DISPATCHES FROM THE FRONT

The Brutal Protection of Paedophiles—a ten-part interview
(covering the events of 2014 to 2016)

The repeated theft of Brian and Janice[1] Docherty's children by Scotland, and by Scottish agents in Northern Ireland and the Republic of Ireland, for refusing a demand to give their son to be abused by a protected paedophile ring

A transcript of the five-hour audio interview at:
soundcloud.com/ukcolumn/sets/the-brutal-protection-of

Audio backed up at:
www.youtube.com/watch?v=jat6wPf_KSM

This transcript is extensively hyperlinked to a wealth of corroborating sources.
Each new hyperlink on the same institution or person is to a fresh webpage or e-mail address.

[1] *née* Janice F. McLaren

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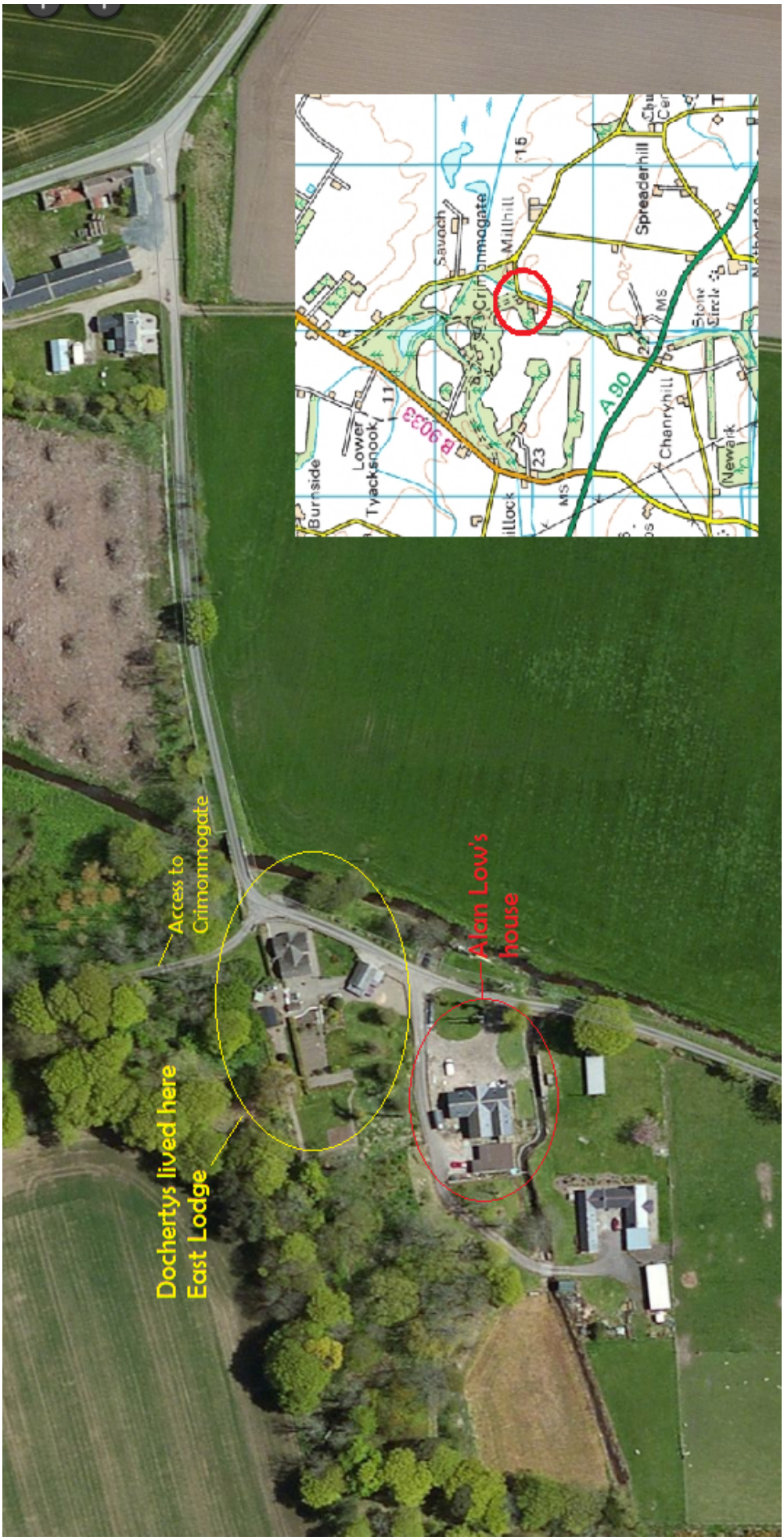
Dochertys lived here
East Lodge
Access to
Crimonmogate
Alan Low's
house
Spreaderhill
Millhill
Crimonmogate
Lower
Tyacksnook
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Newark
A90
B9033

The gatehouse properties at East Lodge, Crimonmogate (in the neighbourhood of Lonmay)
(Alan Low's very large home is to the right)

The Dochertys' former cottage at East Lodge

The main entrance to the front of Crimonmogate Estate from the B9033 which one would have expected the convoy of expensive cars (see pp. 36-37) to have used at dusk on a September evening

The track running past East Lodge to the back entrance of the estate which the convoy instead used

Introductory material

A UK Column viewer's letter to Scotland's Chief of Police

1 July, 2016

Chief Constable Philip Gormley,
Police Scotland

Dear Chief Constable Gormley,

Open letter: queries regarding the conduct of Police Scotland in relation to the Docherty family

As a UK citizen, and a member of an extensive Scottish family, I would be grateful if you would answer the following questions in relation to the removal of the four Docherty children from the care of their loving parents, and the continuing terrorisation of Brian and Janice Docherty.

1 How can Police Scotland justify not investigating the man who offered Brian Docherty £25,000 for "access" to his autistic son, when the man in question has admitted that he did, in fact, do so?

2 Why, less than twenty-four hours after Brian Docherty reported that Alan Low, the occupant of a neighbouring property on Viscount Petersham's Crimonmogate estate, had offered him £25,000 for "access" to his autistic five-year-old son, did Sergeant Buchan,[2] of Police Scotland, Fraserburgh, arrive on his doorstep and attempt to persuade Mr Docherty, with considerable persistence, that there was nothing to be concerned about?

3 Since Viscount Petersham has admitted to being a friend of the alleged paedophile Alan Low, why did Aberdeenshire Social Services not investigate the well-being of *his* family, instead of focussing on the Dochertys, who had no previous dealings with the man in question?

4 Why did PC Lamont, the female officer who allegedly wrote a concern report to social services attacking Mr and Mrs Docherty and their children, have no knowledge of the contents of her own report?

5 What allegations are made against the Dochertys in the notes sent to the Irish Gárda by Police Scotland, and why have Brian and Janice Docherty never, in the two years since they were written, been permitted to see them?

6 After the Dochertys took sanctuary in Ireland, why did Police Scotland send an email to all Irish police stations asking for information on their whereabouts, when they had never been accused of committing any crime?

[2] Subsequently discovered to have been an impostor framing the real Sgt Sam Buchan.

7 Why, after the Dochertys took sanctuary in Ireland, did Police Scotland coordinate three meetings with the Irish Gárda and social services?

8 Gárda officers claimed that they had been alerted to the Dochertys' whereabouts by Interpol, and that their case was top priority. Interpol have stated that they have no knowledge of the matter. Somebody is lying. Who was, in fact, responsible for instructing the Gárda to raid the Dochertys' home on 28 January 2015 and remove the children from their parents?

9 By what authority have the Docherty children again been seized, without the presentation of either a warrant or court documents? Does the necessary documentation even exist?

10 Why was DS MacDougall of Police Scotland authorised to travel out of the Scottish jurisdiction to testify against Mr and Mrs Docherty's mental health? On whose authority did he undertake to do this? Is it normal procedure, in Police Scotland, to send officers abroad to testify against the mental health of members of the public who have *reported*, not committed, a crime?

11 Who is authorising the remorseless, and continuing, surveillance and persecution of the Docherty family, which has not stopped short of life-threatening physical attacks on them, their children and their pets? What agencies and police services have been utilised in this campaign of terror against them?

12 When the Dochertys wrote to the Chief Constable of the police Service of Northern Ireland (a man who had previously been Deputy Chief Constable of Police Scotland, under Sir Stephen House) to complain about the aggressive surveillance being inflicted on their family, they received in reply an email, signed by a staff sergeant, which read, "Dear Mr and Mrs Docherty, PSNI does not discuss **intelligence matters**." Please will you explain how this family poses a threat to the nation's security?

13 When a judge has dismissed the case against the Dochertys and stated that the family should not be pursued by the original case notes from Scotland since these are without merit, why have Police Scotland continued to utilise those same notes as a basis dor further persecution of the family?

14 Please will you state in detail the precise allegations made by Police Scotland against the Dochertys?

15 Given the refusal to investigate an alleged paedophile, the subsequent unremitting persecution, for no discernible reason, of a law-abiding family, and the Police Investigations and Review Commissioner's upholding of eleven out of twelve of the Dochertys' complaints against your force, do you agree that there are reasonable grounds for a public investigation into Police Scotland's conduct in the handling of this case?

I look forward to hearing straightforward answers to these questions.

Yours sincerely,

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A UK Column viewer's letter to the Scottish Government

To: Jack.Murray@gov.scot
Subject: Re: your reply

1 August, 2016

Your Reference: 2016/0022312

Dear Mr Murray,

Open letter: First Minister Nicola Sturgeon's refusal to uphold the rule of law in Scotland

Thank you for your reply to my e-mail to Ms Sturgeon. I am sorry to say that it fails utterly to deal with the issues at stake—and since you have allocated me a reference number "for future use", you obviously realise this yourself.

To clarify matters: I am not asking Ms Sturgeon to intervene in an individual case (though I note that she felt herself able to do so in the instance of the Brain family).

My concern is that the rule of law in Scotland, and in the UK as a whole, is increasingly being undermined. This is what should make the current persecution of the Docherty family a matter of the deepest concern to any head of government who acknowledges that those operating the institutions through which the country is governed should *always* act within the boundaries set by the law of the land. When this is not the case, the plea of separation of powers as a reason for the government not involving itself with a police matter, far from ensuring the safety of the citizenry, offers ample *opportunity* for unchecked lawless oppression.

Brian and Janice Docherty have not been accused of any crime. No warrant or court documents have ever been presented to justify the removal of their children and continuing attempts to imprison them, section them, or threaten their lives.

Police Scotland are clearly acting outside the law in instigating a reign of terror against this peaceful and law-abiding couple and their children; yet Ms Sturgeon is apparently content for the vicious pursuit of an innocent Scots family to continue unchecked for as long as it suits the convenience of a rogue element in the Scottish police and social services, and perhaps the interests of the government itself.

A reasonable person can only assume that the fundamental expectation that everyone—even such very important people as the police and social services; even, dare I say it, the Head of Government—should respect the rule of law is not something which the First Minister feels herself bound to endorse. This is particularly disturbing in view of the UK Supreme Court's judgement against the Named Person initiative, which includes the following penetrating statement: "The first thing that a totalitarian regime tries to do is to get at the children, to distance them from the subversive, varied influences of their families, and indoctrinate them in their rulers' view of the world".

The lawless persecution of the Docherty family confirms what this suggests: that Scotland is fast becoming a totalitarian police state, with its people no longer subject only to the law of the land, but to the will and, indeed, the pleasure of powerful people who think themselves above it.

This is not a question of intervening in a court case, to sway a lawful judgement. What is required here is the protection, through the Head of Government's insistence that the rule of law must be upheld, of a family who have committed no crime yet who are being hounded by the very agencies which are paid to ensure their safety from criminal assault. If Ms Sturgeon continues to stand aside and declare that the crimes being committed against the Dochertys are not her concern, she herself must be judged complicit in those crimes.

Yours sincerely,

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A UK Column viewer's letter to the Irish Government

Mr Niall Colgan
Department of Justice and Equality
51 St Stephen's Green
DUBLIN D02 HK52
Republic of Ireland

Minister's Reference: 0706172828

29 July, 2016

Dear Mr Colgan,

Open letter: the Justice Minister's apparent endorsement of the lawless persecution of the Docherty family

Thank you for your e-mail on behalf of Justice and Equality Minister Ms Fitzgerald.

Unfortunately, you make no reference to the two points raised in my previous e-mail which relate directly to the Justice Minister's overall responsibility for law and order in the Republic of Ireland.

1 Early in 2015, a judge in an Irish court dismissed allegations against Janice and Brian Docherty, and ordered all persecution of this law-abiding couple to cease forthwith. In addition, this same judge ruled that the notes from Police Scotland on which allegations against the Dochertys were based were without merit and should not be used to renew actions against the family either immediately or at some future date.

This judgement, which has not been superseded by any other, continues to be utterly disregarded. In direct defiance of the judge's decision, the Docherty children were once more taken from their loving home and put into care on 17 December, 2015, while their parents continue to be hounded on the basis of notes which have been declared in an Irish court of law to be fraudulent and worthless.

Bearing in mind Ms Fitzgerald's remit, which is to uphold the rule of law in the Republic, why is she permitting the decision of an Irish court to be held in open derision? Why are those who are so clearly defying an Irish judge's ruling not being charged with contempt of court?

2 The Dochertys have sought to petition for Habeas Corpus in respect of their children, under Article 40.4 (ii) of the Irish Constitution. Yet this petition is being ignored.

Bearing in mind Ms Fitzgerald's remit, which is to uphold the rule of law in the Republic, why is she not ensuring that this fundamental provision of Irish law, and the independent decision of the High Court in the Dochertys' favour, are respected?

Please note: Ms Fitzgerald is not being asked to arrest members of the Gárda, or to intervene in an individual case: she is simply being requested to uphold judgements which have already been lawfully made by those appointed to do so.

As things stand, a reasonable person can only conclude that the Justice Minister is uninterested in fulfilling her primary duty, which is to ensure that the rule of law is impartially maintained.

Yours sincerely,

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Beginning of transcript

DISPATCHES FROM THE FRONT

The Brutal Protection of Paedophiles—Part 1

Introduction to the subject and interviewer

Brian Gerrish: Welcome to *Dispatches From The Front* with Brian Gerrish from UK Column. In this edition of *Dispatches*, we're going to be looking at the appalling case of Brian and Janice Docherty, who had their children removed from them by the State because they dared to report a man who offered to pay a huge sum of money for their son so that he could abuse him. Before we hear from the parents themselves, I'm going to discuss the case with David Scott from *Northern Exposure*, who recently was able to visit Brian and Janice at their location and learn for himself what had actually taken place.

David, you've recently met and had a quite incredible discussion with the young couple, Janice and Brian Docherty, and you've recently posted an article on UK Column: *The Brutal Protection of Paedophiles*. What's to follow is an audio interview that you conducted recently with Brian and Janice, Mum and Dad, and it's a story about their family—what's happened to their children. But why should people read your article? Why should people give up their time to listen to what this young couple have to say?

David Scott: Well, the story is one which one would hope would be incredible, but it *is* credible. It's believable—they are a very believable and credible couple, and it's their ordinary, down-to-earth attitude and care for one another and care for their children that shone out for me during the interview. So you have this very personable, very well-educated young couple, bringing up their young family and looking to carry on their lives, get employment and get on in life, and they're approached by a paedophile—approached by a paedophile who is so confident that he is untouchable that he can come up to them in broad daylight and offer them £25,000 for access to their son.

The story then follows their fight to protect their children, firstly, and then their fight to maintain their family as the power of the State bears down upon *them*—not upon the paedophile, but upon the family who *reported* this attempt at grossly criminal activity. They have found themselves fighting the State—in fact, fighting three states, because this story straddles Scotland, Northern Ireland and the Irish Republic.

Brian Gerrish: David, I, of course, have listened to all of the interviews and what I will say is that I found the story deeply disturbing, because, essentially, it's like the plot of a horror film and, at one point, the parents say, "When you discover that you cannot go to the police—you cannot trust the police, then who do you turn to for help?"

The implications for every single parent, whether they're in Scotland, Ireland, England, Wales, wherever it is, the implications of events around this couple are truly staggering.

David Scott: They are. The couple have reported some fine individuals, strangers, who have helped them, who have stood by them, who have bailed them out, who have literally fed them when they were starving. But when they went to the authorities, there have been one or two notable exceptions who've been straight and been honest, but the general response has been either to ignore their cries for help or to actually target the family—target the Dochertys with all of the pain the might of the State can bring.

Brian Gerrish: Yes, with a particularly brutal—you've used that word, brutal—vindictiveness. Not just a question that they were brushed off and ignored by the State; they have been *pursued* with this very, very brutal, vicious approach, and that is one of the key things that I think brings home the seriousness of this case. Many other cases, of course, are utterly horrific—children have been taken away and, indeed, abused, but there is something about this case that brings so many facets of those other cases together.

David Scott: Yes. Yes, and when the State is targeting people in this way, it's targeting, first of all, their children. It hits at people where they're weakest, so it targets their children, which has a particular cruelty to it—and it then targets their mental health, because if you can be locked away and a claim can be made that you're *not rational*, then everything you say can be ignored, all of your rights can be removed and there is no need to have anything like a court or have your day in court or have your case made. It's much more under the radar and it is reminiscent of stories that you and I, Brian, would have been familiar with from the 60s and 70s, of totalitarian regimes, of communist regimes …of the worst abuses of state power.

Brian Gerrish: Yes. Well, at that point, we will move on to play this part interview. This is number one of ten, and we're going to say to people, please listen all the way through. I'm sure once you hear this first interview that David has done, you will want to follow on, and we will be producing these and making them available as part of *Dispatches From The Front* by UK Column. So, here we are. This is David interviewing Janice and Brian Docherty as they tell their amazing story.

The eastern half of Aberdeenshire, north-eastern Scotland
(Crimonmogate lies between Peterhead and Fraserburgh)

The Dochertys' life prior to the demand made for their son

David Scott: My name's David Scott of *Northern Exposure*. I'm sitting down tonight with Janice and Brian Docherty. We're going to be talking about their experiences with the Scottish state and their fight to protect their children from abuse, and the role of the State—rather than supporting them in that fight—in actually being part of the abuse itself and supporting the abusers, who are in high places and who have power and influence.

But before we get to these deeper matters, I'll take a few minutes to introduce Janice and Brian to the listeners so you can understand the nature of the people they are and how events such as the ones we're about to describe can happen to any of us—they are random in their nature and, no matter how established, well educated, law-abiding or in any way conventional you might be, these things can come to your door simply if you happen to run across the wrong people at the wrong time. So, I'd like to start, Brian and Janice, with: could you tell me how you two met, how you became a couple?

Brian Docherty: Hi, David. We met at teacher training college sixteen years ago now. We were both at Teacher Training at the same time. We went to Glasgow University at the same time, but we didn't meet. My wife was studying English Language and Literature and I was studying Classics and History at Glasgow University between … I was a year older than you, so I was '92 [matriculation] and you were '93, but approximately at the same time. We met at Teacher Training in the year …

Janice Docherty: 2000.

Brian Docherty: … and we clicked, I suppose, in the canteen and various places, and then we were on a placement together—a school placement in a very tough school in Glasgow …

Janice Docherty: St. Roch's.

Brian Docherty: … so it was my excuse to invite my [now] wife out for a few drinks and a coffee, and we got to know each other and we've been together since.

David Scott: So, from the roughest, toughest school in Glasgow, where did you head from there?

Brian Docherty: We then spent …

Janice Docherty: We had a flat in Hyndland in the West End and I had our first daughter, [Daughter 1], while you [Brian] were teaching in …

Brian Docherty: [Daughter 1] came along shortly afterwards and I was teaching in Glasgow schools—inner Glasgow City schools, from John Paul Academy in Maryhill to Hyndland Secondary just round the corner from us; finally, to Bishopbriggs, where I was working in a school called Thomas Muir High School as Principal Teacher of History. Then we went to France.

Janice Docherty: Yes, didn't we? Moved over to France.

Brian Docherty: A year in the South of France, which was great. The economy wasn't so great then but the year was great, for everything really—for life. And then we went to Singapore, where I was headhunted to lecture in a sort of top Junior College, as they call it, where I was lecturing history—Twentieth-Century History and Politics—at this school, where you apply to the Ministry [of Education] and are appointed to a school. So, I was working in a school called Hwa Chong [International School], which is a huge school in South East Asia, in Singapore. And we spent some time there, which was an experience, a very different experience to teaching in the UK, and we came back …

Janice Docherty: Quite a contrast from France, which was laid back, to Singapore, which was constantly busy and non-stop.

Brian Docherty: Yes, I think I worked about eighteen hours a day in Singapore. The pay was good and the lifestyle was very good in a way, but we didn't really see much of each other, I suppose.

Janice Docherty: You [Brian] were too busy, so … I thought it was time to …

Brian Docherty: … to come back. So we …

David Scott: So you came back to Scotland?

Brian Docherty: We came back to Scotland.

Janice Docherty: To Perth, where I was from.

Brian Docherty: To Perth, where Janice was from originally, and I taught in schools in Perth, before moving up to Aberdeenshire for another position. We moved up to Aberdeenshire in 2014.

David Scott: OK, and by this time the family had grown a bit? It wasn't just [Daughter 1] anymore?

Brian Docherty: That's right.

Janice Docherty: We had [Son 1], who was seven years younger than [Daughter 1], then [Daughter 2].

Brian Docherty: [Son 1] was born in 2009, then [Daughter 2] in 2010.

Janice Docherty: 2010, and then I was pregnant with [Son 2], who was …

Brian Docherty: [Son 2] was born in 2014.

David Scott: OK, so you came back to Scotland and you're overflowing with children.

Brian Docherty: We came back and I suppose we got … we had itchy feet and we wanted to get away. We just fancied life abroad and …

Janice Docherty: After being a full-time mother for five years, I decided I didn't really want a job, so I decided I'd have some more children. So …

Brian Docherty: We started doing a bit of writing abroad and just writing down the differences in culture and experiences and so on and just funny stories, and then we came back and extended … you know, set up camp and had more of our family. And …

David Scott: And your job in Singapore, that was actually quite high-level—that was a managerial or leadership role in the institution you had there?

Brian Docherty: Yes, I was Head of History in [my previous school in] Scotland, and then they [in Singapore] recruit you based on your experiences, so you don't apply to a school like here. It's based on your previous experiences, so we got the interview in London and then went to Singapore, where they give you another interview and then tell you what school you're going to … and this school was the school for the political class and the sort of business class, so the faculty I worked in was called the Humanities Faculty, and 99% of their kids all went to Oxbridge, MIT, Harvard, Princeton. It was high-flying kids, very fast-track kids. You know, it was higher than 99% who all went [on] to these schools.

So it was very high-level lecturing, where you did two hour lectures to different … in my case, I was teaching or lecturing history and working in the high school in the morning and then working in the boarding school in the evening, so it was very Singaporean in terms of time, but it was a very good job. It was a very good position—very well paid—just not very good for a family, so we came back in 2008, I think it was, yes.

David Scott: And then, career-wise, that wasn't the story in Perth? You weren't …

Brian Docherty: No, career-wise, in Perth, it was quite the opposite. I was just doing general or long-term supply in, usually, my subjects, and I didn't really feel it was going anywhere in particular. I felt like I was over-qualified and not really enjoying it as much, I think, because it was like being a Deputy Head and then going back to doing classroom general teaching without the challenge, so I did a business course and then I was a [Conservative] political candidate for the election in 2011. I don't know why I'm laughing. I enjoyed it thoroughly. It was for the Holyrood election [to the Scottish Parliament] in 2011.

My wife was my Campaign Manager and my Election Agent and … We've always been a close team, Janice and I, and her advice has been invaluable. Her nature is much quieter than mine, but her intelligence is much higher than mine. That's just a general statement of fact, although I'm much more of an extravert. My wife's judgement is very good and we make a good team. So we did that together, and despite it being, shall we say, in Dundee, which is not so Conservative, it was a good experience …

Janice Docherty: Good experience.

Brian Docherty: And, actually, some of the people who were most convinced were people who had a very open mind and were of all backgrounds.

You know, it was just people like … I remember school janitors and dinner ladies at one school telling me they would vote Conservative, you know, just because of general chat and people you would meet giving out leaflets, you could have a bit of banter with and a laugh with.

Not based on policies, but based on people, based on humour and based on people seeing that you were a normal person. So it was very enjoyable. The big campaign then was over a biomass plant, which was being built, a recycling—a not really recycling plant in the East of Dundee, in a residential area, but it was a good experience. And we then moved up to Aberdeen, I suppose.

David Scott: To further your career and to get a career that was more dynamic than you were able to achieve in Perth?

Brian Docherty: Yes, most definitely.

David Scott: You moved north. It's not quite Singapore, but it was another big change, given the fact at that point it was, what, three children and a bump?

Janice Docherty: Yes …

Brian Docherty: Exactly, yes. It was more important to get … the economy wasn't so good when we came back and it was more important to get stability, I suppose, and, as I say, I was doing this Chartered Management Institute course, which seems a very long time ago now, but … so yes. The idea was stability and onwards and upwards, like any other young couple.

David Scott: So that took you to Fraserburgh Academy?

Brian Docherty: That's right—Fraserburgh, in 2014.

Viscount Petersham
(William Stanhope)

The suspected paedophile makes his demand, August 2014

David Scott: And then … and that's where the story gets … strange, because you had, obviously, to find accommodation, so … where did that take you?

Brian Docherty: It took us to the estate[3] of a Viscount just outside Fraserburgh. It was sort of equidistant between Fraserburgh and Peterhead. Literally, you could not—it was so difficult to find. It was perfect for us, because although the house was a wee bit small—it was just a two-bedroomed cottage—it was perfect, because the garden was huge. It was a lovely summer, and our son, [Son 1], has autism, and part of that condition is a noise hypersensitivity, so he … we went there to view the house and the garden was massive and it was very, very, very quiet.

I mean, it was a single-track drive outside the house and it was very, very difficult to find. It was very quiet from the point of view of peace, because my son suffers noise like pain, so a motorcycle or lorry[4] actually hurts him. And he's a natural athlete, so we thought it would be a nice house for the children. It was only ten minutes from my school. It seemed to tick all the right boxes in terms of [being] family-orientated, but we didn't know what lay beneath. We didn't know what was happening round about until we went to live there. It seemed on the surface idyllic and it seemed perfect and safe—and it turned out to be none of these things.

David Scott: OK, so when was that first brought home to you?

Brian Docherty: It was brought home probably about a month, maybe slightly more than a month [after] we moved there [at] the beginning of June. There was only two neighbours—one was the Viscount, **Viscount Petersham**,[5] and the other neighbour was a man called **Alan Low**,[6] and we didn't know either man, but the only thing we did know was that both men professed a dislike of each other and a dis… not really …

Janice Docherty: They pretended they didn't really know each other and they didn't really like each other very much.

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[3] Crimonmogate, staying at East Lodge, postcode AB43 8SE

[4] truck

[5] Born William Henry Leicester Stanhope (1967). He is the Queen's nephew's brother-in-law.

[6] In 2007, Alan Low was the community beat officer (Appendix 1 on p. 5, mentioned twice) for Aberdeenshire's most socially deprived schools in Fraserburgh North and was involved in deciding on the allocation of a full-time policeman to these schools for three years.

On 26 July 2016, Police Scotland (North East Division Media Enquiries) wrote to the UK Column stating categorically, "*DC Low or any other serving officers or former officers have not been the subject of any enquiry or allegation by the Docherty family and there is no ongoing enquiry. There is nothing further to add on the matter.*"

A UK Column source confirmed in August 2016 that Alan Low is still a serving policeman in the Criminal Investigation Department (CID) at Peterhead Police Station.

Centrally, Police Scotland repeatedly failed to deny that the Alan Low about whom the Dochertys have complained is a (former) policeman: phone call recording

Brian Docherty: Yes … and when Alan Low became aware … we didn't see much of this man … they were both 47 years of age, and all we knew about Alan Low was that he shared his home with two teenage boys whom he was in a relationship with. We didn't know anything about him and we were just on nodding terms.

One day, he invited himself over to the garden when I was in the garden and—it was summer—he started asking me questions about my son. He'd already shown a piqued interest in my son, and I just thought he was being friendly and there was nothing much to the conversation, because we didn't know each other. On this occasion, he made demands, and he … when he found out my son was autistic and had speech, learning and communication problems, he became very interested in a heightened sense and asked me lots of questions.

He then made a very … most incredible and very strange statement. He said to me, "I'll give you £25,000 for your son. You give me your boy and I'll give you £25,000 you can do with what you want." I said, "Excuse me?" He says, "**You give me your boy. I want access to that boy.**" I said, "That's my son you're talking about!" He said, **"I want that boy. I've taken care of a boy before. You bring your son to me on a Friday night and I'll give you twenty-five grand."**

So, I told him to stay away from my son, and he repeated it, and he said, "**You won't say no to me!**"

And I said to him, "You stay away from my son! You get away from me, get away from my family and get out this garden! Don't you dare come near my children!" And he started … he repeated the same thing over, which was, "You …" he kept repeating over and over, "**You won't say no to me! You'll give me access!**" His word was "access"—to our son. Now, when he came over to the garden he was slightly inebriated, but not drunk, not so that he wouldn't be aware of what he was saying, not so that he wouldn't be aware of what he was demanding.

David Scott: And being slightly inebriated, was that usual for him, or unusual?

Brian Docherty: Well, …

Janice Docherty: We'd seen him driving his van with a beer bottle in his hand on quite a few occasions.

Brian Docherty: Yes, we saw him drive past, because our cottage was a gatehouse cottage and it was beside the road, so he usually drove his van, his builder's or gardening van, with a trailer and it rattled along this country road, so we'd see him coming over … there was a little hump-backed bridge … as I say, it looked idyllic, but what lay beneath was something different.

But you would hear his van, and he used to drive the van quite fast, and we would see him with a beer bottle. He'd have to slow down to go over the bridge and turn the corner and, usually, at the end of the day there'd be a beer bottle: swigging [from] the beer bottle.

He was a strange character. He had three fingers missing; he openly smoked dope—you could smell it as he walked past. He openly drank and drove his vehicle. He was

a very unusual character, just in his mannerisms and his make-up, but it wasn't until this day when he offered the money for my son that we realised what …

David Scott: And his reaction to being told to go away in no uncertain terms was one of *confidence* that he could force the issue—was that a fair summary?

Brian Docherty: Yes, it was a … an extremely … I don't know if you know what I mean, but it was one of these exchanges where, afterwards, you went away and you were so shocked by what was just said that you couldn't actually believe that he just said what he said. No normal person would walk up to someone and say, "I'll give you twenty-five thousand for your son," and he acted so confident, **like he was so protected**, that he could actually walk up to a relative stranger and offer this money and I was … the only way I could describe it was I walked away and I thought, "*Did that just happen?*" and I knew it had happened, but it was so shocking and the way I reacted was … at the time, disbelief, you know. But, at the same time, his repeated statement was, "You won't say no to *me*. You give me access to *that boy*. I want access to *the boy*."

Janice Docherty: He always said "the boy".

Brian Docherty: *That* boy, *the* boy, "you won't say no to me," and I thought, "Why would I not say no to you? You stay away from my child, you pervert!" You know … "get away from my family!" And it was just totally … I came in, I remember talking about it with my wife. My wife, because it was summer, was talking to our daughter—it was maybe about nineish, 9 o'clock [pm], and I couldn't talk about it immediately, because my daughter was present, and Janice said later that she could see me in a state of shock. That was the only way to describe it, because I was pacing in the living room, looking out the window, thinking, you know, the guy's off his, you know, on what planet is that normal? But he seemed to think it was normal, and …

Janice Docherty: It was after that there was a lot of incidents—he became quite threatening, because at night after that …

Brian Docherty: He made a lot of threats. I didn't mention this [before], but after it he made a lot of threats to me.

David Scott: What sort of threats?

The threats begin

Brian Docherty: Threats against myself, primarily that I'd regret it and, you know …

David Scott: Threats of physical violence or worse than physical violence?

Brian Docherty: He didn't elaborate. He just said, you know, "you'll regret it" and "you better watch out" and things like that. It was all very, very odd, extremely odd. I mean, people say things that are odd and shocking, but this was weird … twisted and, as Janice was going to say, in the next couple of weeks there was just an increased level of violence and petty vandalism—and then not so petty, and it increased from attacking the cars to breaking into the house.

Janice Docherty: There was also noises at night, after we'd, you know, put the lights out. We could hear people outside and they weren't trying to be quiet, **they were actually trying to making themselves heard** and, because it was in the middle of nowhere, there was not street lights, so it was pitch black.

Brian Docherty: It was pitch black. There was nothing out there.

Janice Docherty: And you could hear people outside and, of course, by the time you put the lights on or if you go outside with a torch[7] or whatever, the people have gone.

Brian Docherty: There was stone chips round the house, so you could hear men, at least …

Janice Docherty: Yes, talking or walking, and, you know …

Brian Docherty: … walking round the house.

Janice Docherty: … thumps …

Brian Docherty: There were scrapes on my car. There was dead birds and small animals put outside the small log cabin in the garden …

Janice Docherty: … where the children played.

Brian Docherty: … where the children were playing. Then there was the big one where, initially, when I was speaking to Janice about this: we thought we were just going to move … we're just going to move house and …

Janice Docherty: We didn't actually even consider reporting it to the police to begin with. We just thought, "For the safety of our children we have to get out of here."

Brian Docherty: "We've got to get …"

Janice Docherty: But it was after the intimidation and … you know, all started, it kind of got out of control. The worst one was: our son had a big Lightning McQueen toy car, which he used to play with outside all the time, but he just left it in the garden at night. When it was time to come in, he'd just leave it there. And then there was one morning when it had been placed inside the greenhouse and—we weren't aware of this at the time—he was wanting his toy car, but he has a fear of enclosed spaces; he wouldn't go into the greenhouse. He just wouldn't dream of it.

[7] flashlight

So he was making a fuss and was wanting his car and it was his wee sister, [Daughter 2], who was with him at the time, and so she went to get the toy car out of the greenhouse—and the three panes from the glass door fell on top of her and it was an absolute miracle, because they didn't break and it could … she was only little … it could have killed her. It could have been disastrous, but, as it was, she just got minor cuts. So when this happened, well, I was inside. You [Brian] and [Daughter 1] were outside at the time and you went, obviously, to get her straight away, and the clips that held … that were supposed to, obviously, hold the glass panes in place had all been taken out and put in a flower pot.

Brian Docherty: And stones were put on the runners to cause this.

Janice Docherty: Little stones had been placed along the runners, so that when the door was pushed it would fall forwards. And also the top sealant had been taken out and was just lying on the ground. So it had clearly been rigged for [Son 1], because it was his toy car.

Brian Docherty: It was his car.

Janice Docherty: But, as it happened …

Brian Docherty: He'd this large plastic Lightning McQueen and he'd put it … the guy, Low, I assume, or someone—one of his friends—put it inside for this to cause an accident … a serious accident. It was on that day I contacted the National Crime Agency and Viscount Petersham.

So what happened is: I remember that was the 4th of August, because I've looked at that e-mail a few times for various reasons. Based on this moron's dangerous attempt at my child, I thought "he's not just a deviant, he's a dangerous deviant," and we were hoping to try and move, but this was causing too serious a risk. In the immediate sense, we were watching our children in the garden, we were not letting them out of our sight, but this was very, very dangerous.

So, in passing, we were told by the Viscount's PA[8] that his children were coming back from boarding school, so at that point I said to Janice, "We should contact him and tell him about this neighbour: tell him what he's about." So I e-mailed, first of all, the National Crime Agency, because they're supposed to deal with people like this and, in the second instance, I wrote a letter … I phoned up and made an appointment to see—ironically, to protect *his* children—I made an appointment to see him to tell him about this neighbour. This neighbour that he'd led us to believe he didn't know and didn't like in a very kind of … he said, "Oh, I don't really know that man and I don't approve of him." That was how he introduced it when we went to view the house.

[8] personal assistant

Viscount Petersham's threat to have the children taken

So, I was told that he was out of the country till Friday, so I sent a letter to him. **Our post was going missing a lot as well at this time**, so I sent it Recorded Delivery and we were told that we would meet him on the Friday. The Friday was, I remember, **8 August [2014]** and he was due to come down into the garden and meet with us. Instead, at the meeting time, the estate agent from the factors,[9] who organised this house, they turned up …

Janice Docherty: They did the lease of the house.

Brian Docherty: A lady called Kerry, from Brown & McRae, showed up in his place, and we were a bit confused and so was she, because she was told that she was there to meet with the Viscount's PA …

Janice Docherty: who was called Naomi.

Brian Docherty: … and we were told that he was going to come down … just him and meet with us … because, for us, this wasn't about the house—this was about warning him about a dangerous neighbour. So it was a very strange situation again and another odd situation, where Kerry [had been] told that she was coming to meet with Naomi, we were told that he was going to come down and meet with us—and, instead, the estate agent showed up at the house, but the Viscount didn't show. So, after half an hour …

Janice Docherty: No, it was a lot more than that. It was more like an hour.

Brian Docherty: … after about an hour, we were sitting outside in the sunshine and he didn't show and he didn't show. I phoned his house and spoke with his daughter, who said that her father wasn't in, and then **the line went dead suddenly**. A few minutes later, Naomi phoned from her mobile phone …

Janice Docherty: No, Kerry.

Brian Docherty: … sorry, Kerry phoned from her mobile phone and spoke with the daughter and then she said that her father would come down soon.

Janice Docherty: Well, she was asking to speak to Naomi, but it turned out Naomi was off that day and so then she, yes, then she was told that the Viscount would come down.

Brian Docherty: That he would come down. So, a long time after …

Janice Docherty: At least another half an hour …

Brian Docherty: … about another hour and a half after we'd arranged to meet him, he showed up, **shoulders hunched, head bowed and very uncomfortable and, clearly, he didn't want to be there**. And, from the [first] moment off, at this meeting, he didn't want anything my wife and I had to say about what had transpired to be audible to the estate agent, Kerry.

[9] estate agents

Janice Docherty: **He kept trying to speak over us** to begin with, because he obviously didn't want this mentioned in front of Kerry. Why she'd been arranged in the first place was a bit of a mystery. But at one point, when my husband and Viscount Petersham were talking, I turned to Kerry and told her that the neighbour had offered us money for our son and she gave the normal reaction, which was shocked by that: she … you know what, "I'm … [it's] appalling!" So at that point the Viscount stopped trying to, you know, to talk over us …

Brian Docherty: He kept trying to manage it and, instead … I was rather taken aback, because I thought in meeting with him I was telling another father—he'd two young children: a girl, who was about 13 or 12, and a boy about 8. And I thought I was telling this father, father-to-father, "This man's dangerous and he's not only propositioned me for my son, but he's also attacking the house," and I was telling him, as my landlord, what was happening in the house. **He wasn't interested in that.**

What he said was, "There's all sorts of people. **It's pointless if you report this to the police.** There's all sorts of people that are paedophiles, including in the clergy and in the police. It's a waste of time." At that point, **I told him I'd already reported it to the National Crime Agency and he became angry** and …

Janice Docherty: He told us Alan … having told us before he barely knew Alan Low, he **suddenly said that he was very good friends** …

Brian Docherty: … friends with Alan Low. He'd told us before that he didn't know the man and didn't care for him, which was kind of a strange thing to say, because if you don't like someone you generally have to know them.

On this occasion, he said that he was very good friends with him and that he "would vouch for him", and **his arrogance was such that he thought that if he just told us that he'd vouch for him, that we would just go away** and go, well, "begging your pardon, your Worship!" And, instead, I was confused by the whole situation, because I couldn't understand that … I hadn't placed together how this all fitted … how this all this worked together.

Then he threatened me and he said, "I suppose there's all sorts of services and social services that can deal with children and can **deal with your children**." And he threatened me with the police and Social Services, that should we report this man to the police, he would get Social Services and the police on to my family.

David Scott: Could you say, specifically, how that threat was made?

Brian Docherty: Specifically, when I mentioned the National Crime Agency, he got quite angry and he … not only did he dig in about … When I said, "Well, you know, if you're not interested in this I'm going to take it to the local police, because this guy's dangerous and he's outside late at night," he dismissed that … [when I said,] "There was not just him, but there was other men" … he said, "Oh, that's just a phantom prowler."

And I said, "Look, you can believe what you want, but I can tell you that this guy's dangerous and what's happened here." And he said, "It's pointless you complaining to the police. There's all sorts of paedophiles in the police and in the clergy." And he

said, **"If you go to the police, there's all sorts of services and Social Services can deal with your children."** And this was a not too very … a real threat on my children.

David Scott: So, there's a complete link there that **reporting a potential paedophile to the police will result in Social Services seizing your children**—that was the threat he made and he made it in almost as many words? Is that correct?

Brian Docherty: That was exactly what happened. I couldn't have been more taken aback. It was a …

Janice Docherty: I think we both got rather cross, actually.

Brian Docherty: We didn't …

Janice Docherty: We both got rather cross with him and …

Brian Docherty: Because I was thinking … I couldn't … I was … you couldn't see …

Janice Docherty: It ended rather badly, shall we say. The meeting did not come to a polite end!

Brian Docherty: It didn't make any sense, because …

David Scott: I don't think there are any established etiquette rules on how you deal with that sort of man!

Janice Docherty: He actually … "you, you … I can't … oh, oh," and he told us we were "no longer desirable tenants".

Viscount Petersham attempts to evict the Dochertys

And it turned out *that* was why Kerry was there, because he said to her that there were "too many of us" in the house. He "only knew about [Son 1]". He'd "only known about [Son 1]"—our disabled son—and Kerry knew about the other children, so she was put in an awkward position where he was saying to her, "They've got too many children and they haven't told us, so they've got to be evicted," and she said, "Well, actually, we *did* know about them," and she couldn't … so it left him in a rather awkward position.

At that point, we said, "Well, *we* don't want to live here anyway, because we don't want to live next door to this man," and he said, "Well, you just leave … you'll get your deposit back and …"

Brian Docherty: Which he didn't give us.

Janice Docherty: That never happened, certainly, and that was that.

Brian Docherty: It was £750. I worked out we paid £3,750 over three months … we stayed there for three months for a two-bedroomed cottage and we paid £3,750 and lost most of our possessions.

Janice Docherty: Ah, yes … we had to leave most of our … anyway, it ended with you [Brian] saying to him, "You disgust me!" … and at that point I thought, "You've just said that to a Viscount. We're in trouble here." And it ended very … he was still very hunched. He left with his shoulders very hunched over … with his tail between his legs, actually.

Brian Docherty: He was very unimpressive.

David Scott: And as we'll find out as we talk through this further, you were absolutely right about being in trouble here. We'll get to that just shortly.

Detective Constable Alan Low[10]

[10] This photograph is one of those which have been identified as the relevant Alan Low by both the Dochertys and a UK Column police source.

DISPATCHES FROM THE FRONT

The Brutal Protection of Paedophiles—Part 2

The Dochertys' first attempts to report the suspected paedophile

David Scott: David Scott from *Northern Exposure*. I'm here on 4 June [2016] and we're continuing our discussions with Janice and Brian Docherty about their experiences [in 2014] with Police Scotland, with Social Services and other government agencies within Scotland and with the threat posed by paedophiles to innocent families who just happen to be in the wrong place at the wrong time.

We left the story with a paedophile having approached the family and offering £25,000 for access to their son, [Son 1], who is autistic, and after removing … or forcing the paedophile to leave the property, the family then had to decide what to do with this extreme and bizarre situation.

So, if I could ask you then, what was the first thing you did with this information to start to get official involvement and protection?

Brian Docherty: We talked about what we were going to do and the first people we thought we'd contact is the experts … or supposed to be the experts, the National Crime Agency, who I e-mailed on 4 August [2014] and alerted them to this neighbour's proposition and the danger which was being placed against my family.

David Scott: And that was 4 August, so what sort of response did you get from the National Crime Agency?

UK National Crime Agency refuses to take a report

Brian Docherty: Well, it was a brush-off, really. On their website they say that their involvement is to monitor and help with detecting paedophilia, but really they brushed us back to the local officers and then I e-mailed them back to say, "No, this is what your website says," but **they were not really interested in taking it further**. They wanted my address and my phone number, but that was it, and they suggested I contacted the local police in Police Scotland.

David Scott: OK, so you were put forward to the local office of police, so which office … which branch was that?

Brian Docherty: Well, we lived between Fraserburgh and Peterhead at the time, on this Viscount's estate. It was slightly closer, I'd say to Fraserburgh, so it was the local … I called this hotline—101 or, you know, the standard line, and they put me in touch with a local officer, called **Sergeant Sam Buchan**.

David Scott: OK, and … so that … that would be on the 8th?

Brian Docherty: That was on the 8th, that's right.

David Scott: Friday the 8th, right, OK.

Brian Docherty: Right.

David Scott: So, what did Sergeant Buchan do?

Brian Docherty: Well, when he took my call, he was aware of who I was. I'd already spoken to a woman in the Call Centre and she'd recommended this man. Rather peculiarly, **he asked me about my children first of all**. When I mentioned what this was about, he was very calm. He said he had "**just the officers for the job**" and he told me to attend **Peterhead Police Station**, which was **further away from where we were based**, that night at 7 o'clock, which I duly did, so I left at 7. My wife, who was home at this time with the children—well, you could say something about that—was **visited by the Viscountess,**[11] **[who] came marching round [to] the house.**

Janice Docherty: I didn't answer the door. She came down to the house shortly after you'd left, shortly after 7, and she was **shouting through the letterbox**. She walked around the house a good few times, **thumping on the windows** … you know, thumping on the door and, I just thought, "Well, no good can come of this, so I'm not going to answer—I don't think this is a wise move." So I didn't answer the door.

Emergency meeting of the Viscount's high-status associates

And then … also that night there was a **large flurry of cars up to the Viscount's estate**. Now, where we lived, the road was absolutely dead. There was barely three cars a day and that was just, you know, people who lived further down the road. So, suddenly, **on this Friday night, about an hour after my husband had phoned the police, cars started to pour down this street**.

Brian Docherty: A constant flow of traffic just before I left—there was a lot of cars coming. Now this was a small … very, very … you couldn't find this place without knowing its existence. You would only get one car, maybe two cars a day. It was a single lane of traffic—a single-lane road and it was impossible to find. I mean, *I*, coming back from work, would get lost trying to find it! It was that kind of place.

It was only ten minutes, fifteen minutes from Fraserburgh … the same from Peterhead … slightly longer from Peterhead, but it was so remote … and, suddenly, there was **all these cars summoned for an emergency meeting at the Viscount's house**.

Brian Docherty: I went …

[11] Candida (*née* Bond)

Janice Docherty: **The first person up there at 6 o'clock** [pm] **was Alan Low**, who came shooting past at tremendous speed and drove straight up to …

Brian Docherty: In his van.[12]

David Scott: So, the paedophile who approached you …

Janice Docherty: Uh-huh.

David Scott: … has gone to the Viscount's house …

Janice Docherty: Yes.

David Scott: … and then a whole stream of other traffic …

Janice Docherty: Yes, generally fancy cars.

Brian Docherty: Generally quite impressive cars …

David Scott: Right, high-value cars—which is completely abnormal …

Janice Docherty: Oh, yes.

David Scott: … speed along the lane, and this is all happening whilst you are in Peterhead.

Janice Docherty: It started just before you [Brian] left, but it continued after you'd gone.

Brian Docherty: It started before I left, and this was a road which you'd not drive fast on because it was a single lane, and it was very, very windy.[13]

Janice Docherty: Very windy, yes, very dangerous.

Brian Docherty: So I went to Peterhead at 7 o'clock and I met with two officers … and, contrary to what Sergeant Buchan had said, these two officers were extremely new Probationers or maybe a year more than that, but no more than that. In terms of experience, they were **very inexperienced** and they had very little … they could …

As a teacher for some years, [I can say that] you can tell when children understand what you're saying or, even, as a lecturer, you can tell when older children, teenagers, understand—and you modify your lecturing or your teaching. With these officers, they were so inexperienced they didn't get some serious, important points that a

[12] The Dochertys have stated that in the time they knew Low, he had two vans, both windowless: first, a small caddy van; and secondly, a tradesman-type Mercedes Vito.
[13] winding

layman would get with some experience with paedophilia, never mind a police officer. So, Buchan's comment that these were "just the officers for the job" …

Janice Docherty: Maybe as far as he was concerned, they *were* just the officers for the job.

Brian Docherty: If "the job" was for this *not* to be investigated, they were perfect, but if the job was to do a thorough investigation, these officers were completely inappropriate and inexperienced.

David Scott: OK. So, you're sent to see these two almost brand new officers, and what's the next interaction then with Police Scotland after that?

Brian Docherty: I gave a statement to the officers. It lasted for about an hour and **they didn't give me my statement to sign**. One of the officers seemed to be acting … **PC**[14] **Kathryn Lamont** was acting as Sergeant Buchan's right-hand person there and I left and returned home.

My wife was in something of a state, I think it's fair to say, because of the number of cars that were stopping outside the house or speedily driving down past our house without their car lights on. When I returned, **the gates were closed**, which they never were, and I half expected someone to try and attack me, because the gates were never closed. It was pitch black and we were in the middle of nowhere. When I got in, Janice told me about the Viscountess marching round [to] the house and all the flurry of traffic.

Local police sergeant tells the Dochertys not to report the threat

The next day, Buchan—this was Saturday the 9th—**came to our house**. He refused to come in the house. He was attending with Kathryn Lamont, who I'd seen previously with another PC, and he spent the best part of half an hour **attempting to dissuade us over and over and over** …

David Scott: So, let me just follow the timeline here. So you report this to the National Crime Agency on the 4th [August 2014], they direct you to the local police, you go to the local police on the 8th, and then one day later, on the 9th, the Sergeant in charge is at your door and he's trying to dissuade you from taking the complaint forward?

Brian Docherty: That's right. He had made no investigation.

David Scott: Well, clearly not, because there'd been no time!

Janice Docherty: **Apparently, all they'd done was ask Alan Low if he was a paedophile and he said, "No" and that was it.**

[14] Police Constable

Brian Docherty: Case closed. He actually said to us that … he said, "**Well, we asked him, 'Are you a paedophile?' and he said, 'No'.**"

Janice Docherty: So there he was, and **he just kept saying, "How can I persuade you there's nothing here?"**

Brian Docherty: "How can I convince you there's nothing here?" "How can I persuade you?" "What will it take for you to realise there is nothing here?" "**What will it take for this to go away?**" It was phrases like that which, at the time, we thought were very odd and a bit like when we were dealing with the Viscount: we were there thinking that we were reporting a dangerous man.

