He told [Person A2] he lived in Cowley. She carried on walking when the man pushed her into a door near a bridge and Sainsbury’s, and started E kissing her. [Person A2] said she was trying to push him away and he only stopped kissing her when a passer-by came past, and asked her if she was OK. She then slipped out from under him and carried on walking home. As she got to where the church was on Marston Road she realised that the man was following her. I can’t remember how exactly she said it happened, but the man pulled her into the churchyard, pushed her up against a cement block and pulled down her skirt, underwear and tights. [Person A2] said that he fully pulled the F tights and underwear off. She then saw a group of passers-by came past and then she said she was pushed to the ground and he did put his fingers inside her. She kept saying that she wasn’t sure if he put his penis inside her as he didn’t ejaculate. He then stopped for no apparent reason and left in the direction of Cowley. [Person A2] got up and carried on G walking down Marston Road towards the accommodation. [Person A2] told the police he is Pakistani, had short hair, was of bulky build, but wasn’t that tall. She said he was wearing dark clothing. She said that she had never met this man before that night. Whilst the police were there I noticed some red marks on her neck that would be left if someone were trying to give a hickey. [Person A2] said that it felt like the male kissed her on the neck, he was biting H her rather than kissing her.”

A “After the police left I stayed with [Person A2] for around five minutes to check if she was OK. I went downstairs and fell asleep. I haven’t spoken with [Person A2] about the rape itself since that evening, since we have been talking to the police process and I know she went to a place called SARC”, which is the forensic investigation place. “The incident with
B [Person A2] made me feel upset for [Person A2] and very scared. Sometimes I finish work very late and walk past the church on my way home. Sometimes I walk alone in the dark. This incident makes me scared to do this going forward”, and that’s what she says, members of the jury.

C Your Honour, we’re going to, may I say, call the officer in the case out of turn to make progress, because we’ve lost a bit of time in this case already as we, as we all know. Your Honour, I’m going to call her shortly, to deal with the interviews and to go through some CCTV coverage which was recovered by the police which has been referred to, and,
D your Honour, then I’ll call the forensic scientist tomorrow morning to deal, and that’ll be by CVP at 10 o’clock, or wherever’s convenient for your Honour. But, your Honour, I’m sorry, it’s slightly out of turn because I don’t want to wait until after the forensic scientist gives her evidence because it’ll waste a half a day.

JUDGE DALY: OK, no problem.

E MR LUCAS: Your Honour, therefore may I just have five minutes to get that together, and then we’ll deal with, we’ll deal with the officer in the case.

JUDGE DALY: Yes, of course. Ladies and gentlemen, a short break, let’s say a little bit longer, say 12 o’clock, please, it’ll give you time to go out to your room where you’ll be a bit more comfortable.

(In the absence of the jury)

F JUDGE DALY: Time wise, if we are calling the forensic scientist tomorrow morning, and you will be closing your case some time tomorrow morning?

MR LUCAS: Yes.

JUDGE DALY: We should get through the evidence for the defence?

MR LUCAS: Yes

G JUDGE DALY: And indeed by Friday you should get your speech in?

MR LUCAS: I would hope so, your Honour.

JUDGE DALY: Well, yes, I think you will, I don’t think there’s going to be any real danger of that, about that. As you may have gathered, I am starting a three to four week trial on Monday.

H MR LUCAS: Yes.

A JUDGE DALY: But we will have, at the worst case scenario, a jury out, so I'll just have to keep that in as best I can.

MR LUCAS: Well, your Honour, can I say thank you, your Honour, for giving me the indication earlier in the trial. I can cover for Monday, should it be necessary.

B JUDGE DALY: Yes.

MR LUCAS: And, your Honour, what I can say is, I hope it's not relevant, well, it may be relevant, your Honour, I could be back on Thursday and Friday of next week if that, if that's necessary.

JUDGE DALY: Well, I hope it's not necessary.

C MR LUCAS: Well, you never know.

JUDGE DALY: Can I just run something past you both. Of course we have got the evidence of the forensic scientist to go, is there any way, when she's finished the evidence, there could be an agreed summary of what she has said?

MR DU FEU: There is, of course, we can work on that.

D JUDGE DALY: I'm just putting, because I had a similar case, not dissimilar case last week, and the jury really wanted something in front of them that they could look at with regard to what the evidence was of the forensic scientist.

MR DU FEU: Yes. I see your Honour's point. It's a question of who does it.

JUDGE DALY: Well, I was hoping for an agreed version---

E MR DU FEU: Yes.

JUDGE DALY: ---of what she'd said, not an agreed version in terms of agreed facts.

MR DU FEU: Yes. I'll try to take as good a note as I can and help with that. I see your Honour's point, because it's quite a detailed and lengthy report, spanning a number of issues.

F JUDGE DALY: Yes.

MR DU FEU: And if that's distilled to a package for the jury that we agree on, it would assist, I understand the point. Yes.

JUDGE DALY: I mean, if you don't feel happy to do it you don't have to do it.

MR DU FEU: No.

G JUDGE DALY: I'm not going to compel anybody to do anything, I just wanted to run it past you just in case it can be done.

MR DU FEU: Yes.

JUDGE DALY: Anyway, Mr Lucas, I shall leave you to what you have to do.

MR LUCAS: Thank you, your Honour.

H JUDGE DALY: 12 o'clock, please.

A

(Short adjournment)

JUDGE DALY: Jury, ready for the jury?

MR LUCAS: Yes, thank you, your Honour, jury, please. I hope your Honour's got a copy of the ROTI?

B

JUDGE DALY: Yes.

MR LUCAS: There should be a copy of a document called 'Timeline' as well.

JUDGE DALY: No, unless it's attached to the ROTI.

MR LUCAS: Yes.

JUDGE DALY: Well, I haven't got it. Thank you.

C

MR LUCAS: So how many copies do you need?

COURT CLERK: We have 12 for the jury. I've given one to the Judge, so we need a further one for the jury.

JUDGE DALY: Take mine for now and I'll have the copy later.

MR LUCAS: That's very kind, thank you.

D

JUDGE DALY: Can we have the jury, please.

(In the presence of the jury)

MR LUCAS: Thank you, your Honour. I'm just going to ask, please, for the, a document called a timeline, timeline to start off with. Sorry, I did say at the same time, but a timeline.

E

Members of the jury, have you all got a copy of this? Well, members of the jury, what this is, it may or may not surprise you to know that the movements of this defendant were recorded by CCTV, most of them, in the city centre of Oxford between, as you can see, seven minutes past ten and, if you turn to the last page, 14 minutes past five the next morning. I'm not going to, you'll be pleased to hear, go through eight hours of CCTV evidence, but what we are going to highlight for you, and you'll see that some of it is highlighted - this document's yours by the way, you can do what you want with it - but we have highlighted some aspects of that, which we feel may be of interest to you.

