

# Open Letter to the Rt Hon Elizabeth Truss MP, Lord Chancellor

## Quis Custodiet Ipsos Custodes ? The erosion of the rule of law throughout the United Kingdom and the Crown Dependencies

Dear Lord Chancellor,

I quote this passage from your recent speech in Westminster Hall, on the opening of the legal year:

*“Our common law system - founded on that precious asset, the rule of law - has been emulated for centuries by countless jurisdictions. An immensely civilising influence on the world, it has spread liberty, order and prosperity to billions. We know, and the world knows, that our law and our justice system are among the best. Our judges, many of whom are here today, are rightly celebrated for being independent, impartial and utterly incorruptible ... ”*

Again, at your swearing in ceremony on 21 July, 2016, you spoke as follows:

*“The fundamentals of civilisation and liberty depend on the rule of law. It is our safeguard against extremism, oppression and dictatorship ... Our law, English common law ... is at the heart of everything I believe in ... ”*

Your respect for the common law is encouraging. However, your apparent belief that it still holds sway in the United Kingdom gives me great concern, as it reveals a startling ignorance of the actual state of affairs in this country, where current practice falls far short of the admirable principles which you have sworn to uphold.

I recently received a letter from the Safeguarding Unit of the UK Home Office. It comes in answer to many letters regarding crimes against children which remain unprosecuted, owing to subversion of the rule of law, and is effectively a polite brush-off.

After the usual obligatory declaration emphasising the Government’s abhorrence of child abuse, the anonymous writer goes on to note my numerous fruitless attempts to arouse the interest of my MP, and others, in instances of this crime which have taken place, or are actually taking place, with the apparent approval of the police and judiciary; points out that I have repeatedly been informed that Ministers are unable to intervene in individual cases; refers me to the “Independent” Inquiry which has already had the ‘misfortune’ to lose not only three chairpersons but any confidence which abuse survivors might ever have had in a set-up so closely intertwined with the Home Office itself; recommends the Unit’s own “Tackling Child Sexual Exploitation” report; washes official hands of anything occurring north of the border, despite the fact that Scotland remains part of the UK; and protests that the Government can do nothing in the face of widespread flouting of the basic principles of justice in secret family courts which, as revealed even in the mainstream media, now remove children from their families on the plea of possible emotional harm at some future date: a decision frequently reached on the say-so of “experts” who have never met the persons they so lucratively condemn. The nameless conveyor of all this useless information then concludes by appreciating that I may be “disappointed” by this response.

Well, no, actually. “Disappointed” does not describe the feelings I experienced on reading this letter. To feel “disappointed” would require some hope of a more satisfactory outcome. But after years of beating my head against the brick wall of bureaucratic obduracy, I no longer expect any better. What I am feeling is not “disappointment”. It is frustration - and incredulity that, in a country which claims to be under the rule of law, the very institutions paid by the electorate to ensure that justice prevails may freely undermine it, with no fear of either restraint or retribution.

I had better begin at the beginning.

I did not really believe in the prevalence of child abuse. Perhaps just a bit, in families, especially where stepfathers were concerned: but not in children's homes, and definitely nothing involving The Great And The Good or, indeed, women. All this stuff that hit the headlines of the tabloids from time to time, and crept more decorously into the less populist media, was a storm in a teacup. Child abuse was a subject that I, like most people, found distasteful; which was outside the everyday experience of decent people; and which occurred so rarely as to be insignificant.

Then, in January 2010, I heard a talk by a man called Robert Green: a Welshman living in England, a retired travel agent, and now an independent investigator, who had been recruited to seek justice for a woman from Aberdeen, Hollie Greig. And everything changed.