And when we were speaking to Sergeant Buchan, what we were getting was comments which were quite incredible or ludicrous, to the point where he would say things like, "**Why would you think he was a paedophile?**" I said, "Well, he offered me twenty-five grand for my son." He'd go, "**That doesn't make him a paedophile.**" And I … it was comments, even more ridiculous than that where I said to him, "Look …"

Janice Docherty: Well, the crazy thing is, we didn't realise in our stupidity and naivety … **we didn't realise that he was trying to block it** and trying to persuade us to drop this. We just thought …

Brian Docherty: … and actually tried to **bribe** us, because the comment …

Janice Docherty: Yes, we missed that completely. The "How can I **persuade** you?", we didn't pick up on. We were trying to convince him more and more that there was clearly a problem, while he was trying to persuade us to drop the whole thing.

Brian Docherty: The only way I can describe how crazy this was, was: he said to me the previous day that I should go to the [police] station, because he didn't want to attract unnecessary attention to our house—so I should go to Peterhead. He wouldn't come out to see us on the Friday, and on the Saturday he turned up and he wouldn't come inside the house. He stood outside, in contradiction to what he said previously, and then …

The only similarity, the only parallel I can make to show you how farcical this was: it was a bit like somebody saying, "How do you know the guy standing with a jerry can full of petrol with a massive torch, throwing petrol on your house, lighting your house afire—how do you know he was the arsonist?" [And as if] I said, "Well, I've got video and I'm covered in smoke and the house has burnt down and I've got a video of it and the guy's admitted that he set my house on fire."

He offered … he, you know … the Sergeant just kept repeating over and over, "How can I persuade you that there's nothing here?"

David Scott: **So, we have your first-hand witness testimony that you were approached by a paedophile and he made you an offer, and the paedophile or the person that made the offer, I understand, didn't even deny that he made you the offer, you subsequently found out.**

Janice Docherty: Yes, we discovered a few weeks later that he'd actually admitted it.

Brian Docherty: Yes.

Janice Docherty: But he claimed that the money was a charitable donation for our son.

David Scott: A "charitable donation" of £25,000?

Janice Docherty: Of £25,000 from this stranger that we don't know.

Brian Docherty: What makes this ludicrous is this man was particularly tight. I mean, Aberdonians are known for being a bit tight with money, but this guy was the exception [even there]. I mean, exceptionally tight, and at no point did we discuss charity in our conversation.

My joke to the Sergeant was: "What's this? The Jimmy Savile excuse?"—the charitable donation, because he was … he just … at that point I didn't realise, and Janice was the same, that … he didn't … **he wasn't there to investigate**.

David Scott: He wasn't there to investigate? He wasn't there to do his job?

Brian Docherty: No. He wouldn't look at the greenhouse, which was booby-trapped, which fell on our daughter and cut her hands and that was just 30 yards away, and the other officer who was there, who I saw the previous evening, stood with her head down and she wouldn't make eye contact. She just stood there **shaking with her head down. She was absolutely … you could sense it.**

Janice Docherty: Oh, I tried to speak to her a few times and she wouldn't respond. She just stood there and remained quiet, until at the end, when I spoke to her briefly, when she took some registration numbers from me that I'd written down the previous night from cars that had slowed down outside the house, but apart from that she remained quiet the entire time.

Brian Docherty: He was acting like a sort of amateur solicitor[15] for the Viscount and Alan Low?

Janice Docherty: He also was perfectly aware of their [account]. We said, "Because we saw the Viscountess come down to Alan Low's house in her car, [we know that] **she drove Alan Low down**, on the Friday night round about midnight or just after midnight," but Buchan told us that Alan Low hadn't stayed in his own house last night, he'd stayed—I think it was up in the Viscount's, I can't recall if he said specifically it was up at the Viscount's—but he said he'd stayed elsewhere.

So, Sergeant Buchan was very aware of everything from their side of things, all their stories and the …

[15] lawyer

Brian Docherty: He was very aware of that, and he also … I think it's worth pointing out at this point, to substantiate some of this, that some months later, after the children were taken in January [2015] and returned to us in February: in May, when I received the cover-up report by **Professional Standards for Police Scotland, they actually named Viscount Petersham as at the police station with Sergeant Buchan**.[16]

So, six months, seven months later, they stated in their report to me, they threw the Viscount to the wolves and they said Sergeant Buchan [was colluding], the man who I first contacted in Police Scotland, the man who said he had "just the officers for the job", the man who came out the following day, having made no investigation and tried to dissuade us over and over [that] "there was nothing there".

Local sergeant colludes with the alleged paedophile and protector

On the very night when I was making my statement to Police Scotland in Peterhead, he [Sgt Buchan] was in the Fraserburgh police station with Alan Low and Viscount Petersham at the very same time with those two men—which is the most surreal situation where, before, these two men have been accused, or, rather, we had never accused Viscount Petersham … we didn't know of his involvement at all … it was his own actions and threats to us that gave that away—but **before we'd accused Alan Low, there he was in a police station with a promoted officer** who had told me he had "just the officers for the job", who the following day was telling me there was nothing there. No investigation. Nothing to see here.

David Scott: OK. So, in the week that followed this interaction with Sergeant Buchan—you'd had a very surreal weekend—what occurred during the following week? Were there any changes?

Alan Low immediately digs up the Crimonmogate Estate at night

Janice Docherty: Immediately, they hired a … well, Alan Low hired a wee digger …

Brian Docherty: Like an … **earth digger**, which you can hire from a place … that you can put into a trailer …

David Scott: A mini-digger?

Brian Docherty: Yes. And …

Janice Docherty: It was being used at night, on the Viscount's estate.

[16] Chief Inspector **Amanda-Jane ('Midge') Mackay** of Police Scotland Professional Standards (North) wrote this response (see appendix), which gives no hint of Alan Low being a policeman.

Brian Docherty: It was pitch black out and it was, it was, you know, it was … you could hear a pin drop because it was very, very rural … very quiet. So, our bedroom was overlooking the estate and we could see the …

Janice Docherty: Lights on at night.

Brian Docherty: … the kind of … fog lights or whatever … the …

David Scott: Working lights.

Brian Docherty: Working lights, and the **digger working only at night**.

Janice Docherty: We could hear it and we could see the light. And then, from Monday to Friday non-stop, a plumber's van, or drainage van, went back and forth, repeatedly …

Brian Docherty: There's one thing we missed out, which is that my wife and I had alerted the police to—in their attempts to try and brush this away, we'd alerted the police: me on the Friday night in Peterhead, and Janice and I on the Saturday evening outside our house—that there were a number of things unusual about the house that we were renting on the estate and the garden, the large garden on the estate, that **suggested that children had been detained there**, and the following week there was a portable digger, a mini-digger being hired and used only at night and there was a **large curtain-sided van, a drainage van** shuttling to and from the estate **at night without its lights on**.

David Scott: In my professional life, I'm an engineer and I build buildings. Excavation at night is not something you would do, because it's very much more difficult to see what you're doing. It would only be large projects with very tight programmes where you actually have to have 24-hour working under lights where that would happen, so it's a very unusual situation. Certainly for any sort of minor work, you wouldn't do that. The cover of darkness seems to be inexplicable for any normal use of excavation plant on an estate. It just wouldn't happen.

So, as well as this unusual excavation activity in the week following your police report, your police report also mentioned physical concerns about the layout of the estate …

Attacks on the Dochertys' house and garden

Brian Docherty: There was also a continued campaign, which started after I told Alan Low to stay away from my children. There was a continued campaign of intimidation and vandalism against our property and loud noises at night, and men … our house was surrounded by stone chips, so we could hear men's footprints in the stones outside the house at night.

We could hear banging noises, the cars were being targeted, there was dead animals being placed outside the log cabin, which was in our garden, or outside the house.

Altogether, there was a number of things happening and, when we last spoke to the police, they said they would send patrol cars round to our house—we had very young children in the house and we pointed out that the house was in a rural, remote location and that we were easy pickings.

Someone had blocked up the chimney, and the windows didn't open. The windows were painted shut, and we pointed out that if somebody started a fire, it was extremely dangerous.

Altogether, the police said they would send patrols, but never did. They never investigated the booby-trapped greenhouse, which fell on our daughter and cut her hands, designed for our son, because his toys were placed inside there, and we were left to fend for ourselves.

Janice Docherty: We just felt we were at … we were in a great deal of risk, really.

David Scott: So you're at an isolated, rural location and there is no help coming.

Brian Docherty: No help coming.

David Scott: No help coming. So, further from that, what's the next State involvement with your family after that?

Aberdeenshire authorities take an interest in the Dochertys' children

Brian Docherty: Well, **Alan Low and the Viscount disappeared off the face of the earth**. We didn't see either of them. Normally, we never saw them together, but they disappeared for the next, sort of, ten days.

Approximately ten days to two weeks later, two social workers turned up at our door. One social worker seemed quite clueless as to why she was there, but she was accompanying the one who was leading the charge, and her opening gambit to me when I opened the door was, "**We know there's been an issue with children**," and I said, "**No, there's not been an issue with children. There's been a report to the police of a paedophile. Someone has tried to buy my son**," and she kind of **brushed this comment off**. I said, "No, there's been no issue with children and the issue is with our neighbour."

So, I stood speaking to her and tried to explain this. My family were heading out, and we went out and did our shopping. When I came back, I contacted the **Manager of Social Services in Fraserburgh, David O'Neill**—the Regional Manager he was called, the area manager—and I asked why he'd sent two social workers to our house literally a matter of days, ten days or so, after I'd reported a paedophile, which had not been investigated.

I phoned his office a number of times and **he wouldn't speak to me**, so I e-mailed him and he e-mailed back to tell me that there had been a Concern Report, a report which … I didn't even know what this meant. **A Concern Report was submitted by Police Scotland against our family.**

Police Scotland instruct Aberdeenshire Social Services to investigate the Dochertys

David Scott: Oh, right, so Police Scotland didn't investigate a paedophile, but they reported your family? So Police Scotland reported your family to Social Services?

Brian Docherty: Eh, yes. Yes, so …

Janice Docherty: Well, it was … **the Concern Report was supposed to have been submitted by PC Kathryn Lamont, who had gone off immediately on annual leave** after we'd spoken to her on the Saturday.

Brian Docherty: She'd gone off on holiday and she … we didn't speak to her. So this report was submitted.

I asked David O'Neill what this was about, and he e-mailed me back and gave me the very … **we've never even seen this report in two years**, but he gave me the four key areas in which this report was submitted by Police Scotland.

David Scott: Right, so there's **four "areas of concern" from Police Scotland**?

Brian Docherty: The first one was that we were—to twist our own words to use them against us—that we were "isolated". We'd already said that we wanted …

Janice Docherty: … [that] we were in danger because we were isolated where we lived.

Brian Docherty: And now this was used against us to say that we were isolated and **"our children were isolated"**, as though we were isolating our children, where[as] our children had very active social lives and so on and so forth.

The second thing they said was that **our children were not in education, which was a lie** and demonstrably so.

The third one was that **"we were obsessed with paedophiles"**. So you wake up in the morning, you put your clothes on, you have your cornflakes and you go, "I know what I'm going to do today. I'm going to obsess further about paedophiles. I'm going to report the first person I meet and accuse them of being a paedophile."

Janice Docherty: So, one report of a man who didn't deny offering us £25,000 for our son and, apparently, we're obsessed with paedophiles.

Brian Docherty: And the fourth one … the "obsessed" one was the beginning of the line which was that **"we were delusional"**. This was the beginning of a drum that would be beaten over the next …

Janice Docherty: Since then.

Brian Docherty: … and is still getting beaten, that **"we are mentally unbalanced"**.

David Scott: So, of these things—you're allegedly crazy, obsessed and isolated, you live in rural Aberdeenshire in the middle of nowhere, that's evidence of "isolation"—so the only element of these concerns that might be based on any sort of factual, measureable, testable thing is that your children were not in education. Now, does that mean home education? Is that the provision that you had made?

Janice Docherty: **Our oldest [daughter] was home-educated**, which was actually her own request, because we had had her in school and she had requested to be hometaught. I mean, obviously, she didn't know about … we didn't actually know about …

Brian Docherty: [She] was having quite a tough time in school …

Janice Docherty: She was being bullied in school and she said to me, "Could you," you know, can I not teach her? And I thought, well, gosh, yes, I probably can. So we looked into it, and …

Brian Docherty: Well, we're very … you know, we met at teacher training college, are both tertiary-educated, I was a teacher. I mean, I would lose my job if my children weren't in education, and, apart from anything else, we're very much in favour of education, for obvious reasons. So **the notion that our children were not in education was just, apart from being slanderous, an outright lie**.

David Scott: Now I understand the situation in Scotland, legally, is if you don't enrol your child in school, you can educate your child at home without any sort of State involvement or permission, but as you had enrolled [Daughter 1] [previously] in school, you do need a form of permission to change that provision to home education. So was that something you had in place?

Janice Docherty: We had that. Yes, we had that … we had that previously when we lived in Perth, and when we moved up to Aberdeenshire, we arranged it with Aberdeenshire Council. So we had written permission from the Home Education Officer for home education.

And, with our son [Son 1], because he'd never been enrolled in school and the law obviously says that you don't need to apply for it if you haven't enrolled your child, we didn't apply for it because it wasn't necessary. But [Son 1] couldn't cope with crowds, he couldn't cope … we had put him into nursery[17] on a trial basis for, you know, like one day a week for a few weeks and he hated it. He just couldn't cope with it. So he, in fact …

[17] kindergarten

Brian Docherty: Because of the noise in nursery.

David Scott: Because of the noise in there and the nature of autism …

Brian Docherty: The nature is … in his condition …

Janice Docherty: What happened with him was that every time I took him down [to nursery], he would be moved into another room on his own and they'd just put him in front of a DVD. So I thought, "Well, he hates it and this is pointless."

Brian Docherty: And Janice was doing such good work with him because, at university, you [Janice] did your MA in Language and Literature …

Janice Docherty: Yes.

Brian Docherty: … so you were doing a lot of speech and language therapy. We were told he would never really speak, and he came on in leaps and bounds and Janice was doing so much with him.

I think we should point out … there's something I forgot to mention, which is that when Sergeant Buchan could not persuade us, to use his words, that "there was nothing there", every time he said that, we'd come back with more … very …

Janice Docherty: *We* tried to persuade *him*.

Brian Docherty: For the last, sort of, five to ten minutes of his visit, **his attention then focused on our children**, so the day after I'd made my statement and he couldn't dissuade us there was nothing there, he then focused his entire attention on my name, my date of birth, where I was born, our children's details, where I worked, what school I was in, etc., etc., etc., and **it was as if there'd been a plan of attack**—which is what happened. **The Viscount's threat of Social Services was coming to fruition.**

David Scott: So, you had this allegation by Social Services: there are "four areas of concern".

Janice Docherty: I can't remember the fourth. It was something trivial as well.

Brian Docherty: The fourth one was along the lines of we were kind of mental, again, and it was something … what was it?

Janice Docherty: I can't remember … it was something, again unimportant, … something sort of …

Brian Docherty: It was something to the effect that we were unbalanced or fixated on paedophile rings or obsessed or something.

Janice Docherty: It was something … I can't remember what it was …

David Scott: So, **the only one that's testable, objectively, was the home education one, and they [Police Scotland] were demonstrably in error in what they were saying**.

Janice Docherty: Yes.

Social work managers lie about "not having received" the Dochertys' paperwork

Brian Docherty: Well, that's right. So we had … it wasn't easy for us to get, because I remember it took … but **I sent the home education certificate to three people**. I sent it to David O'Neill, who was the Area Manager for Social Work; Ritchie Johnson, who was the Director of Social Work; and the Children's Reporter, by Recorded Delivery, no less. I sent them proof that the local authority had given us permission to home-educate our child, [Daughter 1].

David Scott: And did you get an acknowledgement from this correspondence?

Brian Docherty: We, in fact, got none, and … what happened was that there was clearly an agenda. We felt there was an agenda. We sent this by Recorded Delivery to prove that what was said by Police Scotland was false, totally libellous, and we sent this by Recorded Delivery. **David O'Neill lied and said that he hadn't received it** … by e-mail, he said that he hadn't received anything, and I checked on-line, RoyalMail.com, and it had been shown through Recorded Delivery [that] **a person in his office called Summers had actually not only received it, but signed for it** as you do with something recorded, and so he had actually got this document and he had seen it. So there was a senior social work manager lying.

Well, he … I remember, strangely, when I wrote my complaint, he received that at something like 10.30 in the morning. At 3 o'clock in the afternoon, he sent me an e-mail saying that he didn't have that.

Janice Docherty: It was the longest he'd taken to respond to any e-mail and **it was obvious that he couldn't think what to say**, so, eventually, he just lied and claimed that he hadn't received it …

Brian Docherty: He "hadn't received it".

Janice Docherty: … but all three of them had received it by Recorded Delivery.

Brian Docherty: Including the **Director of Social Work,**[18] **Ritchie Johnson**, for Aberdeenshire Council.

David Scott: OK. So, Social Work are not acknowledging the information that shows that this report is, in fact, false. The report originated with

[18] Formal title: Director of Housing & Social Care

Police Scotland. We'll maybe explore that in just a little more detail just in a moment.

How did things then escalate? If they're not acknowledging the evidence that you've got that shows there's no issue of concern, did they back off? Did they escalate things? Did Social Services get more demanding?

Social Services demand to "assess" the Dochertys

Brian Docherty: Yes. That's exactly what happened.

Social Services, against all the evidence and the facts, said they **wanted to perform "an assessment"**. Now, given that we'd sent them information to prove that what the police had said was a lie—and given that they had lied, that they had not received this—[therefore] when Social Services said they "wanted to do an assessment", logically, what they wanted to do was not an independent assessment, but it was clearly what they would call, in their rhetoric, "outcome-based".

In other words, **my wife and I could see the writing was on the wall here**, because [given] the frequency of the demands to meet with us, the frequency of the demands to do "an assessment"—when we knew that, already, Police Scotland had lied, when we knew there was influential people involved and that Social Services had lied—we knew there was an agenda here, a definite agenda.

And so my wife and I tried to [obtain] legal representation throughout Aberdeenshire, because we knew that this was very, very dangerous and that people were desperate to attack our family: people in positions of responsibility.

David Scott: So, you've now gone from being, you know, a schoolteacher living a quiet life in the country …

Brian Docherty: Yes.

David Scott: … and within a month or two you've had this approach, you've gone to the local authorities, the police authorities and other relevant authorities, for help, and you're finding that you're, in fact, the target of an attack …

Brian Docherty: It's quite incredible …

David Scott: Instead of getting help.

Brian Docherty: It's quite incredible that you report a man who, incredibly, tries to buy your son, and, not only do the police then not investigate this, not only do they then try to persuade you that "there's nothing here" without investigating, but they then report *you*, to target you to Social Services, and even …

Janice Docherty: And **they hadn't even met the children. It's not as if anyone at any point had seen the children**.

Brian Docherty: No-one had met the children.

David Scott: There's no evidence. They've not assessed the kids. There's no legitimate concerns here.

Brian Docherty: And then Social Work, who had lied that they didn't receive this, then are clearly determined to "assess"—when actually that means something different.

Janice Docherty: We also said, "Well, you e-mailed saying that we wanted time to get a solicitor." We weren't prepared to meet them without a solicitor and they wouldn't give us the time, and they kept harassing us and harassing us. So …

Brian Docherty: We tried a number of solicitors as well, which was interesting, and **none of them would take the case**, but despite me seeing a number of solicitors for a consultation period for an hour plus … an hour plus, **we never received a bill for these consultations**.

David Scott: Now, this original report came from Police Scotland and was under the name of PC Kathryn Lamont.

Brian Docherty: That's right.

David Scott: So you got some more information later?

Brian Docherty: That's right. When I contacted the manager of the social work people who came out to see us, I asked who'd sent them, and he told me it was this man **David O'Neill**, who was based in Fraserburgh, which is the town I worked in.

So I phoned him up, but he wouldn't speak to me, and I e-mailed him and I got the gist of the report. I was then told that Kathryn Lamont—who I'd spoken to as an officer on Friday 8 August 2014 to make my statement about this paedophile—was the person who had submitted the Concern Report against our children. So I phoned up Officer Lamont when I received this information, and **she was off on annual leave**. And I tried a few times, and I spoke to her when she came back.

David Scott: So you, obviously, are extremely concerned: how did this officer turn this report to make it about you? So, what was her reasoning or excuse?

Brian Docherty: So I asked her, you know, "I've just spoken with the manager; I've tried to get in touch with you. Could you tell me why you've … when my wife and I reported a paedophile to you and I spoke to you now in the station, and then my wife and I together, why you would send a report to Social Services?"

David Scott: So, PC Kathryn Lamont … you contacted her regarding the Report of Concern that was submitted under her name to Social Services. So, what did she say?

Brian Docherty: She … she was very startled when I phoned her, and she didn't appear to … from what I told her, from what the social work manager told me

about the contents of the report, she was totally flummoxed, if that's the right word—**she had no idea about the contents of this report**, and she said to me, "Look, **I'm going to have to go and read the report**—if I can call you back in five minutes?"
So, I was asking her, "Why did you say this, why would you write these things when we reported a paedophile, why would you say our family were isolated, why would you say we were obsessed with paedophiles or fixated," I think the word was, and she said, "I've got to go and … if you don't mind, give me five minutes."

She was initially quite hostile, but when she listened to what I had to say, she said she would phone back. She phoned back something closer to 45 minutes later, in a panic, and she said to me, "I'd like to come and see you to talk about this. If it's OK, if I could bring my **union representative, Sergeant Claire Smith**?" And I said, "Why do you want to bring your Union rep? This is not a police union matter." She said, "I'd like to come out and try and talk to you and your wife about this." And **she was very, very startled or very spooked**, because it seemed at the time there was something not right here.

Obviously, I knew there was something very not right, but what I later discovered was that **this was not her report**. She was off on annual leave, and Buchan went off on annual leave after she [did] … so when she returned, he went off on annual leave and **the report which was submitted by her was not the report which was submitted to Social Services,** and the allegations made [that] were fabricated and submitted against our family, she, clearly, had no knowledge of.

Fast-forward to the outcome of the police complaints procedure

David Scott: OK, and then, did you follow this up with PIRC,[19] the internal review facility within Police Scotland? What happened in that?

Brian Docherty: That's right. The police … we declined for her to come out to our house, because **we were advised against any more contact with the police, given how corrupt things had been with them**, and so, after we won our court hearings [subsequently] in February 2015, I complained to Police Scotland and they sent a cover-up report. So I duly appealed that, and PIRC made their findings: I appealed to PIRC in May of 2015, and PIRC then wrote their report and sent me a copy in late September of 2015.

And in that report, **of our twelve complaints they upheld eleven of them**,[20] and one of the key ones was the initial action which referred our family to Social Services, and in that **they said that there was no justification for the referral to Social Services**—and they went stronger than that, and they **encouraged in correspondence that I report Sergeant Sam Buchan** to the Procurator Fiscal's office that deals with police: Police … I can't remember the acronym, but it was to do with criminal actions against police officers, because what they stated was

[19] Police Investigations & Review Commissioner *(equivalent of England & Wales' IPCC)*
[20] See the appendix to this transcript for the report.

that there was no justification for this and they stated that the subject of the report should not have been our family. And they …

Janice Docherty: And that Sergeant Buchan had obviously altered PC Lamont's Concern Report. Where[as] she'd written about Alan Low, **Buchan had altered it to make it about our family, while she was off on annual leave.**

Brian Docherty: What she told me on the telephone [was] that she wrote a report, and what she told me was that she wrote a report identifying the concerns that we had about the neighbour and identifying the threat against our property and our family, based on what we reported about anti-social behaviour, men … three men in a car late at night, the banging noises, the dead animals, the greenhouse, etc, etc. She put that in her report, but **that was changed into this Concern Report, which made our family the target of Social Services**, as a result of this fictitious … this report by Police Scotland officers.

David Scott: OK. So [returning to summer 2014] that's a fictitious report, a **doctored report** put under the name of a person who did not author it, which sets Social Services against your family—and **PIRC have, essentially, endorsed that view formally and officially that that's an accurate record of events**.

Brian Docherty: That's correct, yes.

Return to 2014 chronology: No lawyer in Scotland would touch the case

David Scott: So, after the Social Services became more and more interested in your family and you were getting no support from Police Scotland and no support from the legal fraternity in Aberdeenshire, you decided to take a break and get out of the area. Was this a safety issue—is this a child safety concern as much as anything?

Brian Docherty: Yes, it was primarily a safety issue. We actually, I just recall … we contacted … I contacted a number of firms, further and further afield than Aberdeenshire. I contacted in Glasgow as well. **There was a definite degree of fear whenever I mentioned certain individuals in the telephone call.** I had … there was nobody wanted to take the case, regardless of big firm or small firm. My wife and I made the decision, or I think it was more driven by yourself, really …

Janice Docherty: Yes, I …

Brian Docherty: … based on the danger.

Janice Docherty: … I decided this was out of hand and it was getting very quickly out of control and we should take a week's holiday. We'd already started packing up our belongings with the intention of moving, because we didn't want to live next door to Alan Low. So we'd already started doing that, but I said, "We've got to just leave … now."

Brian Docherty: Now.

Janice Docherty: It's not safe.

David Scott: And when was this?

Janice Docherty: This was just … the 4th of September [2014].

David Scott: So, this is … you haven't delayed here. This is only a month after the initial report to the National Crime Agency …

Brian Docherty: That's correct.

David Scott: So you've had one month of trying to interact with Police Scotland …

Brian Docherty: Yes.

David Scott: … with the authorities. Things have escalated. Your family's being targeted, so you're looking for a little while of safety …

Janice Docherty: Yes, well, what we thought …

David Scott: … whilst things are sorted out, presumably.

The Dochertys flee to Ireland

Brian Docherty: Our plan was, in … in a looser sense, we need, first of all, safety. We want to be away, because, literally, there was a new baby and there was men in our garden night after night. We knew that their intention was far from honourable and we knew that they were pursuing us both in the illegal sense and through the legal channels, illegally if you like through Social Services and the police, and we already knew that there was **nothing here playing by the rules**, so the intention was to attack … destroy our family. **It was made very clear when they said "assessment", the game was to take our children, illegally.** So, as Janice said, we were intending to go to Ireland for a week.

Janice Docherty: We booked … I just booked a week's holiday home …

Brian Docherty: … in the … anywhere that was available, really, and the plan was to contact the Government and alert them—as naïve as that seems now in retrospect, two years on—to alert them to **corruption by senior officers in Police Scotland and in Aberdeenshire Social Services**.

David Scott: This is the normal response of law-abiding people. I've seen this time and time again, that the people will go to the appropriate authorities or go to the police. And, if the response is the very reverse—it's not just if the response is poor or the response isn't helpful or not enough is done, but the response

is the very *reverse* of what it should be and the people who'll appealed for protection become the target—what do law-abiding people do under those circumstances?

The general response, the typical response, the everyday response is to appeal to the political masters of Police Scotland to have that error rectified, to have justice. So, we see people doing this a lot. So, it's … you may in retrospect view it as naïve, but it is also the normal, law-abiding, lawful response …

Brian Docherty: Absolutely, yes.

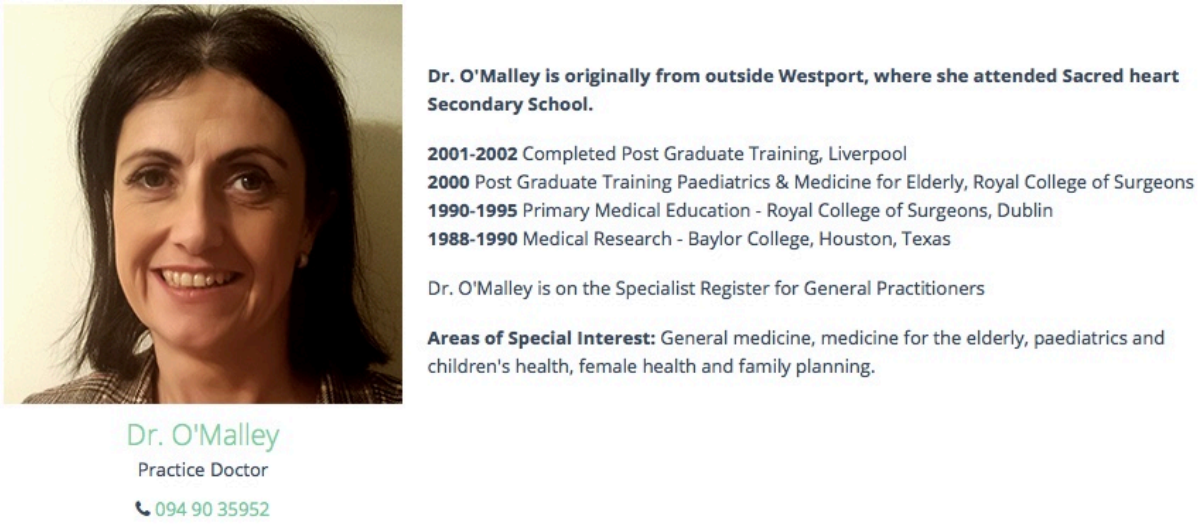
David Scott: … of … of the reasonable man and the reasonable woman in unreasonable and extreme circumstances …

Brian Docherty: They were extreme, yes. It's stressful. Even now talking about it, I still feel a lot of stress, strangely. I can remember that time very vividly. I remember the stress, because we knew that "who do you contact when the police are behaving unlawfully, like criminals?"

Who do you contact when the people who are supposed to protect your children—social workers and the police—are *targeting* your children, because you dared to report a paedophile who poses a threat to your children? Who do you contact when people are in your garden at night trying to cause injury and harm to your children and **the police will not fulfil their duty and obligation**?

And the only people we could think of, in the absence of getting legal representation, was our government, because they have power and **the only way they have power is by virtue of the fact that we give them that power and, in this case, they abused that power**.

David Scott: In the next part of this, we'll pick up the experience from when you went to Ireland for a week to contact the political masters of those involved and we'll look at how that process worked out and follow the story further.



Dr Bríd O' Malley

Castle Medical Centre
Castlebar, Co. Mayo

DISPATCHES FROM THE FRONT

The Brutal Protection of Paedophiles—Part 3

Brian Gerrish: Welcome to *Dispatches From The Front* as we rejoin David Scott in his extraordinary interview with Brian and Janice Docherty, the couple who lost their children, stolen by Social Services, stolen by the State, as a result of reporting the actions of a paedophile.

David Scott: David Scott here, sitting down again with Janice and Brian Docherty, covering the story of flight from the authorities in Scotland, after reporting a paedophile in the local community and finding that the police and Social Services sided with the perpetrator and not with the innocent family. Their story has taken them to Ireland … to seek, firstly, safety for themselves and, particularly, for their children and we'll pick the story up there.

When you first reached Ireland, where did you head to?

Brian Docherty: We …

Janice Docherty: Well, I booked a holiday home, down in Tipperary. It was just for a week and we thought, in that week, we … we'd have time to contact the [Scottish/UK] Government and … inform them of the corruption by police and Social Services.

Brian Docherty: Yes, we booked a holiday home just for a week in Tipperary. It was really just a case of what was immediately available for reasons of safety, so we booked a place, which we'd never heard of before in County Tipperary called Nenagh, a wee village just outside Nenagh called Puckane, where there was a holiday home available. It was that simple, really. We didn't really … Although it was a holiday home, it wasn't really a holiday in the normal sense of the word. It was a case of find somewhere safe and somewhere available, so that was it. We booked it online … well, Janice booked it online and we arrived on 5 September [2014].

David Scott: And at what point did you have any official involvement with your family again after that?

Brian Docherty: We … we remained in contact with Police Scotland and [Aberdeenshire] Social Services. The holiday home was supposed to have e-mail, but, like many holiday homes, it didn't live up to the billing and it didn't have Internet access. So, I was going along to a local car garage and contacting both Police [Scotland] and Social Services to demand on what basis were they persecuting and attacking our family and, at the same time, we were trying to put together information to send to the Government.

Tipperary Gardaí show up

But it was approximately the last night of our holiday home stay on the 12th of September when two Gardaí[21] showed up at the holiday home at 10 pm at night.

David Scott: 10 pm in an evening?

Brian Docherty: 10 pm—yes, it was 10 pm at night. The Friday night, we got a knock on the door. It was pitch black outside. I opened the doors and there was two Gardaí. They both stepped back and put their hands up as if I was a dangerous individual who was a threat to them, and they said, "Look, we don't want any trouble. We just want to come and see the children are OK." And I said, "That's fine. I don't have a problem with that, OK. What's this about?" And they said, "Are you Mr Docherty?" And I said, "Yep, I am." "Can we see your children?" And I said, "Sure." So they came into the holiday home. They looked at the children …

Janice Docherty: Saw the children. [Daughter 2] showed them our guinea pigs and they … and they said, obviously, there was … they thought they were quite happy. There was obviously no problems.

So we asked them what this was about—why they'd turned up—and they **said that they'd been contacted by Interpol** and that Interpol had located us through my bank details, because I'd paid for the holiday home using my bank card.

Gárda superintendent had claimed Interpol wanted the Dochertys

Brian Docherty: At that point, Janice and I started to tell them what had really happened back in Scotland, and you could see their face change and the colour change in their face. **They went pallid.** They'd just been told by their local Superintendent to go and check on us, and they were told it was Interpol that recommended this …

Janice Docherty: Yes, we'd been marked down as an Extreme Case, Urgent Case.

Brian Docherty: **We'd been marked, under the Scottish Government terms, as an Extreme Case**, and when they came [from the Gárda] and checked up on the kids they said there was no problem. When we were outside talking to them, just outside the house, they said they didn't … they couldn't be involved … or they didn't want to be involved.

They'd just come to check and report back that we were here, they'd identified us and that everything was OK. The children were fine, they said they could see the children were calm and relaxed and there was no issue.

[21] An Gárda Síochána ('the Guards') is the police constabulary in the Republic of Ireland.

I said to them that, actually, this was dangerous and we needed some kind of help. **They didn't want to help us.** I asked them how they managed to find us and they said that it was Interpol, and I said, "Well, how did you manage to locate us? Because we're only on holiday. How did … you know? We're here on holiday for a week. We're supposed to be returning home tomorrow. We've come here to try and send information to our government. How would you … Well, it's not normal when you're on holiday to be visited by the Gárda." And he says, "Well, Interpol located you through your bank records."

Now, later, almost ten months later [in summer 2015], I did a Freedom of Information [request] with Interpol, and they said they had no record of this on their database, and **Interpol denied that they had been utilised by Police Scotland to track us**, so this was factually inaccurate, when I contacted Interpol in Lyon through an FoI.

David Scott: OK. Did you ever get any indication as to how they did find you?

Brian Docherty: Later, in court, it was …

Janice Docherty: We believe it was the [UK] National Crime Agency, because …

Brian Docherty: … National Crime Agency. Interestingly enough, the agency who I first contacted to report to … they would not only [not] supply us … they refused to give us information from the Subject Access Request, and they stated that they weren't applicable to this … [that] the **Subject Access laws were not applicable to them**. The Chief Operations Officer at that time was a man called **Phil Gormley**, who **later that year became the Chief Constable of Police Scotland**. And [the period] when the second attack happened to my family was when he became …

Janice Docherty: Just before he became …

Brian Docherty: … just before he became …

Janice Docherty: … Police Scotland didn't have a Chief Constable[22] …

Brian Docherty: … so there was an unusual period of one month in December 2015 when Police Scotland didn't have a Chief Constable, and he [Gormley] had been lined up.

[22] Following the reluctant resignation of the newly unified national police force's first Chief Constable, Sir Stephen House, in December 2015 after months of sharp public dissatisfaction with his pronounced policy of routinely arming hundres of police, and over lethal failures apparently due to rushed centralisation of structures.

Interestingly, he [Gormley] was the outsider for the job as Chief at Police Scotland. He was the third of three candidates, and the only external candidate, and he was the one that got the job. I've already complained to PIRC[23] about his particular involvement against my family.

David Scott: OK, well, so these two Gárda officers turn up late at night. Apparently, everything's fine. You were already planning to leave. What happened next?

The Dochertys stay on in Ireland, moving to Mayo

Brian Docherty: Well, because of the … clearly the corruption was off the chart. I mean, when you're told you're an Extreme Case … you've gone from reporting a paedophile to …

Janice Docherty: Being located by Interpol, as far as you're aware.

Brian Docherty: … you're on … you're on holiday trying to contact your government, because …

David Scott: Within six weeks you've gone from reporting a paedophile to being … allegedly reported by … or followed by Interpol, so, yes, it's quite a …

Brian Docherty: It's quite incredible …

Janice Docherty: It's a bit scary, yes.

Brian Docherty: I actually lost my voice. When those officers left, I lost my voice. My throat went very hoarse and it was just an instant reaction to the strain of what we could see was extremely corrupt.

Janice Docherty: Well, I said, at that point, "It's not safe to stay here. We've got to leave. If they're turning up at 10 o'clock at night and we're supposed to leave the next morning anyway, then I don't think …"

Brian Docherty: There's an agenda.

Janice Docherty: … there's an agenda and I don't think it's …

Brian Docherty: Safe.

Janice Docherty: … safe for us. They're not turning up to locate us at this time for nothing, especially when we're due home the next day. So, we packed the car, there and then, put the children in the car and we just … we didn't have anywhere to go, but we … we started driving. We'd already seen the holiday homes in a place called Achill [Island], up in County Mayo, were … were cheap.

[23] Police Investigations & Review Commissioner

So, we thought, "Right, we don't have much money and we don't have anywhere to go and it's still tourist season, so we'll head there and we can …"

Brian Docherty: It was tourist season in Ireland …

Janice Docherty: … and we can see if we can find a place to stay.

Brian Docherty: It was tourist season, still very much tourist season until the end of September, so we looked for somewhere available … somewhere cheap and we headed towards County Mayo, in Achill, where it was quite cheap.

David Scott: OK. So, you … you get … you get a place … you get somewhere to stay in Achill?

Brian Docherty: Yes.

David Scott: And you then have to contact … you need funds … you got in contact with a bank, is that right?

Brian Docherty: Yes …

Janice Docherty: We managed to survive on very little, actually, for a wee while …

Brian Docherty: We managed to survive on … In that time, we were writing up statements about the level of corruption back in Scotland, so …

David Scott: So, this is a dossier detailing your experience of the previous six weeks and …

Brian Docherty: … detailing …

David Scott: … detailed interaction with Social Work …

Brian Docherty: … Social Services, and exactly what happened with the paedophile, with other people: the Viscount, with the police officers and social workers. Detailed complaints, detailed statements my wife and I put together. For reasons of safety …

Janice Docherty: We didn't use the Internet …

Janice Docherty: We didn't have mobile phones and we didn't use our bank cards or any cards at all at that point.

Brian Docherty: … we didn't use anything, but when we ran out of money, my wife … we used a … we had a small phone from Tesco[24] …

Janice Docherty: I bought, yes, we bought a new phone with cash and phoned the Nationwide[25]…

[24] supermarket

Brian Docherty: … and phoned the Nationwide in Enniskillen[26] …

Janice Docherty: … to find out where …

Brian Docherty: …which was just the nearest branch to us …

Janice Docherty: … well, we … just to find out where there was the nearest branch, because we didn't know …

Brian Docherty: … in Northern Ireland.

Janice Docherty: … there aren't any in the Republic. So … that was the end of November [2014]. We'd sent all … our report to the British Government in mid-November and they'd had to send it up to Scotland, because it was a devolved[27] matter. End of November, we were forced to … to go up to the bank and …

Dossier of senior corruption allegations handed to the subjects of the allegations

David Scott: So, that's a … so you've sent a full dossier on all of these … all … all of these events and that's gone to both the UK Government and then, subsequently, to the devolved administration in Holyrood.

Brian Docherty: Well, we sent that to the UK Government and then they … they were obliged, because it was a crime matter, as a devolved matter, it was sent to the Scottish Government and what later transpired in court is that, within a matter of days, our detailed dossier of various documents, maybe about 15 documents, indeed spanning 77 pages, was sent, by the Scottish Government, within a matter of days—this was a dossier detailing Social Work, senior Social Work officer, including Director and Area Manager, corruption, and senior police officer corruption—**the Scottish Government took that dossier and gave it to the very same people in the senior positions** of Police Scotland and Aberdeenshire Council and they took this information and, incredibly, as was revealed by a promoted officer for Police Scotland 2 February 2015, **the Scottish Government orchestrated an international task force with the Irish Government**.

David Scott: So, the Scottish Government passed the dossier detailing your accusations, your experiences, to the very people who were accused of being corrupt.

Brian Docherty: Exactly. So, we had detailed statements, which gave a very blow-by-blow, factual …

Janice Docherty: Detailed account.

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[25] A building society, comparable to a U.S. savings and loan association.
[26] Over the border in County Fermanagh, Northern Ireland (UK).
[27] decentralised from London (to Scotland, in this case)

Brian Docherty: … sworn account of who said what, who said what when, what they said and what we said …

Janice Docherty: What happened.

Brian Docherty: … and exactly what transpired—dates, details, the whole lot. And the Scottish Government …

David Scott: So, rather than supporting a family under threat by corrupt people within the administration, what you see … would you describe it as the Scottish Government circling the wagons? Was it … were you on the outside or, how would you … looking back on it now, how would you, sort of, characterise what happened there? Because that, again, in parallel to your experiences in Aberdeenshire—that would be the reverse, obviously, of what you were looking for; the reverse of what the average man in the street would expect of the Scottish Government in response to someone raising serious allegations of criminal wrongdoing against senior officials.

Brian Docherty: It goes back to, who do you contact when the police and Social Work are behaving in such a dangerous fashion?

Janice Docherty: When they're acting criminally.

Brian Docherty: They're acting criminally … who do you contact when the … the police are behaving criminal …

Janice Docherty: We didn't expect the Government to then act criminally as well.

Brian Docherty: We never expected the Government to put our lives in danger further and …

Janice Docherty: Set up a task force …

Brian Docherty: … our children … in danger …

Janice Docherty: … with the intention of removing our children.

Brian Docherty: What came through in court on the 2nd of February, quite incredibly through a **Detective Sergeant [Martin] MacDougall**,[28] was that, when the Scottish Government received our information, they had—between the end of November and the mid-January period, that six-week period—they had four meetings with their counterparts in Ireland.

[28] A UK Column source stated in August 2016 that MacDougall had left the Criminal Investigation Department (CID), thus becoming a plain Sergeant, no longer Detective Sergeant.

So, **Police Scotland with the Irish Gárda, and Aberdeenshire Council with Irish Social Services, had four meetings over a fortnightly period**, starting the beginning of December and ending in mid-January [2015], where they had this Task Force … an International Task Force with the specific goal of removing our children and sectioning[29] my wife and I …

Janice Docherty: Sectioned. Yes.

Brian Docherty: … **in a mental health hospital**.

David Scott: Right. OK. We'll come, in due course, to the assaults on your children and the attempts to have you sectioned. Some of the people who might be listening to this might find that impossible to believe.

Others, who have either lived through it or heard similar accounts will find it only too familiar: the use of mental health services a way of attacking and undermining people, the use of child protection services as a way of targeting families, is something which, maybe ten years [ago] *I* wouldn't have believed, and I'm now only … only too familiar with, because it's a story that is so often repeated.

To go back just to the narrative, you … you said you contacted the Nationwide and headed up to Enniskillen to get some essential funds.

Brian Docherty: Yes.

Cross-border surveillance, November 2014

David Scott: What happened when you reached Enniskillen?

Janice Docherty: Well, there was a man standing outside the bank … and …

Brian Docherty: Not very subtly watching us.

Janice Docherty: … and we were actually in Enniskillen for less than an hour, because it was a long journey to get there and a long journey home and we did it in the one day. It wasn't like we had the money for a hotel or anything, so …

Brian Docherty: We bought a … quite a cheap phone from Tesco and Janice phoned … well, phone banking and, two days previously, and after we withdrew funds …

Janice Docherty: We went up to …

[29] committing to obligatory mental treatment in a locked institution

Brian Docherty: … there was a chap waiting outside who then followed[30] us …

Janice Docherty: … all the way down from Enniskillen …

Brian Docherty: … about 200 miles to …

Janice Docherty: … to Castlebar in County Mayo[31] …

Brian Docherty: … Castlebar, and it's a single road from Enniskillen along to Sligo and this car was behind us every step of the way, and you might … part of me was thinking it's just a coincidence, but the car continually followed us then to County Mayo …

Janice Docherty: … and the man followed us round Tesco in Castlebar, most unsubtly …

Brian Docherty: He was actually following us … actually, literally, you know, a few metres just behind us, watching what we were doing and what we were buying.

Janice Docherty: … and … and that was then confirmed in December 2015, at the court hearing on the 21st, when the social worker, **Mary Malee**,[32] said that that was how we were located: we were followed from Enniskillen down to Castlebar … by police.[33]

Brian Docherty: How a social worker would be aware of that is quite revealing in terms of the … the kind of **unholy collaboration** between these two. But, between this period of early December and mid-January [2015], there was a **massive amount of surveillance, house-breaking … monitoring, following us about**, when we were either going shopping.

There was house-breaking when we were at church or out shopping or anywhere at all for that matter. There were cars following our family. There was a car we reported, which, when we were doing our business outside—we were shopping—there would be people following us. This was reported to the Government and there was no feedback, there was no action on it.

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[30] The Dochertys have since confirmed that a car was tailing them on Achill Island throughout December 2014 and that it was not Northern Irish or Republic of Ireland but Scottish-registered, and indeed Edinburgh-registered, with the number plate **SL14 WZN**. This is a silver Mercedes-Benz MI250 AMG Sport Bluetec Auto, new on the road in July 2014.

[31] Thereby crossing the international border into the Republic of Ireland.

[32] One of the three authors of a County Mayo guide on dealing with the families of sexually abused children that was held to be so exemplary that it was rolled out nationwide.

[33] This may well mean Police Scotland operating out of jurisdiction, given the Edinburgh registration of the car which followed the Dochertys around Achill Island throughout December 2014.

David Scott: So, you've got ongoing surveillance, admitted in court. You have high level contacts, regular and repeated contacts between senior government officials in Aberdeenshire, [the] Scottish Government and Irish Government, admitted in court. So, you're being … the centre of something. Was … during this time, was there any formal accusations against you of anything that … that would be either criminal wrongdoing or neglect or anything that would warrant even part of that?

Janice Docherty: We never heard anything from anybody.

Brian Docherty: Never … never …

Janice Docherty: **Nobody accused us of anything.** Nobody got in touch with us. And then …

Brian Docherty: In fact, in September, I received an e-mail from an Inspector Cordner, from Police Scotland, when we were staying in the holiday home on the 10th of September—and I can show you this e-mail and forward this to you—[Detective] Inspector[34] [Graham] Cordner says, "You're not being accused of anything. We just want to … we'd just like you to report to the nearest police station … we just want to know your children are OK …"

Janice Docherty: And "**we want to know your address**".

Brian Docherty: "… and we want to know your address. We'd like to send somebody to visit you." What later transpired in court, as well, is that … there was contradictory statements between police and Social Services. The police said we "fled" after our holiday home [was visited], because the Gárda officers had said that we had to report to Social Services the next morning …

Janice Docherty: On the Monday morning.

Brian Docherty: … the Social Services people said they weren't contacted by Social Services in Scotland until the Monday morning. So, there's lots of inconsistencies.

Janice Docherty: But the Gárda, in Nenagh, their report doesn't mention anything about Social Services and it … that was just something …

Brian Docherty: There's other inconsistencies in …

Janice Docherty: … invented later to try and make it seem as if we'd fled from Nenagh, because the Gárda … it's not even in their report. They didn't refer to that either.

Brian Docherty: It's one of these recurring motifs …

Janice Docherty: It was just invented.

[34] Recently promoted to Detective Chief Inspector

Brian Docherty: Yes. It was a recurring motif, which was that we were fleeing—like we were criminals, international terrorists, who were fleeing justice.

David Scott: So, you … you're not accused of anything?

Janice Docherty: No, never accused of anything.

Brian Docherty: We were never accused of anything.

David Scott: **At what point does 'travelling' become 'fleeing'?**

Janice Docherty: Fleeing. Yes, quite.

Brian Docherty: Well, it just suited the agenda, because the agenda that they … there's a massive difference between us leaving a dangerous situation in Aberdeenshire to contact our Government …

Brian Docherty: … on a holiday.

Janice Docherty: It was … we did just book a holiday. It wasn't like …

Brian Docherty: On that basis, they would actually send Interpol after millions of British people every year when they went on holiday. We were not accused of anything and there was nothing alleged; far, quite, the opposite. *We* had already alleged the person in Aberdeenshire.

David Scott: So, we're seeing here, it's … it's accusation by inference. You know, we use the word 'fleeing' to suggest there's a crime …

Janice Docherty: Uh-huh …

David Scott: … but there's no crime.

Brian Docherty: That's right.

David Scott: We use the word 'concern', we use the word 'safety' to *suggest* that there's a child safety issue, but there's no child safety issue.

Brian Docherty: Quite.

David Scott: It's … it's all this … sort of by inference.

Brian Docherty: It was linguistics to justify a horrendous, illegal campaign because we dated to report a paedophile who was well-connected.

David Scott: So, you … continue through, what: Enniskillen's, what, mid-December?

Janice Docherty: End of November [2014].

Brian Docherty: End of November.

Bullied by Gárda Armed Response Unit, January 2015

David Scott: You continue living in Ireland. You continue … do you make any further reports to the Scottish Government or the UK Government?

Brian Docherty: We sent a large dossier of maybe 15 different letters and reports …

Janice Docherty: Well, that was mid-November [2014]. We didn't send anything further.

David Scott: So, nothing else after that?

Janice Docherty: No.

David Scott: Well, what's the next major event then that occurred?

Brian Docherty: The next major event was …

Janice Docherty: The 28th of January [2015].

Brian Docherty: The 28th of January, a number of vehicles show up at our house without any prior warning …

Janice Docherty: About 8 o'clock in the morning.

Brian Docherty: 8 am.

Janice Docherty: There was a thump … thumping on the door. You [Brian] opened the door and four police and two social workers burst in, shoved you physically backwards across the floor.

Brian Docherty: Two of them were armed … part of an Armed Response Unit, and …

Janice Docherty: They'd been sent up from, or down from, Galway …

Brian Docherty: Yes.

Janice Docherty: … and … and just started shouting.

Brian Docherty: There was a lot of shouting …

David Scott: So this is happening in Mayo … at …

Janice Docherty: Yes, in Achill [Island] in Mayo.

Brian Docherty: In Achill in Mayo. And … it was very loud. It was very aggressive. It was … The officer who kept shoving me was pumped up and … then they divided the family.

No court documents, constitution "doesn't apply", no lawyer, no legal rights

The armed officer stood over Janice and the children and two of the social workers and the two local police officers took me upstairs to the living room and denied me access to a lawyer.

Janice Docherty: We were actually, repeatedly throughout that day, **denied access to a solicitor**.

David Scott: Did they give you any court documentation to justify that this action was, in any way, lawful?

Janice Docherty: **They didn't actually have anything at that point.**

Brian Docherty: They didn't have a single … they didn't give us anything.

