

How I endured a living hell in jail for a crime that I didn't commit.

Rob Kenward was jailed on child sex charges after a grown woman suddenly 'remembered' her abuse at his hands. The experience made him question his sanity. CHRIS TAYLOR reports

For the past three years, Rob Kenward's life has been a nightmare from which he imagined he would never wake.

Accused of the most hideous of crimes. Mr Kenward was tried four times on what amounted to very little more than flimsy allegations and distant, murky memories.

All because a little girl he had known grew into a woman who - in effect, in the eyes of the law - cried wolf.

Mr Kenward was accused of raping the girl who had, long ago, lived in his household.

It was an allegation that evolved into a marathon journey through Queensland's justice system and eventually led to a prison cell.

The allegations came after the woman started treatment under psychologists at the age of 30 and suddenly "remembered" on-going childhood sex abuse.

There was no physical evidence and little corroboration of supposed facts.

Nothing more than allegations that seemed to snowball with time and ended four times before the Supreme Court.

Last week, Mr Kenward was vindicated when the Court of Appeal threw the matter out in a ruling which questions the practice of basing cases on allegations arising from "repressed memory syndrome".

But not before the whiteknuckle terror of incarceration at, one of the state's toughest prisons where, unprotected, he was the target of an on-going campaign of abuse by his fellow inmates who considered him the lowest of the low.

Men convicted of child sex offences are the most loathed of inmates in the prison pecking order.

Dubbed a "rock spider" on arrival, he was threatened with violence and sexual abuse, constantly intimidated and, during one incident, doused in urine.

"You learn very quickly," Mr Kenward said.

"They hunt you down like a pack of animals.

"You are spat on, you have to live with eyes in the back of your head.

"One man had boiling water poured over him, another bloke was stabbed through the eye with a pencil.

"I really felt like my mind was leaving me. I was losing it. It has an effect on you every day, even now.

"There's probably not a minute in the day where it doesn't run through my mind. It plays on me ... sounds in the night are unbearable."

The Appeal Court ruling was unanimous that the convictions against Mr Kenward be quashed and no order was made for a new trial.

Now absolved, an innocent man, the 47-year-old is to launch legal action against Queensland Corrections for the abuse and psychological trauma he suffered while in prison.

He is still angry that police based a case, and the courts ruled, on what appeared to be two-decades old, unsubstantiated claims based on repressed memories.

At the same time, a new report to the International Commission of Jurists has urged an investigation into the largely discredited repressed-memory syndrome, claiming at least 13 men are serving prison terms in Queensland because of similar allegations.

Mr Kenward, a Cairns plumber, is attempting to rebuild his life after the legal battle which has left him emotionally and financially drained.

The appeal ruling completely discredited the very basis of the case but it cost Mr Kenward and his wife Pat \$150,000 in legal fees to get there.

"At first I thought it had to be a joke ... but it all snowballed to unbelievable proportions," he said.

"I think it says a lot that all of our friends stood by us.

"As soon as it all blew up, Pat was on the phone telling people in case they heard about it and the reaction was like one big shock. Nobody could believe it.

"People, especially young blokes. should know it can happen to them, it can happen to anyone.

"I feel sorry for young fellows today. If they have little kids, I tell them don't even give your kids a bath.

"It's a sad way to live but that's what the world's come to."

The complainant and her sister lived in Mr Kenward's household with their mother in the mid-1980s.

While the children and their mother did not continue to live with him, he remained friendly, staying in touch and visiting them on frequent trips to Brisbane.

It was shortly after he became involved with Pat that the allegations surfaced.

According to the Appeal Court's published ruling, the complainant started attending the Royal Brisbane Hospital for a shoulder injury in 1995.

At the time she was also assessed by an occupational therapist and a psychologist to ascertain whether her "chronic pain" might have a psychological basis.

When she uncovered the alleged memories of childhood sexual abuse, she also made similar allegations - for the first time - in relation to another man.

Mr Kenward's first trial in June 1998 resulted in a hung jury.

Second and third trials were aborted, in one case by a trial judge who ruled against "gratuitous and prejudicial" evidence given by a key witness.

In April this year Mr Kenward was again arraigned on sex charges and found guilty at trial of one count of rape and one of indecent dealing but acquitted on four others.

He was sentenced to six years in prison and spent several months behind bars before being allowed bail pending his appeal.

Last week, Appeal Court judges William Pincus, James Thomas and Brian Ambrose unanimously ruled the two convictions should be set aside and made no order for a new trial.

Justice Pincus said that, considering the evidence was based on events that were alleged to have taken place more than 20 years before the date of the last trial, it was

hardly surprising there would be “considerable” discrepancies in the recollections of the woman and her lounge sister.

Justice Thomas said the unfairness of the “unresponsive, emotional and highly prejudicial” evidence, coupled with the behaviour in court of the woman who made the allegations, would have been enough to justify the quashing of the convictions.

He described the convictions against Mr Kenward as “unsafe and unsatisfactory” on the presented evidence.

Justice Ambrose said the evidence of the sisters was contradictory “in every material respect”.

He found the trial judge failed to correctly address the jury on crucial evidence.

“The attention of the jury was not drawn to the inconsistencies between the evidence of the complainant and the evidence of the sister with respect to either (charge).” he ruled.

He found the judge should have discharged the trial jury in light of the behaviour of a key witness who made several outbursts from the dock.

At one stage, she yelled: “If he cared he’d admit what you (sic) did to me, for God’s sake, and tell me that you’re sorry.”

On another occasion she walked past the dock and said to Mr Kenward: “You make me sick, you do - the whole thing. Disgusting pig.”