Hollie, who has Down's Syndrome, claims - and her claims have been endorsed by the Criminal Injuries Compensation Authority to the tune of £13,500 - to have been sexually abused from the age of six until she was twenty: first by her father, then by her brother, then by 20 other named individuals, male and female, including the head of her special school; a forensics officer with Grampian police; a sheriff (judge); and various other persons occupying prominent or responsible places in Aberdeen society. In addition, she states that seven other children, whom she also names, were co-victims of the abuse. Yet no proper police investigation - no interrogation of the accused or alleged victims, no search for corroborative evidence, no inspection of computers - has ever taken place: indeed, as was testified in court by DC Lisa Evans of Grampian Police (the local force since gobbled up by armed and nationalised Police Scotland), not a single one of those accused by Hollie in a three-and-a-half hour statement made on 8 September, 2009, was subsequently questioned. Robert heard every word of that interview. He describes the experience as "the worst three-and-a-half hours of my life".

Some have questioned Hollie's story. I will not enter into that argument here, but simply refer you to this website, <http://holliedemandsjustice.org/faq/>, the FAQs being particularly instructive. What cannot be denied, even by those who refuse to examine the overwhelming evidence confirming Hollie's testimony, is the vicious campaign which was launched against Robert Green himself, when he decided to stand as a parliamentary candidate for Aberdeen in the 2010 General Election in order to publicise the case. Again, I will not go into details: suffice it to say that since February 2010 Robert has twice been subjected to cross-border raids by Scottish police, during which computers and other valuable evidence were taken from his home without inventory, and never returned (ie, stolen); repeatedly hauled up to Scotland, at his own expense, to appear inconclusively before a variety of courts; twice imprisoned north of the border for several months and, during his second period of incarceration, denied medication for a historic heart condition, to the point where his family and friends feared for his life; kept for months on end under house arrest, forced to report daily to his local police station in Warrington, and unable to leave home for any length of time, even to take a brief holiday; and, grotesquely, subjected to threats of repeated court action by the lawyers of ex-Lord Advocate of Scotland, Elish Angiolini, who enjoyed public funding, while he was refused legal aid.

I think any reasonable person would agree that "breach of the peace" - the original 'crime' from which this litany of persecution proceeded - hardly merits such a concentrated and vindictive war of attrition: particularly when, even before his second term of imprisonment, the cost to taxpayers had passed £500,000, as detailed by the Scottish Law Reporter in this article from 2011: <http://scottishlaw.blogspot.co.uk/2011/11/12-million-breach-of-peace-charge-13.html>. Would the authorities really think it worth forking out sums like these, at a time of "austerity", if they had nothing to hide? In Hollie's and Robert's cases, again and again, the rule of law has been held in contempt: yet neither Westminster nor Holyrood appears to be interested in reasserting it.

*Quis custodiet ipsos custodes ?* Who will keep an eye on the guardians themselves ?

Thanks to the UK Column News ([www.ukcolumn.org](http://www.ukcolumn.org)) I began to hear of other cases. That, for instance, of Melanie Shaw: abused by her family, and placed in foster care; abused by her foster parents, and placed in Beechwood Children's Home, Nottingham; raped within weeks of arriving in the home, where she states that she also witnessed the rape, torture and murder of other children, and saw Sunshine Variety Club minibuses taking little boys to Dolphin Square for the enjoyment of MPs, under the aegis of a local "big beast" of politics; falling into petty crime and drug abuse after leaving the home; struggling, against the odds, to establish a normal life for herself, but still dependent on medication to keep the memories of her nightmare childhood at bay; somehow achieving twenty years of peaceful existence, then losing her adored younger son and all her hard-won stability after plucking up the courage to report what took place at Beechwood to the authorities, and attempting to ensure that her evidence was followed up by the police.

Melanie's reward for her all-too-accurate memory has been remorseless persecution, including the loss of her long-term home; repeated imprisonment; denial of the medication necessary to keep her on an even keel; denial of treatment for a boil on her leg, which resulted in her appearing on crutches when the initial case against her - a highly questionable charge of arson - finally reached court; and, most recently, four months on remand, around half of it spent in solitary confinement, while awaiting yet another trial for an offence whose precise nature is yet to be revealed. She is not allowed to see her lay legal advisor. She has had a legal team which she distrusts thrust upon her. Post from friends and supporters is withheld. In short, she is being denied her lawful rights, let alone the kid-glove approach required when dealing with a woman who is particularly vulnerable to fear and harsh treatment, as a direct result of crimes committed against her while in the 'care' of public institutions. In Melanie's case - as with Hollie Greig, as with Robert Green - the authorities are holding the law in contempt.