Janice Docherty: **But what they did tell us was that the Irish Constitution didn't apply to us and that we had no** …

Brian Docherty: **Legal rights.**

Janice Docherty: … legal rights.

Brian Docherty: They said that … the officer kept shouting, "**You're not gonna get a solicitor.** If you're gonna waste time …" I said, "Look, nothing here's been done properly and above board. We … we've reported criminality here and you're attacking us."

Janice Docherty: They just kept shouting and they wouldn't listen. They …

Brian Docherty: They weren't interested in listening. This was not a situation where … it was clear that the agenda from the start was to go in, literally, guns blazing …

Janice Docherty: Well, not quite literally, but it could've been.

Brian Docherty: Yes, and we were told, "Either you come with us now and we'll do an assessment …" I said, "Look, nothing that's been done back in Scotland is legal or fair." And he said, "Look, we'll disregard everything that's happened in Scotland. **If you come with us now, we'll do an independent assessment, but, if you don't, we'll go to the court judge and we'll get an Emergency Care Order and we'll put your children in care … now.**"

So, with the choice of a rock and a hard place … and a lot of shouting and cajoling, we got the children dressed and we were divided up into a fleet of vehicles.

David Scott: So … essentially and legally, although there was clear and obvious coercion, bullying, armed response and all the rest of it, **they were relying on your voluntary compliance at that point, because they had no court order**?

Brian Docherty: There was no paperwork. There was no legal …

Janice Docherty: Yes, **they didn't have any paperwork at all**.

Brian Docherty: … and we were then … the children were …

Janice Docherty: I was told that … I said, "We're not going into a car unless the children are with either me or my husband," and I was told that … my husband would be in the car with the girls and I would be in the car with the boys—we were being driven—and I was in the car with the two boys.

They then put the two girls in a car with a social worker and they wouldn't let you [Brian] in. You had to drive yourself. So, I was promised that the children would be with us and, instead, they took the two girls separately and they grilled them the [whole] journey, which was about an hour's journey, and they **kept asking the girls questions and trying to put words into their mouth** … and trying to get them to say things …

Irish social workers continue Dochertys task force with Scotland and drive a new UK car

Brian Docherty: And at the same time, the **lead social worker**, called **Mary Malee**, promised my wife and I that there'd be an independent assessment done and it would be done fairly and that if we just came with them just now, we'd be back by midday. She promised …

Janice Docherty: Yes.

Brian Docherty: … we'd be back by lunchtime if everything we said was true. They would get Paediatrics to do a report. They just wanted to check over the children: [effectively] "if you've got nothing to hide, come with us now, otherwise we'll get a court order." And, at the same time, it was that Machiavellian that she immediately went with her manager …

Janice Docherty: **In her brand new, British-registered Vauxhall Astra, which she'd only just received that morning** …

Brian Docherty: A brand new car, which she barely knew how to operate—a brand new British registered car—and she immediately went to the judge in Ballina [County Mayo], which was another hour away, and got an Emergency Care Order.

Janice Docherty: An Emergency Care Order. That was before they'd even conducted any assessment or …

Brian Docherty: Any basic assessment.

David Scott: So, who … it was basically complete lies.

Janice Docherty: Yes, everything.

David Scott: Everything you were told. So, your voluntary compliance they were legally standing on when they actually took your children into their custody …

Brian Docherty: Hmmm …

David Scott: … **your voluntary compliance was acquired by threats and by lies?**

Janice Docherty: Yes …

David Scott: **By misrepresentation.**

Janice Docherty: Yes.

Brian Docherty: Totally, totally.

David Scott: OK. Now, so this … you were transported to Castlebar—was that to a police station [or] a hospital?

Janice Docherty: Yes—a hospital.

Brian Docherty: Yes—that's Enda Kenny's constituency, Castlebar,[35] [the constituency] of the Taoiseach in Ireland. Now we come from the [former] First Minister's[36] [own] constituency in Aberdeenshire, and between these two countries **there's an International Task Force, between Scotland and Ireland, with the explicit goal of sectioning my wife and I**.

The next underhanded trick that was used was that it went from saying that "if you just come with us we'll do an independent assessment" to telling us that if we just went to a psychiatrist—"we've got concerns about your mental health", repeating over [and over] that there's some kind of paedophilic activity, "we've got concerns about your mental health"—"if you just go and see a doctor, or a psychiatrist …"

Janice Docherty: Well, they told us … well we had to see a GP[37] and she would assess our mental health and … and, if everything was fine, that would be that—we'd get the children back and that would be the end to it. But, it turned out, at this GP's own admission, that **she'd already arranged to refer us to a psychiatrist**.

David Scott: Right, so it's not any longer about the welfare of the children per se?

Janice Docherty: Well …

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[35] Irish Taoiseach (Prime Minister) Enda Kenny was born in Castlebar and represents Co. Mayo in the Dáil.
[36] Alex Salmond
[37] general practitioner (family physician)

David Scott: Whether they're healthy, or … or …?

Janice Docherty: They conducted their own assessment after they'd already got the Emergency Care Order, and the paediatrician said they were all very healthy and well and at appropriate stages, and they conducted an interview with the two girls and said that they had no problems.

They said they were taking our children into care, but their own assessment had been positive—**they were taking the children into care based entirely on the notes from Aberdeenshire, which they had promised us that morning they would disregard.**

Brian Docherty: From Police Scotland. So, in other words, at the beginning of that day, she said that there would be an independent assessment … this social worker, Mary Malee, and she immediately went and, at 10.30 that morning, before the assessment had completed at 1 pm, she got an Emergency Care Order, and then, having said there was going to be an independent assessment, she then said to us that "Yes, your children have passed all the reports and they're healthy and well-nourished, etc, etc, but **we're going to put your children into care, based on information from Scotland**."

Janice Docherty: Well, the other thing …

Brian Docherty: The Court of Protection …

Janice Docherty: The other thing worth mentioning was that she told us that **the entire Social Work Department in Castlebar had been cleared for three days to process our family**.

Brian Docherty: An entire department of 22 social workers and other staff were cleared and she told us, and I quote, **our family was "the number one priority"**. That's the phrase she repeated.

David Scott: So, you've gone to Ireland initially on a holiday. There are no welfare concerns to do with either the mental condition or physical condition of your children.

The only concern is concern raised in writing from Scotland, from Aberdeenshire, and that's enough to clear 22 social workers for three days just to look at your family?

Janice Docherty: Yes—so it would seem.

Brian Docherty: 22 social workers. I know that's just for a pedantic reason, but the other thing that happened that day—just to show you just what the agenda was—was because, effectively our children were kidnapped.

And our children were kidnapped with the goal of holding them to ransom till my wife and I were [going to be] sectioned. And when we went to see Dr O'Malley …

Janice Docherty: Which was the following day … the next carrot by the Social Work team was that they would let us see the notes, which they never did, and that they would "clear this whole thing up right now." They said, "What we'll do is, if you go and see this doctor and she says you're healthy, then we'll give you your children back." That's what she said.

A pack of lies from Scotland

David Scott: So, it's all hanging on these notes from Scotland. The only evidence against you at all is these notes from Scotland and these notes you've not actually, physically seen, even to this day?

Brian Docherty: In two years.

Janice Docherty: **No, we have never seen them.**

David Scott: Did you find out anything about them?

Brian Docherty: We did.

Janice Docherty: Well, I … I found out from **Dr Bríd O'Malley**,[38] during her so-called assessment of our mental health, that there was a report in there from a Health Visitor in Aberdeenshire.

She didn't tell me who it was—we later discovered it was a woman named **Phyllis Smart**[39]—and, apparently, this report stated that my husband's father was a paedophile and he was abusing our daughter, [Daughter 1], and that my husband was allowing this. So Bríd O'Malley …

Brian Docherty: And I'm innocent …

David Scott: I mean, that would be a very serious concern, obviously, if … if that were true. You know, did it strike you as odd?

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[38] General Practitioner, Castlebar Medical Centre.

[39] A Nurse Consultant (Child Protection) with NHS Grampian since 2000; a Nursing Consultant with Robert Gordon University Aberdeen; and, in a wider policy role, one of the three "project leads" for a programme evaluating the training of all midwives in Scotland in their new legal duties to act as Named Person for every expectant mother and her unborn child. The programme, or at least its write-up, is hosted by the Queen's Nursing Institute Scotland.
Phyllis Smart is also Chair of the Child Protection Nursing, Midwifery and Allied Professions Scotland Shared Community.
The UK Column has been unable to trace any photographs of Phyllis Smart.
Phyllis Smart refused in July 2016 to speak to UK Column: phone call recording

Janice Docherty: Well, I was just absolutely stunned. I just … she said to me, her words were, I think, "What about your father-in-law?" and I said, "What about him? He's dead." And she said that the notes said that he'd abused [Daughter 1] and I just said, "No!" You know, "No! Goodness, no!" I couldn't believe it … no!

David Scott: Had he been long dead?

Janice Docherty: About five years … or, maybe three … four, five years … something like that anyway. Quite a while.

Brian Docherty: Between 2011 and 2015—four years.

Janice Docherty: Right, so …

David Scott: So a Health Visitor called Phyllis Smart from Aberdeenshire …

Brian Docherty: NHS Grampian.[40]

"Risk of abuse" by the children's long-dead grandfather

David Scott: **NHS Grampian writes a document accusing your father, who was dead five years previously …**

Brian Docherty: Yes.

David Scott: **… of being a paedophile?**

Janice Docherty: Uh-huh.

Brian Docherty: And I was [supposedly] putting my daughter at risk because I was in contact with my father and [supposedly] allowing abuse to take place.

David Scott: In contact with your father, who died five years previously.

Janice Docherty: Yes.

David Scott: So …

Janice Docherty: Some …

David Scott: … had you ever met Phyllis Smart?

[40] The local branch of the UK National Health Service for the north-eastern region of Scotland.
Switchboard: 0345 456 6000 (number works from within the UK only). Feedback & Complaints web page for NHS Grampian.

Janice Docherty: Never. **We'd never heard of her.** I've never met her.

Brian Docherty: None of our family's ever heard of her.

David Scott: And she's never met the children?

Brian Docherty: **Just like Police Scotland—never met the children.**

David Scott: So, have you any idea at all what this could be based on?

Brian Docherty: Well, I did a Freedom of Information [request]. I've done many Freedom of Information [requests] of about a dozen organisations.

Only Interpol has told the truth and actually responded and said that they have no … they've not had any involvement in this whatsoever, contrary to what Police Scotland and the Gárda told us.

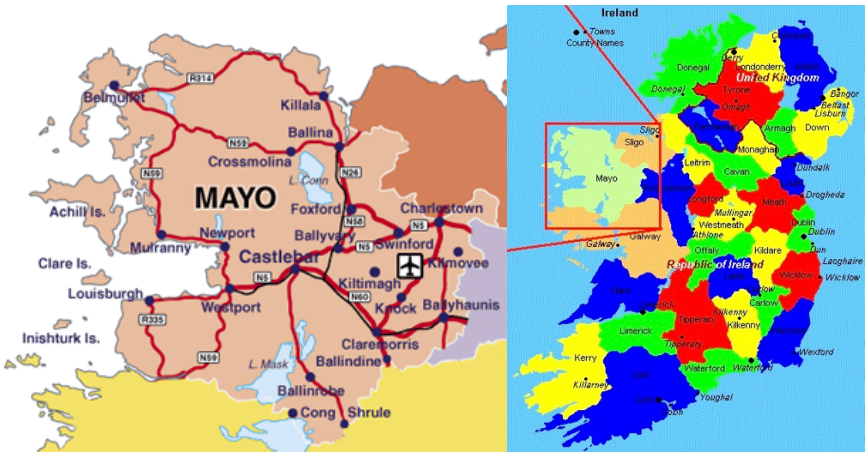
Grampian NHS refused to … give us the Subject Access Request regarding our family and I contacted the Secretary of State for Health in Scotland, **Shona Robinson**.

I then got a spin doctor for NHS Grampian write back to me over three pages of absolute nonsense and air, but the summary of it was: Yes, Phyllis Smart did write a report about you saying that you were in touch with a paedophile, who was your father (of course, he was dead for four, nearly five, years); however, **it's not her fault that she wrote this, because Police Scotland demanded the report**, or solicited the report, from her. So, their justification for a massively libellous …

David Scott: And you have that in writing?

Brian Docherty: **I have that in writing.**

David Scott: OK. Thanks. We'll pick this story up for the next part of it, because we've now got your children are seized and, obviously, the first priority is … to get them returned, but there's another element here, where your mental health is being questioned and that becomes a theme as well. So we'll pause for a moment and pick that up just shortly. Thanks.



Brian Gerrish: That ends Part 3 of David Scott's extraordinary interview with Brian and Janice Docherty, and what have we heard?

We've heard that parents who do the right thing and report a man for trying to buy their son, to abuse him for sex, are then hounded by the police, the authorities, Social Services. They're tracked across country borders.

This is a conspiracy and it is a dangerous conspiracy, which is very real in Britain and, as we now know, Ireland in 2016. Look out for the next part of *Dispatches From The Front*, which is Part 4 of this amazing interview. Thank you.

Mary Malee, Tusla—Child and Family Agency, Castlebar, Co. Mayo
(posing with her co-authored report on caring for sexually abused children)

DISPATCHES FROM THE FRONT

The Brutal Protection of Paedophiles—Part 4

Brian Gerrish: Welcome to *Dispatches From The Front* with Part 4 of David Scott's excellent interview with Brian and Janice Docherty, the couple who had their children stolen by the State for reporting a paedophile.

The children seized for the first time, 28 January 2015

David Scott: So, picking up the story again with Janice and Brian Docherty, we're at a point where your children had been seized by four police officers, two of which are armed and social workers who were telling you things and promising you things, which were untrue, in order to gain your, in some degree, trust and, certainly, compliance.

This was taking place in hospital at Castlebar [in Co. Mayo]. So, perhaps you can maybe pick up the narrative from there. You know, what essentially transpired, because your children were at that point seized.

Brian Docherty: That's right. Our children were taken on the 28th of January and we spent twelve long hours at the hospital. During that time there was the assessment of sorts, but **everything came back positive, apart from these notes from Aberdeenshire [County Council] and Police Scotland**.

Janice Docherty: The children actually—just a minor point—**the children didn't get anything at all to eat the entire day** until about 7 o'clock in the evening.

Brian Docherty: And we were frogmarched …

David Scott: **So the only people actually neglecting the children on this day were, in fact, Social Services?**

Janice Docherty: It was, yes.

Brian Docherty: The police frogmarched us all over …

Janice Docherty: Oh yes, we were accompanied the entire time by two police officers.

Brian Docherty: … from place to place within the hospital. In the evening, in the afternoon they told us that they were taking the children, and in the evening they said we'd get a chance to say goodbye and we were just hanging around.

Clearly, this had been all set up in advance. **The foster parents had already been organised** and my wife and I were the last people to be consulted or informed of anything.

Then they had a number of cars waiting where the ambulance bay was, just outside the hospital doors, and they literally just took our children without giving us a chance to tell them what was happening or say goodbye. Our four children, including a baby that was only three … four months old.

And my wife collapsed in the stairwell of the hospital, literally collapsed on the floor. I thought she was having a heart attack. You [Janice] couldn't breathe. And she was having deep palpitations, and suddenly there was a crowd of people around Janice.

The children were shouting for their mother and their father, myself, and we had no control. There was no legality to this. There was no justification for this. There was no decency to this. From that whole day … I was going to say it was one of the worst in my life, but there's been …

David Scott: Now your oldest daughter here is quite old. I mean, she's able to express an opinion.

Janice Docherty: She was 12, nearly 13.

David Scott: She was what age at this point?

Brian Docherty: She was 12.

Janice Docherty: She was 12.

David Scott: She was 12, right. What opinion was she expressing?

Janice Docherty: Oh my … !

Brian Docherty: [Daughter 1] was traumatised and …

Janice Docherty: [*sobbing*] Oh, Brian, so she said … she said to them … she said to them, "Look, take me, but don't take away my wee brothers and sister." She said, "Don't … don't take them away."

Brian Docherty: She's such a good kid. **She said that one of the social workers struck our daughter** …

Janice Docherty: That was the next day.

Brian Docherty: … and **another one threatened her that she'd never see her parents again unless she showed her more respect**.

Janice Docherty: Yes, she came through …

Brian Docherty: In front of my wife and I.

Janice Docherty: **Mary Malee was shouting at [Daughter 1], telling her if she didn't show her more respect she wouldn't be allowed to see us ever**, well, see us again.

Brian Docherty: Our daughter, our youngest daughter, [Daughter 2], who was four at the time, went into shock and she wouldn't speak to either my wife or I or any of her siblings and my wife, and it was—and my wife has actually a strong bond with [Daughter 2], with all the children, but she said to her mum—we kept trying to talk to her because we could see that she was in a degree of shock and a sadness, which is not normal for a child of that age, by being taken away—and she said to my wife, and I quote, and this still haunts me to this day, she said that she was, **"too sad to cry"**.

She's four years of age … and we weren't allowed to, we weren't even allowed to put our arms round our children. They told us we weren't allowed to console them in any way. It was all very manhandled and very aggressive and a very, very surreal, traumatic time, where …

Janice Docherty: Actually, they totally and utterly ignored [Daughter 1] completely, because [she] was pointing out there were all these posters about the place saying about the Rights of the Child.

She said, **"You're completely ignoring my rights,"** and they were just … and they couldn't care less. **They were so rude to [Daughter 1].** It was incredible.

Brian Docherty: Everything was window-dressing, from what they said …

Janice Docherty: … and [they] treated [Son 1] as if he was sub-human. They just … they had no interest in [him] at all and …

Brian Docherty: Because he was autistic.

Brian Docherty: **[Son 1] was treated like a sub-person.**

Janice Docherty: Actually, they gave [him] drugs to calm him down so that they could take him away from us. **They put drugs in his juice.**

Brian Docherty: In the hospital.

Janice Docherty: In the hospital.

Brian Docherty: This was not to be a one-off. This happened on numerous occasions. He was also injected in those five days he was taken away from us. They injected …

Janice Docherty: One of the days when he was away from us …

Brian Docherty: … to calm him down. He was distraught because he couldn't cope with being away from his family.

Referred to a psychiatrist by a local doctor, by pre-arrangement

We were told during visiting time that we had to go and see this doctor, so the next lie was that if we went to see this GP[41] in Castlebar, a Doctor **Bríd O'Malley**, and if she said we were mentally fine we'd get our children back.

This was the next lie to entrap us.

So, because we knew we were mentally fine, if deeply in shock, we went along to see this woman, who was something else.

Janice Docherty: Well, she did reveal that her … that **she'd already pre-arranged that she would refer us to a psychiatrist. She told me that. She actually just said that to me. She didn't even try to dress it up.**

Brian Docherty: **She actually said that her job was to refer us on.** She didn't even dress it up.

Janice Docherty: She wrote a very damning report about us, which we've never seen, but which the judge back in Castlebar didn't accept as evidence, because, after we weren't sectioned, **Dr O'Malley refused to turn up in court to back up her own report, despite the fact that they were desperately phoning her to get her there.** She refused to turn up, so she knew that what she'd written was a load of rubbish.

Brian Docherty: Lies.

Janice Docherty: She wasn't prepared to back up her own report.

Brian Docherty: She didn't show up for court. What she did do was write a report, which was damning, but **to the credit of the judge, she didn't allow it to be submitted as evidence**, but she participated in a scheme to have us sectioned. She then said that we had to be … she signed a referral for us to go to a psychiatrist and we went over to the [Castlebar] hospital from her GP.[42]

If you report paedophilia, you must be mentally ill

Janice Docherty: Her reason for doing this was that **she said that she didn't believe that a paedophile had offered us money for our son**. So, you know, I pointed out that, "Well, there's an awful lot of stories of paedophiles in the newspapers at present—what part don't you believe?" She couldn't respond to me. She didn't have an answer.

Brian Docherty: She also asked me some very odd questions, which I complained [about] to the Medical Council, involving her and the psychiatrist—and the Medical Council covered this up latterly.

[41] general practitioner (family physician)
[42] general practice (consulting surgery)

She asked me questions which were wholly inappropriate and irrelevant to the proceedings. The first one was, did I intend to stand for Parliament again? I stood for the Scottish Parliament in 2011 and she asked me if I intended to do so again.

She asked us about our financial health, our financial status, and **she asked me if I was a practising Catholic**.

Janice Docherty: Oh, she asked me about that as well. She asked me about that too.

Brian Docherty: And she also used the phrase with both of us, "I think that's fantastic, in the proper sense."

Janice Docherty: "I think that's fantastic, in the proper sense of the word."

Brian Docherty: "... in the proper sense of the word."

Janice Docherty: When ... the fact [is] that we reported a paedophile. **Apparently, social workers, doctors and the police don't really believe in the existence of paedophiles.**

Brian Docherty: I don't know what was more ... was more incredible: that she wouldn't believe in the existence of paedophiles, or that she was so uneducated that she clung to the phrase "fantastic, in the proper sense of the word", but she was a piece of work and ... referred us on to a psychiatrist, who was duly set up to section us.

Social workers spotted pre-cooking the psychiatric assessment

We went over to Castlebar Hospital and waited for a couple of hours in the foyer and, during that time, we noticed the ...

Janice Docherty: **Mary Malee and Lorraine Gaughan, the social workers**, went over. They didn't notice us sitting there and they went over and they went up to Psychiatric Department. They came back down again. It was an hour and a half or two hours later, at which point we were told that we were due in to see the psychiatrist, and it was perfectly obviously a set-up. **They had been priming Dr O'Malley and they had been priming Dr Ciarán Smyth**, the psychiatrist, so we realised this was a complete set-up to have us sectioned, and we didn't attend.

We'd already been kept waiting for two hours. My husband was unwell. Neither of us had slept the night before, so we just said, "We're leaving," at which point the hospital staff got into an absolute panic and told us we weren't allowed to. They said, "If your husband's not feeling well, then this is the best place for him. We can give him something and you can still go ahead with the psychiatric appointment."

I just said, "No. We're leaving. You know, we've been waiting for two hours. My husband's not feeling well." And we left.

Brian Docherty: Neither of us had slept the entire night, but we could see the agenda.

Janice Docherty: It was just as well.

Brian Docherty: The agenda wasn't that subtle, and a number of receptionists panicked and tried to stop us from leaving the building.

What came out in court was we told our solicitor—and that was not a mean feat in itself, [to get a solicitor] in Castlebar—we told our solicitor that **various social workers had been priming various medical staff** and, in court, our solicitor brought this up in court, and the judge reprimanded …

Janice Docherty: **Mary Malee admitted it** … yes she had been doing that.

Brian Docherty: The social worker admitted it in court and was reprimanded by the judge, and the judge instructed [a psychiatric report], on the 2nd of February [2015], for the next court hearing. She said, "Look, you know, you seem very normal to me, but there's two social workers here, one from Scotland, one from Ireland, two police officers, one from Scotland and one from Ireland, who say you're mental," more or less—she didn't use that word, but "delusional" was the phrase they kept repeating.

So she instructed the psychiatric report—I'm slightly skipping, but what I'm trying to say is that she made it clear it had to be done independently with no involvement of Social Work. And yet **they continually harangued and harassed us to try and identify the name of the psychiatrist** that we were going with, and offered us a **"free psychiatric assessment"**.

Janice Docherty: With Dr Ciarán Smyth, who they'd already primed.

Brian Docherty: With their own psychiatry.

David Scott: I would suggest that that would have been a very expensive 'free' service.

Brian Docherty: I think so. **I think there's no such thing as a free psychiatric assessment.**

Trying to find a psychiatrist in Ireland

David Scott: So you went for your own independent psychiatric assessment?

Brian Docherty: That's correct, yes.

David Scott: So … which city was that in?

Brian Docherty: Well, we tried so many it was incredible …

Janice Docherty: We phoned a great many in the Republic …

Brian Docherty: … in the Republic of Ireland, and they were … most of them that we spoke to were either unavailable or were aware of our case and didn't want to … **either [didn't] want to take it or they wouldn't have us at all**. I then contacted IrishPsychiatry.ie through a standard Contact Us [form] …

Janice Docherty: General Enquiries.

Brian Docherty: … to ask about a list, because the system in Ireland is different to in Scotland in terms of the medical profession. In Ireland, normally you're referred by a doctor to a psychiatrist. I don't know what quite the system is in Scotland, but I was advised it was a different system.

So I contacted Irish Psychiatry and I was replied to by the Chief Executive, no less, who told me there was no such thing as a list of private psychiatrists in Ireland, which was a fabrication, because on the [British] Embassy website there was such a list. And when …

Janice Docherty: Which she—**Miriam Silk** she was called—she recommended, she kindly recommended, a hospital for us in Dublin, which we decided not to attend. We actually had to go out of the Republic …

Brian Docherty: … jurisdiction …

Janice Docherty: … and into the North …

Brian Docherty: … into Belfast …

Janice Docherty: … in order to get a psychiatrist.

Brian Docherty: … who wrote a report, interviewed us both and said that I had "incredible resilience" and my wife had "dynamic mental health". So, there was all these people …

David Scott: So, completely clean. So you had this independent … so the only suggestion from Irish Social Services was that it was a mental health problem on your part. You had an independent mental health assessment and that independent mental health assessment was that there is no mental health problem at all.

Janice Docherty: Yes.

Brian Docherty: Well, it's just farcical, because when you think about social workers or doctors, they must come into contact with paedophiles or sex abusers on a fairly regular basis. They are well aware of paedophilia existing. I don't mean it's the only thing they'll deal with—there'll be other things, drug addiction …

Janice Docherty: For social workers, it's going to be a primary part of their job!

Brian Docherty: … and, yet, the idea they were so determined we were mentally unstable because we'd reported a paedophile was just outrageous and disgusting, and the fact that they were trying to have us sectioned and remove our children for doing so is so incredible, it's like … I suppose it's like reporting a paedophile and the police going for you [instead] … oh, wait a minute, that actually did happen(!)

It's on that level of corruption where we had to go outwith the whole of the Republic of Ireland to find a psychiatrist who would do … a man with integrity who would write a fair and unbiased report for court.

Children returned for the time being, February 2015

David Scott: So, armed with that, did that bring the initial assault on your family to an end? Did … I mean, did you get your children back, or when did you get …?

Janice Docherty: We got the children back on the 2nd of February, but we still had to have a **second hearing**, where we had to produce a psychiatric report, but it was just five days and **the judge**[43] **returned them to us**, thank goodness.

Brian Docherty: They were returned on what they call a …

Janice Docherty: Interim Care Order, was it?

Brian Docherty: No, a **Supervision Order**.

So, all this kind of thing … this jargon and this experience with social workers was new to us, because we'd never been in touch with Social Work before, and **the judge ruled all our problems only started since we reported this paedophile**.

So, what she said was that you're under … the children … "we're returning the children to you" and, I have to say, for three hours or four hours during that court hearing, it didn't seem [during] the first couple of hours, certainly, that we were going to have the children returned, because there was **liar after liar queueing up**.

Two from Scotland were flown over, two from Ireland—all four of these people we'd never met before, and the social worker only briefly—in order to try and prime people against us, and every one of them sung from the same hymnsheet, which was that Janice and I …

Janice Docherty: Were delusional for reporting a paedophile.

[43] Judge Mary Devins of Mayo District Court

Brian Docherty: … were delusional. I mean who, on what planet …?

David Scott: So, **people came from Scotland to say you were delusional, but they had never met you?**

Janice Docherty: They'd never met …

Brian Docherty: A social worker from Aberdeenshire Council, called **Lesley Taylor**,[44] and a man that I refer to in my complaint as the Nominated Perjuror, a **Detective Sergeant [Martin] MacDougall**, who was so incredibly, outrageously corrupt [that he] had clearly been promised a promotion, and he came over to testify and he spoke in glowing terms about a certain paedophile, and he defended another man who was friends with this paedophile.

And he attacked the mental health of my wife and I, and—despite the fact that MacDougall was not remotely qualified in psychiatry, and despite the fact that he was an imbecile and a buffoon, who, clearly, was as corrupt as hell—and his modus operandi was just to blacken our name. I sat there and, as a parent, I can only …

Janice Docherty: He … he said …

Brian Docherty: … the only way I can describe it … and I remember this feeling—sorry, honey, just to say—the only way I can describe the feeling was … it was like the feeling my stomach was … it was like I was being repeatedly punched by every lie, every, every lie, and we couldn't speak to defend ourselves, so our lawyer was, obviously, there to do that.

Janice Docherty: But we'd only met her on the Friday evening and then the court hearing was the Monday morning, so we'd only spoken to her …

Brian Docherty: We're in a foreign country, with a foreign lawyer …

Janice Docherty: … for a couple of hours on the Friday night, and that was it.

Brian Docherty: … we'd only just seen, with our children taken from us and with officials lining up with lie, after lie, after lie, after lie, committing perjury … just rancid, wicked statements in court, and I was watching this thinking, as our lives fell apart, "We're not going to get our children back." But the judge spoke to us …

Janice Docherty: **Mary Malee was just vicious. She was insinuating constantly that [Daughter 1] was abused and insinuating it was by us** and she was saying things like, "[Daughter 1] slept in a double bed", but she was ignoring the fact that we're living in a rented, furnished house. Back home, [Daughter 1] and [Daughter 2] had bunk beds. She was in a double bed because that's how the house was furnished.

[44] Taylor's LinkedIn CV (resumé) indicates that her background is in "TV buying" in the "playground" of London.

There was nothing we could do about that, but it was all these horrible, nasty implications … insinuations and she said …

Brian Docherty: The message was clear: if you report a paedophile in Scotland—a paedophile, particularly who was well connected—we're going to destroy you and your family, we're going to slander your reputation and we'll make your life a living hell. And for the past 22 months, they've managed to do that.

After Irish judge finds for the Dochertys, intimidation increases

David Scott: But, on this particular occasion, despite having four, five …

Brian Docherty: Four.

David Scott: … four state officials lining up to testify against you, it didn't persuade the judge?

Brian Docherty: It didn't. The judge spoke to my wife and I and asked us a series of questions and … sometimes you can remember the bad more than the good.

I don't remember what we actually said to her, but we said enough to her to point out that everything that had been said was complete lies and slander, and we said enough things to point out that none of this was based on fact.

And our solicitor asked us a number of questions, which made the judge go …

Janice Docherty: Of, course, there was also the fact that Mary Malee tripped herself up on a few occasions, because she said things that were just outright lies …

Brian Docherty: Outrageous lies, that were easily …

Janice Docherty: … and, of course, she also admitted to priming medical staff against us.

Brian Docherty: **The judge was very reluctant to instruct us to have a psychiatric assessment, because she clearly could see what was going on, but because of the witness testimony of four state officials, she could not but instruct an independent psychiatric report.**

Janice Docherty: She also …

Brian Docherty: To her credit, she *did*, though, and she made it independent. **That didn't stop Social Work from sending people to our home offering a "free psychiatric assessment"**, no less. People who were …

Mental health nurse using bogus name offers "free psychiatric assessment"

Janice Docherty: **There was a mental health nurse sent out. He gave us a false name** and he was sent out to offer us a "free psychiatric assessment with Dr Ciarán Smyth", and he told us … you know, he gave us a false name, so when we complained about him to the Nursing Board, they had to do a wee search to find out who he was exactly.

Brian Docherty: Our house was also under continuous surveillance, and on the 2nd of February, when we were in court, our house was broken into, our bed was urinated on, our dogs were beaten. They were just puppies. My daughter's dog was 8 weeks old. My dog was 6 weeks older, maybe less than that.

We came back and they were in a terrible state. They were just little, wee duck dogs that had been beaten badly, and this is the kind of games and lengths they were going to. They were rifling through paperwork, which were thrown all over the study floor.

Janice Docherty: **We discovered later they were trying to get a copy of the letter that we'd sent to the Viscount.** You know how, I think we said previously, we'd sent him a Recorded Delivery [letter] about Alan Low and the greenhouse and, I'm not quite sure why we did it at the time, but something made us copy this letter and send it Recorded Delivery to ourselves.

Brian Docherty: To ourselves.

Janice Docherty: It must have been some kind of instinct. Anyway, we still had that letter, unopened, and they were searching the house for that. They finally got it actually on the night before the court hearing in December [2015], just last year. Having searched our house many times for it, they finally got that, but that was, I think, what transpired they were rifling through our house looking for.

David Scott: So, the surveillance goes on, the intimidation goes on, the harassment goes on. The judge—despite the serried ranks of state officials against you—the judge is not convinced by the story they're telling and, albeit under a Supervision Order, you get your kids back. Did that happen right away?

Janice Docherty: Yes, we got the children back that day.

Brian Docherty: On the 2nd [February 2015], we got the children back.

Janice Docherty: Yes.

Brian Docherty: And then there was a second court hearing on my son's birthday on the 26th of February, and that was the big one to determine what was going to happen. And it was on that day that …

Janice Docherty: She brought it all to an end.

Brian Docherty: She brought to an end and **she instructed that the notes from Scotland were not to follow our family**. She said that the … she ruled that all of our problems started since we reported this paedophile. She ruled that the notes hadn't to[45] follow us.

But what was quite incredible was the role of Police Scotland during all of this, because **Police Scotland had actually complained about my complaint**. So I [had] complained about DS MacDougall, a Detective Sergeant, a promoted officer …

Janice Docherty: Committing perjury.

Brian Docherty: … committing perjury on the 2nd of February [2015], and Police Scotland had contacted the solicitor for the social worker called the guardian *ad litem*. Now, theoretically, she's supposed to represent the views of the children, but, actually, **their solicitor was working on behalf of Police Scotland** …

Janice Docherty: And she, herself …

Brian Docherty: … because Police Scotland contacted him and said that "Mr Docherty's complained about an officer of ours to the Procurator Fiscal[46] at an *in camera*[47] hearing. That's a breach of the *in camera* hearing."

Now, the judge kind of pooh-poohed that, because **criminality committed whether it's *in camera* or not is still criminality**, but **she noted the vicious extent to which Police Scotland was manipulating, or trying to manipulate, and influence the Court**, because what they were trying to do at the second hearing was put me in the bad books with the judge for complaining about criminality committed, because it was *in camera*.

So, to Police Scotland's way of thinking, that if something's committed and it's criminal *in camera*, then it's fine, because to them …

Janice Docherty: They should get away with it.

Brian Docherty: … they should get away with it, just because it's in a secret hearing. And this kind of level of corruption just dominated everything … everything that happened in both those hearings.

[45] Scots for 'must not'
[46] public prosecutor in Scotland
[47] A restricted session in the judge's chambers

Scottish claims nevertheless revived through Irish guardian's report

Janice Docherty: The other thing we haven't mentioned was: on the first hearing on the 2nd of February, as well as saying we had to get the psychiatric assessment, she appointed a **guardian *ad litem***,[48] which is a woman who's—well, woman in our case—who's supposed to represent the views of the children. So we had quite a struggle setting this up, because **we were given an extremely short list of people to choose from** …

Brian Docherty: *[inaudible]*

Janice Docherty: **We were given a choice of people who we knew to be corrupt**, so we finally got a list and chose somebody. It was … We knew that all of these people were going to be corrupt, but we had to choose someone, and this woman we'll probably talk about later, because she comes back into the story in December [2015] just past, but she actually wrote a report …

Brian Docherty: Which was …

Janice Docherty: … based on notes from …

Brian Docherty: Scotland.

Janice Docherty: … Perth & Kinross Council, and Aberdeenshire Council …

Brian Docherty: Which were fictionalised.

Janice Docherty: … and nothing to do with our children whatsoever. In fact, she didn't even bother speaking to [Son 1]. Because, as I say, because he's autistic, everybody treats him like he doesn't count. **She spoke to [Daughter 1] and [Daughter 2] for a total of five minutes each** and then went and wrote a report which was …

Brian Docherty: Fictionalised.

Janice Docherty: … just, yes, just …

Brian Docherty: A gross perversion of the truth, even to the point where **she made up quotes from the children**, because the quotes that were attributed to the children are not in our children's diction.

Janice Docherty: Well, we knew with [Daughter 2] that [she] would never have said these things. They weren't her words and, with [Daughter 1], of course, we had the chance to ask her, "Did you say these things?" We knew she hadn't, but we said to her, "She said this," and [Daughter 1] was outraged, because this woman, in the five minutes she'd spent with her, had promised that she'd give [Daughter 1]'s side of the story and, on the contrary, she actually … **she actually did a fairly good job of trying to discredit [Daughter 1]**.

[48] A role introduced into Irish courts by the efforts of independent Senator David Norris.

David Scott: So we're saying that … that the judge did the right thing—the judge did not buy the lies, but **the judge, in operating the system, has to interact with Social Services again, and this interaction makes it impossible to free yourself, or free your family, completely from ongoing lies and slander**. So, it's a very sticky, adhesive system once it's started.

Brian Docherty: I sent the judge the dossier that I [had] sent back to the [Scottish] Government and she returned it to me in court and passed it to me and said, **"That's explosive."** They were her words. I quote, "That's explosive." She ruled that the notes were not to follow us and she ruled that we had to return, or rather **she wanted us to leave the jurisdiction**, and she said that "I'm giving the children back to Mr and Mrs Docherty, we've got the psychiatric assessment done, it's come back good and that … the Guardian *ad litem* report was good, which …"

Janice Docherty: Well, no, no she pretty much glossed over it.

Brian Docherty: … it wasn't really, but … she glossed over that, because …

Janice Docherty: She already knew by then …

Brian Docherty: … she glossed over it, because she already knew …

Janice Docherty: …because amongst notes or the letters that we'd given her, which we were informed [that] we could do because …

Brian Docherty: … we'd asked a barrister[49] if we could and we sent them to her attention. She knew the depth of the corruption.

Janice Docherty: So we already had reports which explained a lot of why this was happening.

Brian Docherty: Why this was happening … because we weren't getting a chance to address that.

David Scott: OK. So, just to take the overview here, there are no welfare concerns regarding any of your children. They're acknowledged to be well taken care of and developing well. There is now no longer any psychiatric question, or there should be, because you've had the assessment, over either of you.

There's no accusations made against you and, despite all of this, when the normal, reasonable man or woman in the street would think, "Well, the thing to do here is to leave these people alone, at the very least," this story is not yet at an end.

We'll pause here, I think, but we'll come back and, unfortunately, this won't be the only interaction with the Irish state and the Scottish state, and there is more to follow.

Brian Docherty: Thank you.

[49] advocate/attorney

Detective Sergeant[50]
Martin MacDougall

Dr Ciarán Smyth
Psychologist

Vice-Consul Harry Carberry
British Embassy Dublin

County Donegal (Republic of Ireland),
bordering Northern Ireland (UK) along its eastern side

[50] now plain Sergeant

DISPATCHES FROM THE FRONT

The Brutal Protection of Paedophiles—Part 5

Brian Gerrish: Welcome to *Dispatches From The Front* and Part 5 of David Scott's interview with Brian and Janice Docherty, the parents who had their children taken because they reported the approaches of a paedophile.

David Scott: David Scott of *Northern Exposure*, continuing the interview with Janice and Brian Docherty.

The story now has come to the early part of 2015, following the first hearing and having their children returned to them by the Irish authorities. The family are now continuing their fight to have not only justice but simply … peace and being allowed, being able to carry on having a normal family life.

So, this was a time of … sort of ongoing problems with the authorities—is that right?

Brian Docherty: Well, superficially, it had finished, in that we'd won our two court hearings and had our children back.

Following children's return to parents, Police Scotland want to arrest parents

Our source in Scotland told us that it was very dangerous for us to return to Scotland and the quotes were that if we returned to Scotland, we would be, or I would be, **"particularly lucky if I were kicked to death"**.

Janice Docherty: The other thing that we didn't mention was, at the end of the court hearing on the 26th of February, **the solicitor for the guardian *ad litem* had desperately tried to get our travel plans**, because we said we planned to return to Scotland.

So, he was trying to insist that the judge would tell them in advance what ferry we were going to be on, which she ruled was not necessary … but they persisted with the judge, trying to get her to agree to this information.

Brian Docherty: And **we discovered that the intention was to apprehend us on the return**. Members of Police Scotland were to apprehend us. We knew it was a very dangerous situation, and we stayed temporarily on, in a holiday home in County Donegal, and postponed the return home.

And we got confirmation that it was very … extremely dangerous to return home. So we then looked for accommodation to stay longer.

David Scott: So, just … just so … just for my own benefit here—you've not been accused of any crime in Scotland …

Brian Docherty: That's correct.

Janice Docherty: No, nothing.

David Scott: … there's no allegation that you have in any way mistreated your children…

Janice Docherty: No.

Brian Docherty: That's correct.

David Scott: The only thing that you have done in Scotland is report a paedophile, who approached you and, yet, **you're in a position where you're being warned that it's not safe to return to Scotland and you are essentially exiled** …

Brian Docherty: That's right.

David Scott: … for your own safety, during this period.

Brian Docherty: That's right and, at this time, a number of things came out in court, which involved the collaboration between the Scottish and Irish Governments. And after the court hearing, **we were under some intensive surveillance from marked and unmarked cars** following us in our movements. So, I contacted the First Minister numerous times pleading for help, because …

David Scott: This is Nicola Sturgeon?

Brian Docherty: That's correct, yes. And I e-mailed both her e-mail addresses, Nicola.Sturgeon and FirstMinister@gov.scot—those e-mails—pleading for help, including to her Private Secretary, asking for direct intervention because we were in immediate danger, very serious danger, and I detailed numerous examples of illegal or unjustifiable surveillance.

At that time, we were not sure who was involved, but we knew that this was not just … a courtesy call … and we were very much aware that, given the attempts by the State to have us sectioned and remove our children, that **perhaps they were trying a more final approach**. So I was regularly e-mailing the Scottish Government asking for help—and nothing was forthcoming.

David Scott: What … what sort of replies did you get?

Brian Docherty: I've had something close to 40, 50 responses over the last eighteen months … twenty-two months. Always a standard response of, "We acknowledge your response and we'll get back to you".

Invariably, either they didn't get back to me … in the early days there'd be a response that says, "The Scottish Government cannot intervene."

Wall of silence from Scottish authorities

Now, the farcical thing about this is that the Scottish Government chooses when it wants to intervene and, in very many high-profile cases when it suited its own agenda for self-publicity, it would intervene, but when a Scottish family was under the worst kind of persecution, they refused to intervene.

The fact that the Scottish Government was very directly involved in *this* persecution from the start, of course, has nothing to do with it(!)

David Scott: Was there any denial from them? Was there any statement that Police Scotland deny you were under surveillance?

Brian Docherty: **Police Scotland never denied it** and I contacted House personally … and sent him a very lengthy letter. Initially, there was a number of letters and in … Frustration set in and I sent him a very lengthy letter, and at no point did anyone in his office … his Staff Sergeant … anyone within Police Scotland deny surveillance or deny that they were involved or could justify …

Janice Docherty: They didn't refute anything that you [Brian] wrote either, and they didn't threaten legal action against us …

Brian Docherty: The standard response from all these agencies was [something] I later discovered from a Scottish Government Freedom of Information [request], in which they said it was **"advisable not to interact with Mr Docherty"**.

David Scott: OK. Right, OK. So, under the legal principle of "silence is acquiescence", essentially they're accepting that the surveillance is a) real, b) theirs?

Janice Docherty: Yes.

Brian Docherty: Absolutely.

David Scott: By not attempting to refute your statements.

Janice Docherty: Yes.

Brian Docherty: I … I sent numerous questions … very, very specific, asking for answers about many, many breaches of basic decency, never mind human rights or the law, and stating that the Scottish Government or Police Scotland had to be spending millions of pounds in surveillance, both electronic interception and physical manpower round the clock, surveilling our family, in cars … in vans …

Janice Docherty: Helicopters were a regular …

Brian Docherty: … and helicopters as well, believe it or not …

Janice Docherty: … **extremely large, black helicopters** …

Brian Docherty: … including a single-engined **aircraft** as well … and nothing ever came back to refute, deny, chastise, threaten legal action. It was a quite incredible period in our lives.

David Scott: OK, and so … in summary, there's no doubt that the very … that you made sure that people at the very highest levels in Scottish political life knew what was going on, you were appealing to them for help and, essentially, **the response was not that you are wrong, not that you are delusional, but that you are persona non grata and they didn't want to interact with you**—that was the message that came.

Brian Docherty: Everyone would pass the buck and … there was no-one within three governments who was not aware of this situation. Everyone in the Establishment of three countries was very much familiar with this, but they, when it suited them, wanted to pass the buck and there was a sense of … "we'll continue with the persecution, but don't … don't ask for any kind of support" … "don't ask us to be accountable" … even "don't ask us to justify".

The adrenaline was pumping, because my wife and I both knew that the danger was very, very real and very obvious and so, from a very early time in the morning to a very late time at night, I was constantly e-mailing, phone calling, but, particularly, writing letters and e-mails to try and get some kind of support, because at that point we didn't see just how deep this was.

We didn't see the bigger picture and I thought, genuinely thought, that if I contacted the authorities, that they would go, "Well, this guy's won his court hearings, his family's been persecuted, there's nothing been alleged, this … this mother's been through hell, these children have been through hell, surely we can help them out?" **I still thought at that point that it didn't go as deep and as wickedly corrupt as it was.**

Frantic correspondence is futile

And so I spent the next six months … scrap that, more like ten months … writing, almost in a full-time job …

Janice Docherty: Oh, it was more than a full-time job, much more.

Brian Docherty: … to everybody …

Janice Docherty: You'd have time off if it had been a full-time job!

Brian Docherty: … to every complaints body you can think of, to every government minister, to every corruption body, to every possible body involved, but **the corruption was so endemic, it wasn't even disputed, it wasn't argued, it wasn't refuted, it was just overwhelming**.

So I wrote to Social Services Complaints in both countries.

I wrote to Police Complaints in both countries.

I wrote to the Medical Council in Ireland, which was farcically corrupt.

I wrote to the Gárda Ombudsman in Ireland, who actually wanted to arrest me as a result of my complaint.

David Scott: So, what—maybe describe in a wee bit more detail some of these sort of interactions—so, you're contacting every official body set up to correct official wrongdoing or official errors, alright, so, all the checks and balances. You're making it a full-time job to go and appeal to every organisation that's there to, allegedly, support you and people in positions where the State's acting in … in a wrongful way.

So, if you maybe pick up one or two of these organisations and describe in a wee bit more detail the sort of interaction you had and what the response was like?

Brian Docherty: Sure. When the Governments were … it was falling on deaf ears or just very weak rebuttals of, "we're not helping you—go away and leave us alone", I thought, "Well, I'll contact the complaints bodies and go through their process."

I was exhausting the process, but I started off contacting them, in an immediate sense: the policing bodies. So, it's a kind of strange set-up, but **you have to complain to the police about the police**. So, without much choice …

I should say: **we'd tried so many times to get a solicitor and none would take the case**.

Gárda Ombudsman finds Dochertys' complaint admissible

Because we were based in Ireland at that time, I contacted the Gárda Ombudsman, and this is like, sort of, [the] Independent Police Complaints Commission [in England and Wales] or PIRC—Police Investigations and Review [Commissioner]—in Scotland, and I sent them very, very detailed and comprehensive complaints.

And, belatedly, after six weeks, they wrote back to me and said, you know, "Your complaint has met the admissibility criteria." I wasn't just alleging corruption by local officers when our children were taken; I'd detailed the involvement of *senior* officers and detailed the officers of middle … the corruption of middle-ranking officers. They wrote back to me six weeks later and said that my complaint had "met admissibility criteria", and then …

David Scott: So, they've accepted they've something to look at here?

Brian Docherty: They accepted that there was more to this than just a gripe, that this was a serious complaint, and … based on our complaints about corruption and malpractice and … surveillance.

Janice Docherty: And, of course, as you'd expect, the number of complaints that they look into is fairly small, and the number that are upheld is almost non-existent.

Brian Docherty: It was … it was …

Janice Docherty: Typical police complaints.

Brian Docherty: … in our experience, we've become quite cynical about these bodies, but …

Janice Docherty: The statistics show, though, that the number of complaints they actually look into in the first place is very, very, very low.

Gárda Ombudsman wants to arrest the Dochertys

Brian Docherty: Very! So I received an e-mail from the Investigating Sergeant—so-called Investigating Sergeant—and he said, you know, "Dear Mr Docherty, Under Section 98 of the 2005 Gárda Ombudsman Act, we would like to investigate your complaint, which has met the criteria. We'd like to meet with you within 48 hours." Suddenly, having brushed me off and brushed me off and delayed informing me whether they were going to investigate, suddenly there was a huge impetus to meet within forty-eight hours.

So I looked up Section 98 of the 2005 Gárda Ombudsman Act, and it said in that section online [clause 1(b)] that **the investigating officers could arrest you at any point without a warrant as part of their investigation**. So, I smelled … there was something very wrong here, because they had pushed me away and said, "Look, we'll get back to you", but they never did for a long period, and then, suddenly, there was a desire to meet with me within a very, very short period of time—48 hours.

And I said, "Look, I've looked up this Section. Is it your … can you confirm in writing that you … this is not your desire to arrest me? I will meet with you. I don't see the point of meeting with you, because I've given you a very, very comprehensive … I've exhau … I mean, your template I've covered in technicolour over something like fourteen pages … I've well exceeded what you wanted, plus supplementary information."

But they just kept writing back: **"We need to meet with you within 48 hours."**

I said, "I can meet with you. That's fine, but can you tell me what … that you're not planning to arrest me? Because of the corruption my family's experienced, **can you confirm you're not planning to arrest me?**" They refused to address it.

And this went back and forth for something close to about fifteen e-mails in which they refused to confirm that their plan was to arrest me and my wife, because they wanted to meet myself and anyone who could substantiate what we'd experienced, or who could substantiate and support my allegations.
And then the genius of it was, they said that … they were now going to close the investigation because I was being obstructive to the investigation. **So, having not started an investigation, they closed it and that was that.**

Scottish police complaint handling

In Scotland, PIRC *did* begin their investigation. Police Scotland did an investigation: a Professional Standards [review]. If that's not an oxymoron, I don't know what is. And they did their investigation, which was essentially a really poor cover-up. Interestingly, **they did name the Viscount and Alan Low being at the police station on the same night I was there**, speaking to a different officer in a different police station,[51] but they made a very, very hashed attempt at a cover-up. So, it was then on from … That was in March 2015. In May, I reported it to PIRC, and they did begin an investigation.

Janice Docherty: It was quite some fight to get them to begin that, though.

Brian Docherty: To begin with, it was an extremely difficult fight. **I really had to fight tooth and nail to get them to look at this** and I discovered that it wasn't an investigation … they call it … it's a 'review', whereby they review what you've written and then they gather information with Police Scotland and they … they gather … they contrast what's been said by one party, what's been said by another, and then they write a review document. **It seemed a pedantic difference between a review and an investigation, but ultimately it seemed to downplay it.** However, they did … they did look into it.