F

It's going to start with the defendant appearing to talk to two females as he walks towards Bonn Square at 1.26 in the morning. That's the defendant in the white hat. That's that. It's a bit complicated, members of the jury, certainly for someone like me it is. Sorry about this, your Honour, I'm technologically illiterate. Right, that's the first one. The second one, clip 2. Members of the jury, 1.59 in the morning, 01.59 in the morning, that's the defendant with the white hat again. I'm getting irritated, members of the jury, I'm sorry.

G

JUDGE DALY: Yes, ladies and gentlemen, do you think you could just, we'll see if we can get it fixed. If you could just go behind the scenes for a moment.

H

A

(In the absence of the jury)

JUDGE DALY: Yes, you've got quite a bit of material to play, I think, so let's see if we can get something which will play it.

MR LUCAS: Indeed.

B

JUDGE DALY: Have you been buying cheap computers or something?

MR LUCAS: I don't know why it keeps on doing that round and round thing, it's really irritating though.

MR DU FEU: What about doing the interview and using the time before lunch, so that we've got lunchtime to try and sort out the technicals.

C

JUDGE DALY: What do you say about that?

MR LUCAS: I don't mind, whatever, your Honour.

MR DU FEU: It would have the---

JUDGE DALY: Good idea, Mr Du Feu, thank you.

MR DU FEU: Thank you.

D

JUDGE DALY: Can we get the jury back in.

MR DU FEU: The first and last.

(In the presence of the jury)

E

JUDGE DALY: Ladies and gentlemen, we're going to revert to plan B, which is we'll try and get this sorted out over the lunch adjournment, and we will continue now with the interview of the defendant with the police.

MR LUCAS: Yes, your Honour, could the copies of the interview transcript be circulated, and, your Honour, I'll call the officer in the case.

JUDGE DALY: Thank you.

F

LISA JONES (Detective Sergeant), Affirmed

Examined in-chief by MR LUCAS

Q. Thank you very much indeed, officer, just give us your full name, please, would you?

A. I'm Detective Sergeant Lisa Jones.

Q. And you are the officer in the case?

G

A. I am, yes.

Q. Basically the officer responsible for the investigation and preparing the case and preparing further material for the Crown Prosecution Service for preparation and during trial?

A. Yes.

H

Q. Officer, I'm going to, please, if I may, deal with the interview of the defendant, which took place on the 20th of November 2023, at 13 minutes past five in the morning -

- A** sorry, 13 minutes past five in the afternoon. DC Rough, DC Marshall were present, and Miss Burger from Reeds Solicitors was present, and a Arabic interpreter was also present as well. The interview procedure was explained, and he was, had been arrested for a suspicion of rape, and introductions were given, and the caution was given. Could you tell us what the words of the caution are, please?
- B** A. That you do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court.
Q. Thank you very much.
A. Anything you do say may be given in evidence.
- C** Q. Thank you very much indeed, officer. Officer, you take the place of the police officers and I'll take the place of the solicitor and the defendant himself. Thank you.
A. OK.
- D** "Q. In relation to the offence you have been arrested for is there anything you wish to tell me."

Q. Solicitor interjects.
- E** "Q. Tell me everything that happened in the early hours of the 19th of November 2023."

Q. Solicitor interjects.
- F** "Q. Describe to me what you were doing on the 19th of November between 02.30 am and 03.45 am?
A. I was in the city centre.
Q. What were you doing in the city centre between 02.30 and 03.45?
A. I was with friends, we were chatting, talking, drinking. I was out with friends, chatting, drinking and talking.
- G** Q. Tell me about them friends?
A. It's my mates from the hotel where I'm staying, I met them in the city centre.
Q. Where in the city centre did you meet your friends?
A. Near Tesco.
Q. There are two Tesco's in Oxford, the city centre, which one?
- H** A. The one near McDonalds, close to McDonalds.

- A**
- Q. What time did you meet with your friends?
- A. 10.30, around 10.30.
- Q. How long were you with them for?
- A. I'm not sure, it be 1.30/2 o'clock they left.
- B**
- Q. Where did you go when they left?
- A. I stayed in the city centre, I wanted to go to London, I stayed there in the city centre.
- Q. What do you mean by 'city centre'?
- A. I mean the town area, called the town, in town.
- Q. Did you go anywhere else?
- C**
- A. What, where do you mean, somewhere else?
- Q. Did you go anywhere else other than the city centre?
- A. I don't know, I don't know the whole area called city centre, but I don't know specific what, where did I go.
- Q. How did you get into the city centre?
- D**
- A. You need to explain what you mean by what type of transport.
- Q. Yes, transport.
- A. Well, when I was with already with my friends, with friends, I was already at friend's house, then I went from my friend's house there to city centre, bought some stuff from Tesco and I stayed there.
- E**
- Q. What time was that when he bought stuff in the city centre?
- A. Ten-ish, ten. 10.05, around this time.
- Q. You said your friend's house, tell me about your friend's house?
- A. I don't know the area name where my friend's house is, but it's close to the city
- F**
- centre.
- Q. If I were to give you a plain piece of paper would you be able to draw me a map of where your friend's house to the city centre?
- A. No, I can't, I don't know how to.
- Q. Who was your friend that you were staying with?
- G**
- A. He is Sudanese.
- Q. What's his name?
- A. Abdullah.
- Q. What's his surname?
- H**

- A** A. My friend told me not to mention his details, his name, he doesn't want to get involved in this, and my friend told me not to mention because he doesn't want to get involved in this.
- Q. When did you speak to your friend about this?
- B** A. Say when I've been told, I spoke to my friend.
- Q. When you say same day, what day do you mean?
- A. Same day when I've been informed about this, when I've been told about this, yesterday 8 o'clock evening, yesterday eight pm when I, when I knew about this, and then I told my friend.
- C** Q. Tell me about that talk with your friends?
- A. Sorry, I do not understand the question. I don't think that there is anything to do with me so shall I answer the question again?
- Q. Yes, I'll re-word it. The conversation you had with your friend yesterday at eight pm, what was that conversation about?
- D** A. So my friend told me yesterday that police came into the hotel and 'they were, your photograph, and they were searching, they're looking for you'.
- Q. Was anything else said during that phone call?
- A. They asked me what happened, what, just asked me about what happened.
- E** Q. What did you tell them?
- A. I told them I've no clue, I haven't done anything.
- Q. What time did you leave the city centre yesterday?
- A. I went to the police, to the police station, so.
- Q. When you left the city centre the early hours of yesterday morning what time was that?
- F** A. Around eight.
- Q. Where did you go?"
- Q. Solicitor interjects, "He does not understand what you mean by when did he leave the city centre".
- G**
- "Q. You said that you were in the city centre yesterday, early hours of the morning, did you stay in the city centre or did you leave the city centre?
- A. I went to a friend's house, but I went to go to a friend's house but I didn't go to his house, so I went and sat in a park."
- H**