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And then there is Carol Woods. Carol is a social worker: the kind of social worker we need, whose honesty and commitment to the good of those in her care should be appreciated. But ever since she refused to falsify records in order to facilitate a forced adoption, and subsequently compounded this offence by exposing a crooked land deal which profited political bigwigs while throwing disturbed children out into the community, she has been on the run. I understand that she holds documentary proof that her home was taken from her by illegal methods, including impersonation and false representation in court (ie, that it has been stolen, with the connivance of the judicial authorities). She has faced death threats and actual attempts on her life. She has lost everything, including her family, for in order to protect them she has been forced to break off contact with those she loves. One of the few people prepared to help her was Mike Todd, who, as Chief Constable of Greater Manchester Police, listened to her story and was ready to follow it up. By some inscrutable mischance, however, he "committed suicide" before he was able to make any headway with the case. Once again, there is neither time nor space to go into details available elsewhere: for instance, in this interview: <http://www.ukcolumn.org/dispatches-from-the-front/britains-psychiatric-gulag>. What is clear, from Carol's testimony, is that in her case, too, the rule of law is being held in contempt by powerful people.

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There are many other, similar, cases where the police and justice system, abetted by the social services, are busily engaged in overturning the very laws which they are appointed to uphold.

Think of the Welsh children's homes scandal, where, according to the testimony of local council official Sian Griffiths, a judge ordered photographs implicating a prominent person to be destroyed: <http://www.channel4.com/news/child-abuse-north-wales-waterhouse-inquiry-sian-griffiths>.

Think of the rough treatment handed out on Jersey - an island held fast in the grubby grip of The Crown, aka the City of London - to honest police chiefs Graham Power and Lenny Harper, <https://www.youtube.com/watch?v=4BXzL9SY5WU>, and to the island's former health minister, Stuart Syvret, <https://www.youtube.com/watch?v=N2tjno2cmI>, when they dug too deep into crimes against children, including those committed at Haut de la Garenne (a favourite haunt of Jimmy Savile's, and not unknown to Ted Heath).

Think of the endless stream of children seized from loving parents, some of them at birth, on the pretext of “future emotional harm”. This has been reported regularly by Christopher Booker for many years now, without the resultant publicity eliciting any effective response: <http://www.telegraph.co.uk/comment/columnists/christopherbooker/7728931/Britains-child-snatchers-are-a-scandal.html> . The unlawfully stolen children are offered for adoption, in order to meet well-paid government targets, or, if they are less fortunate, put into care, to feed the “industrial-scale” child-trading industry: for, as a courageous Met officer, at great risk to his personal safety, reveals here, <http://www.ukcolumn.org/video/child-abuse-cover-police-whistleblower-speaks> , the care homes of the UK are “a paedophile’s playground”.

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The latest case relating to organised paedophilia and its protection by the establishment, at the expense of the rule of law, is that of Janice and Brian Docherty, whose four children were kidnapped by the Irish authorities at the instigation of Police Scotland after Mr Docherty reported a man - now positively identified as Detective Constable Alan Low - who offered them £25,000 for “access” to their four-year-old autistic son. At the time the family were living in a cottage on the Crimonmogate, Aberdeenshire, estate of Viscount Petersham, brother-in-law of Princess Margaret’s son, Viscount Linley, and, on his own admission, a friend of DC Low.