Dochertys targeted by Dublin- and London-based hackers

At this time, I also complained to many other bodies, because our house was regularly being broken into, our e-mails tampered with … I mean, Google and Gmail were regularly e-mailing me saying, "Somebody's accessed your e-mail from a different location—can you confirm this was you that **accessed this e-mail in Dublin**?" **"Were you in London?"** Even PayPal said someone's accessed, or trying to access, your account in Hanoi, Vietnam. I was regularly getting different alerts and e-mails from people who were interacting … or intercepting.

[51] See also p. 3 of the PIRC report appended to this transcript, with aliases 'Mr C' and 'Mr D'.

Another thing that we knew we were … **our communications were intercepted** … where, when we tried to phone friends back in the UK, or indeed in Ireland, they would tell us that they didn't get our e-mails or our phone calls … or you know, I would leave a message and they wouldn't receive it. Where, I would make an e-mail and they wouldn't get it for four days, if they'd got it at all. So, I'd e-mail back and say, "Did you get my e-mail?" or I'd refer to it in a conversation. And this actually happened between two court hearings, where **our solicitor was not getting access to e-mails we sent and our phone calls**.

Janice Docherty: And she couldn't get in touch with us. **Our phone wouldn't ring** and she said, you know, "I've tried to get in touch with you and …" and she hadn't been able to.

Brian Docherty: And this continued when we moved to North Donegal. We moved to a remote area, for safety, called Malin Head, which is the very northerly tip of Donegal. And at that point, there was regularly a stream of cars with Northern Irish registrations stopping outside of our house …

Janice Docherty: Taking photographs.

Brian Docherty: … taking photographs of the house and then, late at night, there was people in the back garden …

Janice Docherty: Sometimes in the house.

Brian Docherty: Very often in the house. If we left our dogs at home, who were just puppies at the time—one was about six months … one was about four and a half months—we'd come home and the dogs would be howling. They'd be vomiting … they'd be diarrhoea or they'd be …

Janice Docherty: Or they'd be shut in different rooms … you know, which dogs couldn't have possibly have … have …

Dochertys' dogs tortured

Brian Docherty: … without opposable thumbs, they couldn't be shut in a different room. Or **the dogs would have Taser marks on the bridge of their nose or cattle prod marks on their legs**. So, it was quite an intensive time.

The children even reported men with torches[52] in the back garden, and we knew this was extremely dangerous. My wife …

Janice Docherty: You'd … you'd find yourself … you went out at night … you … we were very rural and you could find yourself driving past a Gárda car just sitting in a … in a wee side … you know, side road, say ten, eleven, twelve, even two in the morning, and you'd think, "Well, they're not doing speeding checks at this time. Why are they sitting there?"

[52] flashlights

There was one time I got up early, very early—it was about four in the morning and I looked out the window and a car was just pulling into our drive, and they must have seen me and they just pulled out and sped off again.

Brian Docherty: They sped off, yes.

David Scott: So you … so you got … there's constant interaction … strange interactions and strange things happening at night, and people surrounding your family, and so you're living in this atmosphere of fear.

Brian Docherty: This atmosphere of constant … the only way I can describe it is terrorism—because it seems like a misused and overused word and I … a sort of … dystopian-used word … for the slightly cynical, not to mention myself, who's become intensely cynical—but what we were experiencing, the only way to describe it is 'terrorism' …

David Scott: So, your family's been terrorised—that is a good summary? Your family's been terrorised?

Janice Docherty: Yes.

Brian Docherty: Continually.

David Scott: And … and you're in a country which is not the country of your birth. Not entirely an alien culture …

Brian Docherty: No.

David Scott: … but not … not home?

Brian Docherty: I think …

Unsafe to leave the house to earn money

David Scott: And you've got, presumably, ongoing financial stress because of … you know … difficulty making ends meet under such circumstances?

Brian Docherty: Under those circumstances, my wife didn't want me also going to …

Janice Docherty: I just refu … You [Brian] said about getting a job and I said it's just not possible. Our life is not normal, it's not safe, it is not possible. If you do that, something's going to happen. It's going to end disastrously. We can't yet *try* to have a normal life.

Continually in both fight and flight mode

Brian Docherty: It's a situation where you're continually both in fight and flight, where every time you use the Internet or a mobile phone you're located. You know, it was no exaggeration: any time … if we moved house to try and escape the surveillance—on numerous occasions—and with … if you used any kind of telecommunications, within a very short space of time you were identified.
So, I was going to libraries and using e-mail in the library—we were trying every conceivable way to protect ourselves—contacting MPs.[53]

My complaints then moved to … the complaints were … The only way I can describe the complaints process of numerous organisations, which we exhausted.

And if I take one in Ireland, which just was brutally corrupt: we sent detailed complaints about one GP—sorry, three GPs—and one psychiatrist and one mental health professional, all who were involved in either corruption or the corruption to have us sectioned. And my wife and I gave detailed, countersigned statements about these op … these medical professionals, so-called. And the Medical Council in Ireland's response was, "Dear Mr Docherty, We've read your complaint and we've filed it under Shredding. Thanks for your complaint. Have a nice day."

And I just became intensely sarcastic about that, because it was the most disgraceful … pointless body, where they would not … you know, in the face of overwhelming evidence of corruption, they refused, over four individuals, to even remotely investigate …

David Scott: So, there's no investigation?

Brian Docherty: No, no transparency or accountability.

David Scott: You … you're … you're in this situation with your four kids, your two dogs, an indeterminate number of guinea pigs, and …

Janice Docherty: A rabbit.

David Scott: … and you're holding your family together and you're maintaining family life, and you're looking after the kids under all this pressure.

Janice Docherty: Yes.

David Scott: And the only way of … you're going through …

Just let me understand it, you're going through the normal sequence. You're going to our political masters to say, "This is corrupt—I need some help here. The organisations that are meant to protect me are attacking me."

Brian Docherty: Mm-hm.

[53] Members of Parliament (at Westminster)

David Scott: "There is no reason for this. Will you intervene?" And you don't get anywhere?

Brian Docherty: No.

David Scott: You go to the complaints bodies—the bodies set up to discipline these organisations that have power over our lives—and either you're getting nowhere fast or you're getting dismissed.

Publicity drawn to the case

And then, you start to publicise the case at this point. You start to make it more public, after going through the … the expected, the correct routes. Where do you go from there?

Brian Docherty: Exactly. I mean, we're quite person … private people, so … there … I suppose in a way it might be part of our national character. We're Scottish, so we're not like the American people, like, you go onto YouTube and do all these videos: "Hi, my name's Brad and today I'm going to show you how to change a battery in a car," sort of thing. Or, "Today, I'm going to snowboard off the edge of a cliff, whilst making a cup of tea." All these kind of mental YouTube videos—we're not like that.

So, to make some YouTube videos detailing the extent of wicked corruption for reporting a paedophile wasn't an easy decision, but it was the only decision, because … to give you an example, in May and June 2015, the corruption, the surveillance was, so intense and my wife and I put together a number of very hard-hitting statements about corruption, both in Scotland and in Ireland, and we e-mailed them to … we gathered all the e-mail addresses of every parliamentarian in the three parliaments and e-mailed them to all the … all the parliaments. And **we know for a fact that not a single Member of Parliament in Ireland received that**, because when we went to our local Member of Parliament and another Member of Parliament, they both **said they didn't receive them**.

The people who did receive them, interestingly, and *did* acknowledge them, were a Dr James Reilly, the [then] Minister for Children and Families, so-called—or the Minister for Children and Destroying Families(!)—and the Prime Minister of Ireland, Enda Kenny, whose Constituency Office—not his Parliamentary Office—his *Constituency* Office—e-mailed my wife and I, asking for only two pieces of information: one, the dates of our court hearing in his constituency, no less, in Castlebar, and the second was our … our address …

Janice Docherty: Our address.

Brian Docherty: And our address was a regular motif, where people were demanding to know where we were living. Of course, there were people who knew where we were living, but there were others who didn't.

And so, we e-mailed all these parliaments … again, intensely personal, if intensely corrupt, things that were happening against our family, and **we know that they went through to the British Parliament**, the Westminster Parliament.

The jury's still out whether … how much went through to the Scottish Parliament, to be honest. **In terms of the Irish Parliament, nothing went through, which gives you an idea of who's involved in the surveillance**, but **we know now there was more than one agency**.

David Scott: So … but through this you made direct contact with Enda Kenny, who's the Taoiseach, Prime Minister …

Brian Docherty: Taoiseach, Prime Minister …

David Scott: … of the Republic.

Irish journalists and Prime Minister's staff "set up" to cultivate the Dochertys

Brian Docherty: Well, there were various **individuals "set up"**. I use that word not very loosely—not very irresponsibly—*deliberately*. They were set up to contact us and to **sound us out and to try and manage us** via Enda Kenny's administration.

There was a former senior social work manager, who now had his own consultancy, [who] was supposedly someone who was trying to … going to help us, who contacted me out of the blue. He had seen a few YouTube videos I'd put online and said he wanted to help. And there were other people who contacted me …

Janice Docherty: Yes, but how he knew your e-mail address is a different matter.

Brian Docherty: How he knew …

Janice Docherty: **He knew three different e-mail addresses.**

Brian Docherty: … my e-mail addresses? It was just nonsense, you know.

And **the content of the conversation was nonsensical and it wasn't to help**. It was to tease and to find out information and to assess the risk to his administration.

It was always to find out what we knew, who we knew was involved and to find out what we were going to do about it. And during this time, there was any number of people who were pretending to be journalists—or some actually *were* **journalists**, but were not acting on behalf of the truth in the press—who were … who were **set up to contact us and to find out our address** and to try and find out information, with the …with the carrot that they were going to report our story.

We became very, very wary, but [were] still trying to fight to protect our family, so we made these YouTube videos and put them online.

One was called *Police Scotland Covers Up Paedophilia*[54] and another one was called *Twenty Questions For Stephen House*.

Poisoning of the Dochertys' water

Not long after that, the entire family became quite ill. There were men in our gardens and in our drains at night, and the whole family became very, very ill, experiencing the same symptoms and the animals also. Because …

Janice Docherty: The video *Twenty Questions for Stephen House* was removed at one point. We discovered it had been removed …

Brian Docherty: From YouTube.

Janice Docherty: So you [Brian] wrote to Sir Stephen House and said, "I wonder who could possibly have had an interest in removing that video?" And you also sent it, at the same time, to the British Government and, then, we weren't … you were not able to put it back on, we could not ourselves put this video back online; but, after you wrote to him and you copied it to various members of the British Government, the video went back online.

Brian Docherty: The video went back online …

Janice Docherty: And then …

Brian Docherty: … by itself, YouTube …

Janice Docherty: … I think it's still there … and it cannot be removed, because it's not actually in our account, so the video's online.

Brian Docherty: Yes.

Janice Docherty: But it's not under our control.

Brian Docherty: Neither can I remove, if I wanted to, the other video: it stays there …

Janice Docherty: *Police Scotland Covers Up Paedophilia*.

Brian Docherty: … which I don't want to remove …

Janice Docherty: … but it's outwith our control.

[54] Alternative version

Brian Docherty: At a later court hearing, it was ordered by a judge … a corrupt judge, to remove it and it was not possible to do so.
We then … we … we … you know, we were informed it was still very dangerous. We were moving the campaign [forward] publicly, and one thing that occurred to my wife and I was that **we'd been denied access to the notes**: when our children were taken in January [2015], we'd been denied, against all laws, access to the notes used against us.

Dochertys never given the notes used to take the children

So I started to do, intensely, Freedom of Information and Subject Access Requests for both the Scottish and Irish Governments and to police bodies …

David Scott: And these notes … in the absence of any evidence that you had ever mistreated your children and the absence of any allegations against you whatsoever, as far as you know, these notes are absolutely critical in … in what your family's going through—because there doesn't seem to be anything other than these notes that is … that is evidence—you've never seen this evidence; **you've never seen these notes?**

Brian Docherty: **Not to this day.**

Janice Docherty: Despite many Freedom of Information requests.

Brian Docherty: Not since we've been in courts, half a dozen times or more … going to the [Irish] High Court twice … going to the Circuit Court …

David Scott: **So the basic tenet of justice that you're able to see your accusers and be aware of what you're accused of, and argue and and attempt to refute accusations, you've not had the opportunity to do any of that?**

Janice Docherty: **Never.**

Brian Docherty: I'll give you a list of … just of bodies, to give you an idea of how corrupt this is. And **it seems to be co-ordinated in both Scotland and Ireland, the corruption**.

Police Scotland refused to comply with the law and give me a Subject Access Request—a very comprehensive one.

The Social Work complaints body refused to investigate.

The Gárda records … Gárda complaints … Gárda records refused to supply us with information on my wife, myself and my daughter, [Daughter 1], because she's of an age where she requested information about herself. They refused to give us it.

The social work body, HSE Tusla, that holds the records, refused twice to comply with the law.

Aberdeenshire Council changed the rules to suit themselves.

Perth & Kinross Council changed the rules to suit themselves.

And the list went on and on and on.

Janice Docherty: NHS Grampian refused to comply with it.

Brian Docherty: NHS Grampian refused—and actually admitted on paper—they refused to comply with the Subject Access Request about the report submitted by Health Visitor Phyllis Smart, who'd submitted a complaint … submitted a report to say that I was in touch with a paedophile, who just so happened to be dead at the time, but they refused.

But what they said in the response was that they had this … yes, she did write a report, but **it had been solicited by Police Scotland and that seemed to be their justification** for … they still refused to supply it, yes.

So, **there's all these bodies refusing to comply with basic statutory Freedom of Information or Subject Access Requests**, and it got worse and worse.

And the only body who complied with it was the international policing body, Interpol, who Police Scotland had said—and in court it was revealed—Interpol had been contacted to refer our family as an "extreme case" in September 2015 and as a "number one priority" for that Irish social work department [in Co. Mayo], because we reported a paedophile ring or a paedophile.

And Interpol said, lo and behold, "We've never heard of you. We don't have you or your family on any of our records. We've checked all our records …"

Janice Docherty: "On no database …"

Brian Docherty: "On no database do you exist."

Interestingly, though, **the National Crime Agency pointedly refused and refused and refused to comply with the law**.

And the body called PICU[55] refused to give us the information.

Mail tampering

Janice Docherty: The letters from Interpol saying they'd never heard of us—we weren't on their databases—were sent out postmarked the end of December [2015]. **We didn't receive them until the end of January this year and one**

[55] The NCA's Public Information Compliance Unit.

of them had very clearly been opened and wasn't even in the original envelope.

Brian Docherty: And just finally, the Scottish Government sent us a Freedom of Information [response]. It was about three inches thick and …

Janice Docherty: Primarily, all it contained …

Brian Docherty: To their genius—and the Scottish corruption is genius—it primarily just contained letters and e-mails of mine.

David Scott: Yes.

Brian Docherty: And everything else that was of interest was blanked out.

David Scott: We have … we have experienced some of this.

15 December 2015 letters trigger overwhelming raid the day after their delivery

And then that brings us to … the 15th of December [2015], I think. You put one particular letter out.

Brian Docherty: Yes. We moved house again to try and protect our children. It seemed to be a losing battle, because it was becoming increasingly dangerous and … I didn't think it could become more dangerous than it was in March [2015], but it just got worse and worse.

I wrote three letters. One to Enda Kenny; one to Nicola Sturgeon, complaining of illegal surveillance and harassment; and a third letter to the Justice Secretary in Ireland, a woman called Frances Fitzgerald, **a former social worker**, now Justice Minister, who was personally involved in the persecution of our family.

And in this letter, it was personally linked, through her and her husband, to the harassment of our family.

After we sent these letters to the First Minister, the Taoiseach, and his Justice Secretary—again, another oxymoron.

Two days later, eight armed Gárda—eight armed police officers and five social workers—turned up in a smash-and-grab raid and **removed our children again without any legal justification**.

David Scott: OK. That's going to be the next part of the story. Thanks.

Brian Gerrish: That completes Part 5 of David Scott's interview with Brian and Janice Docherty. Join us for *Dispatches From The Front* for Part 6.

Gabrielle McDaid
"Highly commended" by the Irish Association of Social Workers
Runner-up for the title of Social Worker of the Year 2016

DISPATCHES FROM THE FRONT

The Brutal Protection of Paedophiles—Part 6

Brian Gerrish: Welcome to *Dispatches From The Front* as we join David Scott in Part 6 of his interview with Brian and Janice Docherty, the parents who had their children stolen by the State for reporting a paedophile.

David Scott: David Scott of *Northern Exposure*, continuing our discussions with Janice and Brian Docherty regarding their adventures in Ireland with the Gárda, with Police Scotland and with Social Services.

The story we brought up to the 15th of December 2015 in the last recording. On that date, they sent a series of letters—to Enda Kenny, to Nicola Sturgeon, to Frances Fitzgerald—to alert them to serious ongoing wrongdoing and surveillance.

We pick the story up in the immediate aftermath, which was a **raid on their home on the 17th of December**. So tell us what happened on the 17th.

The children seized again, 17 December 2015

Brian Docherty: Hi David. This … this is … the … **the most difficult day of our life by a mile** … a country mile, I think.

The previous day, the 16th, we'd been out Christmas shopping and we took our children and went to a big toy store and bought lots of toys … but here, it's not really important how much we spent—it was quite a sum. We'd just …

Janice Docherty: We'd … we'd saved up for some time, because, obviously, money's been a bit … a bit tight to say the least.

So, we'd had a lovely day the day before, and the girls had been painting Christmas decorations, and we had a late lunch round about three o'clock, after they'd finishing painting some little wooden stars and Christmas trees.

Just as we were sitting down, we saw a stream of police walk past the kitchen window. [Daughter 1], [Son 1] and [Daughter 2] saw them and just ran upstairs. Our wee boy, [Son 2]: he was eighteen months, he was toddling about in the living room.

And there was a thumping on the door, so my husband opened it and … it was a man called **Sergeant [John] Forkan**, who said that he had a warrant for our children and … they … they were just coming to take our children.

No warrant produced by Donegal Armed Response Unit

David Scott: **Did they show you the warrant?**

Janice Docherty: **No, we never saw it**. We repeatedly asked him. He wouldn't show us it. He was holding a clipboard, but he wouldn't show us what was on it if, indeed, there was anything on it.

David Scott: And you … have you ever seen the warrant?

Janice Docherty: **We have never been allowed to see the warrant. We don't know if it exists at all.**

Brian Docherty: Yes, he … kept walking into me. I was standing at the door and I said, "You know, this has been dismissed in court in February … this is … this is outrageous … we just … we reported a paedophile and this is incredible."

I said, "Can you show me it?" And what he did was, he would turn round … he turned his back on me, he raised the clipboard, but not so I could see anything, and he walked back into me and he said, "If you put up any resistance, we'll arrest you for breach of the peace."

He repeatedly said he was allowed to use force and he said, "I can use any force I want. I've been given authority to do so."

And there was just all manner of people. It turned out there was eight Gárda and five social workers.

David Scott: So thirteen … so there's …

Janice Docherty: Thirteen … so there's … there's …

David Scott: **Thirteen people.**

Brian Docherty: And about eight vehicles.

David Scott: **Eight vehicles.**

Janice Docherty: The vehicles were parked at least a hundred yards away … we didn't … so we hadn't heard them … couldn't see them from the house.

David Scott: Were any of the officers armed?

Brian Docherty: **Four of the officers were armed.** They were from an armed response base in a place called Ballybofey, a regional Armed Response Unit. The … the … the chap who led the charge, Sergeant Forkan, just kept shouting and demanding and we said, "Look, can we get a chance to talk to our children?" And he said, "Look, we want to get in and we need to see them. This is not a discussion." And, regardless of my wife and I …

Janice Docherty: There was, obviously a lot of … of … of noise from their side. All we kept saying was, **"Can we … can we see the warrant? Can we see the paperwork?"** He wouldn't let us see it. They were forcing their way in. All these people streamed past us and …

Brian Docherty: A large officer came and grabbed me and took me outside …

Janice Docherty: Three … three officers grabbed you and took you outside.

Brian Docherty: There was one officer, and then two others came and assisted and removed me and put me in a corner outside the house and held me down. A female officer put me in an armlock and moved me to the side of the kitchen, so …

Brian Docherty: I don't think … it's very difficult to talk about this, because … the … **one of the officers in court said it was the most distressing thing he's ever seen and he never wants to see it again** and … unless you've been involved or experienced anything like this … we'd four young kids—the oldest was a thirteen-year-old girl, the youngest was eighteen months. They all went into shock. It was very traumatic and …

Janice Docherty: [Daughter 1] was upstairs. Her wee brothers and sister were hiding behind—we didn't see this, but we got to speak to her for an hour, five days later, and she told us what you know, her side of things—she was pushing the door to stop them getting in … as her brother … brothers … we had … I'd taken him up … upstairs during all this commotion. I'd managed to get him and taken him upstairs.

So they were all hiding in the bedroom as [Daughter 1] was pushing her weight against the door to try and stop them getting in. It's just … my husband, obviously, was bundled outside, I was put in an armlock and they just streamed up the stairs all … this … this … overwhelming crowd of people, and a male officer came down carrying [Daughter 1] … and he had her arm twisted up her back and …

Brian Docherty: Twisted up her back. She was shouting, **"You're going to break my arm!"** because he was taking her downstairs …

Janice Docherty: With such force … such aggression. [Son 1] and [Daughter 2] were shouting and … and crying for us. [Daughter 2] was kicking and screaming …

Brian Docherty: That's the worst thing as a father: to see your daughter, who's a five-year-old girl, who … shouting, "Daddy!" and… and screaming and she was literally kicking and screaming and shouting, "Daddy!" and you can't do anything to get her … you can't help her.

Janice Docherty: And [Son 1] was shouting for us and the … Our wee boy [Son 2], he'd gone into shock. He was rigid and he was being carried underneath somebody's arm like he was just … you know… like a …

Brian Docherty: Like a rag doll.

Janice Docherty: … like a rag doll. **Just being carried under somebody's arm. There was no safety.** The children … it was …

Brian Docherty: There was … there was actually a hurricane …

Janice Docherty: Just a few days before.

Brian Docherty: … just a few days previously, and they just … **they didn't even allow them to put their coats on**.

Janice Docherty: They didn't have coats on. **The boys didn't have on shoes and socks.** The house was warm …

David Scott: What time of the day was this?

Janice Docherty: It was just after three o'clock.

Brian Docherty: After three and … **it was the middle of winter**.

David Scott: Middle of winter … yes, December.

Brian Docherty: It was the very … the very northerly point of Ireland and there was a hurricane. There was a lot of flooding outside in different parts of rural Donegal and … it was … the only way I can describe this properly is to say that if thirteen people came into your house without any warrant or any … because we were never given anything—**they left a compliments slip** …

David Scott: Did they ever … did they give you any explanation as to why they were seizing the children?

Janice Docherty: No.

Brian Docherty: They never said …

Janice Docherty: They told us nothing at the time. They just …

Brian Docherty: What … what I was going to say was … is … if thirteen people came to your door and … and they have ski masks on or balaclavas on and took your children, that's the traumatic impact of this. There was …

Just because some of them had police uniforms on, there was no legal basis for this … there was no …

Janice Docherty: We weren't told who any of them were. **We were shown no identification …**

Brian Docherty: No identification …

Janice Docherty: … for any of them.

Brian Docherty: **We just had a lot of shouting and social workers**, from behind the police officers, kept telling us off and telling things … what to do and shouting and saying …

Janice Docherty: Well, **it was just a rabble** …

Brian Docherty: It was … it was a mob … **it was like an angry mob of people**, who had been given … **a lot of the officers were pumped up** and they'd been told—a bit like the officers who came to the holiday cottage in Nenagh—**they'd clearly been told I was a dangerous individual**. You know, I'm a teacher of fifteen years' [standing] and I've no criminal record and there was … there was a real degree of "let's get him", and it was a raid … **a smash-and-grab raid**.

Janice Docherty: The way they treated the children as well … **they weren't acting as if they were there to rescue the children**. [Daughter 1] was, as I say, carried away with her arm twisted up her back and, you know, **carried by a male officer, which is so wrong**, and the children were just bundled away as if … there was no concern for them. **There was no interest in them.**

Brian Docherty: To give you an idea …

Janice Docherty: It was just **a really appalling kidnapping** …

Brian Docherty: It was …

Janice Docherty: There was no …

Brian Docherty: Kidnapping's the right … a good word, because when they took each of the children, they actually, kind of, **ran with the children to the different cars and then sped off**.

Janice Docherty: **We weren't allowed to say goodbye.** We weren't allowed … **they weren't allowed to take anything with them at all**. Like I say, not even coats, and the boys had bare feet, because the house was warm—we had the heating on, so it's a big difference going from a warm house to outside.

And they even had **an hour's journey down to Letterkenny**, where they were taking them, but **without appropriate clothing on**.

Brian Docherty: We were left with a compliments slip, which contained a phone number—that was it. That was … that was our four children …

Janice Docherty: I think it just said 10 … 10 … 10 am the following … and the date for the following day.

Brian Docherty: 10 am at an address at a **mental health hospital**, because, again, as we discovered, they were going to try and section us over and over and over.

No pretence now that this is a child protection case

David Scott: So we're seeing any pretence that this is some sort of child protection …

Janice Docherty: There was … there was not even …

David Scott: … has been abandoned?

Janice Docherty: Yes.

David Scott: It's … it's a kidnapping.

Janice Docherty: Yes.

David Scott: It was an attack?

Eldest daughter mocked for an hour for being a Christian

Janice Docherty: It was an attack. Like I say, if you're carrying … Oh, and [Daughter 1], it turned out, even had a police escort in the back of the car next to her for the whole journey down to Letterkenny—**a woman who mocked her the entire time for being a Christian**.

Brian Docherty: My son was so disorientated. [Son 1]'s just a lovely, beautiful wee boy who, because of his condition … gets easily into a panic …

David Scott: Yes.

Brian Docherty: … and because of his condition, he'd … he'd no idea … and all we wanted … of course, we didn't want anything like this, but all we wanted was a chance to give our children … to say, look …

Janice Docherty: Just to hug them …

Brian Docherty: … to try and hug them … give them reassurance …

Janice Docherty: because **you know that their life has gone**.

David Scott: And … and … and you … I mean … this is … for children of that age you'll … [Son 1] is seven …

Janice Docherty: He is now … he's had his birthday while …

David Scott: So, he was six at the time?

Janice Docherty: He was six at the time.

David Scott: So, irrespective of … of … of autism and … sensitivity to noise, etc., that … that would make that much more frightening for him, the sort of events you describe—for a seven-year-old—are going to be traumatising and traumatic, no matter … no matter what …

Janice Docherty: Yes, for any child of that age.

David Scott: … and it seems, as … as an onlooker … it seems inconceivable that … that **the first response is [to impose] the ultimate sanction**.

You know, there was no … there was no discussion. It … **it flies in the face of every aspect of child protection law** …

Janice Docherty: Yes.

David Scott: … that I've ever become … been made aware of.

So, even if you think child protection law is less than perfect, that what you're seeing here is … unlawful in any terms.

Not just an unlawful kidnapping; also a holding to ransom

Brian Docherty: It was … it was … it was more than a kidnapping, because, as we'll tell you soon, **it was a ransom in a way. I don't say that lightly.**

The children were also aware that for some time leading up to this—which is why I wrote the letters to Fitzgerald, Reilly and Sturgeon—[that] there was any number of different groups of men. Not just men, plural, as in two or three men; there was **actually teams of men in our back garden at night**, in the early hours of the morning, and we'd wake up and open the curtains and a man would jump off a dilapidated roof, the roof of a shed in a neighbouring garden. At night-time, there were lots of disturbances.

This was an ongoing campaign, which was kind of reaching its climax, and, this day, it was simply, get … get the children, get them in the cars and there was nothing on paperwork, nothing at all … just the threat of, "You'll go to prison if you try and resist."

David Scott: So, **we're seeing the total State … in total action** here. We're seeing any … any sort of excuse that this … that somehow it's lawful, is abandoned, and we're seeing **naked power being applied**?

Janice Docherty: Yes.

Brian Docherty: There was … there was no previous contact—it sums it up well—there was no previous contact from anybody. In fact, one of the things they

later said in court was we were "evading the authorities", and as our barrister later pointed out …

Janice Docherty: … on the contrary, we were … we were *pursuing* the authorities.

Brian Docherty: Ludicrous—we contacted every authority to try and get either protection or justice … or just to protect our children more than anything.

David Scott: So, when people use metaphors like 'Stasi', these are not unreasonable metaphors given … what you've described.

Brian Docherty: As a history teacher … somebody who loves history and somebody who's taught history, I never thought that I would be living like a Jew in Nazi Germany, for the best part of twenty-two months, where we were trying to, on the one hand, protect our children from the authorities and, on the other hand, trying to contact the authorities to try and get some kind of justice or protection. But, on this particular day, the words 'Nazi', 'totalitarian', 'fascist', just … there's too much sadness, too many … too much desolation to even … to begin to quantify it, particularly for the children, because they were … they were totally desolate.

Janice Docherty: [Daughter 1] actually said about Forkan, that … that she said that he looked at her with such … with such anger she thought he was going to hit her.

Brian Docherty: She thought he was going … he was going to punch her, this middle-aged officer.

Janice Docherty: When the children were taken away there were still some officers … the local officers were still … were still outside, because we … they wouldn't let us go. We were still pinned in … you know, under armlock, until the children were away and I went outside and I was just shouting out, "You're covering up for, you know, you're covering up paedophilia—don't … you don't know what you're doing!" and the local officers changed. They looked shattered …

Brian Docherty: They looked shocked.

Janice Docherty: They didn't … they'd been lied to so desperately and you could see it.

Brian Docherty: Some of the officers had no idea.

Janice Docherty: They didn't know … and this was hitting them with a … because obviously they just …

Brian Docherty: Some of the officers were very much aware, particularly the guy in charge …

Janice Docherty: Forkan definitely knew it.

Brian Docherty: … and he's connected to [Irish] Army Intelligence …

Janice Docherty: But the local officers didn't know it and … I mean, they would have had as many people who could testify us as they possibly could—not one of these officers testified against us—well, with the exception of the only local … there was two local Gárda stations. There was an officer Dempsey, but he didn't say anything against us. He just said … he turned up in court … he had to … and he said it was just the worst thing he'd ever taken part in and he didn't want to be a part of anything like that ever again.

David Scott: So, that … so when did you next see the children, or next interact with the police after … after the actual raid as the… you're left with a Post-It note and a compliments slip?

Janice Docherty: Compliments slip.

Brian Docherty: Yes.

David Scott: What's the next … the next interaction?

Brian Docherty: The next thing was …

First court hearing, 21 December 2015

Janice Docherty: Well, actually, we didn't see the children again until after the court hearing, which was four days later on Monday the …

Brian Docherty: 21st.

Janice Docherty: … 21st of December, so we weren't allowed to talk to them, and …

Brian Docherty: We weren't allowed to see the children, and …

Janice Docherty: … it turned out that… that, actually, they'd planned to … to **get rid of us on the 21st of December**. It didn't work the way they wanted it to … so … we weren't … **they didn't plan for us to see our children again**. As far as they were concerned, that was it.

David Scott: So the expectation was that you would then be sectioned?

Janice Docherty: Yes—well, actually, **possibly worse** …

Hearing held after hours; only the janitor informs Dochertys of testimony against them

Brian Docherty: At that stage, **the expectation was to imprison us** … because there was a **DCI Malcolm Jones**,[56] who was the Head of Sex Crimes in the Grampian Region of Police Scotland, and he was due to testify against me and my wife by video link at **the court hearing, which started at night**, even though we were there from 10 am and we were told to report at 10 am …

Janice Docherty: … and nobody told us this was going to happen. And it wasn't a Criminal Court, obviously: it was a Family Court. So **nobody told us there was going to be … people testifying against** …

Brian Docherty: … and …

Janice Docherty: … we … **we only found that out from the caretaker** at the court building …

Brian Docherty: … the caretaker, the janitor of the building. But the significant point here is that …

Janice Docherty: … **they clearly didn't expect for us to leave the courts free**, as free people.

Brian Docherty: In October 2015, just a few months before this, I'd complained in seventeen very detailed and substantiated complaints about senior-officer corruption involving criminality against my family and during an ongoing … supposed ongoing corruption investigation.

In other words, Police Scotland were … Professional Standards were doing an investigation into senior officers—or, at least, were *supposedly* doing an investigation into senior officers—and I sent that complaint in early October, after PIRC, the police complaints body, upheld eleven of our twelve complaints.[57]

So after four months, **PIRC wrote to me** in late September and upheld eleven of the twelve complaints, detailing that the referral to Social Work, the referral to Interpol and many other things were **unjustifiable**, even though it wasn't actually technically a referral to Interpol, but we were all pointing out that it was all unjustifiable.

Because of the intensifying surveillance and dirty tricks, I complained about the role of senior officers.

And partly because—when I first made my complaint to the police—we weren't aware until later about exactly who was involved and who had done what, and because this was an *escalating* campaign, **we complained about senior officers**.

[56] Detective Chief Inspector (a senior police rank)

[57] See the appendix to this transcript for the report.

"Investigating your allegations" means reporting Dochertys as mentally disturbed

Six weeks later, on 4 November, a **Detective Inspector Mackay**[58] from Grampian e-mailed me and said, "Dear Mr Docherty, we need more time to do a proper, comprehensive investigation into the allegations you made about senior officers."

Two days after that—it transpired [later] in court—he e-mailed Social Services in Ireland and his other colleagues e-mailed Social Services, and **said he had "concerns about Mr Docherty's mental health"** and **they were referring my family as missing and my wife and I as mentally disturbed**.

This was all during an ongoing investigation, supposedly, into senior-officer corruption within Police Scotland, including the Chief Constable.

The SPA[59] was so incredibly corrupt that they actually sent me a letter—and the summary of the letter was pretty much as follows … I … I … it's no exaggeration—"Dear Mr Docherty, Thank you for your complaint regarding Stephen House. You can't make us investigate this and we're not going to. Yours sincerely, the SPA."

So, that gives you an idea of just how corrupt they are.

David Scott: So, you're have a … you have an investigation going on, and the Senior Investigating Officer contacts Ireland to say that you are …

Brian Docherty: Missing.

David Scott: … in …, well, but [that] you are insane …

Janice Docherty: Yes.

David Scott: … and the inference is a threat to yourselves and your children …

Brian Docherty: Children. Yes.

David Scott: … and, yet, he's not a psychiatrist, he's not got qualifications to … allow him to make such a decision, and you've, in fact, had a full, independent psychiatric report, which has been glowing in … as to your mental health?

Brian Docherty: That's right.

Janice Docherty: Yes, absolutely.

Brian Docherty: That's right.

[58] Recently promoted to Detective Chief Inspector.
[59] Scottish Police Authority

David Scott: OK. You … they … they expected you not to leave court, but you've not been charged with anything.

Janice Docherty: No.

Threat of imprisonment without charge

David Scott: This … this … I find this difficult to understand, that … that … that there's a threat of imprisonment, but there's no charge?

Janice Docherty: Well, they … they planned to have this video link on the 21st of December, but the video link wouldn't work …

Brian Docherty: It didn't work.

Janice Docherty: … and that is what saved us, because … because if the caretaker hadn't told us that [Jones was coming], we wouldn't have been aware of it; but because we *were* aware of it, we were then able to go and look up Malcolm Jones, see who he was, and then contact Police Scotland …

Brian Docherty: This was only later, though, at the next court hearing.

Tip-off: Mary Malee is very close to the Scots

We were told that a social worker called **Mary Malee**—who six months previously we'd submitted a very detailed, robust complaint about to the Department of Children and Families, and about the chief executive of … the Scottish Chief Executive, no less—[had] **very close friends in social work in Scotland**.

We submitted a very …

Janice Docherty: And [friends in] **education in Scotland**.

Brian Docherty: And education … a very detailed complaint about this man, **Gordon Jeyes**, who's a figure who pops up, who had been sacked for taking children into Cambridgeshire County Council and then moved to Ireland after he was subject to a documentary on [BBC] *Panorama*.

This guy, Jeyes, was one of the ones orchestrating this attack, and his … his henchwoman, Mary Malee, who we'd already made a criminal complaint [about] and were told, no less by James Reilly, the [then Children and Families] Minister—his Private Secretary, Evan Hackett—sent me an e-mail saying this would be investigated, and that was as far back as April 2015.

Seven months later, there was no investigation, no feedback, nothing—and **the same social worker was apparently being contacted by senior officers in Castlebar**.

Malee sent from Mayo to Donegal to respond to Dochertys' surveillance complaint

Now, her [Malee's] base is Castlebar, which is a hundred and fifty miles away from Letterkenny. And she was sent—the day after I complained about surveillance [15 December 2015]—she was sent 150 miles north to seek an Emergency Care Order and a Court Order to remove our children. **And the judge duly signed it.**

Janice Docherty: Well, so we're told.

Brian Docherty: So we're told.

Janice Docherty: We haven't seen it.

Three key witnesses for the State are subjects of a criminal complaint by Dochertys

Brian Docherty: **We've never seen any of the paperwork**. And … she was one of the star witnesses, a woman who we'd submitted a criminal complaint about, as were …

Janice Docherty: Not that she had anything to say against us; everything was … was …

Brian Docherty: Nothing … nothing … nothing factual.

Janice Docherty: There was no … accusation.

Brian Docherty: And there were two other witnesses at that court hearing. It's hard to describe it as a court hearing, and, to anyone listening who's either not familiar with Child Courts or Family Courts, or who's not familiar with this kind of level of corruption, I can imagine that some people might be shocked or surprised or might find some of this hard to believe. We've been living it and it's sometimes hard [even for us] to believe, it's so incredible.

Three of the witnesses, one of whom was an officer for the Gárda, whom we submitted a complaint about, a criminal complaint, which the Gárda said was substantiated: he showed up in court to testify against us.

Mary Malee, the social worker, who we submitted a fifteen-page complaint [against] …

Janice Docherty: Oh, it was more than that.

Brian Docherty: We even submitted it to the British Embassy and others and … they … we know …

Janice Docherty: We sent it to every MSP,[60] I think, as well and we sent it to every TD.[61] **Whether they ever received that or not, I don't know.**

Brian Docherty: Another matter. We're talking serious corruption, where she tried to have us sectioned previously, and here was the same social worker sent north to … to get … to remove our children, based on our mental health, and defend Viscount Petersham. That was one of her …

Scottish-allied social worker's "testimony": *Docherty* is the paedophile

Brian Docherty: And she defended the Viscount in court … and her actual words were that I was **"deviating onto a Viscount"**. Can you imagine? So the implication—this is not a factual statement, this is her implication—her implication was that I was deviating onto him what ***I*** was.

In other words, she's protecting a titled man she's never met before.

Janice Docherty: Whom we have never directly accused …

David Scott: **What, so she's saying it's "projection"?**

Janice Docherty: **That's what she was trying to suggest.**

Brian Docherty: The implication, of course, was it was projection … the … hilar … the … the … I can't even describe how contemptible that is, because the idea that a paedophile would, first of all, project onto another person, who was very powerful, an allegation—just for the sake of it—is ludicrous; it's just so irrational and contemptible.

But in order to defend him and attack me, because it's always … **the attempt has always been to discredit me and discredit my wife; to undermine us and to destroy our family**. And the best way to discredit us is either to say we're delusional or mental and to destroy our family.

In doing so, they discredit everything we've said about a paedophile and a paedophile ring in the North-East of Scotland.

David Scott: But there's no evidence! There's no evidence put for any of this … there's simply … sort of inference and …

Brian Docherty: Is … is … there's nothing. There's no evidence.

Janice Docherty: They didn't have any …

[60] Member of the Scottish Parliament
[61] *teachta Dála*, Member of the Dáil (lower house of the Oireachtas, the Irish Parliament)

No child protection evidence; only arguments about delusion

Brian Docherty: The court … To say that was a court … For me, I'd never been to court, other than being a juror, so to call this a court is a gross misrepresentation of the truth.

David Scott: Psychiatric reports … right … the whole case, such as it is, right, is that you're delusional because you believe there's a paedophile in Aberdeenshire?

Janice Docherty: Yes.

Brian Docherty: Yes. **Apparently, that's what qualifies for being delusional.**

David Scott: Yes, and the … all of the action—because the … the children are healthy, the children are happy, the children are well cared for—there's **no Child Protection motivation**, there's no Child Protection reasoning here.

Janice Docherty: No.

Brian Docherty: Yes.

David Scott: So, the only line of logic is, it's your mental health.

Now, an attack on your mental health would normally be backed up with numerous, detailed reports by mental health experts. Were there any such reports put forward?

Janice Docherty: No.

Brian Docherty: Quite the contrary. **We submitted two reports by an independent psychiatrist, who said we had "dynamic mental health" and "resilient mental health"**.

David Scott: So there … so … **so there's no evidence submitted to the court?**

Brian Docherty: **No.**

Janice Docherty: **Nothing was submitted whatsoever.** They were based … they had this hearing and … and … and what they thought was … There was the video link, which we were not informed about in advance, which, of course, is **illegal**. **You can't be accused of something or have witnesses testify against you without you being informed beforehand**, as far as I'm aware.

And also, as my husband said, the court hearing, which we were told would be at ten o'clock, actually started at half past six at night, **two hours after the court had closed**. There was no staff, other than the Registrar—who was out of the room for most of the time—and the caretaker, who was still hanging about in the building. Otherwise, there was nobody about …

David Scott: And this is in the evening on the 21st [January 2016].

Brian Docherty: Yes.

Janice Docherty: The 21st. We had tried …

No solicitor in Donegal would touch the case

Brian Docherty: For four … four days before this to get a solicitor, and **every solicitor we tried in Letterkenny knew about the case and wouldn't touch it.**

David Scott: And the judge's name was?

Brian Docherty: Judge Kelly.

Janice Docherty: **Judge Paul Kelly.**

Prima facie judicial corruption

Brian Docherty: And Judge Kelly has a special place in this whole affair, because the corruption is so …

You see, the first time when our children were taken, the Gárda were corrupt, the police were corrupt, the Social Services were corrupt, but our solicitor was not corrupt and the judge was not corrupt.

And this time round, they've realised that they're going to [have to] cover all the bases, shall we say, and that's a polite way of saying there's **damning corruption of the courts**. I can't even call it a court. To call it a court would be like calling Idi Amin … a democrat.

You know, it's … if I can give you some examples to support that statement: the judge signed the Access Agreement—and this is new terminology to me, but what that meant was, the Social Work had drafted up an Access Agreement—whereby we would get to see our children for one hour per week. This was signed by the judge at the very beginning of the Family Court hearing.

Now, we didn't have a solicitor and we didn't … we weren't allowed Legal Aid,[62] and, **in Ireland, even if you're a millionaire, you're allowed Legal Aid in childcare cases. We were not allowed one.** When we were in the court hearing, which lasted four hours of the most corrupt nonsense I've ever experienced in my life, the judge … framed the hearing from the very outset, in which **we were not allowed to discuss events in Scotland**.

[62] financial assistance to pay for legal advice and representation

Janice Docherty: We weren't allowed to discuss them, but they were allowed, they were allowed to. The other p[arty] … *they* were allowed to say …

Brian Docherty: Anything they wanted.

Janice Docherty: Anything, but *we* weren't allowed to respond to it.

Brian Docherty: **My wife was not allowed to speak.**

Janice Docherty: I wasn't allowed to talk.

Brian Docherty: My wife was not allowed to talk in court. She was told there … there would only be …

Janice Docherty: Only one of us.

Brian Docherty: Only one of us … and it should be …

Janice Docherty: He only decided that … he allowed it initially, but obviously we were each allowed to represent ourselves. We were each allowed a solicitor, therefore, if we're representing ourselves we were allowed to both do it. **After a couple of minutes, he changed his mind** and said, you know, that I wasn't to speak. I was to sit there in silence. **Any time you asked a question, he would threaten to throw you out** …

Brian Docherty: … any time I asked a pertinent question either of the Gárda officer, who we'd submitted a criminal complaint about, or the guardian *ad litem*, who we'd submitted a criminal complaint about, whom he appointed directly.

So, in other words, here was a social worker—**supposedly representing the voice of the children**—who we'd previously submitted a criminal complaint of corruption about: any time I asked a pertinent or relevant question …

Janice Docherty: To anybody.

Brian Docherty: … he said to me, "**If you ask that again, you're going out the Court.** If you …" and he would shout me down. He said, "If you ask anything … I've told you before."

And when I tried to submit documents into evidence: for example, the PIRC report …

Now, the PIRC report upheld eleven out of our twelve complaints and was damning for Police Scotland, where the poison had stemmed from—**the cancer affected all public bodies in Ireland, but the poison started with Police Scotland** …

Janice Docherty: Well …

Brian Docherty: … **and Aberdeenshire Council**, and **this document exonerated my family**. He refused to allow …

Disallowed PIRC report undid the basis for the initial "concern" that triggered all since

Janice Docherty: It also said that the Concern Report, of course, was wrong: **it should never have been submitted in the first place**—and that's where the whole thing started.

The State's lawyer formulated the judge's ruling

Brian Docherty: I suppose, just to kind of sum up just how bad it was: at the very end of this marathon hearing, which was clearly a *fait accompli* from the start, the solicitor for Social Services—a woman called **Liza Finegan** from [the legal firm] VP McMullin, who for the past six months has refused to give us access to the notes detaining our children in care for 170 days now—she actually made the rulings.

She actually made the rulings, and the judge *repeated* them. And there were three rulings.

First ruling: Never mention this hearing

And ruling number one was—this was quite incredible, a solicitor for the other side made the rulings and the judge repeated them verbatim—number one was, we were **not allowed to discuss this hearing with anyone** or we would be in contempt of court.

Second ruling: Evaluation by a psychiatrist chosen by the other party

Number two was that we'd to undergo a psychiatric evaluation by a psychiatrist of their chosen … of the other side's choice …

Janice Docherty: Social Services' choosing.

Brian Docherty: … even though we had a report by a psychiatrist only nine and a half months previously exonerating or … testifying to our mental health. They wanted it this time … a different report, clearly, with an obvious agenda.

Third ruling: Stop naming those you have complained about

And a third ruling—by Liza Finegan!—was that we had to remove our video *Police Scotland Covers Up Paedophilia* or edit it to **remove the names of the Chief Executive of Social Services, Gordon Jeyes, and the name of the social worker, Mary Malee, who we had submitted criminal complaints about**.

They were the three rulings.

Rulings made by this nocturnal "Family Court" that mentioned the children: zero

Janice Docherty: They didn't even refer to our children. They didn't even pretend that the children were of any importance to them. They didn't refer to them in any way.

Brian Docherty: The whole hearing was a legalised—or illegalised!—attempt to have us, first of all, put in prison and, when the video link went down, it was to have us sectioned … with the most perverse form of a court that I've ever seen.

David Scott: OK. Well, well … well, we'll pause there for a moment and then we'll pick this up with your ongoing fight—now six months in—to have your children returned.

That fight goes on , and that's a fight we're going to look for the people hearing this recording to **help with: by writing, by campaigning, by phoning, and by asking simply that the people who are meant to be providing justice do their jobs**.

Brian Gerrish: That completes Part 6 of David Scott's interview with Brian and Janice Docherty. Join *Dispatches From The Front* for Part 7.

Judge Paul Kelly

Judge John D. O'Hagan

DISPATCHES FROM THE FRONT

The Brutal Protection of Paedophiles—Part 7

Brian Gerrish: Welcome to *Dispatches From The Front* and Part 7 of David Scott's outstanding interview with Brian and Janice Docherty, the couple who had their children stolen by the State after they reported the advances of a paedophile.

David Scott: David Scott of *Northern Exposure*, continuing discussions with Janice and Brian Docherty about their adventures in the world of Child Protection, Police Scotland, and the assault on their family that happened following their reporting a paedophile in Aberdeenshire.

The story we've had up until now has terminated in the extremely traumatising seizure of their four children by five social workers and eight policemen, four of whom were armed, on 17 December 2015, and the subsequent court hearing on the 21st and the problems and inadequacies of that hearing.

We'll pick up the story now with the aftermath of the hearing and follow the narrative now through in the latter part of December 2015 and January 2016.

So, what happened next?

Brian Docherty: Hello, David. The day after the court hearing, because of the intense surveillance, I'd previously complained to the Chief Constable of the PSNI, the Police Service of Northern Ireland, a guy called George Hamilton.

George Hamilton was previously a Deputy Chief Constable under Stephen House, when House was his CC at Police Scotland, so there's obviously history in the relationship there—a professional relationship.

I complained to Hamilton about surveillance … intensive and ongoing. The day after our children were put into care at the kangaroo court on the 21st, on the 22nd of December, the Staff Sergeant sent me an e-mail. The e-mail said, "Dear Mr Docherty, **PSNI does not discuss intelligence matters**."

David Scott: *Intelligence* matters?

Brian Docherty: *Intelligence* matters.

David Scott: And "intelligence matters" in this context does not mean police matters?

Brian Docherty: I … I wondered how a couple with no criminal history, their four lovely children, their two German Shepherd puppies, their seven chickens, two guinea pigs and a rabbit were an "intelligence matter".

Janice Docherty: You've missed out a guinea pig.

Brian Docherty: Missed out a guinea pig—three … three guinea pigs. One of those guinea pigs was slightly ferocious; it has to be said …

Janice Docherty: Uh-huh.

Brian Docherty: … but I still couldn't see that as an "intelligence matter".

David Scott: Well, quite, because that would … "Intelligence matters" refer to matters of national security, and you're not talking about matters of national security. You're talking only about matters of justice.

Brian Docherty: Well, I … given the … I can't stress how intensive the surveillance has been. I wrote back to Hamilton and said, "It seems as if PSNI, amongst other police forces, are determined to spend millions of pounds and euros to disprove the existence of an elite paedophile ring." There was no response to that.

David Scott: Hmmm. So, the intelligence link has been admitted in writing by PSNI … but the surveillance, did that continue?

Janice Docherty: Oh, it … it got worse.

Attacks on house and dogs intensify

Brian Docherty: Massively so. It got worse. It … it got worse. We couldn't leave the dogs in the house. We had to take the dogs wherever and …

Janice Docherty: Any time we left the dogs in the house, we'd get back to find that they'd been injured, either … either poisoned or traumatised so badly that … that we'd often get home to vomit and diarrhoea …

Brian Docherty: Diarrhoea.

Janice Docherty: There was one time somebody's footstep was even in doggy … you know, walked through the carpet …

Brian Docherty: This was a very remote location and there was people coming through the … the loft hatch, there was people coming through the French windows or the … the front door, and nothing we could do was of … These were very professional people; I mean, nothing we could do to stop it.

Even when we were in the house, people came in the house and …

Janice Docherty: If … you know, at night when we were asleep there'd be people in the house.

Brian Docherty: People in the house. The dogs would be …

Janice Docherty: The dogs became … bless them … they became so … so scared that we took them up. We stuck them …

Brian Docherty: Our German Shepherds were terrified. They'd sleep under our bed.