- A**
- Q. Solicitor interjects saying that he believes the defendant does not understand the city centre, and believes the defendant thinks it all means all of it, not a specific area.
- B**
- “A. I don’t know what it is with what you mean by the city centre, is it near McDonalds there, the street where McDonalds is, Westgate.
- Q. What do you find---
- A. He said Westgate, sorry, Westgate.”
- C**
- Q. Someone, Khadia, the interpreter seemed to nod, “Yes, he said Westgate”.
- “Q. What do you define as a city centre?
- A. You mean city centre.
- Q. Tell me about the park then that you went to?
- D**
- A. There’s a, you go up, you pass Tesco and there’s a park where there’s a graveyard, there’s a graveyard there.
- Q. How long did you spend in this park?
- A. Not too long, I have many friends that I could go to them, stay at their house, but I don’t want to mention their name, I don’t want to get them in trouble.
- E**
- Q. What did you do in the park?
- A. I slept.
- Q. Were you with anyone?
- A. No.
- F**
- Q. Between what hours do you think that you were in that park?
- A. May be around four or five, I don’t know, I stayed there until morning.
- Q. The conversation that you had with your friend, how was that conversation had, was it via face to face, telephone?
- A. By phone.
- G**
- Q. Where is your phone now?
- A. I lost it, I lost my phone, my phone was off and then I lost it.
- Q. Do you know the mobile number you were using at the time?
- A. No.
- Q. What type of phone do you have?
- H**
- A. iPhone.

- A** Q. What colour is it?
A. White.
- Q. Do you know the model?
A. 7, iPhone 7.
- B** Q. Do you have any tracking capability to locate it?
A. No, it's an old phone, you can't update it or get it to date, up to date, whatever.
- Q. Did you say that you were staying at a hotel currently?
A. No, my address is in London, the same when I explained to you something, I've been asked to move to a barge, I'm an asylum seeker so I've been asked, they want to transfer me
- C** to the barge. Because of my bad health I can't live on the sea or I fear living in the sea or port. We were accommodated in the hotel in Oxford, and I've been asking, they told me they were going to transfer me to the barge. We've been given five days only to move to the barge unless you have, unless you have something you can stop you. Then I told the Home
- D** Office I can't live in a barge, I can go and live with friends in London, I can give them his address. The problem is I'm getting £9 a week as pocket money, and this is not enough for me to stay at my friend's house in London. That's why I keep moving to my, to other friends and go round, and I have friends there, here and there, so I could stay with them.
- Q. Whose house did you last stay at?
A. When do you mean where? By when what do you mean, by where last? So last
- E** address or is it last?
Q. Yes, the last address where you were staying, where was that, when was that?
A. Here in Oxford.
- Q. Where?
A. I don't want to mention, I don't want to cause trouble to."
- F** Q. Solicitor interjects.
- "Q. Tell me what other interactions you had with people in the early hours of yesterday
- G** morning, between 2.30 and 3.30?
A. No, no interaction.
- Q. Is that you had no interactions with anyone?
A. No.
- Q. So you did not speak to anyone between 02.30 and 03.30 on the 19th?
- H** A. I was here yesterday between half past two and half past three.

- A** Q. Sorry, between half past two and half past three yesterday morning what interactions did you have with people in that time?
- A. Do you mean by phone or?
- Q. Any interactions with anyone in the city centre in person?
- B** A. I don't exactly, there were too many people in the city centre but I met a girl in the city centre.
- Q. Tell me about that girl.
- A. I don't know, we met at the city centre.
- Q. How did you meet?
- C** A. I was walking, she was walking, and then we met.
- Q. Where was this precisely?
- A. I don't know the name of the street, but it's the street takes you to the river after, after McDonalds. There is a river where if you're going towards Cowley there's a river there. This street, the street goes from the city centre to Cowley.
- D** Q. Tell me about the walking, you said 'I was walking and she was walking', tell me about that?
- A. I can't remember, could be asking for a cigarette or something, I can't remember.
- Q. Who was asking for a cigarette?
- E** A. I don't remember to be honest, but we just walked and laughing, and we were laughing and walking.
- Q. What did you laugh about?
- A. Just normal chat, she was asking me why I didn't go to school, why don't you go to school, or something like that.
- F** Q. What were you asking her?
- A. I don't know much, I don't know, one word, two words.
- Q. But you were able to have a conversation about why you went to school?
- A. She asked me whether I speak, she said 'You speak English', I said no, and she said 'Why don't you study, or why don't you go to study English'.
- G** Q. At what point during that walk, on the street that takes you from the city centre to Cowley, did you end up speaking with her?
- A. Yes, before you get to the river.
- Q. And how did that come to being that you were together then at that point, as in from you, where you were walking and she was walking?
- H**

- A**
- A. Yes, we're like, yes, her hands were behind her back and mine was behind her back and we were just walking.
- Q. And how did she react to you having her hand on her back?
- A. She put her arm on my back to when we were laughing and talking and nothing.
- B**
- Q. What was your intentions with walking with her?
- A. No intention at all, no intention of anything at all.
- Q. Describe to me what this girl looked like, her physical appearance?
- A. Short skirt, white girl, same height, like same, my height.
- Q. How old do you think she was?
- C**
- A. She told me that 'I'm 25', something like that.
- Q. What colour hair did she have?
- A. Black.
- Q. Can you describe the style of it?
- A. I don't know how long her hair, her hair, but it was tied at the back.
- D**
- Q. What time do you think it was that you met this girl?
- A. I don't know really.
- Q. How---
- A. I don't really know.
- E**
- Q. How long were you with her for?
- A. I walked with her to Cowley, the next road to Cowley Road.
- Q. Is that as far as you walked with her, just to that road next to Cowley Road?
- A. We walked to that road and then we sat on a park.
- Q. How close is that park to the road near to the Cowley Road that you're saying about?
- F**
- A. We did not go to Cowley Road."
- Q. Interpreter asked the officer to clarify the question.
- G**
- "Q. The road where you were with the female, you said you then went to a park, where is that park in relation to where you were with, where you have just described from being?
- A. I went to a road not to, we walked not to Cowley Road, to the road next to the Cowley Road.
- Q. Yes, got that.
- A. Then we went to a park on that road, so then you ask me.
- H**

- A**
- Q. Where is, how far is that park from the road next to Cowley Road where you said you were?
- A. It's close to the road.
- Q. Tell me about the park then?
- B**
- A. What do you want me to tell you about the park?
- Q. Do you know the name of the park?
- A. No, I don't.
- Q. Describe to me what the park looks like?
- A. A park.
- C**
- Q. Was she willing to be with you in the park?
- A. I don't know where the park was, she told me to go to the park where she directed me to the park.
- Q. How did she direct you to the park?
- A. She asked me to sit there and we sat there.
- D**
- Q. Did you walk together to that park?
- A. Yes.
- Q. What did you do in the park?
- A. We sat there. She wanted me to have sex with her. We were kissing. She was
- E**
- grabbing my arm, taking it to her private parts. Then she asked me to give her £50. She said she asked me to give her £50 to have sex with her.
- Q. Then what happened?
- A. I did not pay her £50, and I left her and I went back to the city centre.
- Q. You were saying she was grabbing at your arm, describe that to me?
- F**
- A. Grabbing my, grabbing my hand.
- Q. 'Grabbing my hand'. You said she was grabbing your hand to her private parts, describe that to me?
- A. She was grabbing my arm to put to her, in her vagina.
- Q. What hand was she grabbing with?
- G**
- A. Both my hands, so she grabbed them at some point, and I thought she wants to have, by doing so I thought she was after sex. She was stripping for me there, is a seat there, I never thought it was her, but she report this."
- Q. The solicitor interjects.
- H**

A "Q. Where on her did you touch?
A. Just her vagina, we were kissing.
Q. How were you touching her vagina?
A. She was grabbing my hand towards her vagina.