Soon after they lodged their complaint at Peterhead police station, the Dochertys were subjected to threats, intimidation and booby-traps. When a fraudulent concern report by Scottish social services alerted them to plans to put their children into ‘care’, apparently in an attempt to silence them, they sought temporary respite by taking a week’s holiday in Ireland, during which time they wrote to the higher Scottish and UK authorities, informing them of the unlawful attacks on their family by those lower down the chain of command, and asking for help: but on the day before they were due to return home, they were subjected to a raid by members of the Garda and Irish social workers, who, it later emerged, had been swiftly recruited by their Scottish counterparts. (The unresolved case of Mary Boyle’s disappearance from a remote farm in Donegal, in 1977, suggests that the Irish establishment, like that of the UK, is particularly amenable to corruption in cases involving child abuse: see Gemma O’Doherty’s video, here <https://www.youtube.com/watch?v=0vGORoCbpXw>.)

The children were taken into custody, allegedly on orders from Interpol (which Interpol has subsequently denied, in writing), and the parents were hauled before an Irish court. Fortunately, in this first instance an honest judge ordered the children to be returned at once, declaring the evidence against Brian and Janice which had been forwarded by Police Scotland to be without merit, and stating specifically that it should not be used to pursue them further at any future date. Unfortunately, Police Scotland and their collaborators in the Republic refused to take no for an answer, and the terrorisation of the family continued, culminating in the violent kidnapping of the children by eight social workers and four gardaí, two of them armed, a few days before Christmas, 2015 - the elder girl, then 13, protesting that her human rights were being violated, as she was frog-marched down the stairs by a hefty male officer, one arm twisted behind her back. Since then, despite repeated pleas for help to the UK authorities and their representatives in the Republic, habeas corpus has been denied, with state custody being renewed again and again through the vehicle of interim orders: and more than nine months later (at time of writing) those children - British subjects, dragged under protest from a close-knit and loving family - remain in separate foster homes, while their parents, who have been declared robustly sane by an independent psychologist, face dogged attempts to section them, in the fashion of the old USSR.

Appeals to the Scottish and UK governments for assistance, in the face of collusion between the nationalised Scottish police force and the Irish authorities - appeals which draw attention to the illegitimacy of the “concern report” which set the wheels of state persecution rolling - continue to be rejected with the usual “We cannot intervene in individual cases”. Yet how can the separation of powers be offered as an excuse, when the Dochertys *have never, ever, been accused of any crime*, and the judicial arm of the State has *no lawful grounds whatsoever* for interfering in their lives ? When the guardian ad litem appointed by the Irish court declares them to be exemplary parents ? When not a scrap of credible evidence against them has ever been produced, in or out of court ? Again, it is impossible to fill in all the details here.

A full five-hour interview with the Dochertys themselves, plus a full transcript with detailed notes, photographs, and additional information, is online at <http://www.ukcolumn.org/the-docherty-files>, and deserves to be distributed as widely as possible. These law-abiding people and their children will remain in danger until the UK authorities, north and south of the border, who are either driving or condoning the campaign against them bow to public pressure.

*Quis custodiet ipsos custodes ?*

The point I am making is this: in every one of the cases quoted above, any reasonable person can see that basic assumptions of the rule of law are being flouted with impunity by state officials: the assumption that when a crime is reported it will be thoroughly investigated; the assumption of innocence until proved guilty; the option of trial in a properly-constituted court before a jury of one's peers; the requirement that detention by the authorities be supported by correctly authorised warrants and court documents; the requirement that justice should not only be done, but be *seen* to be done; the assumption that those accused will be told of the charges and evidence against them, and that they will be allowed to choose their own representation in court; access to legal aid for all, in accordance with equality of arms and Magna Carta's promise that justice will not be sold, delayed or denied; above all, the safeguard of habeas corpus, and that jewel in the crown of the Common Law, and ultimate protection against legalised tyranny, the possibility of nullification by jury, whereby not only the accused, but the law itself, is on trial in every case which is brought before a properly constituted, open court.