Janice Docherty: Yes. They always used to sleep downstairs, but we felt so sorry for them, we let them sleep upstairs and they'd just hide under the bed …

Brian Docherty: Hide under the bed …

Janice Docherty: … which is such a shame.

Brian Docherty: And to give you an example of how co-ordinated this was: even when … after the children were taken, I would contact the local Gárda—Special Branch and the Gárda were involved in this, but I'd contact the local Gárda—because, clearly, there was an intention behind this; it was no longer just surveillance to keep an eye on us.

And nobody showed up; no Gárda officers ever came and said, "Could you explain a bit more about what's going on here?" Even after, as we'll discuss later, our house was set on fire with the intention of killing us, nobody would come.

David Scott: So, during this time … the surveillance and harassment's continuing, do you continue the legal struggle?

Brian Docherty: We …

Janice Docherty: Yes.

Raid timed for Christmas to obviate an appeal within the allowable timeframe

Brian Docherty: We went and launched an appeal on … about the farcical hearing on the 21st …

Janice Docherty: Which we had to do ourselves. We had to, sort of, research what to do and … and … and … and it was very difficult, because there's a two-week [Christmas] shutdown, but you only have ten days …

Brian Docherty: Incredibly tight.

Janice Docherty: … in which to lodge an appeal.

Brian Docherty: Ten days. It was all timed to coincide with the … the leg … the shutdown, but we went within the deadline and lodged the paperwork …

Janice Docherty: Which was a big struggle, because they didn't, obviously, want us to do that, so we had to fight to get that.

The other party's lawyers have the court transcript monopoly

Brian Docherty: We were told that this time … We repeatedly went to the courthouse to get **the rulings on paper, which they never gave us**. But what they did inform us was that the other side's solicitor, …

Janice Docherty: VP McMullin.

Brian Docherty: … VP McMullin made all … typed up all the rulings, so **there's a conflict of interest that they typed up all the rulings in childcare cases.**

Janice Docherty: Where … where you'd think it would be the courthouse staff. [But] apparently, it's VP McMullin who does that.

David Scott: So … so … this …

Brian Docherty: Business is good.

David Scott: … this … **the seizure of your children was done without paperwork. You were not provided with any court documents. Were you not provided with any warrants or orders or anything?**

Janice Docherty: **No, nothing.**

Brian Docherty: No, nothing.

Court papers withheld after hearing

David Scott: And then, even after the hearing, there's still no paperwork to say what has been decided and what the ruling is?

Janice Docherty: No, we … they refused to give us that. We entered the courthouse on quite a few occasions to request that, and they would never give it to us. **They said it would be sent out. It never was.**

Brian Docherty: It never was.

David Scott: And to this day, you know, six months later, no …

Brian Docherty: Nothing.

David Scott: … no paperwork.

Brian Docherty: The only thing that we got at that time was a … a letter from the Social Work department telling us that we had to come for a health assess … a **mental health assessment**; in other words, **to be sectioned**.

That was the obvious game plan. Because of the danger in the house, we … we lived in and out of hotels in Letterkenny, and we realised that the only way we were going to be safe is if we **took this story to the media**, so we'd tried that many times in the past, but it's very difficult and **our e-mails were being intercepted**.

We travelled down to Dublin and had two … two days with a producer and a researcher for the RTÉ[63] Special Investigations Unit. Two days back-to-back, about three hours each day, and told …

David Scott: Do you recall the producer's name?

Janice Docherty: Janet … **Janet Traynor**.

Brian Docherty: Janet Traynor … and the researcher, I can't remember her name …

Janice Docherty: I have it written down … Pam, was it?

Brian Docherty: Pam … Pam …

Janice Docherty: I have her surname written down.

Janice Docherty: She was a very nice person.

Brian Docherty: Very nice person, yes. And they were very interested in the story, as was their boss, but explained that they had to … as … as much as they believed everything we said, they had to get as much information, and information about the facts—and all the Freedom of Information [requests] and information from the other side has not been forthcoming. We … we …

Donegal Social Work relocated to hospital for this case only

On the 6th of January [2016], just to go slightly back, we were inf … we were warned that **the intention by the other side was to have us sectioned**. **They'd relocated Social Work Offices to a mental health hospital**, called St Conal's [Letterkenny, Co. Donegal], and this was a very recent move. Aand, obviously, there was a definite agenda there, because previously, in Castlebar, a whole department had been shut down to focus on my family.

In St Conal's, they'd relocated the Social Work offices from near the court building to about a mile away to this mental health hospital, and we were warned … by a source that if we attended we'd be sectioned. My wife and I made a series of YouTube videos, because we realised we had a lot of devastation and a lot of heartache, and Janice was—I mean to explain how … how much this impacted on our health, we were just unable to sleep—but we made these 37 YouTube videos and started to put them online, and we went to … we made, like, a leaflet of the names of all these videos and started to hand them out outside church on the 6th of January.

[63] Ireland's national public broadcaster

Janice Docherty: On the 6th of January. And then, that evening … So that was the day we were supposed to turn up to be sectioned in the … St Conal's …

Brian Docherty: Hospital.

Janice Docherty: St Conal's Hospital.

David Scott: And … and **the significance of moving the Social Work Department into the grounds of a mental health hospital**, which seems a very strange thing to do … the significance of that was what?

Brian Docherty: Well, we discovered …

Janice Docherty: Well, it seems **you don't need a GP to refer you to a psychiatrist if you're already in a mental health hospital**.

Brian Docherty: If you're already … Apparently, it means you agree by [your presence]. We were … we were informed that by the very act of being on the … the physical premises, then you've given your consent.

Janice Docherty: Consent …

Brian Docherty: Consent.

Janice Docherty: **Just by being in a hospital, you 'give your consent' to any treatment.**

Brian Docherty: And we were informed that this particular department of social work, **the actual cleaning staff and the janitorial staff said that they weren't even aware** of …

Janice Docherty: That Social Work had moved to the hospital.

Brian Docherty: It was so immediate.

Janice Docherty: And there were no signs up, and nobody in the hospital knew that they were there. There were no signs up and, it would appear—because we went back there recently—it would appear they're not there any more.

So, **it would suggest that they were only based in that hospital for us**.

David Scott: For you … in order to get you on to the premises, so that they could then take action to section you, even though you'd not been referred by a GP or had any other concerns expressed by anybody about your mental health.

Brian Docherty: And, interestingly, the other side's solicitor, **Liza Finegan** for VP McMullin, **never put it on paper about trying to get us to attend this mental health assessment**: never was that put on paper by them, but it was frequently put on paper and in telephone calls by Social Work.

Janice Docherty: Not frequently put on paper: put on paper once and then not again, but phone calls repeatedly, or in person repeatedly …

Brian Docherty: Repeatedly.

Janice Docherty: … but not on paper.

David Scott: OK. So, your videos, and the advertising the videos via the pamphlets handed out at church, that starts to generate some interest?

Brian Docherty: A lot of interest, yes. One particular video called *Enda Kenny's Watergate*, because of the … the scope and the breadth of the corruption, which is overwhelming. It most certainly comes at the very top of the Irish Government—Enda Kenny, Frances Fitzgerald and the former Minister, James Reilly—and this was confirmed at the hearing on the 13th of January [2016].

Vut we made these videos and put them online on YouTube and we started to publicise them outside a cathedral in Letterkenny called St Eunan's, on the Feast of the Epiphany [6th January]. There were three services on that day, and we went back in the evening and, after church, we spoke to an Irish priest …

A priest refers the Dochertys to an ominous councillor

Janice Docherty: Father Eamonn McLaughlin …

Brian Docherty: Father Eamonn McLaughlin, and he recommended we went to see a councillor … a [Donegal] county councillor called **Frank McBrearty Jnr**, because he had some problems with the Gárda himself.

We didn't know this man. We didn't even know the priest. We didn't know Frank McBrearty, but we got his number from the priest, and we went … we arranged an appointment to see this councillor at his home in a town called Raphoe[64] …

Janice Docherty: That very weekend.

Brian Docherty: That weekend. This was after the failure to section us. When we were on our way there, I stopped at a petrol garage to get directions, because it was out in the country, and we became aware there was a car right behind us for some time. And another driver told me I could follow him and he'd take me down to closer to where the councillor lived, and gave me further directions. And we stopped again at a local cottage near the councillor's house, because it was really out in the middle of nowhere, and a neighbour told us which house was his.

And on both occasions this red car … unmarked Gárda car … or …

Janice Docherty: It doesn't have to be Gárda; it was just a red car …

[64] In Donegal, between Letterkenny and Londonderry, close to the Northern Irish border.

Brian Docherty: ... just a red car ... had **stopped and waited till we started driving again**. When we turned up at the councillor's house, he was wearing gloves.

Janice Docherty: **He opened the door wearing a pair of pristine, brand new gloves**, which I remember thinking was strange, and yet his excuse for why he was wearing gloves was he was doing the fire, but as anyone who's made a fire knows, you can't have pristine gloves when you're making a fire.

Brian Docherty: We went into his house and he ... he proceeded to crouch down at a wood-burning stove with ...

We had a ... we were sitting on the sofa and a chair with our backs to him and it was very odd, because he was sitting at this wood-burning stove and he *said* he was making a fire and he was waiting on a phone call, and ... he was a fairly coarse individual.

He said that his father was a gangster and the gangsters in the whole of Glasgow were scared of him: he was Frank McBrearty Snr and he said that he had "beat the Gárda and he'd beaten the Gárda at their own game".

And he [Frank McBrearty Jnr] was bragging about his underworld connections, about his father getting off on a murder charge ...

Janice Docherty: Which he said his father ... he actually told us his father had killed ... mur ...

Brian Docherty: Had killed a man ...

Janice Docherty: ... had killed a man and gotten away with it.

Brian Docherty: ... but it was Not Proven.[65]

And **he was not interested in listening to what we had to say**.

It was all very strange, because there we were ... You go to see a councillor, you'd think he'd be there to listen and then give advice. It was nothing like that. Instead, he was fidgeting for about ten minutes at a hearth, but he wasn't seen to be doing anything.

The phone call went; he answered the phone and went to a different room and we looked inside the ...

Janice Docherty: Well we ... we looked round at the ... it wasn't at that point, actually, but we looked round and the fire wasn't on, and ... and **he clearly hadn't been making the fire**. There was paper in it, but ... but ... At that point we didn't ... we didn't think anything much more of it, other than he was the most ...

[65] A jury verdict in Scots law which withholds judgement about culpability in light of insufficient evidence to conclude either way.

Brian Docherty: Very odd and …

Janice Docherty: … peculiar chap, and we weren't very happy to be there. He came back after five, ten minutes …

Brian Docherty: Five, ten minutes, yes.

Janice Docherty: … he was quite a long time on the phone.

Brian Docherty: … and we were sitting there thinking, "Why … well … what're we doing here?" Because he … he wasn't really listening or helping, and he was just bragging about his so-called achievements … in a very coarse and crass manner. Then another phone call went …

Janice Docherty: … so that, yes, we were there for another, I don't know how long, about 15 or 20 minutes, maybe slightly longer, and well, he just talked at us about … and in colourful language.

And the phone went again, and he left the room again, and at that point—no, when the phone rang—he went over to the stove, the wood-burning stove, and he waited there and talked to the person for a couple of minutes, and then he went and left the room.

So I thought, you know, "Gosh, what's going on?" **There was a gun in that stove**; at that point, we were just thinking, "Right, can we just leave this house while he is on the phone?".

David Scott: So you saw the gun?

Janice Docherty: Yes.

David Scott: So **all the time he had been crouching at the stove, there was, what, a handgun, pistol?**

Janice Docherty: I'm not terribly up on my guns, I'm afraid! I don't …

David Scott: Small?

Janice Docherty: … small, smallish, yes. And the other thing …

Brian Docherty: There was this paper, and a …

Janice Docherty: … and a gun, and then he came back, just as we were thinking, "Right, can we just get out really quickly?".

Councillor recommends a particular lawyer

And he spoke to us then for another five minutes or so, when he said to us that he would set us up with…arrange to meet a solicitor, a man called **Patsy Gallagher**.

Brian Docherty: We couldn't get a solicitor at all …

Janice Docherty: … couldn't get a solicitor at all. We tried lots of people.

So he said that he had a solicitor called Patsy Gallagher, excellent guy, and he'd phone him and he'd represent us, because obviously our next hearing was on the 13th, just a few days later.

He made a point of telling us that he didn't know the priest who'd recommended him, and told us that he [Gallagher] knew Frank McBrearty personally.

Brian Docherty: And we left pretty soon after …

Janice Docherty: And we left. The one thing that at that point that I noticed—I'd noticed it when I went into his house, but hadn't really been thinking about it—at that point when I was leaving, I realised that **pretty much all his furniture had been removed** from the three rooms we were in: the hall, the kitchen and the living room. There was almost no furniture. The worktops were clear; it was **as if the house had been emptied**. So….

Brian Docherty: It was a very strange set-up altogether, and it occurred to us that, perhaps, stopping and asking for directions had—how can I put it—had helped us, because of certain things…

Janice Docherty: I'm just glad we stopped to ask for directions; let's put it that way.

The recommended lawyer refuses to meet the Dochertys pre-trial

Brian Docherty: We then had a court hearing….

Janice Docherty: Well, then we contacted **Patsy Gallagher**. Patsy Gallagher didn't meet us; we left paperwork for him. Because—although he was recommended by Frank McBrearty Jnr—because we could not get a solicitor. We had another court hearing, we thought, "Well, he is a real solicitor, maybe everything's fine, maybe," you know … we didn't think that this would be a bad move. We were just … yes, we were dubious, but …

Brian Docherty: We were very keen to have …

Janice Docherty: … yes, we very keen to have a solicitor. So we handed in paperwork to him; we didn't get … didn't meet with him at all until …

Brian Docherty: Well, **he wouldn't meet with us** …

Janice Docherty: He wouldn't meet with us, yes, until the morning of Wednesday the 13th, the day of the court hearing, when **he made a big sort of performance of not recognising us**, not knowing who we were…in front of the crowd of people who also had court cases that day.

A staggering court hearing, 13 January 2016

Brian Docherty: The court hearing on the 13th was just incredibly corrupt; we …

Janice Docherty: We were kept out of the room …

Brian Docherty: We were kept out of the court….

Hearing held in recess time as before

Janice Docherty: Actually, it started just before lunchtime, just at lunchtime, as the court was due to close at, I think, it was one o'clock it closes for lunch.

Patsy Gallagher came and said to us our court hearing was about to go ahead during the lunch hour. He then went into the courtroom with Judge Paul Kelly, and the guardian *ad litem*, Patricia Molony,[66] and her solicitor, Hilda-Clare O'Shea.

He told us to wait there, wait out in the stairwell. Five minutes later, he came to us and said that the other side's solicitor, Liza Finegan from VP McMullin, and the social workers, had not turned up, and he was refusing to go ahead with the case until they turned up.

So he said, right, it was going to be postponed till after lunchtime, back here at 2 o'clock, and the case would be heard then. So at 2 o'clock we returned, and **suddenly there was a large police presence** …

Brian Docherty: … a lot of police, including Special Branch, in the foyer of the courtroom, and everyone—apart from ourselves—was assembled into the courtroom. And we were standing there waiting and wondering what was going on …

Janice Docherty: Why are we being kept out? …

Brian Docherty: Why were we told to wait here?

Brian Docherty: And everyone in the courtroom, all the players, of this … you know …

[66] May be a South African. LinkedIn profile gives fuller career history and e-mail address.

Janice Docherty: Oh, one thing that we've meant, we've forgotten to mention, is that **the two social workers who were assigned to our children were not registered social workers**.

Brian Docherty: One was **a former parole officer, Maria Heuston**.

Janice Docherty: Who later spelled her name initially a different way[67] to how she later changed it. And Gabrielle McDaid, who was removed from the register in the North of Ireland, but not actually registered in the Republic.[68]

Brian Docherty: That's right.

Dochertys "agreed" *in absentia* to their children being taken

The court hearing went on for 15, 20 minutes, without us in the room, which makes it an illegal hearing.

Janice Docherty: We couldn't get into the room, even, because [there] were **people barring the door** …

Brian Docherty: That's how corrupt it was; and in that time, that's when we, quote, "agreed to our children being kept in care".

Attempts to remedy the illegal hearing

So we instructed this lawyer that we were referred to, vis-à-vis Frank McBrearty, the man with the gun.

Brian Docherty: We were referred to this lawyer, and just because he represented this man, we thought, "Well, he's still a lawyer, and he's still prepared to represent us"; and we were desperate for some representation, based on [the experiences of] the 21st.

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[67] The variation may have been between the two variants Heuston and Houston (both found in Ireland), or variations in first name(s) or initials.

[68] Yet she was one of the two runners-up for the Irish Association of Social Workers' title of 2016 Social Worker of the Year once she joined TUSLA Donegal in the Republic of Ireland.
The Irish Republic's regulator of social workers, CORU, has a registration for Gabrielle McDaid, under social worker no. SW002403, for the present year (June 2016 to May 2017).
This registration lists her "county of practice" as Derry (Northern Ireland), even though she works in another jurisdiction, for TUSLA Donegal.
That is apparently the sense in which McDaid is "not actually registered in the Republic".
The Northern Ireland Social Care Council had a registration for Gabrielle Philip Ann McDaid in the "town of employment" of Londonderry, under registration no. 1104964, which lapsed in 2014. The UK Column has established that this removal was **not** for disciplinary reasons.

Lawyer misrepresents Dochertys as consenting to confiscation

When that hearing started, we said to him very explicitly, **"Look, we don't consent to our children being kept in care ..."**

Janice Docherty: "We want you to get our children out of care: **there's no legal justification**, and we refuse to ..."

Brian Docherty: "There is no legal basis for this, and we don't want to go to a mental health assessment; **we've already got a psychiatric report**."

Brian Docherty: And we made those things extremely clear.

And when the hearing commenced, after 2 pm, everyone was in the court hearing. And **he misrepresented us**, and I complained to the Law Society [of Ireland] about this.

In the worst terms, he had consented to our children remaining in care, on our behalf, against our express wishes.

And he consented to a mental health assessment, by their choice of psychiatrist. And then ...

Janice Docherty: **But they were pretending we were in the room at the time.**

Brian Docherty: This is how corrupt: they actually pretended that we were in the courtroom when this was going on.

So we're standing in the foyer and made a complaint, saying, "There must be CCTV[69] of this," because we were not even allowed in the courtroom itself. And ...

Janice Docherty: We didn't find this out, though, until the 1st of February, that this is what had transpired. We weren't allowed into the room.

But it wasn't until then that we discovered we were supposed to have agreed to our children being in care.

Brian Docherty: At an appeal hearing, the first. And then we were brought into the court, this court hearing, about 15 minutes into it, after we had supposedly agreed to these things. And we were informed the judge was irate about our uploading of these YouTube videos, and **he told my wife and I we were going to go to prison**, against all freedom of speech and expression ... he said ...

[69] security camera footage

Threatened with prison for the videos

David Scott: Go to prison … on what charge?

Brian Docherty: He said "contempt of court".

Janice Docherty: Contempt of court.

David Scott: But had the court at this point instructed you to either remove the videos, or…

JaniceDocherty: No. We'd only just got….

David Scott: So **you weren't breaching any court order**?

Brian Docherty: **No.** We were told that [Gárda] Special Branch had been trawling our e-mail accounts, we knew that already; and the judge presented a DVD of the videos.

Janice Docherty: Yes, he waved a DVD about, in anger.

Brian Docherty: To give you the context, this was six weeks before an election, in which we were exposing these videos [about] direct government surveillance and intervention against our family, and persecution of our family by senior ministers. And here was a judge; and just to prove surveillance, in a court of law—albeit *in camera*, a closed court, a kangaroo court …

Dochertys' e-mails to supporters read out by the judge

He then read out e-mails of mine, private e-mails, correspondence from myself to friends and supporters. And he asked me to tell him who they were, who the recipients of the e-mails were, in court. So he read out an e-mail, to prove surveillance, and then said "Who's Fiona? Who's Paul?", and asked me to explain to the court who they were.

And then he said to my wife and I we were going to go to prison, and told our solicitor that we had better remove our web page, EndaKennysWatergate.com, and our YouTube page, [and] www.facebook.com/endakennyswatergate.

He then said that we had to remove these videos and that … Our solicitor said, you know, "Could we not do it in the Gárda station, could we do it here?" So…

Janice Docherty: There was actually the local Gárda, there was a Gárda officer there, who didn't want to be the one to take us to the prison, and he said …

Brian Docherty: There was a local Gárda who was quite a decent man, and he said, "Maybe it could be done here?" He argued there was no external connection with the Internet in the Gárda station.

Frogmarched to delete the videos on the spot

Brian Docherty: So we went to a jury room, of all places, in Court 2, which was across from the court we were in, and **we were connected to the Internet and we were instructed to remove these 37 videos**. And just to make it very clear, there was only one of these videos which discussed the children being in care; **the rest of these videos were specifically to do with government corruption**. And here was [Gárda] **Special Branch in attendance at this courtroom**, in this court building, and a heavy presence of Gárda officers and a judge, demonstrating heavy surveillance tactics against a family and breaching every conceivable human right.

David Scott: Right, so **this is obviously evidence, within court, of electronic surveillance**, just as you had evidenced in court previously; of physical surveillance, and being tailed from Enniskillen [across the border] back to where you were staying.

Janice and Brian Docherty: That's right.

Police Scotland's response regarding Dochertys: "*Fuck!*"

David Scott: So, you've repeatedly made allegations of excessive and prolonged surveillance, to Police Scotland and to the Scottish Government.

Have, at any point, Police Scotland said "No, we're not surveilling you"? Have they ever said this is not happening?

Janice Docherty: No.

Brian Docherty: No. When I sent detailed statements of senior-officer corruption, I received an e-mail back: **in the subject heading box it said *"fuck!"* and it had been forwarded back to me by mistake**.

It was spelling out the word F-U-C-K in the subject box.

Tracking e-mails sent

And they sent me a number of tracking e-mails, so as soon as you open these e-mails they identify your location.

Brian Docherty: Post me sending senior-officer corruption complaints …

David Scott: I presume the one with the swear words was [a] "Reply All", was it, and they have just not been very …

Brian Docherty: I assume so; I can't imagine, I couldn't understand at the time why they would have sent to me, it must have been a mistake, but it came back to myself …

David Scott: So, but the bottom line is **Police Scotland and the Scottish Government have never denied the suveillance?**

Janice Docherty: **Never** …

Brian Docherty: Never … at the time it was Stephen House [who was the serving Chief Constable], and at no point did he answer any question, or done anything.

David Scott: And that surveillance … there's been evidence to that to say it was caught on at least two occasions?

So that's an important point, to make, that this is not simply what *you'll* see, but there's much supporting evidence…

Brian Docherty: Well, **nobody was even pretending this was a normal childcare case**; no-one was pretending that this was about child protection, no-one was pretending this was about the safety and welfare of children. **The children were never discussed at the first hearing, or the second hearing** …

Janice Docherty: And actually, the illegal …

The only way they are still keeping our children in care is because they are still maintaining that we agreed on the 13th of January to our children being in care. Despite the fact …

David Scott: And to make it absolutely clear, you did *not* agree…

Janice Docherty: Oh, we weren't in the *room*, and we never…

David Scott: You "instructed your lawyer", [but] otherwise you were not in the room; this is entirely fabricated …

Janice Docherty: Oh, completely fabricated …

Brian Docherty: To give you an idea of how obviously fabricated it is, we put in the appeal paperwork on the 31st of December [2015], ten days after the kangaroo hearing on the 21st.

Now, who would submit—who would have to go and research, without legal representation; to find the documents, print them off, send reasons why—during the Christmas shutdown— and then turn up in court, having made 37 YouTube videos on government corruption, having tried every solicitor in Letterkenny, and having filed for our own appeal; *then* go into court and say, "Yes, we agree to this; actually we've changed our mind, we now agree to our children remaining in care, against all their best interests and what's …"

Outstanding appeal not heard before District Court resumes proceedings

Janice Docherty: Furthermore—sorry [to interrupt]—the appeal hearing was, legally, supposed to go ahead, of course, before they could have another District Court. So **the hearing on the 13th was illegal in itself; that's because they hadn't already had the appeal hearing**.

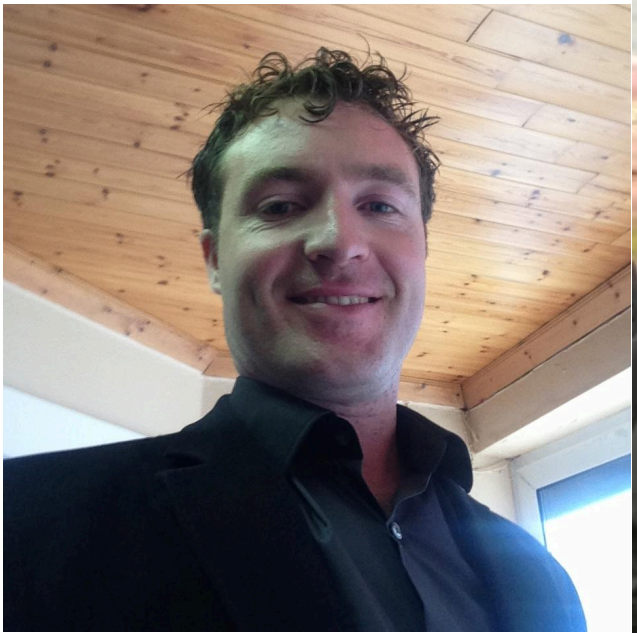
David Scott: OK, so there's an appeal pending, they went ahead, and the point you're making there is that you have a track record of consistently—every day for the last two years—opposing any state involvement with your family.

So the idea that you suddenly turn round and say "yes, OK" is completely at odds with everything you have ever done, or said in your entire record of the last two years.

Brian Docherty: It's totally inconsistent and totally irrational, and, frankly, downright nonsensical.

David Scott: OK, so that brings us to mid-January [2016]. So we'll pause there for a few minutes, and we'll pick up the narrative following the court hearing, and we'll follow through to the next events.

Brian Gerrish: That completes Part 7. Join *Dispatches From the Front* for Part 8 of David Scott's interview with Brian and Janice Docherty.



Dennis Trearty
Donegal estate agent

Fr Éamonn McLaughlin
Letterkenny priest

Frank McBrearty Jnr
Donegal politician

DISPATCHES FROM THE FRONT

The Brutal Protection of Paedophiles—Part 8

Brian Gerrish: Welcome to *Dispatches From The Front* and Part 8 of David Scott's interview with Brian and Janice Docherty, the couple who had their child … children stolen by the State after they reported the approaches of a paedophile.

David Scott: David Scott, *Northern Exposure*, continuing discussion with Janice and Brian Docherty regarding the events surrounding their reporting of a paedophile in Aberdeen and the subsequent interaction with the State, where their family was targeted for unnecessary, unwanted and unwarranted state intervention that included the violent seizure of their four children.

The narrative is now sitting in mid-January 2016 after a further court hearing. So, what happened after that?

Brian Docherty: So, we'd been ordered, by the judge, he ordered that the YouTube videos of Irish and Scottish Government corruption had to be removed.

Of course, there was an Irish election in late February and a Scottish election in early May, and these two administrations were using the collective will … or the collective minds of both states involved in surveillance, covering up corruption and targeting and persecuting our family for reporting a paedophile.

That weekend, after the removal of these 37 videos and having both these States twice being involved in two international task forces to remove our children and to section my wife and I, amid intense surveillance, our house was set on fire on the Saturday night, Sunday morning.

Scots set the Dochertys' house in Ireland on fire, 17 January 2016

David Scott: What day was that?

Brian Docherty: That was the 17th … the early morning of the 17th of January.

Janice Docherty: About … I don't know … about five or six in the morning, we woke up and the bedroom was getting fairly smoky, and my husband went downstairs, opened the living room door and there was just a wall of smoke … and …

Brian Docherty: Just a wall of smoke … it was … suddenly your eyes … you … you couldn't breathe and you couldn't see.

Janice Docherty: So, you [Brian] just shut the door, came back upstairs and said, "The living room's on fire!" So, we opened the bedroom window a little. We didn't want to open it too wide, because …

Brian Docherty: It seems like an odd reaction …

Janice Docherty: … our house was in the middle of nowhere …

Brian Docherty: It seems like an odd reaction, but because there was always men outside, we didn't know if the game plan was to try and use f …

Janice Docherty: Well, the house was on fire, so we knew somebody had set fire to it. So, we thought, "Well, there … there's every likelihood they're still outside. If we go outside, we could very well just be killed."

Brian Docherty: And we knew it wasn't us, because we couldn't get the fire [going] on the previous night. **Someone had blocked the chimney up.** So, we had a wood burning stove downstairs and we couldn't get the fire to …

Janice Docherty: So … so we … so the fire hadn't been on the previous night and we just assumed that somebody must have somehow set fire inside the stove, and, because they'd blocked up the chimney, we just … we just thought that was it, but …

So we waited until about just shortly before eight, I think it was … just shortly before eight, when it was getting daylight.

Brian Docherty: When it was getting … This was mid-January, so it was just getting daylight then.

Janice Docherty: And **we heard a Scottish accent** shout out the word, *"Fuck!"* and, clearly not pleased that the house was still … was still standing.

And, shortly after that, when it was brightening up …

David Scott: So, there was … there were people outside?

Janice Docherty: Yes, we heard the voice, very clearly.

Brian Docherty: Very clearly. Then we heard a car trundle down the …

Janice Docherty: Yes … it trundled away, as if … as if the engine hadn't been on, but somebody was just, like, rolling …

Brian Docherty: **Rolling the car down the hill** …

Janice Docherty: So, shortly after that, when it was bright enough, we went downstairs, opened the door … tried to … to clear the house of smoke. We couldn't …

Brian Docherty: Couldn't actually see …

Janice Docherty: … see in the living room.

Brian Docherty: So, we opened all the windows in the living room … and even the …

Janice Docherty: Actually, we didn't open them all at the beginning: because it was so, so smoky, all we could do was go to the nearest one, open it, and just back out of the living room and close the door, because it was horrifically …

Brian Docherty: It took about an hour and a half to clear the room so we could actually go in it. And when we did go back in it, we saw these **peat briquettes** … you know the kind of peat briquettes you get for a fire … they were on fire …

Janice Docherty: **In the middle of the room** …

Brian Docherty: … when they were on fire, **but they weren't there before**. We didn't keep the peat briquettes there. And there had been, kind of, like, different flammable items used on the fire, like logs and the sticks for kindling, [which] had all been put together like dominoes to catch fire, and then **the curtains were put into the log basket, so the whole place would go up**.

Janice Docherty: And the curtain, which was …was obviously the final line of … of … of, you know … that was to go up in flames was right beneath our bed.

Brian Docherty: Right beneath our bedroom.

Janice Docherty: **And there were two wooden chairs placed right in front of the peat briquettes.** So the peat briquettes were still burning.

Brian Docherty: They were actually still aflame. It was rather peculiar. It was a whole bale of, you know, maybe about …

Janice Docherty: I don't know how …

Brian Docherty: … a dozen peat briquettes, but the last three didn't go on fire. They didn't catch.

Janice Docherty: If they had, the whole thing would've …

Brian Docherty: The whole room … They were like the buffer that stopped it from catching, from spreading to the logs, etc., you know. And, so …

Janice Docherty: We poured lots of water onto it. An awful lot of water onto it.

Brian Docherty: It was still kind of …

Janice Docherty: And …

Brian Docherty: Opened the windows and the doors.

Janice Docherty: And you phoned the Gárda.

Brian Docherty: I phoned the Gárda. I knew it was pointless, but I phoned the Gárda.

Janice Docherty: Well, they were obliged to show up for that.

Brian Docherty: This time, they were *obliged* to come, and they did, and I spoke to the chap, and Janice gave a statement to the female officer.

And then they—to their credit, this was Sunday, late morning—they organised Forensics to come.

Gárda forensic conclusion: Arson

So they turned up in a big van; a couple of guys showed up. And they were baffled. They … they had a look at it, took lots of photographs and, you know, did their forensic thing … their equipment out … and **they said that clearly, it had been started deliberately, but they couldn't determine how it was done**.

And there'd been some kind of substance put on the peat briquettes, because these things, as you'll know, they're very difficult to light unless they're laid on a fire. You can't just light them with a match. So, **there was some kind of flammable … highly flammable substance put onto them**.

So, they took that away to the laboratory, took lots of photographs, but they couldn't fathom how people got into the house, because …

Janice Docherty: We had bolt locks on the …

Brian Docherty: The French windows.

Janice Docherty: … the French windows and the front door.

Brian Docherty: There's bolt locks … and we've two German Shepherds, albeit puppies, sleeping upstairs. *They* couldn't hear anyone.

So this was people who knew how to get in and out of somewhere, set up a fire and to leave the property without even being detected by two very jumpy German Shepherds.

Drunk policeman tries to steal Mrs Docherty's handbag at Mass

After that happened—Janice had given a statement to the female officer and mentioned that, you know, we'd missed church, but we'd go later that evening to the Cathedral, which was about an hour away—and when we went down to church, there was a Special Branch officer sitting at the back of the church and …

Janice Docherty: **It was the same chap who'd been** …

Brian Docherty: In the court …

Janice Docherty: … **in the courthouse on the 13th of January**, so we recognised him.

Brian Docherty: … we recognised him from earlier mid-week … and he followed us down to near the front and sat in the same row.

He was clearly slightly intoxicated: he had a few drinks in him and he was staring rather strangely at my wife—at least I thought it was my wife at the time; it actually turned out to be …

Janice Docherty: I think he was after my handbag.

Brian Docherty: … just the handbag.

Janice Docherty: I just kept moving closer and closer to my husband and away from this man as he edged his way towards me, and I picked up my handbag and I put it down between me and my husband, and he was fidgeting and awkward.

What documents the police were after: the high-status incriminations

Brian Docherty: There was a number of documents they were after and a number of pieces of information they wanted from the regular break-ins, which we're aware of.

One of them was to obtain the [car] registrations—which we'd given police officers in Police Scotland in Aberdeenshire—the **registrations of people who attended the meeting after we'd reported a paedophile**. **These people attended the meeting at the Viscount's estate.** The registrations.

The other was a recorded letter sent to the Viscount in Aberdeenshire.

Janice Docherty: No, they'd actually already got that. They got that out of my handbag the night before our hearing in December.

Brian Docherty: Sorry, yes, that was … the break-ins.

Janice Docherty: Oh, yes, uh-huh, but they did finally get that out of my handbag.

Brian Docherty: Oh, yes.

Janice Docherty: On the 20th of December [2015].

Brian Docherty: On the 20th of December. So, we … we then …

David Scott: So, did you get any feedback from the forensics, from the Gárda investigation into the fire?

Brian Docherty: No, they gave me a … In fact, what did they give me? They didn't even give us any details, really. We received an e-mail from the local office in Milford about two weeks later, just confirming that this had happened.

Dochertys' car sabotaged; Gárda uninterested

But in between times, they were still—even though there'd been people in the garden at night and inside the house, and we'd reported this; and even though there'd been a fire to kill us in our sleep—after this, there was still a continued spate of people attacking our car, breaking into our house, including **tampering with the immobiliser and tampering with the engine management system**, so there's warning lights flashing.

And when we tried to go down to Dublin for the second … for the third meeting with RTÉ producer, the car warning lights flashed on.

So, even though there's all this going on in terms of breaking and entering, we reported this … and after the house fire, the Gárda still wouldn't come to investigate or …

Janice Docherty: **It was the only time they came out. After that, we reported a few occasions and there was nothing from them.**

Brian Docherty: There was nothing.

David Scott: No investigation, OK.

RTÉ investigative journalists change their tune

So, you mentioned RTÉ. If we could maybe pick that thread up? So, you'd said before [that] you'd gone down to see RTÉ and you had two long meetings, and the producer and the assistant were … were very enthusiastic about the story. So, we're now a little bit later down the line. How did that develop?

Brian Docherty: Initially, it was a bit like Christmas come late, because we went to see them in January [2016] and you could see their enthusiasm was piqued. **They could tell from detail and the scope of what we said that we were telling the truth: from the persons we named, and the actions, cause and effect of what happened.** They knew from the fact that Janice and I were in shell shock and were reeling from things that were happening and that were ongoing that this was ongoing and serious and, certainly, in the national interest. They took a lot of information. We gave them a full flash drive of correspondence—an 8-gigabyte flash drive of letter and e-mails …

Janice Docherty: And YouTube videos.

Brian Docherty: … and YouTube videos.

And we saw them the following day. They asked us to come back. We met with their boss. We met with the producer, Janet Traynor; her lead researcher [Pam]; and Janet's boss, who's named Paul … something—I can't remember.

We then took a mobile phone number and were in contact to come and see them the following week, but, as I say, our car was targeted. But, despite [being] the reliable Honda, it just didn't work as we were … after ten minutes of leaving the house.

Enthusiasm evaporated within a week

So, we turned back and we got a hire car and **went down the following week, and the atmosphere was very, very different.**

On this occasion, I was taken to a room with Janice, and we went to, like, a broom cupboard. The idea was that they wanted to see correspondence and information from the other side: they'd heard our side of the events and they wanted the information—or at least that's what was put to us at the time.

Journalists attempt to acquire Dochertys' e-mail passwords

So, we went into a kind of broom cupboard with a computer, which we told …

Janice Docherty: **To look into your e-mails** …

Brian Docherty: … we were told it was "a secure computer and a secure server", because I'd mentioned about how my e-mails were being tampered with.

The one thing that I noted when we went into this room was **there was a CCTV camera pointing down at the keyboard**.

Anyway, I tried to log in to my e-mails—and I couldn't do it for certain Gmail accounts, but for my encrypted e-mail, Protonmail account, I could do it no problem. But **the computer was very slow and … laborious**, so it stopped there.

Journalists have a particular person to recommend for "psychiatric help"

The big difference was that they were not as interested by any stretch, and the emphasis was more on, "This is going to take a long time … these things take a long time. Maybe we'll need to see … **maybe you should go and get some help** …"

Janice Docherty: Yes, they wanted to know if either of us had been sexually abused, which we haven't …

Brian Docherty: **They wanted to know if we had a therapist.** This time, they weren't interest …

Janice Docherty: They wanted … **they tried to push us, too, saying, "Well, this is very stressful for you, but you should get some help …"**

Brian Docherty: "You should get some psychiatric help …"

Janice Docherty: **"… we can recommend somebody."**

Brian Docherty: There was massive difference in the attitude and tone. It was that of a very clumsy counsellor. From before, at least, we had a really professional journalist who really wanted to nail her colours to the wall. This time round, it wasn't.

E-mails to Information Commissioner had been wiped

One thing that I noted—it was only actually a number of weeks later—was that two Freedom of Information requests I'd submitted and one Subject Access Request I'd submitted to Gárda Records and to HSE,[70] which is the body that deals with social work in Ireland—and I'd already done this before by paper and they denied receiving it, so this time round I sent them Recorded Delivery; this was October 2015 and I sent it by Recorded Delivery and by e-mail to Gárda Records, seeking access to the records held about my family, and to Social Work, which was a body called HSE Tusla in Galway—and after seeing RTE [in early 2016], I received letters from them saying they didn't receive anything, and from the Office of the Information Commissioner saying, **"They've denied you've sent anything."**

And I went into my e-mails to send this to the Information Commissioner to verify that I *had* sent something, and **I noted they'd disappeared and I noted they'd been deleted from my e-mail account**.

David Scott: OK. So, the suspicion is that the CCTV, etc, was to overcome the password protection that was on the e-mail account.

Brian Docherty: Well, that e-mail account was very robust—because it's Protonmail, and [Edward] Snowden, the guy who was the whistleblower in the NSA, said that it was the only encrypted e-mail account which was robust enough to stop intelligence agencies snooping. And when we got home, we both talked about it and we felt at the time—it took us about five hours to drive home from Dublin—we felt that it was very unusual. So I changed my passwords immediately, that day.

Janice Docherty: But it had been, unfortunately, five hours at least.

[70] the Health Service Executive

Brian Docherty: It had been unfortunately five hours at least, and that's enough time to look in and find relevant things and to delete them.

David Scott: And … the main take-away from the RTÉ experience is that the initial reaction—and this'll be familiar to many listeners who will have come across this in previous cases—that, initially, you're seeing a national broadcaster extremely enthusiastic about telling the story. They're "going to be behind you." They're "going to be telling the truth … speaking truth to power," and they're, you know, very enthusiastic—and then, after a certain amount of preparation work … the enthusiasm ebbs away. There's not really a reason given. It's just … gone. Is that …

Janice Docherty: Yes.

Brian Docherty: I would go as strong as to say this: that it seemed evident to me—**it seemed very clear that there'd been political interference, and they were very much aware that this was driven from the heart of government.**

Lead journalist attempts damage containment on photo of black-eyed toddler

Janice Docherty: There was also … On top of asking us if we'd been abused, on top of suggesting to us we went to see some kind of therapist—which is too close to the Social Work's desperate desire to have us sectioned—they also wanted to see the photo my husband had taken of our son, [Son 2], who had been given a black eye in care. **And they wanted to see it to, obviously, assess how bad the photograph was** [if publicised], because Janet [Traynor], the producer, was a bit like, "Oh, you can't really see it", whereas Pam, the researcher, said, "Oh, yes," you know, "you *can*". But Janet was trying to dismiss it, like … like it …

Brian Docherty: [Like] it wasn't really that serious …

Janice Docherty: … [like] you can't really see that … that our baby boy had a black eye. And there was one other thing that she tried to dismiss …[71]

David Scott: And [Son 2] is two?

Janice Docherty: He's not going to [have] be[en] two [then] …

Brian Docherty: He *was* the last time we saw our children, five and a half months ago …

Janice Docherty: He was one and a half. He was 19 months.

David Scott: One and a half, sorry. A tiny tot.

Janice Docherty: Yes.

[71] Not elaborated on.

Multiple injuries sustained by toddler while in "care"

Brian Docherty: He was a tiny baby and **that was his third injury**.

Janice Docherty: **He was stress eating.** He was fat within about three weeks of going into care.

He'd had one terrible rash all over himself;

one dreadful big thump, bruise, on his forehead;

and a black eye with marks … fingermarks on his cheek.

And … he was fat.

Apparently, he was just eating non-stop. Even like dry Weetabix. He was quite …

Brian Docherty: Things he would never touch. He … I took a photograph. **We were allowed a very draconian one hour only to see our children, without any legal basis for this.**

Janice Docherty: Two at a time.

Brian Docherty: **Only two children at a time**, and we didn't even get to see the whole family together. And this was our son's third injury; the first one, as Janice said, was hand, foot and mouth rash all over his hands …

Janice Docherty: His arms …

Brian Docherty: … his body, his face. The second one was a nasty large lump on the forehead, and the excuse for that was "he fell over". Now, our son …

Janice Docherty: "He fell on a toy tractor."

Brian Docherty: … our son is very, very good on his feet. There was two puppies in the home, there was lots of chickens, older children, and he didn't fall over—and this time, he turned up with a black eye!

Photographing injury immediately terminates Dochertys' last ever child contact

Immediately after I took a photograph, the social worker ended the meeting and went and got her manager and said, "Due to your mental health presentation, we can't continue this right now."

David Scott: And so … so, your concern over a black eye on your eighteen-month-old son was immediately characterised as a mental health presentation.

Janice Docherty: Yes.

Brian Docherty: Exactly.

Janice Docherty: Yes, it was.

Brian Docherty: And it was …

Janice Docherty: **They said that we weren't allowed to take the photograph**. And, because we said, "You can't seriously be denying us access to our children based on the fact our baby boy's had an injury in care and we've taken a photograph which we want to give to our solicitor?", they said, "Well, we're concerned with your mental health presentation."

Brian Docherty: Yes.

Janice Docherty: Because, obviously, they realised … er, yes, that was maybe not the best move, to try and cover up.

David Scott: And I know I mentioned this a few times in the past, but I think it bears repeating: you have had a full mental health assessment and the assessment has been that you have an entirely clean bill of health?

Janice Docherty: Yes.

David Scott: And there is no legitimate concern over your mental health [that's] ever been established or ever been put forward?

Brian Docherty: No; not in the slightest …

Janice Docherty: It's only social workers who are desperate for this one.

Brian Docherty: Here, on this occasion, despite how we felt inside, our reaction about our son's black eye was remarkably restrained, because we knew what the agenda was—and they kept looking for any excuse to end contact.

The main reason for that was that **they didn't want us getting information about how our children were being treated**, particularly by our oldest child; but our baby, as Janice said, had not only a black eye but three fingermarks on his cheek.

Janice Docherty: Their main concern, actually, was that they did not want us talking to [Daughter 1]—they kept interrupting any time she'd try to tell us something—because **the guardian *ad litem* had told [Daughter 1] that we didn't want our children any more**.

"Playing mind games with the children"

So, after the court hearing on the 13th [January 2016], we saw [Daughter 1]—and we didn't see [Son 1] and [Daughter 2] again; we haven't seen them since before that hearing—we saw [Daughter 1] and our wee boy [Son 2] for five minutes before they brought it to an end based on my husband taking this photograph, but the reason was they didn't want [Daughter 1] talking, because **she did manage to say to me that … that Patricia Molony had said to her that we didn't want our children any more**.

Brian Docherty: This is …

Janice Docherty: And they didn't want …

Brian Docherty: … **mind games they're playing with our children**. They're given information to say that we didn't want our children.
And, on top of that, it's the kind of Machiavellian games where there's not the interest of child welfare here whatsoever.

The ransom: Be mentally "assessed" in the presence of the Social Services manager, or never see the children

It wasn't that they had "concerns" about our mental health: they *said* that, but the reason why they stopped us seeing our children [came in] the phone call I received, [which] was from the manager, **Bridgeen Smith**. She said, "**Unless you come back to the offices and get an assessment by our psychiatrist** …"

Janice Docherty: Which she was to attend herself, with us.

Brian Docherty: … i.e., to be sectioned, "**then you cannot see your children again.**" So, again, they're using the children as a … as ransom for us to be sectioned, because we reported a paedophile in Scotland. That … is how low it is.

David Scott: So, when was the last time you saw your children?

Brian Docherty: Mid-January [2016].

Janice Docherty: With … with [Son 1] and[[Daughter 2], it was the 12th of January, the day before the second court hearing, and with [Daughter 1] and [Son 2], it was Friday the 22nd, I think it was, of January, and it was only for five minutes.

Brian Docherty: We don't know who they … where they are or who they're with. Our biggest worry, of course, is that [they are now being abused because] we've tried to protect them from … from fairly wicked people for a long period of time, and **the State—not just one state, but two states—has acted on behalf of wicked people and done everything they can, using every available resource, using millions of pounds of taxpayers' money in two countries**

to discredit us and to destroy our family, because we dared to report a dangerous paedophile and his influential friend to the Government.

David Scott: So, that brings us to … towards the end of January.

The legal fight, obviously, rumbles on. Now, the previous hearing on the 13th was illegal for assorted reasons, but one of the reasons was there was an appeal pending from the previous hearing. So, how did that proceed? Was there an appeal hearing?

Brian Docherty: I suppose … I suppose the first thing I'd say, in terms of a legal fight, it's more like a legal farce … and it's very difficult for me to say that, in a sense, because we were hoping that there'd be some kind of justice further up the chain.

We made our appeal on the 31st of December [2015] and never got it.

There was a second hearing [on 13 January 2016], which was again illegal.

We made another appeal, and this was set for the 21st, and we actually had to go out of the [local court's] jurisdiction to get this appeal, in a different county in [the Republic of] Ireland, in Monaghan.

Appeal only possible by petitioning multiple court districts

We sent appeal papers to twelve different Circuit Courts, [as] they're called.

And we went to Monaghan on the 21st of January and the judge said—well, the other side never showed up, even though we notified them, as you do—**"As they've not shown up, you can't have your appeal,"** he said. So he rescheduled the appeal for the 1st of February.

Appeal held on a day when Irish Circuit Courts do not sit

Janice Docherty: Which was a Monday, and the Circuit Courts just don't sit on a Monday, so it was a special sitting.

Brian Docherty: So this special sitting with this judge was very, very … it was very strange, given the way that Circuit Court works. Because a friend was raising funds back in Scotland, we were able this time to have a solicitor and a barrister.

Janice Docherty: I can tell you that getting this solicitor was extremely difficult. We went up to Derry[72] and, again, many, many solicitors turned us down, but we finally got somebody …

[72] Londonderry, just over the border in Northern Ireland.

No lawyer in the Irish Republic would handle the appeal

Brian Docherty: **We had to actually go into a different country, Northern Ireland, to get a solicitor** …

Janice Docherty: … but, even there, it was … it was very difficult.

Anyway, we had a solicitor and a barrister for this hearing, and … it was actually the appeal hearing on the 1st [February] that alerted us to what actually happened on the 13th [January], because the reason that they gave for why this Appeal Court hearing would not go ahead was, they said, we had "agreed to our children remaining in care" and, because we had "agreed to this", the Appeal Court hearing couldn't be heard.

So our barrister said, "Well, we *didn't* agree to this."

Brian Docherty: We appealed it three times. Not really what you would do if you agreed to something.

Egregious corruption at appeal hearing, 1 February 2016

And there were so many wickedly corrupt things.[73] For example, the judge [Paul Kelly] had set this as a special sitting, so it was the Monday the 1st of February. He wasn't due to arrive for the Circuit Court hearings in Letterkenny until the Tuesday, so **there was nobody in the court building that day except for, very curiously, or revealingly, Judge Kelly, the District Court judge, and Patsy Gallagher, the solicitor from Letterkenny who'd misrepresented us**, who was represented by the County Councillor with the gun in his fireplace.

Appeal hearing includes unannounced fresh testimony from Police Scotland

Patsy Gallagher was in the court building, Judge Kelly was in the court building, and we were in Courtroom 2 with our barrister and solicitor. And, even more despicably, at the beginning of this so-called appeal, we were told at the last minute … our solicitor came to us and said, "**DCI Malcolm Jones of Police Scotland** is due to testify against you by police video link, again!"

Janice Docherty: And this was an Appeal Court hearing!

Brian Docherty: And this was an Appeal Court. So, the Appeal Court judge did his … did his utmost best to appear like an affable gent, who was really done up to the nines, to use a cliché, and [as if he] was just there … and was going to abide by the decisions.

[73] See Brian Docherty's further description of this in a letter to UK Column in the appendix.

Chief Justice Denham's novel ruling is prayed in aid to deny an appeal

And their side presented a paper from the [Irish] Supreme Court that said, "If you've agreed to something in court, you can't later appeal it." And, of course, we *didn't* agree to this, but they used that as a stick to beat us with and deny the Appeal Court hearing.

Janice Docherty: But what they had to do was go through this whole performance where they *pretended* that the … the rulings were being typed up there and then by Court staff for the 13th of January.