B Q. Did you touch her vagina?
A. Yes, she put my hand, it wasn't me, she, she put my hand on her vagina.
Q. Describe where your hands touched her vagina?
A. She was pulling my hand to put it inside or on top of her, but I'm aware of that hand was touching the vagina, I don't know if it went inside her vagina or not.

C Q. Surely you would know if your hand or fingers went inside her vagina?
A. I was drunk too, so I wasn't aware of everything. We had a bottle of vodka, so---
Q. You say 'we had a bottle of vodka', do you mean---
A. I mean I drunk.

D Q. When you were touching her vagina was this over clothes or under clothes?
A. She wasn't wearing anything down below.
Q. Tell me about the stripping then?
A. She put her hands on the bench and she was, yes, she put her arms on her bench and then she will strip her bottom towards me, I was behind her. She was sat next to me, then she put her arms on the bench and turn and move her bottom towards me. So she was, we were sat next to each other, then she put her arms on the bench and then she would lift her bottoms towards me and she wasn't wearing underwear, just a short skirt, no underwears. She was wearing socks, tights, not tights, socks, not socks, not tights.

E Q. And did she take any clothes off?

F A. I don't know, there were socks, or if they were socks or tights where she pulled them down, or something, I did not kind of remove any clothing, or clothes off, or anything.
Q. So when you said earlier that she started stripping, just to clarify, you mean that she pulled her tights or socks down?
A. I mean by stripping that her, that her skirt was already very short, so there was no

G need for her to take it off.
Q. So at no point did you touch any of her---
A. She stripped down to not stripping her clothes, just pads, I don't know if it's pads, if she pulled them down, or socks that were pulled up, don't know.

H

- A** Q. You said about obviously your hands potentially touching her vagina, that she was pulling towards, did anything else happen between the two of you aside from that and the kissing?
- A. Nothing.
- B** Q. Did you have sexual intercourse with her?
- A. Never.
- Q. So you did not put your penis inside her vagina?
- A. Never.
- Q. You said she wanted you to give her £50 to have sex with her, what was your response to that?
- C** A. I was scared. I was, when she said that I was scared.
- Q. Why were you scared?
- A. When I knew she was after money I was really worried and scared that she might cause me trouble.
- D** Q. What happened after she'd asked you for the £50 for sex then?
- A. I do not give her, I told her I don't have money.
- Q. Where did you go?
- A. She went, and I went, she left and I left.
- Q. Are you able to tell me the route that left that park?
- E** A. I went up to the road and then I lost, I don't know directions, I didn't know where I was going, and then I ended up finding my way to the city centre.
- Q. Are you able to draw this park that you were with this girl at?
- A. Not really, I can't, but if I go there I will know, I'll remember if I go there.
- F** Q. Can you describe the area around the park, as you got there?
- A. Just trees, that's what I remember.
- Q. Describe the bench?
- A. Similar to this, but it's made of bricks or stones, not wood.
- Q. How big was it?
- G** A. May be, yes, big.
- Q. Can you describe it in a measurement?
- A. Similar to the size of this table.
- Q. How tall was it?
- A. Same as this table.
- H** Q. Was it completely flat on top, or did it have any sides to it?

A

A. Flat.

Q. Do you remember if there was anything else around this stone bench?

A. No, just trees was there.

Q. How far set back from the road was it?

B

A. It's on the street, actually close to the street."

Q. Welfare check, the interview was suspended, and then we carry on at 9.35.

C

"Q. Following the pause, and the request for consultation with your legal representative, is there anything you wish to tell me?

A. No."

Q. Recaps a discussion was taking place about whereabouts the bench was, and the road, and asking the defendant to describe the area around him.

D

"Q. Tell me about your journey back into the city centre then.

A. I walked.

Q. In relation to the interaction with this girl in the park, tell me about the kissing."

E

Q. The solicitor interjects.

"Q. When you were with the female in the park you've described there was kissing, tell me about that kissing, describe exactly what you were both doing.

F

A. We were sat on the bench and then we were kissing each other. She would kiss me, I would kiss her from the neck.

Q. Who instigated the kissing?

A. Even before we got to the park we were kissing.

Q. Where did you start kissing before then?

G

A. I don't remember exactly where we started kissing, but---

Q. Who instigated that kissing?

A. We hugged each other, we were hugging and then the kissing started, I don't know with who started it, but it just started.

H

Q. What was her reaction to the kissing?

- A**
- A. She was happy, was enjoying it, and she sex, she was like encouraging me to do this, and---
- Q. How was she encouraging you?
- A. Touching, she was beating me on my penis, touching and---
- B**
- Q. Where was she touching you?
- A. Over my clothing, she was touching my penis.
- Q. At any point did she push you away from her?
- A. No, never.
- Q. At any point did you push her away from you?
- C**
- A. No, no, no.
- Q. When I say type of kissing, do you understand what I mean by type of kissing that was between the two of you?
- A. Can you explain?
- Q. Was it a peck, was your tongue in your mouth and her tongue in your mouth, how long did it go on for?
- D**
- A. No, not even snogging, it's just kissing for the neck, and---
- Q. So you were kissing on her neck?
- A. Just neck kissing, she was kissing him from the neck, he was kissing her from the neck, no lips", the interpreter said.
- E**
- "Q. Had you met this girl before?
- A. No.
- Q. And do you know her name?
- A. She told me her name but I've forgotten it.
- F**
- Q. Does she know your name?
- A. Don't know, may be I told her my name.
- Q. In relation to the first interview, you said you'd consumed a bottle of vodka, over what period of time had you consumed that bottle of vodka?
- A. I started at 10.30, I bought it from Tesco and went to Tesco ten, ten past ten, and I
- G**
- started drinking.
- Q. Did you share that vodka with anyone else?
- A. Friends, my friend, we had a sip each and a glass each.
- Q. And did you mix that vodka with anything else?
- A. Energy drink, not Red Bull but an energy drink.
- H**
- Q. How much of that bottle did you consume to yourself?

A

A. I went to buy a half bottle, I was buying a half bottle of vodka, I couldn't find half a bottle so I bought the whole bottle. I bought the one litre bottle, I don't know exactly how much I consumed, my friends had one shot each in a glass."