Yet when I contact my MP, in pursuit of justice for those who are finding these basic assumptions under attack from the very institutions paid to uphold them, his lame excuse is that he is unable to intervene in specific cases, or that his constituents are not involved and it would be bad form to encroach upon the preserves of another Member. Apparently it is beyond him to identify the unifying thread that runs through all these cases, and to recognise the danger posed to constitutional government itself by state apparatchiks, armed with protocols and regulations, who place themselves above the law, with the compliance, indeed, the active support, of police and judiciary. So he shuffles off his personal responsibility to ensure that the rule of law is maintained, perhaps by agreeing a discreetly-worded non-reply to my letter with his party leader, perhaps by passing my complaints on to the Home Secretary, who, with a brief acknowledgment, forwards them to some other State agency, which either furnishes me with a list of addresses to which I may send further fruitless appeals, or comes up with a slick bureaucratic excuse to slam the door in my face (always, of course, regretting the "disappointment" involved).

The fact is that, whatever the original intention, an elaborate network of administrative and regulatory bodies now serves to derail or prevent due process and undermine the rule of law throughout the UK. No wonder I give a hollow laugh when I am thanked yet again for contacting this or that Minister, only to be fobbed off with some glib evasive tactic, or waved on to this or that department. I have a sheaf of letters accumulated over the past six years, many of them with identical wording, assuring me again and again of the government's commitment to dealing with child abuse without fear or favour, but again and again "disappointing" me with some 'reason' which makes it impossible either to answer my questions or, crucially, to offer immediate relief to those enduring real-time persecution by officialdom, without due process.

We are trapped in a bureaucratic labyrinth, where every turn brings us slap up against a locked door: data protection, perhaps; or non-intervention in individual cases; or MP protocol; or defamation; or restricted access to information; even, when the official concerned has been well and truly cornered, the excuse that following the issue up would be likely to bring the government into disrepute, if not down. Variations on the theme are endless, but, roughly translated, they all add up to, "Go away, and leave us to trample on the law in peace." As for the official Inquiries currently on offer, Melanie Shaw and Carol Woods will have joined the ranks of the "Disappeared", and the Dochertys be safely locked away and forgotten in some Irish mental institution, before either the UK or the Scottish version reaches any conclusions about the past, let alone comes to the aid of those actually suffering, at this very moment, "the insolence of office" and "the law's delay". The guards, left unsupervised to keep an eye out for the 'public interest' (ie, the interest of influential public figures, and their own advantage), are being allowed to run amok.

How has it come to this ? How is it that a country which has been accustomed to boast of its unparalleled justice system, and which only last year was smugly celebrating the 800th anniversary of Magna Carta, has abandoned the first principles of right and wrong in its dealings with so many of its citizens ? Is there really no provision which would compel the guards themselves to bow before the rule of law ? A master key, which would unlock the doors of the labyrinth ?

Well, yes, there is. It's just that it's rusty, and the locks need oiling.

The key is representative government.

“But the UK already has a representative government,” you say.

Well, once again, yes. But who precisely does that representative government represent ? Certainly not those who elected it. Rather, it represents the powerful backers of the party hierarchies, who control not only the selection of candidates and leaders, but votes in the House.

The whipping system, in particular, is a major contributory factor in the present corruption of the rule of law. Just listen, for instance, to what Tim Fortescue, a Conservative whip in the Heath government, has to say on the subject:

*“Anyone with any sense who was in trouble would come to the whips and tell them the truth: ‘I’m in a jam, can you help ?’ It might be debt. It might be scandal involving small boys. Any kind of scandal which a Member seemed likely to be mixed up in, they’d come and ask if we could help. And we would do everything we can, because we would store up Brownie points. That sounds a pretty nasty reason, but it’s one reason, because if we could get a chap out of trouble then he will do as we ask for ever more.”* (You can hear these words from the horse’s mouth here: [https://www.youtube.com/watch?v=GwkOWPauu\\_A](https://www.youtube.com/watch?v=GwkOWPauu_A).)

Two things stand out from Mr Fortescue’s obligingly candid admission.