No Registrar present; court clerk, acting as Registrar, farcically produces "just typed up" rulings of two weeks earlier

And the office manager [Letterkenny District Court Clerk Val Cronin]—**who was in the courtroom acting as a Registrar**—he said, "Oh, they're being typed up right now. I'll just run up and see if they're ready."

And he came back and he said, "Oh, they've just typed them up. I'll get … Judge Kelly's just signed them." There and then—he [Kelly] just signed it.

Judge from two weeks earlier is "just walking by" the otherwise deserted courtroom to sign an assertion that the Dochertys had 'agreed" to confiscation of children

Brian Docherty: **He just happened to be walking by, Judge Kelly** … he's come in and he's signed this document to say that you agreed to this. It was that level of comic farce and somebody … **there was no Registrar present at this hearing**. There was just the office manager from the Court.

The Appeal Court judge, Judge [John D.] O'Hagan, had sent him out [of] the room to get a signed statement by Judge Kelly saying we had agreed to this nonsense, which, of course, we hadn't. And the whole thing …

Janice Docherty: I don't believe that we … **We weren't allowed to see this ruling that Kelly had signed**. **I don't believe it was handed to our barrister or solicitor either** …

Brian Docherty: Too illegal [to release], to my mind …

Janice Docherty : … so it was only handed to Judge O'Hagan, who said, "Well, there's nothing I can do. Outwith my control. Judge Kelly says you agreed to it. Therefore, your appeal can't go ahead."

Appeal judge O'Hagan foresees that the Dochertys will lose the next appeal

Brian Docherty: And then he said, and I kid you not … I mean, this … he said, "Look, there's another hearing scheduled for the 25th of February. Now, if that doesn't go ahead, we'll give you another appeal, but this time we'll make it on the 7th of March." So, …

Janice Docherty: It wasn't, "If it doesn't *go ahead*"; it was, "If it doesn't *go your way*".

Brian Docherty: … "if it doesn't go your way. So, we'll set another …" [*cynically paraphrasing*] What we'll do just now, just to show I'm a good egg and I'm not really involved in the corruption in this matter—hardly! *[laughs]*—I'll set you another …

So, we went from one Appeal Court date, which we should have had before the 13th of January, but didn't … and [on] the 21st we went to it and we were denied it without any legal basis.

We were just told [by Kelly on 13th January], "You're not having it." It wasn't [that] we were told we were *overruled*; we were just told we "*weren't having it*".

Then, on the 1st of February, we were told [by O'Hagan], **"You've agreed to something in court and the judge [Kelly] says so"**—aye, but he's the corrupt judge, hold on a minute, he's the guy that's lying; he's the guy that said that we were in the courtroom; the papers are about how we weren't even *in* the room when this Appeal Court was happening; that didn't seem to matter, it made no difference—to finally saying, "Look, just to show I'm a good egg and it's all above board, what we'll do …" (and I can tell you he was convincing no-one of this) "… is that **we'll set another appeal, just in case it doesn't go your way on the 25th of February**."

And that was the farce which is justice in Ireland.

Dochertys feel unsafe in the Republic

David Scott: OK. Moving on then from the ongoing legal struggle, however … unequal that struggle, might be … you're …at this point, your kids have been seized, you're now living in assorted houses … are you moving a lot? Managing to survive … just … I mean this must be …?

Janice Docherty: Well, our …

David Scott: … you know, it must be in a position of a great deal of strain, a great deal of disruption to any sort of normal life and … you are also, I would

assume, suffering considerable financial stress? So, how do you survive where you're living? How are you getting by day to day at this point?

Janice Docherty: We were still in the house where they tried … where they tried to set fire to the living room, but we were due to leave that on the 5th of February, so we booked a holiday home in the North of Ireland.

Brian Docherty: Which is only about an hour and a half away, but because of the danger posed in Donegal, we thought the best thing might be, because we thought, our solicitor was in the North of Ireland, to get out of the jurisdiction and go to the North. After all, we're British, we're Scottish … maybe we'd be safer [in the UK].

The "most surreal ten days" of the Dochertys' life: Northern Ireland, February 2016

This turned out to be the most surreal ten days of our life, because we booked a holiday home in the first instance, just so we could get to the North and then find a home to stay.

Someone cancels house-moving van booked by Dochertys

We booked a van online, as well, to move our belongings and put them into storage, but **although we booked this van, it was cancelled online**, and there were lots of things like that, where interception or people tampering with …

But our van hire company contacted us by e-mail and said, you know, "This is already booked, I'm afraid"—which, usually, when you book things online, it's first come, first served.

Not [the truth of the matter]: "You've booked it and now it's been unbooked."

Northern Irish holiday homes are staggeringly hard to come by … in February

Anyway, we booked a holiday home through a company called Imagine Ireland. At least, that's what it appeared to be through this company … and **we were told there was very little availability, which seemed odd, given that it was winter in Northern Ireland—in February**.

Possessions thrown out of home; Dochertys blocked inside

So, we had to take what we could, and we ended up in a place called Limavady [Co. Londonderry], where the owner, or a man purporting to be the owner told us, after a day of being there, that he wanted us out of the house. And he turned up with his

two friends, and they removed our possessions from us—literally held us up in the street.

They put a van across an alley—the single lane outside the holiday home—to stop us from exiting the home.

So, having told us to leave the home, they put a [Ford] Transit van—*his* Transit van—and his two friends showed up in a 4x4 and they said, "You're not going anywhere." And I said, "What're you doing?" And they said, **"You're not going anywhere."**

Hostage-takers go off to liaise with Northern Irish police

My wife said, "You're PSNI,[74] or you're acting on behalf of the PSNI." And none of them responded. He said, **"I'm away to phone the PSNI."**

Now, without any reason for any of this, other than he said, **"I want you out of the holiday home"**, which we had booked and paid good money for online. **They said, "We want you out."**

It becomes apparent the men are after the Dochertys' possessions

And he then went back into this house and came back out ten minutes later, and when me and my wife went back up to the holiday home and **these three men came, took all of our possessions** … and, at this point, we were in the middle of moving house.

So there we were, waiting till the storage facility was open on Monday to put …

The assailants have locksmithing and base tower spoofing capabilities

We had a small … it was a small three-bedroomed cottage. It was just my wife and I, and we went in one of the spare bedrooms we'd put all of our boxed items [in], and **they stole them**. We put them, in the first instance, into a shed—a lockable shed in the back—and **when we went back they weren't there**. These men had gone.

And later on that day, my mobile phone said—approximately five o'clock that afternoon—it said, **"SIM card updated. Call history deleted."** "SIM card updated. Call history deleted", is what beeped on my phone.

Which I thought was quite an incredible end to a very weird day, and that was one of the many [weird days] in Northern Ireland.

[74] Police Service of Northern Ireland

Upshot: No children, no home, no possessions, no money

David Scott: So … so this leaves you with …

Janice Docherty: No money and no home.

David Scott: … no kids, no money, no home, no possessions.

Brian Docherty: Virtually [just] the clothes on our backs …

David Scott: The clothes on your back.

Brian Docherty: It's a silly thing, but of the things stolen, including many documents—birth certificates, marriage certificates, all manner of things—there was also **a thousand euros' worth of Christmas presents for our children**, which we'd kept in the hope of giving them when we got them back. We bought their Christmas presents the day before they were taken and they were still boxed. They were still gift-wrapped in many cases.

The men were specifically after the Dochertys' camera—because Brian Docherty had let his previous property agent (across the border) know just the previous day that he had been caught letting burglars in

And these three men just came in … blundered in … basically just held us up in the street and took all our belongings … and we know they were after … **one particular item they were after**.

When we had left our previous accommodation, I left a note for the estate agent,[75] who was involved working as an **informant with the Gárda**, a guy called **Dennis Trearty** … and I left a note for him to say, "It's surprising the resolution you can get on digital cameras these days."

That was a note I left on the table, because he was very much involved in helping people get into the house which he factored[76] for the owners.

It was a matter of days after I left this note that **we were held up in the street** …

Janice Docherty: It was the next day. It was the following day.

Brian Docherty: … we were held up by three men in Northern Ireland, having booked this holiday cottage online.

David Scott: OK. And the camera went?

Brian Docherty: And **the camera was stolen**.

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[75] realtor

[76] managed as agent

David Scott: Right.

Brian Gerrish: That completes Part 8 of David Scott's interview. Join *Dispatches From The Front* for Part 9.

Bridgeen Smith, HSE West, Republic of Ireland
A social work team leader "putting patients, clients and families first"
Photographed attending a "cross-border leadership development programme"

Guardian ad litem of the Docherty children in Ireland, Patricia Molony

DISPATCHES FROM THE FRONT

The Brutal Protection of Paedophiles—Part 9

Brian Gerrish: Welcome to *Dispatches From The Front* and David Scott's as he interviews Brian and Janice Docherty, the couple whose children were stolen from them by the State after they reported the approaches of a paedophile.

David Scott: David Scott, *Northern Exposure*, continuing the interview with Janice and Brian Docherty.

When we left the narrative, Janice and Brian were left in Ulster,[77] having been deprived of such wordly goods as they possessed, and they had a hire car, assorted pets and nothing else in the world.

We're talking about February 2016—and we'll pick up the story from there.

Brian Docherty: Yes, well we had no address, and we had obviously went to the North to find a home in what we thought would be a safer place.

A different Northern Irish hotel each week; animals being attacked again

Janice Docherty: So, at this point, a friend paid for a hotel for us, but because of constant surveillance—constant breaking into our car—we found ourselves every night for a week in a different hotel. In the morning, we'd go down: **the dogs had been attacked every night**. There was even one night when one of the guinea pigs was badly injured by the attack, and it was becoming quite unbearable …

Brian Docherty: Because my friend Neil, in Edinburgh, had paid for four nights in a Travelodge, three police officers from Police Scotland actually turned up at his house at 11 pm on a Saturday night, demanding to know my location. Now, I wasn't reported missing. They *said I was*, and they've never told me or my friend who reported me missing. This was clearly fabricated, but they turned up at Neil's house. Neil's married to a woman who's in and out of hospital, who's almost blind. He has two grown-up children who are disabled.

Menacing Scots call Northern Irish hotel

And there was a constant campaign of harassment, of friends of mine, who were helping and supporting us. Even to the extent where—when Neil booked a hotel for us in Londonderry, or Derry: the **Waterfront Hotel**—immediately after we checked in and I phoned my friend to confirm the booking, the Reception was immediately phoned back by **a Scottish voice, who demanded to know the location of the hotel and the name of the hotel**, and they hung up.

[77] Northern Ireland

That happened twice when we went to … The following night, that happened in Londonderry, in the Travelodge. It was a constant campaign. And, as Janice says, each and every single night, when we were [en route] dropping off papers to the High Court in Dublin, our car was broken into and papers taken out.

Car broken into for legal paperwork during a Dublin trip and returned to the car in NI

Actually, when we got to Dublin, we submitted papers for the attention of the Chief Justice [of Ireland], a woman called Susan Denham,[78] and as we returned to the car at about seven o'clock at night, straight outside the Four Courts[79] in Dublin, the passenger door was ajar and …

Janice Docherty: Paperwork was removed from … from the floor of the car, which later turned up the next morning when our … car was in Derry, when we drove back to Dublin from Derry …

Brian Docherty: To Derry.

Janice Docherty: … and the paperwork was returned.

Brian Docherty: It was actually returned. This time, it was returned to a different part of the car.

In despair, the Dochertys seek sanctuary in a monastery

Janice Docherty: And that was the time when the guinea pig was badly injured, so … the stress was getting too much. So, Neil, my friend Neil, contacted friend, who contacted a friend, who contacted a friend, and they found a place for us to go safely, which was a monastery in **Portglenone** in Northern Ireland called **Bethlehem Abbey**.

So, we met somebody who drove us there, and at that point we had to leave our animals dispersed with strangers, which was quite awful actually, because I felt like a last …

Brian Docherty: It seemed like a kind thing to do, even though we barely knew some of these people.

Janice Docherty: We didn't know them at all.

[78] It is the understanding of UK Column that in the Irish model of *habeas corpus* (guaranteed by Article 40.4 (ii) of Bunreacht na hÉireann), the High Court judge must call the Chief Justice to hear the petition on the very day of presentation.
[79] The central seat of justice in Dublin.

Brian Docherty: Because we'd been driving round in a hire car, the dogs—as Janice said, even in Belfast, when we were giving in documents to Stormont House[80] to the [UK] Secretary of State [for Northern Ireland], when our lives were under extreme threat—the dogs had been stabbed: Wolfie was stabbed in the back of the leg. Someone had broken in and ripped the seal of the car and the ceiling. There was blood on the ceiling and blood on the seats of this hire car, and they were searching for documents and paperwork. And Holly, bless her, was tasered on the nose for the umpteenth time.

So, it was a constant campaign of intimidation and violence and definite threat, and my friend managed to get us, through his contacts, into a monastery, because we were just asking him, "Is there anywhere we can that's safe, because they've taken everything. They've taken our children, they've taken our belongings and now they want to take our lives, clearly—after [a final intense phase of] seven days of moving from hotel to hotel and going to various locations to try and get some kind of protection and justice." So we went into this monastery.

Janice Docherty: So, a couple of days which were relatively calm.

Brian Docherty: "Relatively calm" in this context means it was quite fraught, but … on this occasion the dogs were not beaten, tasered, and our car wasn't broken into … for a short period.

NI policemen call at monastery in middle of night to talk cross-border psychiatry

One evening—and this shows you the extent of the surveillance—two officers from the PSNI, the Police Service of Northern Ireland, showed up to the monastery at 1 am and chapped[81] on our room door. They demanded to know if my wife was with me, which, of course, she was. And then said that we had missed … we'd been "marked missing". It's quite unusual, because we've *been* marked missing so many times, but **they never tell us *who* marks us missing** …

Janice Docherty: **Or *why*.**

Brian Docherty: And this seems to be the pathetic justification for a constant campaign of harassment in three different countries.

The officer then informed me that we had "missed a psychiatric assessment"—which is, if ever there's a euphemism, that's … that's one—in a Gárda station or a police station in Letterkenny. So, in other words, here was two officers—**serving police officers with the Police Service of Northern Ireland turned up at a monastery called Bethlehem Abbey in Portglenone at 1 am to tell us that we missed a psychiatric assessment.**

[80] The seat of the devolved Northern Irish administration and parliament.
[81] knocked hard

Janice Docherty: Not that we were *aware* of this psychiatric assessment, and we didn't have any form of communication with us—no laptop, no no mobile phone, nothing. So there was not really any way that they could have known we were there.

NI police know the Dochertys were at the monastery from constant surveillance

Brian Docherty: Unless, of course, there was—as we knew [there was]—a **constant campaign of surveillance**. Even in the morning after the horrendous weekend, when we went to our solicitor, **we were actually followed to our solicitor's offices, with a car following us round half of Londonderry**.

Monastery clearly unsafe after all

When the officers left shortly after 1 am, my wife and I knew that they weren't just coming as a courtesy call and that they weren't there just to check on our … to tell us that … to read us a bedtime story or to offer us some kind of support.

So, the next morning, early in the morning …

Janice Docherty: Well, we didn't sleep after that, so we … we decided to leave very early.

Escape over field and wall

Brian Docherty: We were very suspicious that they were waiting outside to arrest us … outside this monastery … and we left quite early before daybreak, really.

Janice Docherty: Yes, just about daybreak, and … Now, we didn't want to go out the main entrance. There was only the one way in and one way out of this monastery and we didn't fancy going down there, because we were fairly sure—especially seeing as the last few days we'd seen cars outside the monastery, on the road—we thought, "Right, there's every likelihood that there'll be people waiting for us and, if they're desperately keen for us to attend a psychiatric assessment in a police station, there's every possibility that they'll just take us and drive us straight there." So …

Brian Docherty: We …

Janice Docherty: We looked for …

Brian Docherty: We looked for an alternative exit … and …

Janice Docherty: Which was not easy to find …

Brian Docherty: … it was not easy. We found this …

Janice Docherty: So, we crossed a field …

Brian Docherty: We crossed a farmer's field on a very foggy, wintry morning … with … very icy field, if muddy, but the mud was so …

Janice Docherty: It was so frozen that, actually, we were able to walk across it, and we discovered a wall, which was about six or seven feet on our side. On the other side, however, it was substantially higher! The drop down was considerable, but we thought, well, we either try and … and …

Brian Docherty: … scale this wall …

Janice Docherty: … scale this wall and escape, or we take our chances with … with …

Brian Docherty: At all times, we had … in every action … we were doing … at the forefront of our mind was that **if we get sectioned, then our family's lost**.

Janice Docherty: **There's nobody there to protect our children, and that would be it.**

Brian Docherty: That … our children were kidnapped … our children were being ransomed to section my wife and I for reporting this and bringing to light activities in the north-east of Scotland. **If we get sectioned, then there's no hope for our children.**

Janice Docherty: There's nobody to fight for our children.

Brian Docherty: So, with very little … with massive levels of stress and a number of carrier bags with our clothes … and very little possessions …

Janice Docherty: We decided … we decided we were going to have to just go over this wall.

Brian Docherty: … the wall …

Janice Docherty: So, I said, "Well, I'm going to have to go first, because I can't even climb up at this side, let alone … you know … if you go first, I can't even get onto the wall." So, I got helped up onto this wall, and I was looking over onto the other side, thinking, "I'm going to die." So, I climbed over. I was holding onto the top of the wall and I was thinking, "Oh, goodness me, it's a long way down …

Brian Docherty: Long way down …

Janice Docherty: … and gravity took over and I had no choice, and I just fell down this wall—unhurt, which was quite incredible.

Brian Docherty: It was incredible.

Janice Docherty: You [Brian] passed me over the carrier bags of what few belongings we'd gathered. People had been quite kind to lend us some clothes.

Brian Docherty: We went to … we managed to get a bus, although it took some time. I climbed over the wall … covered myself in moss … and then got a bus to the nearest town, and then another bus to another town, and then another bus to the …

Janice Docherty: Ferry.

Brian Docherty: … the ferry port … early in the morning …

Janice Docherty: Well, we didn't know where we were going to go. We had no money … very little money …

No car, no friends—no choice but back to the "lion's den" of Scotland

Brian Docherty: Very little money and … we just thought, "Well, we've left one country because of the death threats. We're leaving another country because clearly they want to section us," so we thought, "Well, we'll go back to Scotland."

It seemed like we were going back into the lion's den, but we didn't have much choice.

Janice Docherty: We didn't know anybody, really, where we were.

Brian Docherty: No, we didn't …

Janice Docherty: … we didn't know anyone in Northern Ireland at all and …

Brian Docherty: … so we went to the ferry port and we gave …

Janice Docherty: We managed to get on … we didn't have a car, obviously, so we got on as foot passengers.

Policemen combing the ferry port

Brian Docherty: And when we got off the ferry, they were actually stopping … there was a number, a large number, of police officers and vehicles stopping every car …

Janice Docherty: Every car that was getting off the ferry … and searching them. This was in Stranraer …

Brian Docherty: In Stranraer.

Janice Docherty: So we got off on the little bus for the foot passengers, and nobody stopped the bus.

So we got over to the terminal and there was a bus waiting there, which was to … to go to the train station.

So we got on the bus—and the bus sat there for a good five minutes. We were slightly anxious that all these police officers were going to stop searching the cars and come over, but they didn't think about us being foot passengers and …

Brian Docherty: And we got back to Scotland … and …

Janice Docherty: So … we got on the train at Stranraer … went up to Glasgow …

Police Scotland harass Scots in contact with Dochertys

Brian Docherty: Oh, and **I was told by a friend, who's a councillor, that she was visited by Police Scotland officers as well, seeking my whereabouts. Again, there was no justification for this. There was no allegation of criminality. It was just a campaign of harassment**, because I'd been in e-mail contact with this friend, godmother to our son.

Police roadblock in Scotland

We got back to Scotland and, as Janice says, there was this roadblock of police officers with lots of vehicles and cars. We got through and got back to Glasgow, and then we went to stay with some friends.

Janice Docherty: Well, there was a few nights of relative homelessness. Not relative, *close* to it, and … and then, yes, then we went over to Edinburgh.

Tailed in Edinburgh, Dochertys move to England, February 2016

Brian Docherty: To … to Edinburgh to stay with some friends, and we were followed around by Police Scotland, and then we were passed onto other friends who were south of the border, who were friends of our friends, but were new to us.

David Scott: So, this is starting to sound more like the underground railroad where slaves escaped the South, or Underground methods of getting airmen out of occupied Germany. We're into this, you know … friends' network and staying away from the authorities, because you've now reached a stage—after two years of this and of having appealed to everyone—where, really, who can you trust? That … that's the position, having excluded everyone by trial and error. There's … there's a … you're now relying on the friendship of strangers sometimes.

Entirely dependent on the kindness of strangers

Brian Docherty: That's exactly it. If people hadn't ...if people hadn't ...

Janice Docherty: Yes, very much so.

Brian Docherty: If people hadn't ... **if people hadn't been so brave and kind and decent, then we would have been dead some considerable time ago**.

If people hadn't been hospitable and extremely generous ... I mean, **our car was destroyed in Northern Ireland**, and when we got ... we were ... we were travelling by *foot* back to Scotland, and we barely knew ...

Strangers give Dochertys a car because they believe them

I mean, we just—literally just—met a couple in England and they bought us a used car, they insured the used car, they road-taxed the used car—and we knew them for three days! They fed us, they ... they ... they ... they ...

Janice Docherty: They were unbelievably wonderful ...

Brian Docherty: ... they were kind. They were absol ... they were disgusted with what happened to us, as ...

Janice Docherty: I'm still concerned about giving their names, because I don't want anything to happen to them, but they were the most amazingly kind people.

Brian Docherty: **For every wicked villain in this story, there's been some really heroic people who have ... have stood up and said, "This is outrageous."** Neil and Karen in Edinburgh are very much two of those people, and what they've done is, literally, saved our lives.

Janice Docherty: They've saved our lives so many times. Without their help, we would have ...

Brian Docherty: We would have perished easily.

Janice Docherty: Yes, starved to death or been ... or been, you know, caught.

Brian Docherty: Easily ...

Janice Docherty: Disposed ...

Brian Docherty: ... or easily disposed of. Yes. So, we then got a car ...

Janice Docherty: So we had a car.

Brian Docherty: Three weeks into staying in Scotland, and having moved about a bit, we were now down in Cheshire with an … with an old, very reliable Japanese car … top speed 58 miles an hour … downhill. It was … it was the same car used by the *Top Gear* team in *Star in a Reasonably Priced Car*: the Suzuki Liana.

Replacement car is bugged

I can give the registration, because I'm sure there's at least … three police forces know the car.

Janice Docherty: **It goes beep at 4 am**, so I think …

Brian Docherty: I did consider putting on my Facebook page … you know, Facebook surveillance for the police, just letting them know where I was going in advance! You know, "I'm going to the supermarket tomorrow to buy cheese. I'll be there from one to one-ten," sort of thing. It's that level of ridiculousness.

After three weeks in Britain, back to Ireland, despite port closure

So then we got the ferry …

Janice Docherty: We got the ferry …

Brian Docherty: … we got the … we drove the car down to the south of Wales.

Janice Docherty: Yes.

Brian Docherty: And we'd accessed e-mail in Cheshire, so we thought, "We'll not get the ferry from Liverpool; we'll get the ferry from South Wales." And there were police officers everywhere. We … **The ferry port we were going to**[82] **was cancelled and locked up**—we had to go further down. I forget the name of the port,[83] and …

Janice Docherty: I can't recall either, but …

Brian Docherty: … we were the last car on, and there was a heavy presence of police. This time …

[82] either Holyhead or Goodwick (Fishguard)
[83] either Goodwick (Fishguard) or Swansea

Gárda watching for foot passengers (as Dochertys had given Police Scotland the slip by being foot passengers)

Janice Docherty: This time, when we drove off …

Brian Docherty: They were searching the foot passengers. Not joking, they were searching foot passengers.

Janice Docherty: So we drove …

Brian Docherty: They came on the ferry … it was incredible.

Janice Docherty: And what they did do also with the cars was, there were some … a police officer who was checking in the back of the car to see if there was anyone extra, but, of course, they didn't think the people *driving* the car could be …

Brian Docherty: And this guy, this copper,[84] asked me for some identification, but as we were the last car getting on, he barely looked at it. I passed him identification …

Janice Docherty: He just looked at the photograph—he didn't look at the name, which …

Brian Docherty: Janice's information had all been stolen. I mean, a lot of my things had been stolen: passport, etc., but everything of Janice's had been stolen. We got on the ferry and … it was a busy ferry … there was a lot of French kids there. The ferry was cancelled where we were supposed to be getting it, and we were on a redirected ferry from northern France. So **there had been some skulduggery with the ferries**, and **there was a number of officers on the ferry, which we identified**.

Janice Docherty: Yes, they pretty much sit there [as if] with the words "Police Officer" tattooed on their forehead!

Brian Docherty: It's not like … It's a strange thing, because a number of people, when they've heard what's happening to us with various police forces, said, you know, "Your life is like something out of a film."

Dochertys have found Scottish and Irish surveillance to be a bungling affair

And we've just got a very … very, kind of, black humour about things at times, but in the films, surveillance is very covert and very secretive and …

Janice Docherty: In real life …

[84] policeman

Brian Docherty: … what we've found: **it's very, very blunt and sloppy and obvious, and relies heavily on technology**. Not that we are experts by any stretch. It just means that we're very used to it and …

Janice Docherty: Well, when somebody follows you about constantly, you kind of go, "Somebody's following me" … you notice it.

Brian Docherty: Yes: "[Either] that person's *really* interested in these … these Cheese'n'Onion crisps that I'm looking at, or he's following me round the supermarket." I mean, it's ridiculous stuff, you know. **And in the cars and in the street and when we go [out], it's a constant campaign of harassment.**

Anyway, we got back to Ireland and … where did we go from there?

David Scott: Well, can we go back to … we've reached Ireland. Let's go back to the legal issues.

Brian Docherty: Oh, yes.

David Scott: We … we've covered several court cases. We've covered appeals, and appeals rejected, as well.

Brian Docherty: Yes. We knew we weren't going to get any justice from the District Court or the Circuit Court. I think I saw … I think that's where you're going …

David Scott: Yes, yes. What was the next move? What was the next legal …

As a respondent in such non-cases, it is better not to show up

Janice Docherty: Well, actually, there was a District Court hearing, but we had been informed that we're not actually accused, because we're not actually accused of anything, we're called now … what's the word? It's like …

Brian Docherty: "**Respondents".**

Janice Docherty: Respondents.

Brian Docherty: **We've never been accused of anything.**

Janice Docherty: So we're called … yes …

Brian Docherty: So we're called …

Janice Docherty: As a result, we were told that **we could only make things worse by turning up for the court hearings, because we're now giving them credibility**.

Brian Docherty: And we're incriminating ourselves by *responding* to what *they* say.

Psychiatrist lurking in court to cart Dochertys away, March 2016

And we were also warned by our solicitor that if we turned up to the hearing in mid-March [2016], we were going to be sectioned.

And we *did* turn up to this hearing, and **there *was* a psychiatrist in the foyer waiting for this hearing**, so I wrote a letter to the judge and we left. And **the letter stated that our children have now been detained at that point something close to a hundred and so many days** … I think it was **110 days**. It's now been …

David Scott: And the maximum is?

Janice Docherty: **Eight**.

Brian Docherty: Well, under his Care Order … sorry, under their Care Act [in Ireland], the maximum is eight days [for] which they're allowed to hold our children. It's now been a hundred and sixty …

Janice Docherty: A hundred and seventy.

Brian Docherty: A hundred and seventy, sorry.

Why have Irish social services never applied for a Care Order proper?

And, just to make clear: for the Irish system—which we've had to learn the hard way about—our children are being kept … illegally detained … every four weeks, by an Interim Care Order. Another four weeks passes and then there's another Interim Care Order.

Asked about this, the Irish state invents in April 2016 having "applied" in February

At no point has the State presented for what they call a Care Order, because there is nothing to justify the holding our children. And when I wrote to the judge and I explained that out children are now being detained on five Interim Care Orders and at no point has there been a presentation or a … a thing for a Care Order, two weeks later we were e-mailed by the State's solicitors, VP McMullin's representative, and she sent us back-dated papers for an application for a Care Order [supposedly sought] in the end of February [2016].

Janice Docherty: However, of course, this had to have been invented. They couldn't have put it forward at the time …

David Scott: This is in … this is in April?

Brian Docherty: This was … this was in April.

David Scott: So, in April, when you complained after there's been five Interim Care Orders with no application for a Care Order, then, magically, here's … here's … here's one I prepared earlier, in February!

Brian Docherty: Yes.

David Scott: But that's not been actually … **it's not stamped by a court or anything?**

Brian Docherty: **No.**

Janice Docherty: And furthermore, they couldn't have actually presented for that at that time—or the children would not be held under a full Care Order, and they *haven't* [been]. They're still held under the [Interim Care Order]. So, it has to have obviously just been invented and, you know, back-dated, because, otherwise …

Brian Docherty: So, we knew … we knew it was too …

Janice Docherty: [They] wouldn't still be held under Interim …

Back to the peripatetic holiday home existence

Brian Docherty: Definitely. We knew it was too dangerous to get … to try and get a permanent address, so we were living in holiday homes.

Legal escalation in Ireland

And we … we were informed that, under Irish law, there is a constitutional right which applies to children held in care, where, if a prisoner or someone is detained unlawfully—such as a child in care—[and] has been held there without due process or legality, you can apply under the Constitution to the High Court in Dublin, the Four Courts, for what's called a [writ of] Habeas Corpus. Now, Habeas Corpus means, literally, to present the body before the Court.

So, we filled in the paperwork and we took the paperwork to the Four Courts …

I've … I've actually got this, as usual, in the wrong order. My wife is, I can sense …

Janice Docherty: [No, not the wrong order;] I was also just going to say, briefly, that when we returned to Ireland, we were due for yet another Appeal Court hearing. Now, two of them hadn't gone ahead back in January and February, so we were due another one at the start of March. This was just then suddenly cancelled, without explanation …

Meanwhile, the third appeal date has summarily been cancelled

Brian Docherty: Without explanation. We … we … we received an e-mail and told, "It's been cancelled …"

Janice Docherty: Obviously, they just weren't prepared to go ahead …

David Scott: And you mentioned also a Judicial Review?

Brian Docherty: Yes.

David Scott: Where did that fit in?

Brian Docherty: A Judicial Review is, obviously—as it says—it's a review of the judicial processes, and if you can demonstrate that there's been inconsistency, illegality or irrationality, you can [challenge it]. What happens is, normally, when it goes to the High Court, you have your legal team present such a case, but, of course, we *are* our legal team, because we've been denied the basic right to legal representation. We had a barrister and a solicitor for three days, which cost us a lot of money, but that was all we could afford …

Janice Docherty: **We've been denied Legal Aid, repeatedly.**

Brian Docherty: Repeatedly. Interestingly, by …

Janice Docherty: **And illegally.**

The manager who illegally refused Legal Aid has been promoted to continue refusing it

Brian Docherty: This started in February 2015 and the person who denied us … **the Legal Aid Manager has now been promoted to Regional Manager and has denied us it again—in a different part of Ireland**.

Janice Docherty: **In a newly-created post.**

Several of the Dochertys' persecutors have likewise been given tailored promotions

Brian Docherty: In a newly-created post, which didn't [exist] before our children were taken from us the first time. **And that seems to be a recurring motif in the corruption against us.**

Also meanwhile, Judicial Review denied by Irish High Court

When we … we went to the High Court and presented for a Judicial Review …

Now, in the Irish system, you take your Judicial Review to get stamped by a Notary Public and you swear on the Bible that this is accurate. And we did that. We took it to the High Court.

We filed our papers and we were given what's called an *ex parte* docket, which means—incredibly—you take it to one of the many courts at the High Court in Dublin and **a judge is duty-bound to hear your case then and there**.

What happened in *our* case is, we were told this—advised of this—so we went to the High Court, we did the appropriate paperwork, we took our detailed sworn statements, we demonstrated the illegality and the inconsistency of the law, and **we went from one courtroom and the Registrar says, "No, we won't hear it." We went to another courtroom and the Registrar says, "We won't hear it."**

Janice Docherty: And the judge also said, "We won't hear it."

Brian Docherty: **And we went to a further courtroom and the judge says, "We won't hear it, but if you come back in ten days, we'll think about it then."** And this is against the ... procedure.

So, having been denied legality in the District Court and denied three appeals in the Circuit Court, we'd now gone to the High Court—and we don't get the benefit of the law.

High Court office staff are baffled

Janice Docherty: We went back to the ... the ... the office staff in the ... the High Court and ... and asked about it ... and we were told there, **"They should *definitely* hear it today. There's no reason for this. This is wrong. They should hear it."**

Brian Docherty: **"They should hear it *here*."**

Janice Docherty: **But we couldn't get anyone to hear it.**

Brian Docherty: So, we ... we filed those papers, but never was ...

Janice Docherty: But it's never gone ahead.

Brian Docherty: It's never been heard.

David Scott: So, that ... that's still pending. That's not—to this day, again—not happened. **There's not been a Judicial Review.**

Judicial Review files from April are "still in limbo", never having been presented

Brian Docherty: **Those files are still in limbo. They've been filed as of 27 April. They've never actually been here in a court of law.**

David Scott: OK.

Brian Docherty: So we went back [to the High Court] two weeks later, out of desperation for our children, for concern for our children and Social Work kindly[!] telling us that our children were upset and they desperately want to see us.

Janice Docherty: But they won't allow us to see them. **They just like to do the emotional torture … you know, psychological torture**, telling us our children are asking for us, they miss us, but "you can't see them."

Brian Docherty: We can't see them.

The day Habeas Corpus became a corpse in Ireland: 25 May 2016

So, we went to the High Court, this time for the Habeas Corpus, and we … we filled in all the … We researched Irish law, we gathered all the paperwork, we typed up lengthy statements—very, very detailed statements again; we put many hours into this—we went to the High Court, and the judge refused to give us a Habeas Corpus.

Janice Docherty: Well, no; he … he refused to do it *then* …

Brian Docherty: *Then* [on the spot]…

Janice Docherty: But with Habeas Corpus, it's such an important thing. The idea was that it must be heard *on the day*. It's a constitutional right, on the day.

Brian Docherty: The tradition was, they used to run in waving the paper, [shouting] "I've got a Habeas Corpus!", and everything went into shutdown.

David Scott: It's one of the basic guarantees of liberty in any common-law jurisdiction. It's the writ of Habeas Corpus which forces the authorities to bring people who are detained in front of the Court, so there can be some daylight … sunlight, in many cases.

Judge Haughton coordinates with the previous Donegal judge and the Chief Justice

Brian Docherty: Well, the judge, **Judge [Robert] Haughton**, then phoned … disappeared from the Chambers and **re-emerged having spoken, clearly, to Judge Kelly**,[85] the judge …

[85] Brian Docherty has also subsequently (5 August 2016) averred that it was clear that High Court Judge Haughton had also conferred with Chief Justice Denham in the meantime.

Janice Docherty: It was obvious he had, because **he then told us certain things that we hadn't given ... information we hadn't given him**. So, he'd obviously ...

Brian Docherty: **He'd obviously spoken to the judge**, and the judge had obviously given him a very heavily abridged and edited and ...

Janice Docherty: ... and untruthful version ...

Brian Docherty: ... version of events. And he then said, **"Look, I'm not ... I'm not going to give you this. You should go back to the Circuit Courts."** I said, "Well, look, we've been to the Circuit Court ...

Janice Docherty: "They keep cancelling. They won't allow it to go ahead."

Brian Docherty: "They keep cancelling. They won't allow us to have it." I said, "Look, this is a Child Protection matter. We've got ..."

Haughton's legal reasoning for refusal of Habeas Corpus: "That's all ... stop protesting"

David Scott: **Was there any lawful excuse given for not granting your writ of Habeas Corpus?**

Janice Docherty: **No.**

Brian Docherty: **Nothing whatsoever.** There was no ... **there was no referring to a precedent or a law or to anything in the Constitution**. It was simply a case of ... he said, **"That's it. That's all I'm going to say. You can stop protesting, Mr Docherty,"** he said.

Bogus reference to the "other side of the story"

Janice Docherty: He ... he said, "We've got to get the other side ... put their story in." So, got to give them ten days' notice ...

Brian Docherty: Which you don't have to do in a Habeas Corpus.

Janice Docherty: No, that's not at all true.

Brian Docherty: **A Habeas Corpus is judged on the day on the merits of the information presented, and the person detained is brought before the court. That is the Irish system, but that apparently doesn't apply to us.**

David Scott: OK. So that brings us … that's May the 25th … is that right?

Brian Docherty: That's May the 25th, yes.

David Scott: So, that brings us almost up to date. We're sitting here at the start of June, so that's where we're currently sitting.

So, you've exhausted every … every opportunity, every avenue, in the Irish legal system …

Brian Docherty: In the *Scottish* legal system [too]. **We've complained to everybody. We've e-mailed every politician.** We have tried our damnedest for the sake of our children, who miss us and want us and need us …

Janice Docherty: … miss us unbelievably badly …

Brian Docherty: … and we miss them like … I would rather lose limbs than be without them and …

David Scott: So, we'll pause there briefly, and we'll then just wrap things up to summarise what you're looking to do in the future.

But I think for the listeners, it's … it's going to be salutary to listen to this—the story that you can have a law-abiding, loving family torn asunder like this, you can have a situation where not only has this family not been convicted of any criminal wrongdoing, they haven't even been *accused* of criminal wrongdoing, and yet children have been violently seized by the State in an armed raid and detained now for six months, with no lawful excuse, with no justification, with no pretence that it's Child Protection.

And the only possible explanation for this—the thing that started it all—was reporting an approach by a paedophile in rural Aberdeenshire—a paedophile who, it transpired, was very well-connected.

And, given the scope of what has been described here, **my greatest worry for the whole of my nation is that 'well-connected' must mean very, *very* well-connected, otherwise the events that we've heard described could not have occurred**.

So, we'll close there for the moment and then we'll wrap things up with a look forward.

Brian Gerrish: And that completes Part 9 of David Scott's interview, and what parent could not fail to be moved by Brian Docherty's statement that he'd rather lose limbs than lose his children? And we remember that the parents have not been accused of any crime or wrongdoing. The State has simply taken their children.

Join us for Part 10 of David's interview with *Dispatches From The Front*.

Portglenone, Northern Ireland (UK)
The peninsula between Lough Swilly and Lough Foyle (Londonderry) just west of the Northern Irish border is Inishowen (with Malin Head at its top), in the Republic of Ireland. This is where the Dochertys latterly fled.

DISPATCHES FROM THE FRONT

The Brutal Protection of Paedophiles—Part 10

The Dochertys review their experiences and request specific help from the public

Brian Gerrish: Welcome to Part 10 of David Scott's interview with Brian and Janice Docherty, the parents who had their children stolen by the State for reporting the approaches of a paedophile.

David Scott: David Scott, *Northern Exposure*. We've now heard the full explanation of the last two years—a full narrative of the last two years, from Brian and Janice Docherty—of the calamitous events that have occurred ever since he reported a paedophile who approached him in Aberdeenshire, wanting access to their disabled son.

I'll pass over to Brian now and just ask you, Brian, if you can summarise as briefly as possible the position you now find yourself in.

Brian Docherty: Thanks, David. Almost twenty-two months since we reported a paedophile—in Scotland, in August 2014—twenty-two months later, we have been attacked, slandered, libelled; our children moved twice; **there's been no criminal allegations against either myself or my wife**.

There's no legal basis for the removal of our children: we've been denied all human rights, all legal rights, we've had no support from the authorities in Ireland, no support from the authorities in Scotland. But during that time, there's been some real heroism from public and from friends; we have no criminal records, as I said; **we haven't even had allegations of being bad parents**.

What we want is, obviously—what we desperately want, what we've always wanted—is for our children to be with us, our children to be safe.

Our children have been unlawfully detained for 170 days, and for 150 of those—since we reported our baby's black eye, in care—for 150 of those days we've not seen them, all four of our children. **We know our children desperately want to see us, we know that our children are asking about us**, but Social Work won't let them see us, and [in] every legal court from District to Circuit to High Court, we've not been allowed basic legal rights or any fair hearing.

We're very, very, keen that we have our kids back and we'd obviously, like any other loving parent … family … this is what we desperately want.

So we are asking for people who are listening to this programme, people of good will, people who are decent, people who are well-informed, many of your listeners, to help and to be investigating, and to respond to … and to contact people who will realise that **there are people out there who don't want to tolerate this**, will not tolerate this, and who find it disgusting and outrageous.

Good people who know that there but for the grace of God this could happen to anyone—anyone who dares to report a paedophile or a paedophile ring; anyone who dares to try to protect their children; anyone who dares to say, "This is not acceptable."

So we are asking, my wife and I are asking, please, for your help. For **the more people who write and complain, and who shine light on the darkness, the greater the likelihood is that the spineless politicians and devious bureaucrats will actually do something about this**.

The interviewer reviews the most pressing questions of authorisation in the case

David Scott: Well, for my part, I've been sitting here trying to summarise the questions that this case raises, in my mind, and I'll just list the foremost amongst these.

Firstly, I wonder why that after less than 24 hours of you reporting a paedophile, Sergeant Buchan of Police Scotland, Fraserburgh, came to your house, seeking to persuade you that there was nothing here, nothing to see.

Secondly, I wonder why social services, in Aberdeenshire, after you had reported the paedophile, started to investigate *your* family, *not* the paedophile—and not the family of Viscount Petersham, who was a known associate of the paedophile.

I wonder why the Gárda came to your door a week after you landed in Ireland. Who sent them, and why were they sent?

Next, I think we need to know: What is in the notes sent by Police Scotland, by Aberdeenshire Council, and Perth & Kinross Council, and by NHS Grampian, to the authorities in Ireland? And why has access to those notes been denied to the family for two years?

I also wonder: Under what authority were the Dochertys' children seized by Irish social services and armed Gárda on 28 January 2015? And, specifically, why was no warrant or court document presented to the family during this raid? Is it the case that at the time of the raid there were *no* court documents authorising that action?

I wonder, also, where the approval of the surveillance under which the family's had to live for almost two years came from? Which intelligence agencies and police forces were involved in that surveillance? And, specifically, who authorised it?

A recurring issue here has been your difficulty in obtaining legal representation: there has never been equality of arms in any of the legal battles you've fought, and the question there is why was Legal Aid denied to you, in both Ireland and Scotland?

Again, I wonder why your children were seized a second time—this time by five social workers and eight policemen, many of whom were armed—on 17 December 2015? Now, this was less than ten months after the judge had dismissed any case against your family.

Next, I wonder that—as there has been no allegation made against Brian and Janice Docherty—what is the Gárda and Police Scotland interest in the family?

And further, as there has been no allegation of child abuse or neglect—or even, as you said, that you are bad parents—**what is the interest of Irish and Scottish social services in your family?**

On a political level, I wonder, what has Nicola Sturgeon done to bring this case to the public attention, and to seek justice, and to force unwilling public officials to do their job?

Likewise, in Ireland, what has Enda Kenny done to highlight this problem and to resolve the desperate situation that you find yourself facing?

In Ireland, also, why has a writ of Habeas Corpus been rejected by the High Court?

And finally, and most significantly, I wonder how much longer these parents—whose love for their children is manifest—are going to have to wait for the family to be reunited.

These questions, and many more, I hope, those listening, will join with me in making to the authorities, who claim the right to rule us, and have the responsibilty to act justly, wisely and honestly. And I would close by asking Janice to suggest a few of the people involved, that listeners might like to write to.

Janice Docherty: I've got a list here of some names that I would be so very grateful if people could write to these people. I'd start with:

- Phil Gormley, the Chief Constable of Police Scotland: his e-mail address is Phil.Gormley@scotland.pnn.police.uk
- We have Nicola Sturgeon, whose e-mail address is FirstMinister@scotland.gsi.gov.uk
- We have Enda Kenny, who is the Taoiseach, which is the equivalent of the Prime Minister, of Ireland: his e-mail address is Enda.Kenny@oireachtas.ie
- And the Justice Secretary in Ireland, Frances Fitzgerald; her e-mail address is Frances.Fitzgerald@oireachtas.ie
- And the head of the Special Branch in Ireland; the e-mail is commissioner_ops@garda.ie
- And, finally, the head of Social Services in Ireland, whose e-mail address is Fred.McBride@tusla.ie

Brian Docherty: Thank you. If I could just say for the listeners, this is a brief excerpt of an e-mail sent to me by a woman called **Patricia Molony**. Patricia Molony is the guardian *ad litem* and, theoretically, her job is to represent the wishes of the children.

Just to reassure listeners—because I could imagine from everything they've heard regarding surveillance from three police forces, and possibly intelligence agencies, as indicated by police forces; from our children being removed twice, once after the first judge dismissed it—just to support that this is lunacy, and totally illegal: these are the comments from the social worker regarding our four children.

She wrote to me approximately three weeks on and said, **"From my own perspective, as the children's guardian *ad litem*, I can assure you that I believe, and have informed the court, that you have four wonderful children whose presentation and abilities, sensitivity and care for one another, is testament to both, and the love in which you have provided to each of them."** That was Patricia Molony, guardian *ad litem*.

These are the children which the Irish and Scottish Government[s] have put into care, twice; these are the children who have been violently taken by armed officers and denied their liberty.

These are the children who have been detained and information as to why they have been detained has never been shared with their parents.

These are the children who are suffering in the care system and my wife and I have not been able to see them for 150 days, and have been kept in care for 170 days.

We respectfully ask you to please write to these people, these bureaucrats and politicians. and demand answers to questions, important questions, as to why these children are still kept in care, for the sake of our four lovely children. Thank you.

David Scott: Janice and Brian, it has been a privilege to listen to you over the last two days. I've been struck by your strength and by the very evident and very warm love you have for your children.

And I hope that this recording can, in some small way, follow your cause to have your family reunited and to have the right which is amongst the most fundamental of all rights, the right to be left alone.

Janice Docherty: Thanks very much.

Brian Docherty: Thank you for coming over David, and thank you for having the courage to come and record this and to spend a weekend with us in your own time and to do a very intelligent job and a very dignified job on this. Thank you.

End of transcript

Discussion of rule-of-law issues

Brian Gerrish: I am here with David Scott, who is just going to bring us up to date with what's happened with the Brian and Janice Docherty case. David, thank you very much for joining us.

What is the latest from this? I am actually lost for words on this case, because people who've listened to it—even people who've only listened to the first three episodes—are saying this is unbelievable, and I said at one point [on air] that it was almost like a horror story, which a couple of people contacted me about and said, "You are absolutely right; this is exactly what it is like."

So, are you still in contact with Brian and Janice?

David Scott: Well, I was in intermittent e-mail contact until early last week—that would be about the 21st [June 2016] or thereabouts, when there was another court hearing to do with the children—but I don't know exactly what the basis of this hearing was, other than that. Since then, no contact, which is very worrying—I was getting an e-mail every two or three days, just to let me know that they were OK. So I've now had about ten days without any contact, so we're very worried—the concern is that they are no longer at liberty, that they've either been arrested by the Gárda or, more probably, forcibly sectioned; and, you know, one shudders to think what condition they would be in under those circumstances. Because they are perfectly sane and perfectly eloquent.

Brian Gerrish: David, they went back into court, and I think that was the last time that you heard ...

David Scott: That was the last, yes. They were in the court the following day, from the last e-mail that I received, and nothing since.

Brian Gerrish: Right, and do we know why they went into court?

Rollover of interim care orders

David Scott: Only that it was another in a long line of hearings regarding the children, because the children are being kept on an interim care order by the State, which is meant to last [a legal maximum of] eight days, but what's been happening is **they've been having court hearings every month or so, to extend the interim care order with a further interim care order**.

Now, the idea behind an interim care order is as a *preparation* of a permanent care order, and it's only an interim measure; but that's not how it is being used in this case, because this is now getting on for seven months they've not had their children, and it has just been a whole series of interim care orders. So, in order to keep that going, there are regular court hearings, just to rubber-stamp this ongoing detention of the children.

Brian Gerrish: Right. I'm going to break my rule here, because at this stage I thought it was probably just best to bring people absolutely up to date. They are missing, effectively, at the moment—missing inside the state system; whether that is in Ireland or in the UK, we don't know. You've spent a lot of time with this couple; you have found much of what they have talked about harrowing. Is this really where we are in the UK in 2016—that the State can simply come along and take your children because you tried to report a crime? Is this where we are?

Arbitrary theft of children is now a reality in Britain and Ireland

David Scott: It seems absolutely clear that that's where we are. And it's not just the Docherty case; we know from numerous cases—in numerous harrowing stories, and in some cases video—that the State can come in and seize your children. And there is no justice, there is no recourse.

There is no … there's almost no rationality to it, there is a vindictiveness to it, there is an authoritarian element that says, "The State rules, you do what you're told, you have no rights, you have no freedom, you just do what you're told—and if we want to do something with your children we will do something with your children."

Solzhenitsynesque use of "mental health" repression

It's the use of mental health services to enforce this, the use of Social Services, the use of Child Protection—and we know all about that in Scotland—the cry of "Child Protection" is being used to introduce universal surveillance, amongst other things. It's, you would have to say, Soviet in its nature, Stalinist; it's **totalitarian in tooth and claw**.

No public authorities appear to help the victims

And where do you go for justice? Where do you go other than the Internet, other than to like-minded people? In terms of the State, in terms of the Establishment, in terms of the institutions that make our nation: where do you go?

And I can't see the answer to that any more. You can't go to the courts, you can't—as the Docherty case has proved—go to the police. You can't go to your political representatives. Where do you go?

"We have to stand up for each other"

Brian Gerrish: I think my answer to that is we are now at the point where we have to stand up for *each other*. And we have seen [this] in a number of these cases, whether it's been Melanie Shaw, for example: a whistleblower, child abuse survivor, comes forward as a whistleblower, viciously hounded by the State, child taken away from her, and then, in the last month in particular, some indications [that] that child may have been abused within the state system.

Carol Woods, social worker, is asked to falsify Child Protection records in order for the State to steal a child. She speaks out, she ends up in the psychiatric system.

But what has made a difference in these cases—the Hollie Greig case—the difference has been where the public has shown that it can *see* the crimes, and where people have shown that they are prepared to *work together and support each other* to expose those crimes.

Rediscovering human sympathy and empathy

That's a minimum; but also, where we are seeing **the right human nature** come back to the fore, people have sympathy and empathy for the victims of these crimes, and people are prepared to put their head above the parapet and say "No, I am not turning the other way."

So, I think in these very difficult times, David, one of the things is that we have started to see—which is really a light in a very dark tunnel—is that we are now starting to see human beings standing up to be counted, and I very much hope in this particular case, Brian and Janice Docherty, that we are going to see a great number of the public clamouring to find out what actually happened to this couple and their children. And, of course, at the moment [June 2016], if we don't even know where they are, the public should be clamouring to establish that they're safe and well.