B

Q. Officer explains to the defendant he doesn't know, doesn't know to state he doesn't not know. "I'm saying what I remember" the interpreter says.

"Q. Tell me about how that alcohol affected you?

A. I was OK, we were laughing and talking.

C

Q. But how in yourself did it affect you?

A. We were laughing as we were friends and we were going inside a nightclub, but I couldn't, I wasn't able to get in the clubs, so because I wasn't wearing, I was in my pyjamas, I wasn't wearing proper clothing. Then we'll go in, I will wait outside, and then I wait for them.

D

Q. So you were outside nightclubs waiting for your friends?

A. Yes. I would like nearby, our friends outside and we were laughing and drinking.

Q. You said you were wearing pyjamas?

A. Tracksuit."

E

Q. Explains he was wearing a blue Adidas tracksuit that has light blue marks, a jacket on top of the tracksuit and white Adidas trainers. He has a gold coloured ring and a watch on, and is wearing a white Nike baseball cap hat.

F

"Q. Would you say that you were intoxicated or drunk at any point?

A. No, I was happy, I was very happy, so the answer is no.

Q. How was she, how was the girl, was she intoxicated or---

A. No, she wasn't.

Q. And how do you know she was not intoxicated?

G

A. She looked normal, I don't know if she was intoxicated or something like that, she looked normal to me.

Q. When you've left the city centre with this girl and walked up the road to the park, did you walk together the whole time?

A. Sometimes I walk behind her.

H

Q. At what point was that then, that you are walking in front of her?

A

A. May be I was lighting a cigarette, smoking a cigarette, not all the time, just---

Q. Where were you walking to when you were walking behind her?

A. I'm not, like, I'm walking behind her is just, I'm just taking my time, I'm just smoking and she told me that. She's worried that her friend can see him with her, she's

B

worried that one of her friends will see them together", the interpreter says this.

"Q. Why was she worried about that?

A. I don't know, I didn't understand everything she was saying.

Q. Earlier you mentioned that she told you to meet her in the park, when did she tell you that, at what point?"

C

Q. The solicitor interjects.

"Q. When she has directed you to the park, has she said anything about what was going to happen in the park?

D

A. To be honest I don't understand what she said, I did not understand 100 per cent what she said, but she just want sex with me, that's why.

Q. How did you know that she wanted sex with you?

A. Touching my penis and---

E

Q. It's alleged that the defendant pushed the victim up against the concrete block using his hands around her neck.

"Q. Can you tell me about that?

F

A. This did not happen.

Q. Did you put your hands around her neck at any point?

A. No."

Q. It's alleged that he pushed the victim to the floor and got on top of her.

G

"A. This did not happen, we sat, yes, I bent over the top of her.

Q. So at no point did you get on top of her?

A. No, I did not."

H

- A** Q. Alleged that the defendant held her down on the floor and tried to penetrate her vagina with his fingers, and then with his penis.
- “A. Not my penis didn’t get into, inside her.
- B** Q. And your fingers, did they enter her vagina?
- A. She was pulling my hand towards her vagina.
- Q. But did you physically move your own hand into her vagina?
- A. No, she was grabbing my hand and inserting, forcing it into her vagina.
- Q. So you deny any sexual intercourse, i.e. your penis going into her vagina at any
- C** point?
- A. Never, an examination will tell you. If I did this I will never come with myself, even when I came here or when I surrendered myself I never thought it’s her. I thought it was her reporting me so---
- D** Q. Were there any other interactions with any other female of a similar nature or that you had sexual intercourse with on the 19th of November---
- A. No.
- Q. ---in the early hours of the morning?
- A. No.
- E** Q. Just this female, just this female that you met with?
- A. This is the only one, I did not have sex with her.”
- Q. Refers to some CCTV footage.
- F** “Q. Who is that in the image?
- A. That’s me, it looks like me, it’s not very clear, it looks like me.”
- Q. Refers to another image.
- G** “Q. Who is this, this person here?
- A. Yes, me, yes, me.
- Q. And the person in this image here?
- A. Yes, it’s me.”
- H** Q. Referred to injuries caused by the victim’s neck, shows bruising and red marks.

A

“A. Is my hand marks in there, it’s only kissing.

Q. Do you know how those bruises got on her neck?

A. I don’t know what caused them but---”

B

Q. The solicitor interjects.

“A. We just kissed, but my hands, it’s impossible, it’s impossible, I never put my hand to her neck.

C

Q. Did you kiss her where the redness is and the bruise is?

A. Yes, I kissed her from the neck, she kissed me from my neck, but I don’t know if, if I caused this or she.

Q. How hard did you kiss her neck?

A. Yes, I was dancing, she was kissing me, so we were in a situation, we were both kind of---”

D

Q. The interpreter states he believes he’s not getting the answers required.

E

“Q. Is there anything you want to say about those images you’ve seen?”

Q. When asked if he had anything to add, the defendant states he has said what happened. He’s referred to another CCTV from the city centre.

F

“Q. Do you recognise this area?

A. Yes, I do.”

Q. Continues to watch the CCTV.

G

“Q. Do you recognise yourself in this at any point?

A. That’s me near the taxi.

Q. Can you point to which one is you?”

H

Q. He points.

A “Q. This man here, wearing the white cap and white shoes?
A. Yes.”

B Q. The solicitor interjects.

“Q. Where is McDonalds in relation to this?
A. He’s pointing to McDonalds.
Q. Did you meet the female at any point around here?
A. Not here, beyond.

C Q. What were you doing at this point?
A. May be I left my friends, so I went to eat. I don’t eat McDonalds, I went, want to go to a Turkish restaurant, so I’m just standing there.

Q. Why are you by yourself at this point?
A. I lost my friend here, they left, they, because they were just, they were going to this

D night club and they came out and we meet here.

Q. As I’ve paused it here there is a female just here.
A. Yes.
Q. Do you recognise that female?
A. No, I don’t.”

E Q. Continued to watch the CCTV, where the female seemed to walk off and Alshimery starts to walk.

F “A. I’m not following her, I’m just going.”

Q. Continues with the CCTV. The defendant has walked down.

“A. Yes, it goes to Cowley Road.

G Q. Is this the road you talk about when you say going toward the river?
A. This isn’t river, there’s a roundabout after and there is a road, there is Cowley Road and then another road.”

Q. The CCTV continues.

H

A “Q. Is this you in here?
A. Yes, it’s me.
Q. And this is that female?”

B Q. CCTV continues.
“Q. Had you said anything to that female at this point?
A. Could be the girl I met.
Q. It could be.”

C Q. The solicitor interjects.
“A. I’m not sure, could be she.”

D Q. Continues to watch the CCTV. He’s seen him walking around and the female is in front of him.
“Q. Further up that road, towards that roundabout, do you recognise this part, that direction is towards town and this is towards the roundabout?”