Firstly, political parties consider criminal behaviour on the part of their MPs less shameful than the bad publicity which would ensue, should their wrongdoing hit the headlines. This is corroborated in the interview with the Met officer in the link already quoted in relation to police cover-ups (<http://www.ukcolumn.org/video/child-abuse-cover-police-whistleblower-speaks>), when he reports former UK Police and Crime Minister, Mike Penning, as saying, *“What concerns me most about all this is the public perception, when this gets out.”*

Secondly, Mr Fortescue considers that concealment of the odd peccadillo, including actual crimes against “small boys”, is a jolly good idea, since it strengthens something which, for him and his masters, is far more important than the rule of law: the hold of party and government over potentially free-thinking subordinates and back-benchers.

Are we to suppose that others do not share Mr Fortescue’s priorities ? Is it unreasonable to assume a similar undermining of the rule of law by other whips, in other administrations ? And would it be taking things too far to suspect that this corruption, filtering steadily down from the top, has sunk deep into the quagmire of institutions and quangos answering to such corrupt governments - and, indeed, into any ‘charities’ which have become dependent on government support ?

I think not.

The end result of systematically covering up breaches of the law, while doling out honours and subsidies for political advantage, must be an endless stream of captive pawns who put their own survival above the honest administration of the realm, and who are ever open to manipulation by those, either at home or abroad, who hold reputations and bank accounts in the palm of their hands. How can ‘representatives’ who owe their continuing prominence, position and wealth - in some cases, indeed, their very freedom and financial solvency - to such all-too-provisional protection from above, be expected to risk their necks in order to secure justice for the victims of abuse - or of any other crimes, for that matter ?

*Quis custodiet ipsos custodes ?* At present, nobody, it seems: certainly not our MPs, many of them, no doubt, compromised; some of them, perhaps, even selected specifically because they are known to be open to blackmail, and can therefore be relied upon to toe the party line.

But even ignoring the possibility of widespread corruption, the growing fashion for referring to MPs as “law makers” is an indication of the present parlous state of legitimate government in the United Kingdom, which has been rightly described as an elective dictatorship. Our representatives appear to have no grasp of the part played in our constitution by the Common Law. They no longer understand that the most basic requirement of their job is not to bewilder and subdue the electorate by churning out a plethora of superfluous statutes - producing, as a by-product, a regulatory morass which blurs the edges of morality, erodes shared values, and enables the courts themselves to pervert the course of justice - but to ensure that laws which have been tried and tested by juries through the ages, and which have therefore been shown to have the whole-hearted consent of the population, are held in respect and maintained in the face of all attempts to undermine them.

Hollie Greig, Robert Green, Melanie Shaw, Carol Woods, and a host of others, up to and including the Dochertys, have repeatedly appealed to their representatives, asking them to do their duty and uphold the fundamental provisions of the Common Law, which, far more effectively than currently modish ‘rights’ - a sop thrown by the State, and subject to arbitrary removal at the State’s convenience - prevent the wealthy and powerful from imposing their will upon the rest of us. These repeated appeals have, to all intents and purposes, fallen upon deaf ears.

The inevitable conclusion, Lord Chancellor, is that the United Kingdom is not the country you believe it to be. All too often it is displaying what Lord Bingham describes, in the words which you quoted in your swearing-in ceremony, as “the hallmarks of a regime which flouts the rule of law - the midnight knock on the door, the sudden disappearance, the show trial”. I believe the usual term for such a country is a police state.

As a prominent custodian of the *custodes*, and in view of your public commitment on 21 July to “respect and defend the rule of law”, I trust that you will take the time to investigate the many abuses currently being inflicted upon law-abiding people in the name of “justice”; recognise that this country has drifted far from the ideal state so rosily depicted in your recent speech; and set about ensuring that the traditional safeguards which you admire so much are reinstated and respected not only by yourself, but by government ministers, MPs, and all other representatives and servants of the public.

I would be grateful for confirmation that you yourself have read this letter, which expresses not merely my own views, but those of numerous, equally disillusioned, British people.

Yours sincerely,

**Gillian Swanson MA Oxon**

6 October, 2016

*This is an open letter, and may be freely circulated.*