David Scott: Yes. The point at which the institutions, and particularly the courts—because the courts and the law is in so many ways the heart of your nation; it's the theoretical, and, in many ways, practical heart of how you operate as a nation—when that cannot be trusted any more, and we're certainly there [now], we have to have a situation where we help one another, and people start standing up, and **lose the fear**, and support one another; and **learn how to get by without the State**.

Learn how to get by day to day with making friends and helping one another in large ways and small, in ways that don't require the imprimatur of some sort of state official that don't require formal agreements; that don't require, in many ways, formal organisations.

It's people coming together and helping one another, and it's a very simple and very human thing, and it's the way that offers us some hope—and, indeed, quite a lot of hope—because **we are in a world where we can communicate like we've never been able to do before**. We can get messages out; we can let people know what's happening, in ways that the government, the State, the powers that be, can't match. And in doing so, we can help each other overcome these problems.

Brian Gerrish: OK, David, thank you very much for that. We will of course be hot on the case to try and help track down where Brian and Janice are, and make sure that they are at least well, and we will be reporting to our viewers and listeners as soon as we can.

Brian Gerrish: *As a postscript to this report, I can tell our listeners that as of 30 June 2016 we know that Brian and Janice Docherty are safe; however, they are suffering as a result of the ongoing harassment. UK Column will report on this over the coming days; look out for those reports.*[86] *Thank you for joining us.*

Hilda-Claire O'Shea

St John Solicitors, Dublin

Liza Finegan

VP McMullin, Donegal

[86] As of August 2016, this continues to be the case, with the harassment becoming increasingly serious.

Appendix: Correspondence

Police Scotland Professional Standards findings, issued "on the balance of probability", March 2015

by Chief Inspector Amanda-Jane ('Midge') Mackay[87]

21 March 2016

Your Ref: PIRC/041/15

Our Ref: CO/05190/14

Mr Docherty
Polranny
Achill
COUNTY MAYO
IRELAND

Professional Standards Department
P.O. Box 21184
ALLOA
FK10 9DE

TEL NO: 101

Dear Mr Docherty

COMPLAINT ABOUT THE POLICE - COMPLAINT HANDLING REVIEW 041/15

I refer to the above Complaint Handling Review (CHR) by the Police Investigations Review Commissioner (PIRC) highlighting their conclusions and recommendations with regard to the handling of your complaint made to Police Scotland.

It was recommended by the PIRC that Police Scotland review your complaint and provide you with a further response in this regard.

I write to advise you that I have concluded a review of the circumstances surrounding your complaint having taken cognisance of the PIRC's recommendations.

The PIRC made a number of recommendations, the first being as follows;

Complaint 1: Failure to Investigate

The applicant should be provided with a further response regarding his concern that various alleged acts of intimidation were not investigated.

With regards to the alleged child sex abuse ring and the comments that none of the factors you provided were considered as evidence in support of any form of criminal activity. I can advise that another piece of information, provided by you, centred around two 'young boys' living with Mr Low, which you stated supported your theory, was investigated.

[87] Chief Insp Amanda-Jane Mackay lives in Aberdeen with her husband, a Martin J. Mackay. Since the DI Mackay who wrote to Brian Docherty on 4 November 2015 to stall for time while Police Scotland tipped off Irish social services did not state his initials, it is not yet known whether that DI Mackay (possibly since promoted) is the husband of this Chief Inspector at the Professional Standards (North) Department. See also this correspondence.

It was found that two young males had indeed stayed occasionally with Mr Low. However, their presence there was to assist Mr Low with ongoing work, none of which amounted to criminality, these males were of adult age.

Whilst considering these persons and others referred to by you, background checks were carried out, but this did not reveal any criminality or aspects of concern, particularly bearing in mind you allegations.

Another aspect to your complaint of intimidation against you was that someone had booby trapped your greenhouse, causing injury to one of your children.

Having checked police and hospital files, there was no record of this incident having been reported at the time it occurred or that medical treatment was sought.

It was found that at the time you had alerted Viscount Petersham to issues with the greenhouse and upon his inspection, he did indeed find a pane of glass smashed at this time. Viscount Petersham assessed this as being down to normal wear and tear, as opposed to a 'booby trap'. It is worth highlighting that I do appreciate this is only his assessment of the damage, which contradicts yours.

Further to this, Sergeant Buchan advised that he had queried this with you in an attempt to clarify what happened, but you intimated that glass had fallen weeks earlier and that no one was in the greenhouse at the time.

In light of this and in the absence of any further information, no criminal acts of intimidation can be found or evidenced that would allow charges to be libelled.

Taking into account all available evidence, on the balance of probability, I find this allegation Not Upheld.

Complaint 2: Referral to Social Services

The second recommendation requests that Police Scotland responds to all of the applicant's concerns (as listed below), consistently with the evidence, particularly the concern report.

(i) You intimate that Sergeant Buchan 'malevolently' referred your family to Social Services as a direct consequence of you reporting a paedophile and that this led to your children being removed from the care of you and your wife.
(ii) That the content of the concern report submitted to social services was untruthful, inaccurate and had no basis.
(iii) That sergeant Buchan reported to Social Services that one of your children was 'missing from education' despite you and your wife telling Sergeant Buchan that you had permission from the local authority to educate your child at home.
(iv) That sergeant Buchan reported to social services that none of your children were in full time education despite one child being under school age and another not attending nursery due to a sound hypersensitivity condition.

(v) That Sergeant Buchan reported your family to Social Services despite never having met your children.

(i) From my review of all the circumstances I am satisfied that the referral of your family to Social Services was not in any way 'malevolent', it was not as a direct result of you reporting a paedophile and that it did not lead to your children being removed from your care.

The referral was made with the very best of intentions to ensure you and your children were supported in any way that was needed by the relevant agencies. This was also done within protocols and guidelines of Police Scotland.

It is also apparent that there were a number of complex situations and pieces of information that led to a decision about your children being removed from your care that was not a decision made by Police Scotland.

(ii) On the matter of the content of the concern report, I am content that it was completed with integrity and reflected the unbiased and honest considerations of the attending officers.

(iii) Whilst the term 'missing from education' was indeed used in the report to Social Services, it was a reference to a previous incident in February 2014 in the Crieff area. It was highlighted later in that same report that Alexandra was home schooled, which is clearly a statement of fact as opposed to a direction that this is without Local Authority agreement.

(iv) You state that you took exception to Sergeant Buchan reporting to Social Services that none of your children were in full time education. From my review of the report, there is no inference that she should have been at school, nor that she was of school age. It simply highlights her name and date of birth, which would serve to highlight to anyone reading it that she was not of school age.

(v) Whilst the report was made without the officers having met your children, I am satisfied that the information contained within that report was competently submitted without your children having been physically seen by the officers.

Taking into account all available evidence, on the balance of probability, I find this allegation Not Upheld.

Complaint 3: Psychiatric Evaluation

The third recommendation requests that Police Scotland records, makes appropriate enquiries and provides a response to the fact that you did not receive any feedback from Sergeant Buchan or any other officer of Police Scotland.

You state that overall you did not receive feedback from Sergeant Buchan or from any police officer.

This was recorded as 'On Duty – Irregularity in Procedure – Provide Insufficient Updates to Complainer'.

I am advised that Sergeant Buchan and Constable Lamont visited you the day after you first reported your concerns to them (9 August 2014). Further to this and upon her return from a period of leave, on 29 and 30 August 2014, you were sent an email and had telephone contact with Constable Lamont.

You state that you did send other emails during this period, but it is unclear who actually received them, hence I cannot account for them not being answered.

It is unclear exactly what level of contact you had expected and with whom this contact was to be with. I am sorry to hear that the level of contact you did receive fell below the standards you expected.

Taking into account all available evidence, on the balance of probability, I find this allegation Not Upheld. There was two way contact, more so with Constable Lamont and yourself, before your departure from the Fraserburgh area.

Complaints 4 - 12

The fourth recommendation requests that Police Scotland records, makes appropriate enquiries and provides a response to the fact that you state Police Scotland did not arrange for a Police patrol to protect your family, despite saying that it would.

This was recorded as 'Quality of Service – Service Delivery – Type of Response'.

It is the position of Constable Lamont that rather than being offered specific patrols you were advised to contact the police at the time you noticed anything suspicious. Thereafter police officers would attend in response to whatever issue was reported at that time.

As there is no record of you specifically calling the police in this regard, no patrols were carried out.

Overall, neither Sergeant Buchan nor Constable Lamont formed the opinion that specific patrols were required at a particular time of day.

Taking into account all available evidence, on the balance of probability, I find this allegation Not Upheld.

However, I would like to highlight again that despite your belief to the contrary, the actions of Sergeant Buchan and Lamont in submitting their report to Social Services

was actually to assist in the protection of your family and to keep you safe. This was considered more beneficial than any specific patrols at your home address.

The fifth recommendation requests that Police Scotland records, makes appropriate enquiries and provides a response to the fact Constable Lamont did not know the contents of 'her' concern report, which you infer suggests that someone else wrote or fabricated the report.

This was recorded as 'Quality of Service – Irregularity in Procedure – Other'

I would like to offer you the assurance that Constable Lamont compiled the report herself and it was not written or fabricated by another person. Indeed, it passed through Sergeant Buchan for a quality check, before being forwarded to a central unit within the Police Scotland and then on to the relevant agencies, which is standard procedure.

Taking into account all available evidence, on the balance of probability, I find this allegation Not Upheld.

The sixth recommendation requests that Police Scotland records, makes appropriate enquiries and provides a response to the fact that the officers dealing with the case (Constables Lamont and Saunders) were young and inexperienced.

This was recorded as 'Quality of Service – Service Delivery – Type of Response'.

At the time of visiting you, Constable Lamont was an established Police Constable who was supported by her Sergeant, both of whom are suitably experienced to investigate the allegations you advised them of in the initial stages. Sergeant Buchan considered Constable Lamont to be the most suitable officer at the time to speak with you, hence the reason he arranged for her to meet with you at a police office away from the area, which he thought beneficial to all.

Taking into account all available evidence, on the balance of probability, I find this allegation Not Upheld.

The seventh recommendation requests that Police Scotland records, makes appropriate enquiries and provides a response to the fact that you state Sergeant Buchan was biased towards the individuals whom you had reported to the Police.

This was recorded as 'On duty – Corrupt Practice'.

Whilst I am disappointed that you feel this way towards police officers, this theory is not supported by any evidence.

Having reviewed the contact between the police officers and all those involved, there is nothing to suggest that there was any bias in 'favour' of anyone, that police officers were acting at the behest of Viscount Petersham and there is certainly no evidence to

suggest that all this served to cover up an alleged paedophile network. The officers involved acted professionally and with the integrity that is expected of them.

Taking into account all available evidence, on the balance of probability, I find this allegation Not Upheld.

The eighth recommendation requests that Police Scotland records, makes appropriate enquiries and provides a response to the fact that you state Sergeant Buchan refused to put you in contact with the local Criminal Investigation Department (CID) Officers, who in your opinion were experienced with investigating paedophiles.

This was recorded as 'Quality of Service – Policy/Procedure – Policing Procedure'.

I have not found any evidence to support your allegation nor a deliberate attempt to prevent your contact with CID Officers. None of the Officers who dealt with recall that you specifically wished to speak with a named Detective Officer, they carried out enquiries as I would have expected.

You also highlight your dissatisfaction that you were not given the telephone number of the new crime centre in Gartcosh.

It is recommended that all non-emergency calls to the Police are made using the 101 telephone number, which operates 24 hours a day. This allows calls to be recorded on a computer database and for a message to be passed to an officer, should any particular officer not be available. This explains why no direct dial telephone numbers were provided to you.

Taking into account all available evidence, on the balance of probability, I find this allegation Not Upheld.

The ninth recommendation requests that Police Scotland records, makes appropriate enquiries and provides a response to the fact that Police Scotland contacted Interpol to trace your family.

This was recorded as 'Quality of Service – Policy/Procedure – Policing Procedure.

You will be aware that you and your family had been reported as missing by the Social Work Department. They visited you on several occasions and could see no signs of you continuing to live at the address in Lonmay. This raised some concerns for them, thus their justification (which they will account for) in advising the police of this.

Due to this information, Police Scotland were duty bound to trace you and your family. Police officers had to physically see you and your family to check that it was actually you that we were communicating with, as opposed to accepting that the person sending emails from your email address was indeed you.

In order to trace missing persons, we are bound within protocols, which we adhere to and have many legitimate and lawful sources of information that allowed us to trace you to Ireland.

In order to enlist the assistance of the Garda Siochana, Interpol had to be consulted and act as a conduit for the flow of information between the police services.

In light of this, I would urge you to see the missing person enquiries, the assistance of Interpol and any communication between Police Scotland and Garda Siochana as nothing but positive and can assure you that this was the appropriate means to conduct the enquiries.

Taking into account all available evidence, on the balance of probability, I find this allegation Not Upheld.

The tenth recommendation requests that Police Scotland records, makes appropriate enquiries and provides a response to the fact that Police Scotland gave false information to the police in Ireland.

This was recorded as 'On duty – Irregularity in Procedure - Other'.

What is very clear from the review of this case is that all information passed to the police in Ireland was accurate and based on facts that were known at the time of passing the relevant information.

There is no evidence that any information was false or misleading or had the intention of attacking or discrediting your family, in fact, it was quite the opposite in that the passing of information was to ensure the continued safety and wellbeing of you and your family.

Taking into account all available evidence, on the balance of probability, I find this allegation Not Upheld.

The eleventh recommendation requests that Police Scotland records, makes appropriate enquiries and provides a response to the fact that you state you were not given your statement to sign.

This was recorded as 'On duty – Irregularity in Procedure – Statement taking'.

It is apparent that a significant amount of contact you have had with the Police Scotland has been through email and telephone communications. However, you did meet with officers, in particular Constable Lamont on the 8 and 9 of August 2014.

During this meeting with Constable Lamont, she did not actually note a statement, that required signing by you, hence the fact that you did not sign anything. However, it is clear that in all your email communications, you have provided a great deal of information which has been beneficial and rarely required any follow up contact to clarify any particular points.

Taking into account all available evidence, on the balance of probability, I find this final allegation Not Upheld.

Having dealt with the recommendations made by the PIRC, I will now move on to some other issues that were identified by the Professional Standards Department (PSD) during their review of this case.

The first issue identified by the PSD has been recorded as 'On Duty - Oppressive Conduct/Harassment' and relates to you stating you have been subjected to a campaign of harassment conducted and orchestrated by Police Scotland, that has included surveillance, covert entry to your home, poisoning of family dogs and extensive hacking of accounts and communication devices.

It is apparent from your email and letters that you believe Police Scotland has subjected you and your family to a campaign of harassment.

I am sorry to hear that you have felt harassed, however please be assured that Police Scotland has not subjected you to any campaign of harassment and have not carried out or arranged surveillance, covert entry to your home or any hacking of any of your accounts. Police Scotland and its officers have at all times acted professionally, with integrity and with the best of intentions towards you and your family.

Taking into account all available evidence, on the balance of probability, I find this allegation Not Upheld.

The second issue identified by the PSD has been recorded as 'On Duty – Irregularity in Procedure - Other', in that you allege the Police Scotland improperly influenced or directed Disclosure Scotland to make enquiry with you.

I have found no evidence to suggest that Police Scotland improperly influenced any agency. Any information that was provided in the appropriate manner was done without bias or judgement for the relevant agencies to base their own decision making upon.

Taking into account all available evidence, on the balance of probability, I find this allegation Not Upheld.

The third issue has been recorded as 'On Duty – Irregularity in Procedure - Other' and relates to you alleging that Police Scotland improperly directed Irish Social Services and legal agents in respect of a hearing in Ireland on 26 February 2015.

I would like to assure you that Police Scotland did not try and discredit you, particularly during any court proceedings in Ireland. We had no influence over the proceedings and had not offered direction to either the Guardia ad Litem or the Solicitor for Irish Social Services (Nicola Daly).

Taking into account all available evidence, on the balance of probability, I find this allegation Not Upheld.

The fourth issue is recorded as 'Quality of Service – Policy/Procedure – Policing Procedure' as a result of your dissatisfaction that a 'task force' was set up by Police Scotland and other agencies and alleges that this was in order to target and destroy you and your family.

I can advise that Police Scotland did not set up a task force to target and destroy your family. We work with partner agencies in order to uphold the law and assist with public protection services. We meet to discuss and share information which is appropriately and legally passed between such organisations for each agency to take their own course of action, depending on their responsibilities.

I will take this opportunity again to highlight that any multi-agency approach is to help people and their families, which was certainly the case on this occasion.

Taking into account all available evidence, on the balance of probability, I find this allegation Not Upheld.

The final issue has been recorded as 'Quality of Service – Policy/Procedure – Policing Procedure', where you are dissatisfied that no external review of your case was instigated by Police Scotland.

Your case has been investigated and reviewed by officers of varying ranks in Police Scotland up to Detective Chief Inspector.

The handling of this case has been reviewed by the PIRC, who made a number of recommendations.

Please be assured that your complaint has involved extensive enquiry and consideration has been given to the points raised by you.

Taking into account all available evidence, on the balance of probability, I find this final allegation Not Upheld.

Although this may not be the outcome you were hoping for I trust that this letter provides further explanation and clarifies the points raised by the PIRC in their CHR and the subsequent points raised by the Professional Standards Department. A copy of this letter will be passed to the PIRC.

Yours sincerely

Amanda-Jane Mackay
Chief Inspector
Professional Standards Department (North)

Police Investigations and Review Commissioner's report, September 2015

by Kate Frame[88]

[88] It is unclear at the time of production of the present document (August 2016) whether PIRC had been notified at the time of producing its report (September 2015) that one Alan Low, the only Alan Low known to reside in the relevant north-eastern part of Aberdeenshire, was still being referred to as a Detective Constable the previous month: this came in a @ShireNPolice tweet congratulating Low on his fundraising walk (this latter link announced the 25-28 August 2016 repeat of the walk).
The man in the middle is Low's commander (still so as of August 2016), Police Sergeant Scott Massie.

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Police Investigations & Review Commissioner

PIRC 041/15 | September 2015

Report of a Complaint Handling Review in relation to Police Scotland

independent and effective investigations and reviews

Police Investigations & Review Commissioner

PIRC 041/15 | September 2015

Index

1. Role of PIRC

Sections 34 and 35 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 ("the Act") provide that the Police Investigations and Review Commissioner ("the PIRC") may examine the manner in which particular kinds of complaints are dealt with by Police Scotland and the Scottish Police Authority. Through agreements with UK police bodies operating in Scotland, the PIRC may also examine the manner in which these bodies deal with complaints. The PIRC cannot review complaints of criminal behaviour against police officers or police staff, or complaints made by persons serving, or who have served with the police, about the terms and conditions of their service.

In performing this review function, the PIRC obtains information from the police body which dealt with the complaint. This information is considered together with information provided by the person who made the complaint ("the applicant"). An assessment is then made as to whether in all the circumstances the complaint was dealt with to a reasonable standard. Among the factors taken into account when making this assessment are the following:

- whether sufficient enquiries into the complaint have been carried out by the policing body;
- whether the policing body's response to the complaint is supported by all material information available;
- whether in dealing with the complaint the policing body has adhered to all relevant policies, procedures and legal provisions;
- whether the policing body's response to the complaint is adequately reasoned; and
- where the complaint has resulted in the policing body identifying measures necessary to improve its service, whether these measures are adequate and have been implemented.

2. Key findings

The complaints in this case arose from the applicant reporting allegations of child sexual abuse to Police Scotland.

Of the 12 complaints considered, it was found that one was dealt with to a reasonable standard, while the remainder were not. 11 recommendations were made in this connection.

3. Background

At the time when he reported the incident which gave rise to his complaints, the applicant resided with his wife and children (including his son, Child A) in a rented house within a rural estate.

The applicant's position is that Mr C (who also resided on the estate) offered him £25,000 for "access" to Child A, on condition that he "bond" with him. The applicant also states that, after he declined Mr C's offer, there was "midnight anti-social behaviour" around his house and "petty vandalism" of his cars. The applicant is of the belief that Mr C is a paedophile, that a paedophile ring is operating within the estate, and that child abuse and murder have taken place there.

On 4 August 2014, the applicant wrote to his landlord (Mr D) informing him of Mr C's alleged offer of cash for access to Child A. The applicant states that, the following day, his greenhouse was "booby trapped" in an attempt to target Child A. According to the applicant, glass panels within the greenhouse had been loosened and fell on one of his children, causing injury.

On 8 August 2014, the applicant met with Mr D and an individual from the estate agents involved in the letting of the applicant's home. The meeting concerned Mr C's alleged offer of money and the alleged anti-social behaviour and vandalism of the applicant's cars. According to the applicant, Mr D told the applicant to move out of the house and threatened to contact social services if he reported matters to the police. The applicant states that Mr D's behaviour at the meeting revealed that he too was involved in the paedophile ring.

At around 5 pm on 8 August 2014, the applicant contacted Police Scotland and spoke to Sergeant E. The applicant informed Sergeant E of Mr C's offer of money, and arrangements were made for him to attend at a police office at 7 pm that day. The applicant attended as arranged and spoke with Constables G and H. He informed the officers of Mr C's offer and explained, by outlining a number of circumstances, his belief that a paedophile ring was operating within the estate.

According to Police Scotland, at around 8.30 pm on 8 August 2014 Mr C and Mr D attended at a different police office from the one attended by the applicant. Sergeant E states that he spoke with the men, who advised that they were aware of the applicant's allegation.

At around 6 pm on 9 August 2014, Sergeant E and Constable G visited the applicant's home and spoke to the applicant and his wife at the front door. Sergeant E and Constable G state that, on the same day, they visited Mr C and Mr D separately. According to the officers, on returning to the police office, they received an email from the applicant stating that while he appreciated all the work they had done, his children's safety had to come first and that he and his family just wanted to move on and put the matter behind them.

Thereafter, on the instruction of Sergeant E, Constable G submitted a "concern report" to social services in respect of the applicant's children. Constable G states that she then went on annual leave.

On 26 August 2014, social workers attended at the applicant's home.

According to Constable G, on her return from leave on 29 August 2014 she received an email from the applicant advising that he had further concerns about his neighbours trying to intimidate him. Constable G thereafter telephoned the applicant.

The applicant states that, on 5 September 2014, he and his family left the UK and went to live in Ireland. He also states that, on 12 September 2014, police in Ireland attended at the address where he was staying.

According to the applicant, on 28 January 2015 his children were removed by social services. On 2 February 2015, a child protection hearing was held at a district court in Ireland. Detective Sergeant K of Police Scotland gave evidence at the hearing. The applicant states that, following the hearing, his children were returned to him and his wife.

On 20 February 2015 the applicant sent a letter to Police Scotland via email in which he raised a number of complaints about the police. He thereafter sent further letters to Police Scotland dated 24 February and 11 March 2015.

Detective Inspector L was appointed to investigate the applicant's complaints. Police Scotland did not agree with the applicant a summary of his heads of complaints, nor was a statement obtained from him in this connection. According to Police Scotland, this was because the applicant's whereabouts were unknown. As part of the enquiries into the complaints, statements were obtained from Sergeant E, Constable G and Detective Sergeant K. Police Scotland responded to the applicant's complaints in a letter from Detective Chief Inspector M dated 21 April 2015 (sent by email).

4. The Review

Complaint 1: Failure to investigate

In his letter dated 24 February 2015, the applicant made the following complaint:

> "[Sergeant E] *did not carry out his professional duty to investigate crime, report honestly and protect a family threatened, attacked and intimidated.*"

In terms of the correspondence within the complaints file, the applicant's position is that, as well as reporting Mr C's offer of cash for "access" to Child A, he also reported various other circumstances which, in his view, evidenced the existence of a paedophile ring. These included (i) that Mr C displayed unusual behaviour by not displaying signage on his van, bragging about buying a very expensive computer, the fact that Mr C had two young boys living with him, and also that Mr C came home very late every night; (ii) that the properties and grounds within the estate indicate that it is used to "contain" and "restrain" children, and specifically that the garden layout is designed to block out light and restrict anyone seeing into the properties; and (iii) that there have been numerous issues/incidents that suggest Mr C is trying to intimidate him, including that Mr C "booby trapped" his greenhouse, that his cars were vandalised, and that an unusually high number of vehicles had been speeding up and down

the estate and past the applicant's home (the applicant claims to have given the police details of the registration numbers of these vehicles).

According to the applicant, upon reporting these circumstances the police response was to persistently challenge his claims without even the pretence of an investigation, and to attack his family by sending a report to social services. The applicant states that, from what he could gather, the investigation amounted to officers asking Mr C if he was a paedophile, and that the officers did not ask to see his greenhouse, his garden or the inside of his home.

Police Handling of Complaint 1

Detective Chief Inspector M addressed this complaint as follows:

> *"I understand that on 8 August 2014, you contacted Police Scotland to report concerns you had in relation to a neighbour,* [Mr C]*, whom you advised had offered you a sum of money in order to get 'access' to your son* [Child A].
>
> *An episode was created on the Police Scotland incident recording system and details forwarded to* [Sergeant E] *at* [a police office]*, who was the duty Sergeant at that time.*
>
> [Sergeant E] *thereafter made contact with you personally by telephone and arranged for you to attend at* [a police office]*, where you would be seen by a police officer and details of the circumstances obtained.*
>
> [Sergeant E] *identified* [a particular police office] *as the most appropriate location for this meeting as he felt that* [another police office] *was in too close … proximity to where* [Mr C]*, the male … named by you, resided.*
>
> *At* [the police office] *you were seen by* [Constable G].
>
> [Constable G] *advises that during conversation with her, you stated that three weeks previously, whilst in conversation with a neighbour named* [Mr C]*, he had made mention of having a previous partner with a child who had some form of learning or behavioural disabilities and that he had formed a strong bond with the child.*
>
> *However further into the conversation with you,* [Constable G] *states you changed this and claimed that what* [Mr C] *had in fact said was that he wanted to bond with your son* [Child A] *and would pay you £25,000 to get access to him.*
>
> [Constable G] *asked you why you had not reported this to Police at the time and your response was that you had no proof and had since spent some time compiling evidence.*

At this time you were in possession of several hand written notes and several diagrams, one of which was of [the estate] *and which you inferred was designed and built for the purpose of holding children against their will.*

I am further advised that you also made reference to a van driven by [Mr C], *which had no markings on it and which in your opinion was being used for abducting and transporting children and the lack or markings was so that it was harder to identify.*

You also went on to provide numerous other reasons why in your opinion the estate was being used by a number of paedophiles, including [Mr C], *to abuse children, some of those being, that it was surrounded by trees to block out light; there was 'barbed' wire fencing on part of the estate; one resident had a wife who was of Philippines nationality and that a local refuse collector had visited the estate three times on one day and on one occasion sounded his horn at a resident you believed to be paedophile.*

None of these can be considered as evidence in support of any form of criminal activity and a reasonable explanation can be provided for each.

Later that same day, [Mr C] *attended at* [a police office], *having been advised by another resident of* [the estate] *that allegations were being made to Police about him.*

At [the police office], *he spoke to* [Sergeant E] *and advised him that he had been speaking to you several weeks earlier and during that conversation you had made mention of your son* [Child A] *potentially requiring an operation in America which would incur substantial costs for you and your family.*

[Mr C] *claims that he suggested to you that between you both, you should try and raise the money, potentially through charitable events, and that somehow you have misconstrued this as him offering you money to allow him to bond with your son.*

[Mr C] *totally refuted any suggestion that his offer was nothing other than a genuine offer to assist a family in need of support by legitimately raising money to pay for an operation.*

No other evidence has been uncovered to support your allegation that [Mr C] *offered you money to gain access to your son for an unlawful purpose and as such I cannot uphold this part of your complaint."*

Consideration of Complaint 1

The applicant has made a number of closely connected allegations to the police: firstly that Mr C offered him money in return for "access" to Child A; secondly, that there is a paedophile ring operating within the estate; and thirdly that Mr C has attempted to intimidate him. The applicant's complaint is that the police have failed to investigate these matters.

In respect of Mr C's alleged offer of cash, the only individuals who were party to the conversation were the applicant and Mr C himself. Accordingly, other than approaching Mr C for his account, it is unclear what further specific enquiries could have been undertaken in this connection.

With regard to the alleged child sexual abuse ring, it is considered that Chief Inspector M was justified in concluding that none of the circumstances referred to by the applicant indicated criminality on the part of Mr C or anyone else. However, in explaining this to the applicant Chief Inspector M should have made reference to the outcome of Constable G's enquiries into the allegation that Mr C had two "young boys" living with him. According to the statement provided by Constable G, one of the males in question was traced and established to be a twenty year old man who had been doing labouring work with Mr C. The male had explained that he and a colleague (of similar age) had stayed at Mr C's home for a few days as their job required an early start. It is considered that the inclusion of this information in the response would have demonstrated that enquiries were made into this aspect of the allegation.

It would also have been helpful if Chief Inspector M had informed the applicant that Constable G had conducted background checks on the individuals involved.

According to the applicant, the police also failed to investigate his allegation that Mr C had "booby trapped" his green house, causing injury to one of his children; as well as other alleged acts of intimidation that occurred following his reporting Mr C's alleged offer of cash. Chief Inspector M's response does not address this aspect of the complaint.

As the complaint was not fully addressed, and insufficient information provided to demonstrate the enquiries that were conducted, it is considered that the complaint was not dealt with to a reasonable standard. It is recommended that Police Scotland provides the applicant with a response regarding his concern that various alleged acts of intimidation were not investigated.

Complaint 2: Referral to social services

The applicant's concerns in this connection can be summarised as follows:

(1) that Sergeant E "malevolently" referred the applicant's family to social services as a direct consequence of them reporting a paedophile and that this led to his children being removed from the care of himself and his wife;

(2) that the content of the "concern report" submitted to social services was untruthful, inaccurate and had no basis;

(3) that Sergeant E reported to social services that one of the applicant's children (Child N) was "missing from education", despite the applicant and his wife telling the officer that they had permission from the local authority to educate Child N at home;

(4) that Sergeant E reported to social services that none of the applicant's children was in full time education, despite one of the children (Child P) being under school age and another (Child A) not attending nursery due to a "sound hypersensitivity" condition: and

(5) that Sergeant E reported the applicant's family to social services despite never having met his children.

Police Handling of Complaint 2

Detective Chief Inspector M addressed this complaint as follows:

> *"You allege that on an unknown date and location a Police Officer submitted a concern report which was inaccurate.*
>
> *This was recorded as Irregularity in Procedure – Inaccurate information placed on police systems.*
>
> *Following the contact with you* [Constable G] *submitted a Concern Report on the Police Scotland Vulnerable Persons Database (VPD).*
>
> *This is a system on which Police record, assess and share with partner agencies any concerns identified by our Officers and staff relating to vulnerable people within our communities, in areas of business such as Child Protection, Domestic Abuse and Adult Support & Protection.*
>
> *The sharing of information with partners helps improve outcomes for vulnerable people through early and effective intervention and to safeguard, support and promote the wellbeing of children and young people.*
>
> *The Concern Report submitted in this instance clearly identified risk to your children as stated by you, that a neighbour had offered you a sum of money to gain access to one of your children and as such I am satisfied that it is both appropriate and proportionate that the report was submitted and shared with Police Scotland partners and a such I am not in a position to uphold the* [sic] *part of your complaint."*

Consideration of Complaint 2

Paragraph 8.1 of Police Scotland's Standard Operating Procedure regarding Child Protection provides that "child concerns must be recorded on every occasion when the care of a child by their parent(s), guardian, carer, or in some instances another person, has been called into question, or where there is some suggestion that a child requires some level of case or protection". In addition, paragraph 9.2 of the SOP, which relates to interagency referrals between the police, social work and health, provides that information sharing is a key activity for each agency to support the assessment of whether a child is at risk or is suffering harm and that the agencies will share all relevant information with each other in order that they can make decisions.

Although Chief Inspector M's explanation of the procedure is broadly consistent with the SOP, it is clear from the above paragraphs that child concerns *must* be recorded in appropriate circumstances.

Detective Chief Inspector M informed the applicant that the concern report "clearly identified risk to your children as stated by you, that a neighbour had offered you a sum of money to gain access to one of your children." This gives the impression that the concerns expressed in the report related specifically to the alleged offer of money made by Mr C. Based on the content of the concern report, such an impression would be misleading.

In addition, while Detective Chief Inspector M found that the submission of the concern report was appropriate and proportionate, he did not address the applicant's concerns about its accuracy and truthfulness.

As the response does not reflect the available evidence or fully address the applicant's concerns, it is considered that this complaint was not dealt with to a reasonable standard. It is recommended that Police Scotland responds to all of the applicant's concerns (as listed above) consistently with the evidence, particularly the concern report.

Complaint 3: Psychiatric opinion

In his letter dated 20 February 2015, the applicant complained that Detective Sergeant K provided "expert" psychiatric opinion at the child protection hearing on 2 February 2015. The letter stated:

> *"*[Detective Sergeant K] *went onto give his 'expert' psychiatric opinion. Though he lacked charm and was clearly ethically and intellectually challenged, he made up for it by his expert psychiatric opinion of me: i.e. that I was 'delusional' and in need of psychiatric help. This seemed to be based entirely on the fact I had reported a paedophile to the police. Was his opinion that I was delusional based on my believing in the existence of paedophiles or on the fact I expected the police to investigate this matter? He did not elaborate.* [Detective Sergeant K's] *skills in Psychiatry were all the more remarkable in that he had never even met me. He was too modest to disclose his psychiatric qualifications…*
>
> *Not only is* [Detective Sergeant K] *not qualified to give such an in depth medical assessment (akin to 'I think he's pure mental by the way – I just do'), not only had we not met in a professional or, alas, a social capacity…* [the applicant goes on to make comments not relevant to this complaint].

Police Handling of Complaint 3

Detective Chief Inspector M addressed this complaint as follows:

> *"You allege that on 2 February 2015 at* [a court in Ireland]*, a Police officer failed to tell the truth during court proceedings.*
>
> *This was recorded as a 'Neglect of Duty'.*
>
> *On 2 February 2015, a Child Protection Hearing was heard at* [a court in Ireland]*, following an application from the* [Child and Family Agency Primary in Ireland].

The subjects of the hearing were your four children [Child A], [Child N], [Child P] *and* [Child Q].

During the proceedings a number of civilian and Police witnesses were cited by the Solicitor acting on behalf of the [Child and Family Agency Primary in Ireland] *to attend and give evidence.*

[Detective Sergeant K] *was one such witness and on 2 February 2015 he gave evidence under oath at* [the court].

During [Detective Sergeant K's] *evidence, neither the presiding Sheriff nor the Defence Solicitor made comment or objection to the quality and content of the evidence provided by him.*

[Detective Sergeant K] *advises that he answered the questions asked of him during the hearing to the best of his knowledge and at no time did he provide any answer which he believed were untrue.*

Since the court proceedings there has been no correspondence received from the Criminal Justice Authorities in Ireland making any reference or adverse comment on [Detective Sergeant K's evidence].

In light of this, there in insufficient evidence to support this allegation and as such I have not upheld this part of your complaint."

Consideration of Complaint 3

The applicant's complaint is essentially that Detective Sergeant K gave an opinion on the applicant's mental health when he was not qualified to do so.

According to the statement he provided, Detective Sergeant K confirmed that he had advised the court of concerns regarding the applicant's mental health; that he appeared to be delusional; and that this was impacting on his children's welfare. Detective Sergeant K stated that he was also asked if there was any evidence to substantiate claims about missing children, paedophile rings and that the estate was built for the purpose of committing such crimes. According to Detective Sergeant K, he advised the court that the applicant's allegations were "to date unfounded"; that there was no evidence of missing children in the area, nor was he aware of any in Scotland generally; and that there was no evidence that the estate was built for the purpose alleged by the applicant.

No evidence has been found within the police complaints file to indicate that any challenge was made to Detective Sergeant K's evidence during the hearing, or that any concerns have been expressed since by the court or the solicitors who acted at the hearing. This is perhaps unsurprising given that those concerned are likely to have been fully aware that Detective Sergeant K was giving evidence in his capacity as a police officer rather than as an expert medical witness.

Although it would have been helpful if Chief Inspector M had included details of Detective Sergeant K's position, on balance it is considered that the response is adequately reasoned and contains sufficient

information to allow the applicant to understand the conclusion reached. It is therefore considered that this complaint was dealt with to a reasonable standard.

Complaints 4 - 12

In his letters to Police Scotland dated 24 February and 7 March 2015, the applicant raised the following complaints:

(4) that the applicant did not receive any "feedback" from Sergeant E or any other officer of Police Scotland;

(5) that Police Scotland did not arrange for a police patrol to protect his family, despite saying that it would;

(6) that Constable G did not know the contents of "her" Concern Report, which suggests that someone else wrote or fabricated the report;

(7) that the officers dealing with the case (Constables G and H) were young and inexperienced in detecting pedophiles;

(8) that Sergeant E was biased towards the individuals who the applicant had reported;

(9) that Sergeant E refused to put the applicant in contact with CID;

(10) that Police Scotland contacted Interpol to trace the applicant's family;

(11) that Police Scotland gave false information to police in Ireland; and

(12) that the applicant was not given his statement to sign.

Consideration of Complaints 4 - 12

As these complaints were not addressed by Police Scotland, it is considered that they were not dealt with to a reasonable standard. It is recommended, in respect of each of these complaints, that Police Scotland records, makes appropriate enquiries and provides responses in accordance with the requirements of its standard operating procedure on complaints about the police.

5. Conclusions

Complaint 1: Failure to investigate

It is concluded that this complaint was not dealt with to a reasonable standard. It is recommended that Police Scotland provides the applicant with a response regarding his concern that various alleged acts of intimidation were not investigated.

Complaint 2: Referral to social services

It is concluded that this complaint was not dealt with to a reasonable standard. It is recommended that Police Scotland responds to all of the applicant's concerns (as listed above), consistently with the evidence, particularly the concern report.

Complaint 3: Psychiatric evaluation

It is concluded that this complaint was dealt with to a reasonable standard. No further action is required in this connection.

Complaints 4 - 12

It is concluded that these complaints were not dealt with to a reasonable standard. It is recommended, in respect of each of these complaints, that Police Scotland records, makes appropriate enquiries and provides responses in accordance with the requirements of its standard operating procedure on complaints about the police.

Learning Point

As noted above, Police Scotland did not agree with the applicant a summary of his complaints. Where a complainer's whereabouts are not known, but contact can be made by email, Police Scotland should ensure that efforts are made to agree heads of complaint by that means.

Kate Frame
Police Investigations and Review Commissioner

The Scottish Government's "responses" to the Dochertys

March 2015

Children and Families Directorate
Children's Rights and Wellbeing (CRW) Division

T: 0131-244 7131 F: 0131-244
E: sandra.aitken@scotland.gsi.gov.uk

The Scottish Government
Riaghaltas na h-Alba

LEGACY 2014
XX COMMONWEALTH GAMES SCOTLAND

Mr Brian Docherty

Our ref: 2015/0004792
3 March 2015

Dear Mr Docherty,

Thank you for your emails of 7 and 20 February to Nicola Sturgeon MSP, First Minister, regarding your family. I also acknowledge your additional letters to members of the UK Government, including to Teresa May MP, of 29 January, to Mike Penning MP and David Cameron MP, as well as providing copies of additional correspondence to the Irish Medical Council and the Crown Office and Procurator Fiscal Service (COPFS). I have been asked to reply as a member of the Child Protection Policy team within the Scottish Government.

The safety and wellbeing of all children and young people is a key priority for the Scottish Government. We work in close partnership with key stakeholders across the children's services sector to ensure that children and young people are afforded the greatest protection possible, and to ensure that perpetrators of the most heinous crimes are prosecuted to the full extent of the law. But I must be very clear that Scottish Ministers are not able to intervene in individual cases. Scottish Ministers may not instruct Police Scotland to carry out any criminal investigation nor intervene in ongoing child protection matters.

The police in Scotland operate independently of Ministers, so it would be inappropriate for the Scottish Government to intervene in or comment on their handling of the specific incidents you mention in your email. Operational matters, including the investigation of complaints, are a matter for the Chief Constable of Police Scotland. Therefore, if you have not already done so, you may wish to put your concerns in writing to: Chief Constable Sir Stephen House, Police Scotland, PO Box 21184, Alloa, FK10 9DE. Alternatively, you could ask a solicitor, your MSP or your local councillor to write to the Chief Constable on your behalf.

Other ways to make a formal complaint to Police Scotland are by calling the police non-emergency 101 number, by filling out the online complaint form on the Police Scotland website: http://www.scotland.police.uk/about-us/police-scotland/complaints-about-the-police/how-to-make-a-complaint/ or by visiting a police station.

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If once you have received a response from Police Scotland you remain dissatisfied, it is open for you to refer the matter to the Police Investigations and Review Commissioner (PIRC) who has responsibility to provide independent scrutiny of the way the police respond to complaints from the public. You can contact the PIRC either via their website (www.pirc.scotland.gov.uk), by telephone: 0808 178 5577, email: enquiries@pirc.gsi.gov.uk or by writing to PIRC, Hamilton House, Hamilton Business Park, Caird Park, Hamilton, ML3 0QA. PIRC will ask you to complete a form, giving details of your complaint and about why you are unhappy with the way the police handled it.

Further information about the police complaints process can be found in the leaflet, *A guide for complaints about the police* which can be accessed online at:

http://www.scotland.gov.uk/Topics/Justice/public-safety/Police/19354/thecomplaintsaboutthepoliceleaflet

In terms of your letter to Ms May dated 15 November, the Home Office asked the Scottish Government to reply as the matters you raised were not the responsibility of the Home Office. My colleagues within the Scottish Government were unable to provide a reply to you as you had not included a current address. Therefore, in light of the seriousness of the allegations you made regarding your previous landlord, and your complaints about individual police officers, it was appropriate that your correspondence was forwarded to Police Scotland for their review, as it is the responsibility of Police Scotland to investigate the matters you raise as per the complaint policy outlined above. .

Turning to your concerns about the treatment of your family by social work services in Scotland, you should complain in the first instance to the relevant local authority. Each local authority must have an agreed complaint process and the process for Aberdeenshire Council can be found here: http://www.aberdeenshire.gov.uk/haveyoursay/. If you remain dissatisfied once you have received a response to your complaint, you may raise your complaint with the Scottish Public Services Ombudsman (SPSO). They look at complaints after you have gone through the council complaints procedure to try to sort things out first. More information about SPSO and their service can be found here.

You may also wish to consider contacting the Scottish Social Services Council to make a complaint. More information about the types of complaint they will investigate can be found here.

Finally, you may also wish to contact the Scottish Child Law Centre. They help children and young people, their families and carers, and professionals working for and with children by providing free expert legal advice and information through their advice line, email and website, and can be contacted here.

Yours sincerely,

Sandra Aitken
Child Protection Policy Team

Victoria Quay, Edinburgh EH6 6QQ
www.gov.scot

May 2015

Children and Families Directorate
Children's Rights and Wellbeing (CRW) Division

T: 0131-244 7131 F: 0131-244
E: sandra.aitken@scotland.gsi.gov.uk

The Scottish Government
Riaghaltas na h-Alba

Mr Brian Docherty
[reply by email]

LEGACY 2014
XX COMMONWEALTH GAMES
SCOTLAND

Our ref: 2015/0015180
19 May 2015

Dear Mr Docherty,

Thank you for your email of 25 April to Nicola Sturgeon MSP, First Minister, regarding your family, as well as your comments on the Named Person. I also note your emails of 20 April.

I note that you raise concerns that you have only received one reply from the Scottish Government. Our records show that Scottish Government officials replied to you on 3 March, 13 March and 15 April. Please let me know if copies of that correspondence would be helpful. You may also wish to note that the Scottish Government, as well as the Crown Office and Procurator Fiscal Service and many other public bodies, aim to reply to correspondence within 20 working days. Where possible, we will reply more quickly but this is unfortunately not always possible.

I understand that you feel that the content of the responses you have received has been unsatisfactory. However, it remains the case the Scottish Government is not able to intervene in the matters you have raised. The correspondence has provided you with the relevant contact details to enable you to raise your concerns with the responsible bodies.

In terms of responding directly to the questions you raise in your letter regarding the correspondence that was passed to Police Scotland, I am not able to add any further information to that contained in my letter of 3 March, wherein I advised that your correspondence to Ms May regarding your concerns about Police Scotland was passed by the Home Office to the Scottish Government to reply as the matters you raised were not the responsibility of the Home Office. As I stated, my colleagues within the Scottish Government were unable to provide a reply to you as you had not included an address to which we could reply. Therefore, in light of the seriousness of the allegations you made regarding your previous landlord, and your complaints about individual police officers, and our inability to respond to you to confirm that it would be necessary for you to raise those concerns direct with Police Scotland, it was appropriate that your correspondence was forwarded to Police Scotland for their review, as it is their responsibility to investigate the matters you raise.

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In response to your question regarding the response of the Scottish Government in relation to your allegations, I am not able to add anything in addition to my letters of 3 March and 15 April, as well as my colleague Michael Birrell's reply to you of 13 March, wherein you were advised you that the police in Scotland operate independently of Ministers, so it would be inappropriate for the Scottish Government to intervene in or comment on their handling of specific incidents. Operational matters, including the investigation of complaints, are a matter for the Chief Constable of Police Scotland. My letter of 3 March gave you details of the Police Investigations and Review Commissioner (PIRC) and how you may raise any complaint with that body.

While I appreciate that the above may be disappointing, it is nevertheless the case that the Scottish Government does not and will not instruct police officers in the execution of their operational duties. There is an established pathway for the resolution of which is in place to keep operational matters free from political intervention and therefore precludes the intervention of the Scottish Government.

In terms of your question regarding the Solicitor General, I understand that the Crown Office and Procurator Fiscal Service have advised you that allegations of criminality should be reported to the police.

I note your further comments. However, I can only remind you of the need for you to ensure that you have raised your concerns with the relevant bodies and that you are pursuing resolution through the correct channels.

Turning to your enclosure regarding the Named Person, the Children and Young People (Scotland) Bill was passed by the Scottish Parliament on 19 February 2014 with 103 MSPs voting for it and with 15 abstentions, and received Royal Assent on 27 March 2014, making it an Act of the Scottish Parliament.

The Act is underpinned by the Getting It Right For Every Child (GIRFEC) approach. GIRFEC is the Scottish Government approach to improving the services that support the wellbeing of children and young people in Scotland. It is an approach that has several principles at its core. It:

- puts the wellbeing of the child or young person at the heart of decision making;
- takes a holistic approach to the wellbeing of a child or young person;
- works with children, young people and their families on ways to improve wellbeing;
- advocates preventative work and early intervention to support children, young people and their families; and
- believes professionals must work together in the best interests of the child.

It not only underpins the Children and Young People (Scotland) Act 2014 but also the Early Years Framework, Curriculum for Excellence and a range of policy and practice initiatives to support improvements in services. GIRFEC is being threaded through all existing policy, practice, strategy and legislation affecting children, young people and their families.

The GIRFEC approach should lead to early and effective intervention at any point in in a child's life where it is necessary to improve wellbeing outcomes. By acting to support wellbeing as soon as needs or concerns are identified and well before crisis points are reached, the approach ensures that every child is supported in a timely and proportionate way.

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The Act has put into statute some key aspects of the GIRFEC approach to improving how services can support children's and young people's wellbeing. First, it sets out what we mean by 'wellbeing' in Part 18. Second, it formalises the role of the Named Person, already widely used across Scotland, ensuring that a Named Person will be available for every child from birth to 18 (or older if still in school). Lastly, it makes provision for a statutory Child's Plan to co-ordinate support for those children who may require additional help.

The Act requires local authorities and health boards to provide a 'Named Person' for everyone aged 0 to 18. This person will be a point of contact for advice or concern about the child. While there are duties for various public bodies to assist the Named Person and to share information with them, there are no new powers of compulsion. That is, the Act does not give the Named Person any powers to force a child or family to do anything. If the public agencies consider it imperative to act to protect the welfare of a child, existing legislation gives them powers to do so.

You may be interested in reading the outcome of the recent Petition for Judicial Review of the Children and Young People (Scotland) Act 2014 at the following link.
http://www.scotcourts.gov.uk/search-judgments/judgment?id=1dadc2a6-8980-69d2-b500-ff0000d74aa7

In closing I would restate the requirement to consider that if a child has been harmed or is at risk of harm that he knows that appropriate authorities have been contacted. However, I can only remind you of the need for you to ensure that you have raised your concerns with the relevant bodies and that you are pursuing resolution through the correct channels.

Yours sincerely,

Sandra Aitken
Policy Officer

Victoria Quay, Edinburgh EH6 6QQ
www.gov.scot

Letter from Brian Docherty to Scotland's police complaints commissioner, July 2016

Ms Kate Frame

Commissioner PIRC

Hamilton House
Caird Park
HAMILTON
ML3 0QA

Sent via e-mail

21st July 2016

Dear Commissioner Frame,

Three months after I submitted a very lengthy serious complaint about the actions of Police Scotland senior officers, I am contacted by your office to inform me only of the headings.

As you are well aware, the stipulated deadline for reviews is a three-month deadline. Yet, after three months, I receive a letter giving a very abridged and selective number of complaints.

To put this into the context, Police Scotland professional standards spent close to six months 'investigating' my complaint, only to send me a brief letter which clearly demonstrated that they had not investigated at all. What they had done, however, is referred my family to Irish social services on the pretext of having concerns for my mental health.

Is it Police Scotland's policy to report concerns about everyone who complain about senior officers, or is it only those people who complain about senior officers who cover up paedophilia?

Inspector Mackay had written to me requesting more time to do a comprehensive report on the 4th of November, yet on the 6th of November Police Scotland referred my family to Irish Social Services.

Significantly, the end 'report' revealed there had been no investigation conducted at all. Needless to say, you will be receiving a complaint about how Inspector Mackay failed to investigate my complaint and instead criminally tried to cover up this complaint by attacking my family and trying to discredit me and my wife by stating we were mentally ill—how often can Police Scotland continue down this road against a report by an actual qualified psychiatrist?

This shameful letter was sent to me five months later, only because they anticipated my wife and I being sectioned. It transpired that my wife and I were supposed to have attended a psychiatric

appointment in Letterkenny Gárda station, no less, the day before they sent their letter; which was so weak that clearly they knew that attempting to cover this up was an impossibility.

I complain about serious corruption of senior officers involving an expensive ongoing wicked campaign against my family by senior officers for reporting paedophilia in early October 2015. Between Professional Standards' letter and the agreed headings by PIRC, the timescale is eight (closer to nine) months!

The second complaint was made as new information came to light about the involvement of senior officers.