E A. Yes.
Q. Is this male you?
A. Yes.
Q. And this is the female that was walking in front of you? Is this the female that offered sex for £50?

F A. Yes.
Q. At what point did you start talking to each other down that road?
A. I don’t know exactly where, before this, may be.
Q. Who started that conversation?

G A. I don’t know who started, I was just walking and then we met here.
Q. You’re walking quite close to each other, tell me about that?
A. OK, I’m laughing, talking, it’s normal, talking, laughing.
Q. How did she seem at that point?
A. She was acting normal, and just talking.

H Q. Do you recognise where this is?”

A

Q. Continues to watch the CCTV. Officer explains this is the roundabout. The defendant and the female can be seen.

B “Q. I want you to watch your interaction together, do you remember what was happening around here?

A. Well, I can see here we are hugging each other and we were stopping there.

Q. So that’s what you can see from CCTV, but you can’t remember doing that?

A. I don’t remember but what I can see now we were kissing each other.

C Q. Have you got any issues with your memory as to why you wouldn’t remember things?

A. I remember that we were kissing and on the way and laughing.”

D

Q. CCTV shows the other side of the roundabout.

“Q. Is this the direction you walked to where the park is?

A. Yes, yes.

Q. Describe where the park is?

E

A. It’s close, not close, it’s far, it’s quite far.

Q. And how long do you think it would take to walk from here?

A. I don’t remember exactly but it’s quite far from the park.”

Q. Continues to watch the CCTV footage.

F

“Q. This is you here, do you remember what happens at this point?

A. Here I stopped. Here I remember I’m telling her do you want to come to the restaurant, the restaurant from the other side, but from here I want to go to the restaurant to eat with Cowley Road. From this part I want to leave her and go to the restaurant and leave, and then we just carried on walking.

G

Q. You state you wanted to leave, why didn’t you?

A. Kissing and sex, I was a bit drunk, and yes, that moment.

Q. Describe to me what you were doing in this doorway?

A. We were kissing each other.

H

Q. How did she react to the kissing?

- A**
- A. She was fondling, she was responding, yes, the same way.
- Q. What do you mean, responding in the same way?
- A. Happy.
- Q. Would you say you were kissing consensually?
- B**
- A. Yes.
- Q. Were you talking about anything at this point?
- A. I don't know, I don't speak good English, I didn't speak good English.
- Q. Were you doing anything other than kissing at this point?
- A. I don't know.
- C**
- Q. You don't know?
- A. No, I don't know."
- Q. Continues to watch the CCTV.
- D**
- "Q. Here you see two people walking towards you both, they seem to notice you both in the doorway, there looks like there's a conversation, can you remember what that was?
- A. I don't remember.
- Q. Do you remember them asking you anything?
- E**
- A. Nothing, nothing, no conversation, I haven't spoken to them.
- Q. Do you remember speaking to them, or do you remember that interaction?
- A. I don't remember, I did not talk to them."
- Q. Continues to watch the CCTV. The female starts to walk away and they're not walking together.
- F**
- "Q. Is there any reason for that?
- A. If there is a rape would I rape her here, so rape from what happened there between us, would I rape her in front of everybody?"
- G**
- Q. Officer explains a rape has not happened at this point.
- "A. There is nothing here, we were just kissing.
- Q. Do you know any of these people here?
- H**
- A. No.

- A** Q. Just clarify, they didn't say anything to you, that couple
- A. I can't remember any conversation but I know a person there, he goes to that area there, he goes out, his name is Lewis. I did not see him, I don't remember if I saw him.
- Q. Why do you mention Lewis?
- B** A. This is the only person who I know who goes there.
- Q. We are talking about that specific footage.
- A. He's not there."
- C** Q. Repeats the female has walked off and the defendant has continued to walk behind her.
- "Q. Do you think that she wanted you to walk after her?
- A. I remember she said 'My friend is here', so I said let's go to Cowley Road, that's what I remember, she said 'My friend is here'.
- D** Q. When did she say that?
- A. When we were, I don't remember where, but some, somewhere here, I don't remember, but she said 'My friend is here'.
- Q. Why did you hang back behind her?
- E** A. (Inaudible) something like that, I did not follow her.
- Q. You didn't follow her?
- A. May be she said 'Follow me', something like that, I can't remember.
- Q. Why is when she is walking through this crowd here you're here adjusting your hat and then you hang round here and wait for her to continue walking, tell me about that?
- F** A. I don't remember what, I don't remember she said 'Wait a bit', something like that, I can't remember. 'I want to go', she said 'I want to go to the restaurant on the other road', and then I've changed my mind, I don't know.
- Q. So you don't know whether you changed your mind or not, is what you are saying?
- A. She told me, she asked me to come, I did not stop with anybody here, Lewis is not
- G** when she's here.
- Q. We're not talking about Lewis, if you watch that footage she has come through, you are still hanging here, she has quite clearly walked off at which point you decide to then eventually walk through that crowd, tell me about that?
- A. She said 'Follow me', I don't know, I don't know why.
- H** Q. So were you following her, so were you following her to have sex at that point?

- A**
- A. I did not have sex with her, I did not have sex with her.
- Q. Did you want to have sex with her?
- A. No, she asked me for £50 to have sex with her, I rejected that, and even if I had £50 on me I did not want to.
- B**
- Q. Talking that £50 out of the equation, that's not the question I asked. Did you, did you, at this point, in this bit of footage, want to have sex with that female?
- A. I did not want to have sex with her, we were kissing, she want to have sex, she asked me for £50 and I said no.
- Q. Why were you following her at that point, what were you expecting?
- C**
- A. We were kissing, talking, may be she asked me to follow her, follow her.
- Q. You say may be, did she ask you to follow her, or didn't she?
- A. She said 'My friend is here' once, twice, three times she said 'My friend is here' for once, twice, three times.
- Q. And what did you think she meant by that?
- D**
- A. She was worried my English is not good, I don't know. She's worried that I understand one word, I don't understand ten others, ten other words.
- Q. So you didn't know what she wanted at that point because you couldn't understand her?
- E**
- A. I don't understand English 100 per cent, I understand few words, I understand 95 per cent of things said.
- Q. Did you think by her saying 'My friend is here, be careful' was a sign for you to leave her alone?
- A. She did not say 'Leave me', she did not say 'Leave me' at all.
- F**
- Q. But she's quite clearly walked away from you and yet you still have continued to follow her?
- A. She asked me to follow her."
- Q. CCTV footage from the shop, and the victim were kissing.
- G**
- "Q. You have just backed her up against that door, was that consensual?
- A. So we both agreed to that.
- Q. How did you both agree to that?
- A. And this, and we walked together, hugging, talking, she would be disagree, or she's
- H**
- not, she doesn't have consent with that."

A

Q. Continues to watch the CCTV.

“Q. This is when the two passers-by notice you.”

B

Q. CCTV.

“Q. I don’t know if you heard that at the end, but the female passer-by says something like ‘Are you OK’?”