Justice Ambrose said: “In my view the directions given in the course of the trial and summing up were quite insufficient to remove the prejudicial effect that they must have had upon the jury.”

Mr Kenward’s lawyer Alan Bennett, from Forest Lake Lawyers, described the result as a major victor, but said he found it incredible the matter went before the Supreme Court four times.

“The absolute tragedy of the whole thing is that this family had to endure those four trials before he was finally vindicated.” he said.

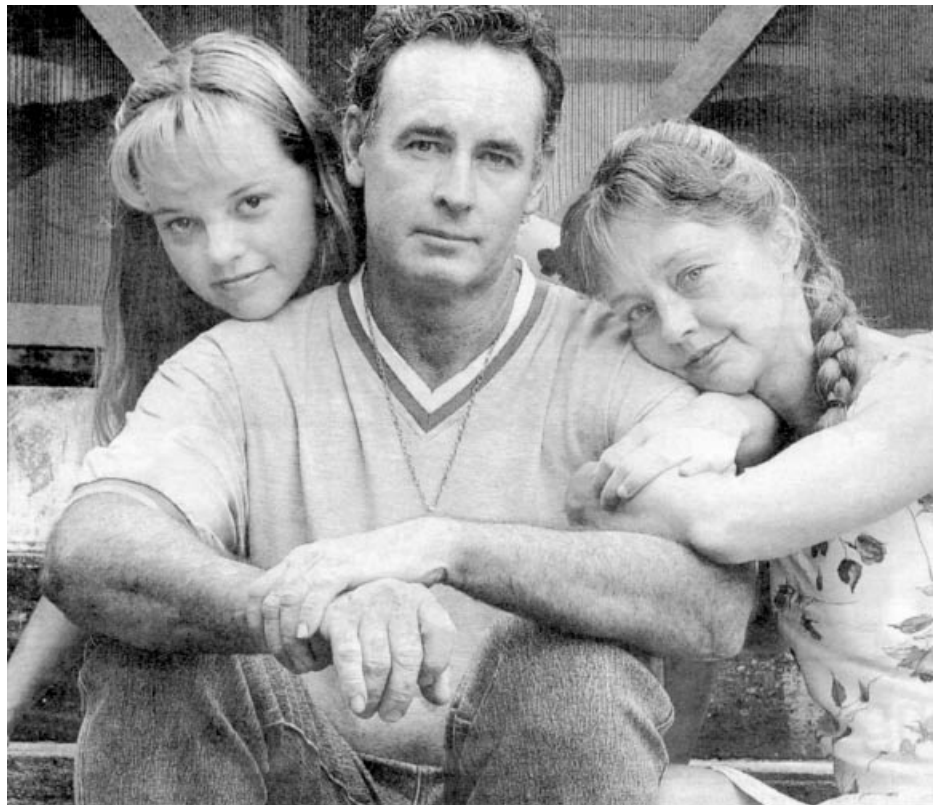
Mike Cox, president of Queensland-based Australian False Memory Association, said the Kenward case was the tip of the iceberg.

In his report to the International Commission of Jurists, he details the cases of 13 Queensland men who are either serving prison terms or have in the past, based on similar allegations.

Mr Cox said it was irresponsible and dangerous for Queensland’s justice system to rely on repressed memory evidence which, like the allegations in the Kenward trial, can be up to 20 years old.

“If this were an isolated case it would be disturbing enough but we know it’s not an isolated case, he said.

“There are men serving sentences in Queensland prisons today and each of their



RELIEVED: Rob Kenward with wife Pat (right) and stepdaughter Naomi.

cases are a matter of extreme concern.

“The charges go back many years, there is often no corroboration of evidence between witnesses, there’s psychiatric counselling involved and there’s a general lack of knowledge and understanding within the legal community which is dealing with the cases.

“All round, there’s an abysmal ignorance (of repressed memory syndrome). A lot of these cases should never have been allowed to even get to a court stage.”

A report commissioned by the British Royal College of Psychiatrists in 1997 destroyed the credibility of recovered memory therapy, claiming not one allegation resulting from the treatment has ever been satisfactorily proven.

In short, the treatment advocates the belief that adults suffering from depression or other psychological illnesses can trace their conditions to childhood abuse.

Failure to remember the abuse is taken as proof by psychologists using the therapy that childhood trauma occurred but is being repressed, according to the British report.

In many cases, memories are “recovered” simply by using such techniques such as word association; in others, hypnosis is used.

Respected neuropsychologist Andrew Gibbs, an outspoken critic of repressed memory techniques, says they have no foundation and are “scientifically unsupported and dubious”.

“Historically, it’s been proven to be just nonsense,” he said.

“Is there any foundation for this mechanism of memory? No. Is there any foundation for the methods used? No.

“Just through the use of language you can easily convince a vulnerable person that they have a choice between deciding if they are crazy or blaming their state on a bad memory.

“Our memories are not fixed and stored like a tape recorder.

“Effectively, they are narratives of our lives and in some instances, in a person who is depressed or vulnerable or suffering sleep deprivation, you can reshape that.

“But, having said that, I also have concerns about these techniques from the point of view of people who have actually been abused.”

Mr Kenward now questions why he was not placed in a protected prison environment rather than a high-security institution where he was vulnerable to attack.

A Corrections Services spokesman said it was normal procedure to send freshly convicted prisoners to such prisons, regardless of their crimes, until placement in protected institutions could be arranged.

Surprisingly, Mr Kenward feels no anger toward his accuser and in fact hopes she is able to receive legitimate psychological counselling.

“I do feel sorry for her, believe it or not. She obviously needs help and I don’t think the right thing has been done by her in the past.

“I blame the psychologists. We need to flush some of these people out.

“In the end, they can do incredible damage.”

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