C

A. I did not hear it.

Q. Why would someone ask if you were OK?”

Q. Continues to watch the CCTV. The female is seen to walk away and the defendant has gone after her.

D

“Q. You said that she’s been telling you to follow her, but there has been no conversation on that video?

A. No conversation here, but she told me that a long time ago, there is nothing here showing, there is nothing here showing here that she doesn’t want this, or doesn’t want this, we both agreed with this.

E

Q. But she has clearly walked away from you?

A. I don’t understand what you mean by ‘clearly’.

Q. It’s obvious this female has walked away from you, and you have continued, she has not said anything to you?

F

A. She do not follow me, don’t do this or that.

Q. But she doesn’t say ‘Follow me’ either, as you first said in the other bit of footage you were shown.”

G

Q. Solicitor interjects.

“Q. At what point does she tell you to follow her?

A. When we were walking on our way before she said ‘Be careful my friend is here’.

Q. And you took that as ‘Follow me’?

H

- A** A. She said 'Follow me' but I don't know when she said it. She said it once, twice, I don't know."
- Q. CCTV continues, victim is walking away, he's following. Two passers-by start to walk back.
- B**
- "Q. I want you to listen to what they say. Did you hear that? The female has said 'As if', and the male has said 'She didn't know that man'.
- A. I do not speak to everyone that's drunk, everyone is (inaudible) something."
- C**
- Q. Continues with the CCTV.
- "Q. They have felt concerned enough though to stop and check that you were both OK?
- A. What I'm doing here is she was with me and we were normal, just that's what they think. I don't know what they say."
- D**
- Q. CCTV continues.
- "Q. Is this walking to the park that you're on about?
- A. I don't know, I don't know exactly.
- Q. The female is here, you are quite far behind her. Why are you keeping that much distance?
- A. I was a bit late behind.
- E**
- Q. She's clearly not waiting for you, though?
- A. I don't know."
- F**
- Q. Refer to the CCTV, half an hour later showing Alshimery coming back.
- G**
- "Q. So where had she gone?
- A. She left, I came back.
- Q. So clarify then, in that half an hour is when she's offered to have sex with you for £50?
- A. She's asked me there to give her money, I refused."
- H**

- A** Q. Solicitor interjects.
- “Q. In relation to anything that we’ve asked you, and any of the images that you have been shown, is there anything you wish to tell me or feel that we should be aware of?”
- B** A. If I’m guilty I’ve done something wrong I will not come and surrender myself to you, despite the fact she wants me to have sex with her but I don’t not want to have sex with her. She asked for money, I refused. I came back, I left her, she left, I came back, I lost the way back.
- Q. Are you able to tell me precisely where she told you to follow her?
- C** A. I don’t know exactly, but I remember my voice said so just she can replace with friend with boyfriend in all your notes, she said ‘My boyfriend is here, be careful’, I just had to clarify this, and I said ‘Is it boyfriend or boyfriend’, he said boyfriend.
- Q. How did you know she was saying ‘Be careful, my boyfriend is nearby’?
- D** A. So it’s a friend again now, sorry, said, I said first time said it was boyfriend, he said yes, and now it’s friend, male friend, sorry about that, confusion, it’s a male friend she said.
- Q. How did you know that was what she was saying?
- A. That’s what I thought she meant. I wasn’t 100 per cent sure.
- Q. When she walks off from outside where that doorway is, she almost speeds up a little bit to walk off, and you’ve continued. Did you just think ‘Oh I’ll just go up the Cowley Road at this point and go and get my food’?
- E** A. It’s not that she doesn’t want to may be this couple or people who pass by, they bothered her and that’s why she acted like this.
- Q. Just to confirm, in relation to what you stated, at no point you had sex with her, she is the one that put your hand on her vagina?
- F** A. I did not have sex with her, it was her grabbing my hand towards her vagina.
- Q. At any point has she touched your penis?
- A. Yes, but not from outside of the clothing.
- Q. Intimate samples were obtained from you, are we likely to find her DNA on your sample from your penile swabs?
- G** A. Impossible.
- Q. From any intimate swabs that we have obtained from her, are we likely to find your DNA inside her vagina?
- A. No, I did not enter, I did not put my penis inside of her, she asked me for money, I refused.”
- H**

A

Q. When asked if he had anything to add, the defendant replies he did not expect it was the victim who had made the allegation. When asked if there was any medical or mental health issues, he replies “No”, just pain killers for his arms, which happened on his journey to the UK. And the interview concluded at six minutes past eight, your Honour.

B

JUDGE DALY: Yes.

MR LUCAS: That’s the interview. We will endeavour to get this into a form which is playable over lunch and play that after lunch, your Honour, thank you.

JUDGE DALY: Thank you very much. Ladies and gentlemen, 2 o’clock, please.

C

(In the absence of the jury)

JUDGE DALY: Right, it may well be, Mr Lucas, that you need to speak to the officer in the case during the course of the short adjournment, I take it---

MR DU FEU: No objection at all.

JUDGE DALY: Thank you.

D

MR LUCAS: Thank you very much indeed.

(Luncheon adjournment)

JUDGE DALY: Ready for the jury?

MR LUCAS: Your Honour, yes, just before we start I just want to put the court on notice and everyone else, my learned friend and I have, it sounds straight forward, but what I’m trying to say is there’s an outstanding bad character application.

E

JUDGE DALY: I know.

MR LUCAS: Which I wish to put at some stage.

JUDGE DALY: I’d like to know how you’re going to prove it.

F

MR LUCAS: Well, your Honour, a notice was issued.

JUDGE DALY: I know a notice was issued.

MR LUCAS: That’s how I seek to prove it.

MR DU FEU: Your Honour has the first point. It’s in two parts, very briefly. I think the Crown want to try to say that they can rely on reports of suspicious activity in McDonalds, that’s all hearsay, it’s not documented. The second part of it, which was for trial in February, is that he was issued with a ticket, an exclusion from the city centre between certain hours, and they say, the Crown, he broke that by coming back in, and that was due for trial in February and was dismissed. The second part of it’s gone. I think the Crown’s position may be that they’d like to try to rely on things that were said about his conduct near the women’s toilets in McDonalds.

H

A

JUDGE DALY: Well, I'm not hearing it at the moment. I will hear it in due course, but of course not only will it have to get past the difficulties of hearsay, it will also have to get past section 78---

MR DU FEU: Yes.

B

JUDGE DALY: ---before it is admissible.

MR DU FEU: And I put the Crown on notice now that since there is no way of proving that with statements and the rest, and I'm certainly not agreeing anything, they're going to have to prove the conduct in McDonalds, because otherwise it's so nebulous and capable of speculation about quite what he was supposed to be doing in McDonalds. So your Honour has the point.

C

JUDGE DALY: Well, I, I anticipated that there was going to be some argument about this when I saw what it entailed, and I just thought, well, OK, but it's going to have to be proved, and even though police reports and everything are possibly capable of proof, it means nonetheless it's got to not only get past the hearsay provisions, it's got to get past section 78, given all the difficulties that it involves in getting that material before the court, but there we are. That's for another time. I simply flag it up that it's not going to be straight forward.

D

MR DU FEU: Thank you.

JUDGE DALY: Now, this is working, is it, Mr Lucas?

E

MR LUCAS: It is working.

JUDGE DALY: Excellent. Can we have the jury then, please.

(In the presence of the jury)

JUDGE DALY: Right, ladies and gentlemen, we're going back to the CCTV, and nothing can possibly go wrong. Yes, Mr Lucas.

F

MR LUCAS: Yes, your Honour, well, let's hope it doesn't go wrong. Good afternoon again, members of the jury, we'll start with the first clip again, which was at 1.26 in the morning.

The defendant appears to talk to two females as he walks back towards Bonn Square. OK.

Let's move on to the next one, please. Next one is 01.50 in the morning, the defendant returns from the direction of New Road amongst a crowd, he leaves and approaches two

G

passing women, appearing to hug one of them, before heading back towards New Road. The next one is at 02.07, we turn to the direction of New Road, apparently speaking to a female in the company of another male, and then he walks towards a seated female before continuing towards Queen's Road. Members of the jury, if you look on that page, you see that he's walking around between 2.09, 2.35, he's walking around that area.

H

A We go towards 2.46, clip 4, and this is where he first encounters the complainant in this case. Clip 5. And clip 6. Clip 7. Clip 8. Against the door. The complainant walks away. If we go to clip 8.

B JUDGE DALY: And just to be clear, the direction which they seem to leave, that is the direction towards Headington?

MR LUCAS: Yes.

JUDGE DALY: And if one were to go into Cowley, one would be going round that roundabout a bit more and then down the Cowley Road.

C MR LUCAS: Yes. Clip 8, please, at 2.56 in the morning. Clip 9. We say she can be seen pointing that way. Clip 10. That's the last before the incident, isn't it. Oh, right, there's another one, yes, of course. That's the complainant, and there's the defendant. There's obviously no CCTV of the churchyard, or anything like that, the next, after the incident the prosecution say he continues to walk around, and at five past four in the morning he approaches another female. This is back down towards Carfax. This is back down at Carfax

D at five minutes past four. 4.29 crosses George Street with another female. The last, as you can see from the timeline, members of the jury, he's walking around George Street, Friar's Entry, Friar's Entry towards Gloucester Green Town, past and through Gloucester Gardens towards Gloucester Lane, and that's at 5.40 in the morning, and he's arrested at 20 past 11.

E Your Honour, that's as far as we can get today, I'm afraid. The forensic scientist will be giving evidence tomorrow morning, I think she's going to be by link, but we'll organise that for whatever time's convenient for your Honour in the morning.

JUDGE DALY: What do we have at the moment?

MR DU FEU: I don't want to seem churlish, your Honour, but I'd quite like to ask the

F officer in the case some questions, she's not available tomorrow.

JUDGE DALY: Oh, yes, of course. If she's not available tomorrow.

MR DU FEU: Thank you.

JUDGE DALY: Yes.

MR LUCAS: My apologies.

G MR DU FEU: Could you go back, please. Not very long, I promise.

Cross-examined by MR DU FEU

H Q. Still under oath, of course.

A. Yes.

- A** Q. It's really just a few matters I want to cover with you. In fact we've just heard from Mr Lucas that the defendant was arrested later on that day. By the time of his arrest you thought you knew who he was and you'd gone to his hotel to look for him, is that right?
- A. Yes.
- B** Q. And in fact his arrest took place just outside this court, opposite by Tesco, on the corner, is that right?
- A. Yes.
- Q. Sergeant Ben Clarke was out in the city centre actually looking for him I think?
- A. Yes.
- C** Q. All points bulletin, as it were, and he spotted the defendant walking over towards him from the police station on St Aldates?
- A. Yes.
- Q. The defendant walked up to Sergeant Clarke, didn't he, and said that he believed the police had been looking for him at his hotel?
- D** A. Yes, I believe so.
- Q. So effectively he gave himself up to the police?
- A. Yes.
- Q. Second topic. At the scene by the brick block soil and vegetation samples were taken by forensic scientists?
- E** A. Yes.
- Q. This of course was in case it was necessary to try to place people there or to prove any aspect of the case?
- A. Yes.
- F** Q. There were swabs taken from the backside, the bottom of [Person A], weren't there?
- A. I believe so, yes.
- Q. Were those swabs ever checked for traces of the vegetation or soil?
- A. No.
- Q. Items of clothing were seized from both [Person A3] and from the defendant, Mr Alshimery, weren't they?
- G** A. Yes.
- Q. From [Person A3] the police seized her skirt, her tights, and her knickers, her underpants?
- A. Yes.
- H**

A Q. From the defendant tracksuit bottoms and boxers amongst other items, his cap for example, yes?

A. Yes.

Q. Were any of these items ever tested forensically, scientifically?

B JUDGE DALY: Which items, all of them?

MR DU FEU: Any of those clothing items?

A. I don't know that I can answer that.

Q. If I suggest to you that the unused material suggests that none of them was ever tested, if I'm wrong about that can you get a message back to us?

C A. Yes, certainly.

Q. Thank you very much. That's all I have, thank you, your Honour.

JUDGE DALY: Thank you very much. Anything out of that?

MR LUCAS: Your Honour, nothing at all, thank you very much indeed. Has your Honour any questions?

D JUDGE DALY: No, I don't. Now, the officer in the case is not going to be here tomorrow?

MR LUCAS: She's not.

JUDGE DALY: Well, if she's not going to be here tomorrow, is it intended for her to come back at all?

MR LUCAS: I think she's coming back on Friday. She's not---

E JUDGE DALY: Well, she is the officer in the case, but I'm not going to release her, she may be required some other time during these proceedings, but she doesn't have to come back tomorrow.

MR LUCAS: Your Honour, she's got inspector's exams tomorrow, that's the reason why she's off.

F JUDGE DALY: Right, fine. Well, best of luck.

THE WITNESS: Thank you very much.

JUDGE DALY: All right, ladies and gentlemen, that's as far as we can get this afternoon. We will be starting again tomorrow with the forensic scientist, so you're going to have to do a bit of careful listening, so have a good night's sleep so that you're ready for it, and we'll see you tomorrow morning. Half past ten, isn't it.

G (In the absence of the jury)

JUDGE DALY: I'm just, Mr Lucas, looking at the bad character application.

MR LUCAS: Yes.

H

A

JUDGE DALY: I can see what's put in terms of the bad character evidence, and it's said how will you prove these facts if in dispute. Police reports, and that's really all it says.

MR LUCAS: I know that. I'm not going to trouble your Honour with it.

JUDGE DALY: Thank you. Right tomorrow morning, half past ten. Best of luck.

B

THE WITNESS: Thank you very much.

ADJOURNED UNTIL 16th MAY 2024

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