When we did receive Professional Standards' weak and scant response, covering up senior officer involvement in paedophilia and the cover up of paedophilia, the reason they gave for referring my family to Irish social services, during, supposedly, an ongoing investigation into senior officer corruption, was concerns over my mental health!

I am sure they are concerned, but not over my mental health.

Professional Standards, contrary to what they have told you, have not contacted me to inform me of how they have implemented your recommendations from September 2015.

May I remind you that in your review from September 2015 you did not uphold our complaint (as my wife is very much part of these complaints) about the nominated perjurer DS MacDougall's testimony that we were delusional, despite the existence of a professional psychiatric report contradicting MacDougall.

I would also point out that had PIRC upheld this complaint too, it would have made it very difficult for Police Scotland officers involved in paedophilia to refer my family to Irish social services, for the second time, on the pretext of mental health—after I complained to them about senior officers.

May I also remind you that you have not responded to my letter for an Investigation in the public interest. Had you carried out this investigation, which is entirely justifiable in the public interest, then it is inconceivable that Police Scotland senior officers would have (officially) attacked my family again a mere 9 months later.

The actions of these senior officers have resulted in the deprivation of the liberty of our children for the second time—for reporting paedophilia!

In other words, had PIRC carried out an investigation in the public interest—few taxpayers would disagree with the commissioning of an investigation as to why Police Scotland officers spent so much time and money trying to destroy a family for reporting a paedophile connected to a powerful paedophile ring—my children would not have spent the last seven months in the 'care' system, when seven *days* is a long time for a child.

For your information, my children are distraught. Social workers referred my daughter [Daughter 1] for a psychiatric assessment because she was devastated at being removed from her parents. Not surprisingly, like my wife and I, she also passed this assessment well. Our baby [Son 2] cried for his mother continuously and has had the following physical abuse in 'care' to date:

black eye with finger marks on cheek;

large lump and bruising on forehead;

hand, foot and mouth disease;

and strep throat.

Many Scots would, however, be disgusted to know of the millions spent by Police Scotland from its £80 million budget deficit on this continuous attack on my family to protect paedophiles.

As you are aware, there have also been numerous attempts on our lives. Perhaps this is this why your review is taking so long. Is it anticipated that at some point someone will be successful and everyone can breathe a sigh of relief?

It is unsurprising, considering that the paedophile network we reported contains politicians, members of the aristocracy and senior clerics in the Catholic Church, that there have been so many attempts on our lives.

Why, therefore, is PIRC dragging its heels over this review into the actions of Police Scotland officers? Why is PIRC not opening an Investigation in the Public Interest of its own accord, rather than resisting my calls for one, despite it being clearly merited?

With regard to Ms Ferguson's comments about the complaints about the Scottish Government not being part of PIRC's remit, I am, of course, well aware of this. These comments were made in relation to senior Police Scotland officers working with or within the Scottish Government Justice Department. It is obvious now that people within government thought this was about them.

I do not expect PIRC to review the Scottish Government. I am saddened and disappointed by my government's lack of support for my family when so many Government bodies have led the charge.

Given PIRC's clear reticence to carry out an Investigation in the public interest. is it that the Scottish Government has placed pressure on PIRC not to agree to this investigation?

After all, two senior panel members of the Scottish Government's historical sex abuse enquiry have resigned in protest due to government pressure and interference. I have heard that the Catholic Church has involved their lawyers in trying to exert pressure also. Who would have thought that clerics in the Catholic Church would cover up Satanic Ritualistic Abuse!? The Catholic Church in Scotland, which supersedes even Police Scotland when it comes to covering up paedophilia.

The corrupt actions by Police Scotland officers, including senior officers must rank as some of the most despicable ever. We are not reviewing the actions of a few police officers who are burnt out or, due to the stresses of the job, have fallen victim to depression and made inappropriate comments or acted rashly.

We are not even discussing the role of one or two bad apples in Police Scotland.

We are discussing the premeditated-motive, repeatedly planned and executed attack on my family over a two-year period, for reporting paedophilia and an elite paedophile ring by officers of all levels, primarily from Aberdeenshire, to protect influential paedophiles involved in organised crime against children; not to mention their own involvement.

Why have I heard little to nothing from your office about the review application on the complaint about the role of Chief Constable Phil Gormley?

I have a response from your office about why it is not investigating the NCA[89] complaint, which reads like a barrister's argument over jurisdictional boundaries (and which is not accurate, amongst other inaccuracies) to close the review into the actions and lack of action by the NCA.

Has the Scottish Government pressured PIRC not to conduct an investigation in the public interest?

Why has PIRC taken so long on this review to even agree headings?

Does PIRC agree there should be a review in the public interest?

What is to stop senior Police Scotland officers attacking another family like ours?

Given all the evidence of very heinous actions by Police Scotland why will PIRC not take a tougher stance by conducting an Investigation to protect the public and restore trust?

Yours sincerely,

Brian Docherty.

[89] National Crime Agency

Response to Brian Docherty

Kate Frame
Police Investigations & Review Commissioner
Hamilton House, Hamilton Business Park, Caird Park, Hamilton ML3 0QA
Freephone: 0808 178 5577 e: enquiries@pirc.gsi.gov.uk

www.pirc.scotland.gov.uk

pirc
Police Investigations & Review Commissioner

Mr B Docherty

By email

12 August 2016

Dear Mr Docherty

Public interest investigation

I wrote to you on 19 October 2015 to advise that I had decided not to assent to your request to undertake an investigation of Police Scotland in the public interest.

In your correspondence of 27 July 2016, you again requested that such an investigation take place and provided further information in support of your request.

Having considered carefully the information you have provided, my position remains the same as detailed in my letter of 19 October 2015, namely that I do not consider the information you have provided to be of sufficient quality and coherence to justify an investigation in the public interest.

This decision does not affect the Complaint Handling Review which my office is currently undertaking in connection with your case.

Yours sincerely

Kate Frame
Commissioner

Brian Docherty's letter to Donegal Social Services, July 2016

Elish Crawford, TUSLA Team Leader
St Conal's Mental Health Hospital
Letterkenny, Co. Donegal

Elish Crawford-Quaile

8th July 2016

Dear Ms Crawford,

This letter is in response to your request for a meeting with me and my wife **in Northern Ireland**.

There are a number of issues with this which are not consistent with the facts with you and [HSE Donegal Autism specialist] Ms [Joanne] Deeney's email.

Your email makes the point that you seek reassurance that we are "both well". In the context of TUSLA this is clearly a not very thinly veiled reference to mental health.

Our mental health has continually come into questions since we reported a paedophile and latterly an elite paedophile ring. This shameful campaign has not abated even after a qualified psychiatrist stated in his report of us that we had "dynamic" and "resilient" sound mental health.

From January 2015 to the present the number one goal of TUSLA is and remains to have my wife and I sectioned. Illegally, forcibly kidnapping our children from our care twice with 10 months has been the vehicle to achieve this goal.

This statement is based on the following incontestable facts:

- Our children were removed illegally without prior contact in both January and December 2015.
- Social workers we had not met before testified in court that we were mentally unbalanced.
- Social worker Mary Malee admitted in court to priming medical staff to have us sectioned and was reprimanded by Judge Devins.
- Social worker Mary Malee sent a mental health nurse to offer us a 'free' psychiatric assessment with Dr Ciaran Smyth of Castlebar.
- An independent psychiatrist (from Northern Ireland) wrote two reports in our favour in February 2015.
- As recently as February 2015 the judge ruled in our favour and returned our children to us, stating that the reports were not to follow us. Yet 9 months later our children were removed again, against all procedure and law, why?

- Despite this, on the order of Chief Executive Gordon Jeyes, Liza Finegan made the ruling on the 21st December 2015 that we were to attend a psychiatric assessment by a TUSLA nominated psychiatrist. Not very subtle. Which we did not agree to.

- In January manager Bridgeen Smith stated that she would only restart access, which she had stopped, if we met with TUSLA's psychiatrist first.

- At many court hearings there has been the presence of a psychiatrist for this purpose.

- Cleaning and caretaker staff had no idea there was a social work department at St Conal's Mental Health hospital when we went there unscheduled in December 2015 to seek a meeting about our children's welfare.

TUSLA's own 'waiting room' literature highlights that at least 2 out of 5 children are affected by abuse, yet my wife and I are continually plotted against to have us sectioned for reporting influential paedophiles.

Your email refers to the carrot of restarting "meaningful access". May I remind you that access was stopped with our children was because and only after I took a photograph of our 18 month old baby sons black eye with three finger marks on his cheek which he received in 'care' of the state.

It is illegal that we have been denied the right to see our children, as even the judge postponed ruling on your motion to stop access because I had taken a photograph of [Son 2]'s third injury in 'care'.

Why would you stop our access to seeing our children and speaking with our children, in particular with our eldest daughter [Daughter 1]?

Why would Ms Molony only tell us that telephone access had been agreed months later in April?

Why would Ms Deeney contact us four months later to say we could have telephone access, only to deny this on my daughter's birthday, unless we met with you first?

Your letter makes comments about how we have to "work together" for the sake of me and my wife's children. It purports by its tone that you are open to communications and dialogue and wish to work collaboratively with us for our children's sake.

Yet this has been the exact opposite of our experience many, many, times with TUSLA social workers and managers. This is based on the following facts:

- Upon the removal of our four children violently by armed garda and 5 social workers we were left with a compliments slip!

- Houston and McDaid refused to meet with us to discuss our children's specific needs despite our repeated requests – particularly for [Son 1] who is disabled and [Son 2] who is a baby, then breast feeding.

- Houston and McDaid refused to supply us with direct phone numbers or contact email addresses. I guessed at the email addresses for TUSLA staff and wrote to them.

- Houston and McDaid refused to give us information on our children or to reassure us about their well-being or to meet with their foster parents.

- Houston organised a psychiatric referral for our daughter [Daughter 1] because she cried and was distraught upon being told she was being kept in 'care' on the 22nd December 2015.

- Houston, apparently in collaboration with **British Embassy** [consular] **official Harry Carberry**, stated that TUSLA's legal department had advised her that we could only contact our embassy if we spoke through her and that she would contact the **"Scottish Consulate"** *(sic)*.

- Ms Deeney, and an unidentified female accompanied by two male garda officers, came to our holiday home in April of this year as a result of surveillance activity.

- There are many other examples of duplicity and deception and illegality in a bid to tell us nothing, deny us our basic rights, manage us to have us sectioned.

TUSLA officers and the Guardian Ad Litem Patricia Molony want to put on paper a supposed supportive approach after I had written to them about their criminal behaviour against our family. Garda officers in Donegal by comparison have apologised and said what has happened to us they are "ashamed".

According to Ms Deeney's email, apparently, it was Judge Kelly's idea to arrange a meeting with Ms Deeney and Ms Molony in Northern Ireland to reassure my wife and I that there will be no attempt to section us.

There are many reasons why this meeting in Northern Ireland would be highly prejudicial and dangerous to our liberty:

- PSNI officers, in collaboration with the Garda, attended our place of residence in Northern Ireland at 1am to 'inform' us we had failed to attend a psychiatric appointment at Letterkenny Garda station!

- Phil Maria, a social worker in the Irish Republic, attended a monastery, of all places, in Northern Ireland, inquiring after the whereabouts of my wife and I.

- Maria Houston/Heuston (she has given two spellings of her surname on paperwork) is not a registered social worker in the Republic of Ireland but interestingly had recently been a parole officer in Northern Ireland for some time.

- Gabrielle McDaid was at one time registered as a social worker in Northern Ireland and her social worker registration with CORU continues to state her county of practice as Derry.

- The above three social workers are residents apparently of Northern Ireland.

There are other salient Northern Irish points in connection with our ordeal.

- We have submitted detailed complaints to the Police Ombudsman against the PSNI regarding surveillance which involved the repeated breaking-in/vandalism of our car, repeated violent attacks on our pets and theft of documents.

- We were held up in broad daylight by three men in Northern Ireland after booking a holiday cottage online. They parked a van and a four wheel drive vehicle over the country lane and stole all our possessions.

- We have submitted complaints against unlawful surveillance, as supported by evidence to the Investigatory Powers Tribunal.

We went to the North only after our house was set on fire in Donegal on the 17th January to murder us in our sleep. Garda Forensics confirmed the fire was started deliberately.

Clearly, a meeting in Northern Ireland does not reassure us, quite the opposite, not only because of events in Northern Ireland but because Irish state bodies have been acting in open collaboration with Northern Irish state police.

A meeting in Northern Ireland is not just a different jurisdiction but a different country. How can it be appropriate or good practice to meet state employees on official business in a different jurisdiction?

Unless of course the obvious objective is to quietly dispose of us in a hospital.

To meet with social workers outside the country but yet still in a government-run hospital is inappropriate at best and decidedly dubious. This has to be without precedent.

Nobody is any under illusion that the key objective by TUSLA social workers and managers, from the Chief Executive down, has been to have my wife and I sectioned – for reporting paedophilia.

This attack on my family has never been based on facts or been about child welfare. This was the agenda under Gordon Jeyes and remains the agenda his successor Fred McBride.

With these facts in mind, how on earth could any reasonable and sane person trust anything that any representative of TUSLA has to say?

In fact, as my barrister friend laughingly says, I would have to be crazy to meet with you. Though he appreciates this is far from funny.

Your letter ends with the carrot of “returning our children to our care”. This can and should be done by Fred McBride to end the suffering of our family, torn apart illegally for reporting paedophilia.

Our children, you repeatedly inform us, want to see us as much as we want to see them. Even Molony writes our children are a credit to us. Why not act in the interests of children and end this outrage?

Yours sincerely,

Brian Docherty.

Cc: David Ford MLA the Justice Secretary of Northern Ireland; Theresa Villiers MP the Secretary of State for Northern Ireland; Judge Kelly Letterkenny District Court; Fred McBride Chief Executive TUSLA.

Brian Docherty's description to UK Column of the Irish appeal arrangements

17 August, 2016

On 1st February 2016 in Letterkenny, it was supposed to be an appeal hearing.

The judge changed it to a full hearing when we went to Monaghan *[on 21st January, to move for appeal]*: he said, "We will have a full rehearing in Monaghan."

Because Janice and I got a barrister for the 1st February, the hearing actually changed again to an appeal hearing.

Incredible stuff—perhaps why it is hard to understand.

The Irish are just changing the court procedure, or lack of it, to suit themselves.

The corrupt appeal judge had the district judge sign an order stating we had agreed to our children remaining in care.

He stopped the appeal hearing being heard in Monaghan on 21st January.

He said there would be a full rehearing on 1st February "because we had a barrister and solicitor" (they knew this as our team had requested the notes).

They could not have a full rehearing, as it was clearly corrupt and the appeal judge would not sign up to this.

Incredibly, they changed it back to an appeal hearing, only to be cancelled, based on lie that we had "agreed to our children being in care" on 13th January, when we had not even been allowed in the courtroom.

This so-called appeal did not go ahead. We were told Police Scotland were due to testify at the appeal.

The full rehearing/appeal happened on a day that the judge does not sit.

Corrupt Kelly, not sitting that day in court, was also there to hand in his ridiculous ruling that we had "agreed to our children remaining in care".

The ruling that you cannot have an appeal if you agreed (which we clearly did not) to children in care was made by the Chief Justice of Ireland, Susan Denham.

Denham knows everything about this case from us by recorded delivery letters and emails, and has not acted for us—but has instructed registrars in the High Court to stop our appeals.

What happens when you write to the UK Prime Minister about corruption in the Scottish Government

Children and Families Directorate
Care and Protection Division

Scottish Government
Riaghaltas na h-Alba
gov.scot

E: jack.murray@gov.scot

Mrs Janice Docherty

Our ref: 2016/0022346
1 August 2016

Dear Mrs Docherty,

Thank you for your email of 1st July to the Prime Minister Theresa May MP regarding your children. As Child Protection is a policy area which falls within the remit of the Scottish Government, your email has been passed to me to provide a response.

The Scottish Government may not comment on, or intervene in, individual cases. Scottish Ministers are unequivocal in their view that decisions regarding operational police matters in Scotland lie with Police Scotland and must be kept free of political interference and equally, that Scottish Ministers must not intervene in individual child protection cases in Scotland.

Yours sincerely,

Jack Murray
Child Protection Team

Victoria Quay, Edinburgh EH6 6QQ
www.gov.scot

Further letters by UK Column viewers summarising the case

51 questions for Scotland's Chief of Police

Chief Constable of Police Scotland
Tulliallan Castle
KINCARDINE
Fife[90]
FK10 4BE

13 July 2016

F.a.o. Chief Constable Phil Gormley, Police Scotland

This is a formal request, submitted to Police Scotland as a Freedom of Information request, in respect of the Force's involvement in the unlawful harassment, intimidation and surveillance of Brian and Janice Docherty and family, the unlawful kidnapping of their children by the State, and the failure to carry out a full enquiry into a possible crime involving Alan Low and Viscount Petersham on the Crimonmogate Estate, Crimonmogate, Lonmay, Fraserburgh, Aberdeenshire.

Please note, I will not accept a '*refusal notice*'. Police Scotland is a public body and so accountable to (*and funded by*) the public. These questions are very much in the public's interest and require open, honest, candid and complete answers from Police Scotland. As you will be aware, Police Scotland have 40 consecutive days maximum to comply with this FOI request.

Below, I present my FOI questions to Chief Constable Phil Gormley, Police Scotland. Please note, I am not asking any questions which would jeopardize any Police investigation and, therefore, I believe that there are no lawful grounds on which to refuse to answer these questions. Furthermore, if the answers to these questions lead to the exposure of corruption within Police Scotland, this is also in the public interest and, therefore, not a reason for refusal.

My questions are:

1. When did you first become aware of the Docherty case?
2. Who was it that first informed you about the Docherty case?
3. When was Alan Low first interviewed, who interviewed him and for how long?
4. How many times was Alan Low interviewed, and at what locations did these interviews take place?
5. When was Viscount Petersham first interviewed, who interviewed him and for how long?
6. Were Alan Low and Viscount Petersham asked about the harassment and intimidation of the Docherty family?
7. Was a background check done on Alan Low regarding possible associations or connections with young boys or children? If so, was any history of paedophile activity discovered?
8. Did Police Scotland contact any other paedophiles in the UK or worldwide to ask them if they were aware of Alan Low, and if they had any knowledge of him being associated with young boys or children?
9. Why were no charges brought against Alan Low in regard to the allegation that he tried to procure a very young boy for the alleged sum of £25,000?
10. As apparently Alan Low has admitted that he made this offer of procurement, what further enquiries were carried out, and did he admit this offer of procurement to Police Scotland?

[90] The Castle's postal town is Alloa (Clackmannanshire) but it is located closer to Kincardine (Fife).

11. Why did Sgt Sam Buchan visit the Docherty home less than 24 hours after Brian Docherty had reported to Police Scotland the offering of £25,000 by Alan Low for access to his autistic son?
12. Why did Sgt Sam Buchan visit the Dochertys at their home on the Crimonmogate Estate and try to reassure Brian Docherty that there was nothing to worry about regarding the behaviour of Alan Low?
13. Regarding the Docherty case, who first reported the case to Aberdeenshire Social Services, what was the date and what were the instructions given to them? Who received this initial communication?
14. Why were Aberdeenshire Social Services contacted by Police Scotland?
15. Did Sgt Sam Buchan interview Alan Low at his place of residence and also at a local police station? What was discussed during this interview and what was the outcome?
16. Did Sgt Sam Buchan interview Viscount Petersham on the Crimonmogate Estate, and also at a local police station? What was discussed during this interview and what was the outcome?
17. Sgt Buchan visited the Docherty home on the 9th August 2014 and is alleged to have made the following statements: 1) "we asked him if he was a paedophile, and he said 'no'"; 2) "how can we make this go away"; and 3) "how can I persuade you that there's nothing here". Is it true that he made the above statements or very similar?
18. Shortly after the Dochertys reported the incident to Police Scotland, the Dochertys were subject to mysterious disturbances during the evening/night , e.g. a digger being used without lights on, on the Estate, near their home. Who authorised the use of this machinery? Was it Police Scotland?
19. Was it Sgt Sam Buchan who organised the campaign of harassment and intimidation of the Docherty family while staying at the Crimonmogate Estate, or was it somebody else?
20. It is on record that Bran Docherty requested police attendance regarding these threats of intimidation, harassment and vandalism. What was the response to these requests? Is there anything on record?
21. Is it true that around the end of August 2014, Police Scotland passed on instructions of some kind to Aberdeenshire Social Services regarding the Docherty case?
22. Who communicated these instructions, and what were the instructions?
23. Were Aberdeenshire Social Services told by Police Scotland to separate, or to try to separate, the children from Brian and Janice Docherty?
24. Were Aberdeenshire Social Services told by Police Scotland that the Docherty children were in some kind of danger from their own parents, and if so were they presented with any evidence of such a claim?
25. Aberdeenshire Social Services were apparently sent a 'concern report' in relation to the Docherty case. Who was the author of this report, to whom was it sent and to whom was it addressed?
26. Was Alan Low employed at any time past or present as a public servant, i.e. military or police?
27. Where was PC Kathryn Lamont at the time this 'concern report' was written?
28. Did the Dochertys receive a copy of this 'concern report', and if not, why not?
29. Did Sgt Sam Buchan have any input, in any shape or form, into the 'concern report' which was sent to Aberdeenshire Social Services?
30. Did Sgt Sam Buchan have any input in any way, shape or form into the 'concern report' written by PC Kathryn Lamont?
31. Did Sgt Sam Buchan alter PC Kathryn Lamont's 'concern report' at any time, by making additions, deletions or fabrications?
32. What communication, if any, was sent from Police Scotland to Aberdeenshire Director of Social Work Richie Johnson regarding the Docherty case, and what were the dates of these communications?
33. Is it true that after receiving communication from Brian Docherty, PC Lamont agreed to meet the Docherty's to discuss the 'concern report' but only in the presence of a union representative?
34. Why would PC Lamont want a union rep. present for a visit concerning a routine police matter?
35. Is PC Lamont still employed by Police Scotland, and if so, has she been demoted or promoted since July 2014? Is she still on the same pay scale as at July 2014?

36. Brian Docherty wrote a letter of complaint to Police Scotland in February 2015. Did Police Scotland reply to this letter, and were all of Brian Docherty's questions answered?
37. How many letters or emails were sent between PIRC and the Dochertys, and what were the dates of these letters/emails?
38. It is on the record that PIRC upheld 11 of the12 complaints made by Brian Docherty, and that PIRC stated there was no justification for the referral to Social Services. Apparently, PIRC stated that Brian Docherty should report Sgt Sam Buchan to the Procurator Fiscal's office. If so, on what basis?
39. When did CC Phil Gormley become aware of the PIRC report, and has he commented on it?
40. Did anyone else at Police Scotland apart from Phil Gormley receive a copy of the PIRC report regarding the Docherty case?
41. The Dochertys had difficulty gaining legal representation. Was there any communication between Police Scotland and solicitors/lawyers in the Aberdeenshire area regarding the Docherty case?
42. Has Sgt Buchan broken his oath as a police constable at any time in regard to the Docherty case?
43. On what date did CC Phil Gormley first become aware of the Docherty case, and what form did this communication take?
44. How many letters/emails/phone calls were exchanged between CC Phil Gormley and Sgt Sam Buchan between July 2014 and the present time?
45. How many letters/emails/phone calls were exchanged between CC Phil Gormley and any other Aberdeen Police staff in connection with the Docherty case between July 2014 and the present time?
46. Has Sgt Sam Buchan been demoted or promoted between July 2014 and the present time, and is he still employed by Police Scotland in Aberdeenshire?
47. Did Police Scotland offer any help or protection to the Docherty family during the summer of 2014 and henceforth? If they did, is there any evidence to support such a claim?
48. Did Police Scotland play any part in the surveillance of the Docherty family, whether in Scotland, in Éire or in Northern Ireland?
49. How much has Police Scotland spent on the surveillance employed against the Docherty family since July 2014, including, but not exclusively, technical equipment, cars, vans, helicopters as well as all running and operational costs?
50. Were any of these costs paid via the Scottish Government, and is there any record regarding contact between Police Scotland and the Scottish Government regarding these surveillance costs?
51. Most importantly of all, when will the Docherty family get their children back?

I look forward to your full and honest reply within 40 consecutive days. For your information, I am making this FoI request public knowledge now, as there is no legislation preventing such.

Yours,

_____

31 questions for Aberdeenshire's social work director

Aberdeenshire Council
Social Work Dept.
Gordon House
Blackhall Rd
INVERURIE
AB51 3WA

13 July 2016

F.a.o. Ritchie Johnson, Director of Housing and Social Work, Aberdeenshire Council

This is a formal request, submitted to Richie Johnson, as a Freedom of Information request, in respect of Ritchie Johnsons, and Aberdeenshire Social Work Depts involvement in the unlawful harassment, intimidation and surveillance of Brian and Janice Docherty and family, on the Crimonmogate Estate, Crimonmogate, Lonmay, Fraserburgh, Aberdeenshire in 2014 and onwards, and the unlawful kidnapping of their children by the State, and the possible failure to carry out a full enquiry into a possible paedophile crime involving Alan Low and Viscount Petersham.

Please note, I will not accept a '*refusal notice*'. Aberdeenshire Council Social Work Dept. is a public body and so accountable to (*and funded by*) the public. These questions are very much in the public's interest and require open, honest, candid and complete answers from Mr Ritchie Johnson. As you will be aware, you have 40 consecutive days maximum to comply with this FOI request.

Below, I present my FOI questions to Ritchie Johnson, Director of Housing and Social Work, Aberdeenshire Council. Please note, I am not asking any questions which would jeopardize any Dept. of Social Work investigation and, therefore, I believe that there are no lawful grounds on which to refuse to answer these questions. Furthermore, if the answers to these questions lead to the exposure of corruption within the Dept. of Social Work, this is also in the public interest and, therefore, not a reason for refusal.

My questions are:

1. When did you first become aware of the Docherty case?
2. Who was it that first informed you about the Docherty case?
3. When was Alan Low first interviewed by Aberdeenshire Social Services, who interviewed him and for how long?
4. How many times was Alan Low interviewed, and at what locations did these interviews take place?
5. When was Viscount Petersham first interviewed, who interviewed him and for how long?
6. Were Alan Low and Viscount Petersham asked about the harassment and intimidation of the Docherty family?
7. Was a background check done on Alan Low regarding possible associations or connections with young boys or children? If so, was any history of paedophile activity discovered?
8. Did Aberdeenshire Social Work Dept. contact any other paedophiles in the UK or worldwide to ask them if they were aware of Alan Low, and if they had any knowledge of him being associated with young boys or children?
9. In regard to the allegation that Alan Low tried to procure the Dochertys' young autistic son [Son 1] for the alleged sum of £25,000, did Aberdeenshire Social Work Dept. specifically ask Alan Low if the allegation was true? If so, what was his answer? What further enquiries were carried out regarding this allegation?

10. Regarding the Docherty case, who first reported the case to Aberdeenshire Social Services, what was the date and what were the instructions given to them? Who received this initial communication?
11. Why were Aberdeenshire Social Services contacted?
12. Did Aberdeenshire Social Services interview Viscount Petersham either on the Crimonmogate Estate, or on Social Services premises? What was discussed during any such interview, and what was the outcome?
13. Is it true that around the end of August 2014, Police Scotland passed on instructions of some kind to Aberdeenshire Social Services regarding the Docherty case?
14. Who communicated these instructions, and what were the instructions?
15. Were Aberdeenshire Social Services told by Police Scotland to separate, or to try to separate, the children from Brian and Janice Docherty?
16. Were Aberdeenshire Social Services told by Police Scotland that the Docherty children were in some kind of danger from their own parents or otherwise, and if so, were Aberdeenshire Social Services presented with any evidence of such a claim?
17. Aberdeenshire Social Services were apparently sent a 'concern report' in relation to the Docherty case. Who was the author of this report, to whom was it sent and to whom was it addressed?
18. Did the Dochertys receive a copy of this 'concern report', and if not, why not?
19. What communication, if any, was sent from Police Scotland to Aberdeenshire Director of Social Work Richie Johnson regarding the Docherty case, and what were the dates of these communications?
20. It is on the record that PIRC upheld 11 of the12 complaints made by Brian Docherty, and that PIRC stated there was no justification for the referral to Social Services. Apparently, PIRC stated that Brian Docherty should report Sgt Sam Buchan to the Procurator Fiscal's office. Mr Johnson, are you aware of this PIRC investigation and the outcome, and if so, when did you become aware of it?
21. Did anyone else at Aberdeenshire Social Services apart from Mr Ritchie Johnson receive a copy of the PIRC report regarding the Docherty case?
22. The Dochertys had difficulty gaining legal representation. Was there any communication between Aberdeenshire Social Services and solicitors/lawyers in the Aberdeenshire area regarding the Docherty case?
23. How many letters/emails/phone calls were exchanged between Aberdeenshire Social Services and Sgt Sam Buchan between July 2014 and the present time regarding the Docherty case?
24. How many letters/emails/phone calls were exchanged between Aberdeenshire Social Services and Police Scotland between July 2014 and the present time regarding the Docherty case?
25. Has Ritchie Johnson been demoted or promoted between July 2014 and the present time, and is he still employed by Aberdeenshire Social Services?
26. Did Aberdeenshire Social Services offer any help or protection to the Docherty family during the summer of 2014 and henceforth? If they did, is there any evidence to support such a claim?
27. What communication has taken place between Aberdeenshire Social Services, and Social Services in Éire and Northern Ireland? What were the dates of these communications?
28. Who authorised the decision for the Docherty children to be taken into care, whether in Scotland, Éire or Northern Ireland?
29. Has Aberdeenshire Social Services received any communication from the Scottish Government, and if so, what form did this communication take?
30. Please provide copies of all/any correspondence between the Lord Advocate and Aberdeenshire Social Services in respect of Docherty case. These copies may be emails, memos, letters, transcripts of phone calls, statements, screen captures, etc.
31. Most importantly of all, when will the Docherty family get their children back?

I look forward to your full and honest reply within 40 consecutive days. For your information, I am making this FOI request public knowledge now, as there is no legislation preventing such.

Yours,

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To the (UK-wide) Minister for Preventing Abuse, Exploitation and Crime

18 July, 2016

Karen Bradley MP
Minister for Preventing Abuse, Exploitation and Crime
2 Marsham Street
LONDON
SW1P 4DF

Dear Ms Bradley,

Open letter: contempt for natural justice and the rule of law throughout the UK

Thank you for your reply to my MP[91] in relation to letters I have recently written to him regarding the growing disregard by authorities and institutions throughout the UK for the basic assumptions of the Common Law. Unfortunately, your advice fails to address the over-arching nature of this problem.

The cases quoted in my letters were offered merely as evidence that our institutions, up to and including government itself, are ever more frequently failing to maintain the rule of law. Numerous people have written repeatedly to the police, to Crown Prosecution Services north and south of the border, to the judicial authorities, to local councils, to MPs, to ministers, and to the prime minister in relation to these, and similar, cases: all to no avail. Is it any wonder that increasing numbers of us are coming to suspect that government itself may be complicit in what appear to be highly successful attempts by people of power and influence to pervert the course of justice?

The failure of successive administrations in England and Scotland to check the spread of corruption is destroying people's faith in institutions which once commanded respect. There are numerous examples of flagrant misconduct in public office which have been allowed to pass without a murmur: the North Wales children's homes case, when, as revealed by Siân Griffiths, the judge ordered the destruction of crucial evidence as soon as a prominent name was mentioned;

[91] Member of Parliament

the falsification[92] of the records of court proceedings after the trial of Robert Green, as members of the public who heard what actually took place in the courtroom can confirm on oath;

the collaboration of Cheshire Constabulary with Grampian Police (now Police Scotland) in stealing Mr Green's private property without inventory;

the hounding of social worker Carol Woods by several constabularies, after she refused to falsify records in order to facilitate a forced adoption, and then compounded her misguided honesty by protesting against an illegal land deal involving prominent people; the manifold crimes of the UK's secret family courts in stealing children from their families on the fabricated psychological evidence of 'experts' who have never met either the parents or the children involved;

the kidnapping of a young girl from South Wales at gunpoint by social workers without proper authority, and her deportation from an American hospital to the UK using a fake passport … these are only a few of many instances—the list goes on and on. Ministers and MPs have repeatedly been made aware of these assaults on the rule of law, yet they are apparently content to sit back and let the abuses continue unimpeded.

The suspicion that government may be involved in unlawfully manipulating outcomes has recently been intensified by the resignation of Professor Lamb and Susan O'Brien QC from the Scottish Child Abuse Inquiry. Please do not reply that, since that inquiry refers only to cases north of the border, it is irrelevant to the conduct of the Goddard Inquiry. Firstly, organised paedophilia and child trafficking do not respect intercontinental borders, let alone those of areas as small and as closely intertwined as the British Isles; and secondly, the reaction of the Scottish authorities to cases occurring within their jurisdiction bears an uncanny resemblance to that of police and government agencies in England, Northern Ireland and Wales when confronted by similar situations: indeed, the various parts of the UK, and even the Irish Republic, appear frequently to act in concert, where crimes involving organised paedophile rings may be concerned.

As a demonstration of this collaboration, I would draw your attention to the case of the Docherty family. Under attack from Police Scotland, after they reported a man for offering them £25,000 for "access" to their five-year-old autistic son (a fact which the man they accuse has confirmed), they took temporary refuge in the Irish Republic—only to find that the Irish government was collaborating with the Scottish police force to steal their four children, while hounding the parents from place to place, with a view to sectioning them (this, despite the fact that an independent expert has pronounced them to be in excellent mental health). When they crossed the border into Northern Ireland, the authorities there joined in the persecution of this law-abiding couple, who have never so much as been accused of a crime, let alone found guilty of one. What, exactly, is going on here? Theresa May, as Home Secretary, simply referred them to the Scottish authorities. Not her problem. Yet these UK subjects continue to be stalked and persecuted while attempting to retrieve their children from 'care' in the Republic.

[92] Sheriff Principal Edward Farquhar Brown was heard to say at Robert Green's February 2012 trial in Stonehaven, Aberdeenshire: "How dare you, an Englishman, come here and tell us what to do? We know how to run the criminal justice system in Scotland." This utterance is not reflected in the court transcript.

If this persecution had originated under an alien jurisdiction *outside* the UK, diplomatic staff would no doubt have been called into action, to ensure the safety of British subjects, and bring them and their children back home. That the attacks on the Dochertys appear actually to have been *instigated* by Police Scotland, who are allowed to run amok by complaisant Scottish and UK governments, suggests that the UK itself is fast becoming a rogue state, with neither Holyrood nor Westminster willing to lift a finger to help citizens desperately appealing to them to uphold the rule of law.

What are families such as the Dochertys to do when they turn to the forces of law and order, and find these ranged against them? What can they do when they find themselves under attack from the very people they would expect to protect them? When, instead of coming to their aid, the full might of the State is unleashed to destroy them?

You suggest that I should apply to the Criminal Cases Review Commission. The sheer number of cases which I am now aware of makes this suggestion laughable. This is not a question of isolated miscarriages of justice. Steadily accumulating evidence points to widespread corruption of the forces of law and order by wealthy and influential criminals and those who serve them, or who possess knowledge which might compromise them. As for writing to Chief Constables, do you really think that this has not already been done, time and again, not only by myself, but by many, many others? Unfortunately, it seems that those unable to wield punitive power or to influence the authorities by other means are ignored or fobbed off with irrelevancies—not only by the police, but by the Crown Prosecution Service, and by political 'representatives' at all levels. We need look no further than the reluctance of our establishment to prosecute Anthony Charles Lynton Blair for his misconduct in public office, as laid bare by the Chilcot Report, to know that as far as the law is concerned some pigs are more equal than others.

The resignations of Professor Lamb and Ms O'Brien from the Scottish inquiry have increased already widespread unease regarding the England and Wales inquiry, which appears to exist on rather too intimate terms with the Home Office. Indeed, distrust of successive governments' entanglement with the Great and the Good who populate State-funded 'charities', 'independent' foundations and questionably funded NGOs[93]—the kind of people who are routinely selected to sit on panels and tribunals—is now so ingrained that I doubt whether survivors of abuse will look upon any inquiry stacked full of these place-people with anything but a cynical eye. Unless government appointees to such inquiries follow Professor Lamb and Ms O'Brien's example, and resign, how can we be sure that they are not in cahoots with a possibly compromised administration? And once they have resigned, what further use are they?

[93] non-governmental organisations

The only solution to this conundrum is an investigation which is transparently free from all possible taint of government interference and control. In other words, these matters should be put before a Grand Jury of ordinary people, as authorised by the common law. Only then can survivors of abuse be confident that they are getting a fair deal.

I note that, like Mr Campbell in his previous letter to me, you make no mention of the UK's discredited family court system, which continues to remove children from loving parents on the scantiest of grounds: an unspecified threat to some undefined notion of 'well-being', for instance, or, more ludicrous still, the possibility of 'future emotional harm'. This is an area which needs to be reformed by Parliament without delay. I therefore include, once more, the eminently reasonable objections to this corrupt system which are listed on the Forced Adoption website, and trust that you will not only take this information to heart, but act upon it:

1:- The UK is the ONLY State in the WORLD that gags parents whose children have been taken by social services.

2:- The UK is the ONLY State in Europe (except Croatia and possibly Portugal) to permit the horror of "forced adoption".

3:-The UK is the ONLY State in Europe to allow "punishment without crime", i.e. the taking of children by social services from parents who have not committed any criminal offence.

4:- The UK is the ONLY State in Europe taking children for "emotional abuse" and, worse still, "risk of future emotional abuse" (on the basis of predictions from overpaid charlatans that one day parents just might harm their children).

5:- The UK is the ONLY State in Europe to censor conversation between parents and children in care. Children are left wondering what they have done wrong as parents are forbidden to explain the situation, or discuss the court case in any way. Phrases such as "I love you" and "I miss you" are also forbidden under the threat of contact being stopped immediately if the parents "transgress". Children naturally begin to think their parents might not love them or want them back any more.

All this is a disgrace to democracy and a disgrace to freedom that could be instantly rectified by legislation to make all the above five practices illegal and to allow parents threatened with permanent separation from their children to demand a hearing by a jury. (https://forced-adoption.com/punishment-without-crime/)

Yours sincerely,

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To the head of prosecutorial policy (COPFS) in Scotland

19 July, 2016

Catriona Dalrymple
Head of Policy
Crown Office and Procurator Fiscal Service
25 Chambers Street
EDINBURGH
EH1 1LA

Dear Ms Dalrymple,

Open letter: failure to prosecute DS Sam Buchan and DS Martin MacDougall of Police Scotland

At present, a Scottish couple, Janice and Brian Docherty, loving parents who have never been accused of any crime, are in the Republic of Ireland, fighting to have their four children released from 'care'. Since Mr Docherty has already contacted the Crown Office in connection with this matter, I am assuming that you are well aware of their predicament.

The Dochertys' children have been separated from their parents, and the parents themselves mercilessly hounded by the Scottish, Irish, and Northern Irish authorities with a view to sectioning them: this despite the fact that they have never been accused of any crime; that an independent expert has testified to their complete sanity; and that in January, 2015, an Irish court not only dismissed all allegations against them out of hand, but judged the notes forwarded by Police Scotland, on which those allegations were based, to be entirely without merit.

The notes in question, which the Dochertys have never been permitted to see, were initially claimed by Police Scotland to be the work of PC Kathryn Lamont, of their Fraserburgh constabulary. However, when initially challenged by the Dochertys, PC Lamont made it clear that she had no knowledge of the contents of the notes in question, and that they bore no relationship to her record of a complaint by Brian Docherty regarding a man who had offered him £25,000 for "access" to his five-year-old autistic son.

I understand that the conclusion reached by the Irish judge was that PC Lamont's notes had been falsified, and that DS Sam Buchan of Police Scotland, Fraserburgh, should be held to account for the apparent fraud perpetrated upon an innocent family.

In addition to the provision of false allegations in writing, it appears that Police Scotland, for good measure, sent another of their employees, DS Martin MacDougall, across to Ireland to offer fraudulent verbal testimony against the Dochertys. His 'evidence', like that of his colleague, was judged by the court to be without substance.

Since there was sufficient indication of criminal activity on the part of DS Buchan to convince the Irish judge that the notes provided by Police Scotland were not worth the paper they were written on, and that DS MacDougall's testimony was equally bogus, why has your Office made no effort to get to the bottom of what appears to be an attempt by the Scottish forces of law and order to pervert the course of justice? Why have no proceedings been initiated against either DS Buchan or DS MacDougall?

I look forward to hearing the rationale behind your decision.

Attached is a letter to the Chief Constable of Police Scotland, Philip Gormley, posing a number of questions in relation to his officers' treatment, presumably on his authority, of Janice and Brian Docherty. Predictably, he has chosen to hide behind the fig-leaf of the Data Protection Act. Since this matter—i.e. the upholding of the rule of law by the agencies paid to do so—is of sufficient public interest to overshadow all other concerns, and since the Dochertys have, in any case, already asked Police Scotland the very same questions, to no avail, I can only conclude that he is either unable or unwilling to answer them. This, in itself, should be enough to engage your interest in following up this case.

Yours sincerely,

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A follow-up to COPFS

2 August, 2016

Dear Ms Dalrymple

Open letter: contempt for the rule of law in Scotland by those paid to uphold it

I am still waiting for an acknowledgment of my e-mail to you dated 19 July, 2016. Since you may not have received it, I am now enclosing it in hard copy by post, together with copies of letters to Chief Constable Gormley, posing questions which indicate likely criminality in his force's treatment of the Docherty family, and to Nicola Sturgeon, regarding the rule of law.

If you have, in fact, already read my e-mail, I am disappointed, though not surprised, by your silence with regard to its contents. Your website states that "COPFS plays a pivotal part in the justice system, working with others *to make Scotland safe from crime, disorder and danger*. The *public interest* is at the heart of all we do as *independent* prosecutors." (My emphases.)

Clearly, you are failing to achieve your stated aims with regard to Janice and Brian Docherty, who were compelled by the unlawful actions of Police Scotland to seek sanctuary in the Republic of Ireland—where they continue to be pursued, at the instigation of Scotland's monolithic national police force, by the Gárda and social services wielding the very same falsified notes which initiated this unjustifiable persecution, and which an Irish judge has declared to be fraudulent and without merit.

As far as "the public interest" is concerned, I would say that the public have a very strong interest in the maintenance of law and order. The public have a very strong interest in ensuring that the police, the prosecution service and the courts protect them from criminal attack and punish those that break the law. The public have a very strong interest in being able to report a possible crime in the confidence that it will be investigated, rather than finding themselves victims of a police vendetta. The public have a very strong interest in the rooting-out of corruption in public institutions and services. The public do not expect the very people paid to safeguard their lives and their property to turn on them, cooking up fake evidence which results in attempts to imprison or section them. The public do not expect the police and social services to collude in the violent abduction of their children. Even less, when the public turn to help from a higher authority and report misconduct in public office, do they expect the institutions designed to uphold the rule of law to refuse even to acknowledge offences which attack its very foundations.

Previous communications with the Crown Office in relation to the remorseless pursuit of Robert Green, champion of multiple-rape victim Hollie Greig, have already led me to believe that the "public interest" so stoutly defended by yourself and your colleagues might more appropriately be termed "the interest of important public bodies", and that a reasonable person could be forgiven for suspecting that the Crown Office, in sensitive cases, might not be entirely "independent" of powerful persons who consider themselves to be above the law.

Returning to the mission statement on your website: as far as Brian and Janice Docherty and their children—not to mention the growing numbers of people who have now been made aware of the family's plight—are concerned, you are doing the exact opposite of your declared objectives. You are reducing, rather than increasing, public confidence and increasing, rather than reducing, fear of crime. You are failing to deliver "justice through the timely, efficient and effective prosecution of crime", and you have offered no support to the victims and witnesses of what all the evidence (should you choose to examine it) suggests is institutionalised lawlessness. Unless you actually fulfil your obligations towards *all*, without fear or favour, your stated aims are nothing but a lot of pious drivel and hot air.

Please consider the questions which many people are now addressing to Police Scotland in respect of the Docherty family. There is a case to answer here—and those accused are hardly likely to ask you to investigate it. In default of recommendation by public bodies, why not acknowledge the law-abiding public itself to be a "reporting agency" worthy of your respect, and investigate their "allegations of criminal conduct against police officers", including DS Sam Buchan; DS Martin MacDougall; ex-Chief Constable Stephen House; and present Chief Constable Philip Gormley?

I look forward to your prompt reply.

Yours sincerely,

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To the Children's Commissioner for Scotland

2 August, 2016

Tam Baillie
Children and Young People's Commissioner Scotland
Roseberry House
9 Haymarket Terrace
EDINBURGH
EH12 5EZ

Dear Mr Baillie,

The Docherty Children

I am in receipt of a communication from your Enquiries Officer, Linda Ellis Macdonald, in response to a letter which I sent you dated 22 July, 2016 (enclosed), calling the plight of the four Docherty children to your attention. In it, Ms Macdonald states that you are unable to address individual cases, and gives the contact details of various other agencies which might be able to help. She concludes by saying, "I know that this will not necessarily be the response that you were hoping for, but I do hope that at least some of this information will be of assistance."

She is quite right there. This was certainly not the response I was hoping for, though it *was* the one I was expecting. It appears to be the response of everyone I write to in connection with this case.

I know for a fact that the Dochertys' elder daughter, [Daughter 1], who is now thirteen years old, has written to your organisation herself, pleading for help. Her father, Brian Docherty, has written profusely to bodies throughout Scotland, the Republic of Ireland, and Northern Ireland, including, among many others, the Scottish Police Authority; Her Majesty's Inspectorate of Constabulary; the Scottish Social Services Council; the Crown Office; and the PIRC, who upheld eleven of his twelve complaints against Police Scotland. He has also approached the Home Office at Westminster: but, of course, they simply refer him back to Scotland, where he encounters the impenetrable firewall of data protection, no remit to intervene in individual cases, etc, etc.

The only conclusion which he, and the many other people who are now writing letters on his behalf, can draw is that investigation into the reign of terror which has been visited on his family since he reported a man for offering him £25,000 for "access" to his five-year-old autistic son is being blocked by institutionalised corruption.

Though you may not be able to help in your official capacity, you most certainly have better connections than either the Dochertys themselves, or any of their supporters, which would enable you to argue this case with people of influence in an unofficial capacity. I suppose the response that we hope against hope to find, as we batter the firewall, is something along these lines:

"I read with interest and indignation your account of the treatment currently being meted out to [Daughter 1], [Son 1], [Daughter 2] and [Daughter 2] Docherty and their parents by Police Scotland and the Scottish social services, and am horrified to think that those at the top of the public institutions involved have not seen fit to investigate the apparent professional misconduct of the police officers and social workers who have instigated this persecution, and to examine carefully any evidence which they are able to produce in justification of their campaign of terror.

"Although my current remit to promote and protect the rights of children and young people in Scotland does not allow me to investigate individual cases, I recognise both the gravity of this case, in terms of upholding the rule of law in Scotland, and the damage which is being done to innocent children who have been separated without due cause from their loving parents.

"I will therefore do everything I can, in my privileged position, to make this issue public, and to call upon the help of my many useful contacts to ensure that the hounding of the Docherty family is brought to a close; that the notes from Police Scotland which were pronounced fraudulent and without merit by an Irish judge are destroyed; and that Brian Docherty's complaint against a suspected paedophile with possible widespread connections throughout the UK and beyond should be investigated without further hindrance. Thank you for alerting me to this very important case."

Your job, as stated on the website of the Children's Commissioner, is not only to help children understand their rights, but "to make sure those rights are respected", and your goal is "to make sure all children and young people in Scotland are as safe and happy as possible". The Docherty children, taken into care in separate foster homes at the instigation of apparently corrupt officers of police Scotland and collaborating social workers, are neither as safe, nor as happy, as possible. You can do your bit to restore them to the secure and loving home life with their natural parents which is their right by speaking out publicly about their present unhappy situation, and asking people in power—like Members of the Scottish Parliament—to demand that the rule of law, which should be protecting all Scottish children and their families, is upheld without fear or favour.

Yours sincerely,

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To the clerk of the Irish court which confiscated the children

7th August 2016

Mr Val Cronin
District Court Clerk
Letterkenny District Court
Co. Donegal, Ireland (tel. 074-911 1300 within Ireland, 00 353 74 911 1300 from abroad)
LetterkennyCourtOffice@courts.ie

Dear Mr Cronin,[94]

Subject: Letterkenny District Court cases involving Brian Docherty and Janice McLaren and children (henceforth known as the Dochertys)

I am a British citizen living overseas, and I wish to address issues that appear to me to show lack of due process being carried out in respect of two hearings, involving the Dochertys, in your court. The hearings took place in December 2015 and February 2016.

I recently began to follow the online news channel UK Column News. This is a high calibre news outlet with a large following. I have followed closely their coverage of the Dochertys, and have written to authorities in Scotland, Northern Ireland and the Republic of Ireland, on their behalf (as have many others).

I have established a dialogue with the office of Ms Frances Fitzgerald on other matters related to this family, and feel that I ought to give you, Sir, the opportunity to answer my questions so that there is no need for me to approach the Justice Minister with the concerns that I now have about Letterkenny District Court.

An Irish judge, on 26th February 2015, threw out all claims made against the Dochertys by Irish Social Services, as well as Scottish Social Services and Police Scotland, and ordered that the state harassment of the family cease immediately.

In December 2015, Judge Paul Kelly overturned this earlier judgement, and ordered that the Docherty children be taken into care. During this hearing Janice Docherty was prevented from speaking, by Judge Kelly. This surely represented a denial of her rights under Common Law (which, to my understanding, trumps Statute Law). The Dochertys were also ordered (by Judge Kelly) to remove 37 videos that they had posted on YouTube, of which only one contained any reference of relevance to the court case.

The other 36 contained political commentary with no reference to the court case, and this was only six weeks before an Irish general election, which makes it particularly worrying that a large number of Gardaí were in attendance at the court when the Dochertys were ordered to delete all their videos on the spot.

[94] Brian Docherty has since stated that Cronin, the local court clerk for the town where the 1 Februay 2016 appeal hearing was heard (Letterkenny, Co. Donegal), stood in for the Registrar at the 1 February 2016 hearing, which is illegal, and that Judge Kelly addressed him familiarly as "Val".

In February 2016 Judge Kelly presided over an appeal against his own earlier decision. My research suggests to me that this flies in the face of established Family Law Court protocol. The Dochertys ought to have had the opportunity to present their appeal to a different judge.

Furthermore, during this *in camera* hearing the Dochertys were not allowed into the courtroom. This was a substantial denial of their right under Irish Family Law court proceedings, and effectively illegal, and counter to Common Law. There are numerous instances of the Dochertys' mistreatment by the Letterkenny District Court; however, the points I illustrate are sufficient to cause me considerable concern on their own.

I would be grateful if you would answer the following questions:

1. Why was Judge Kelly allowed, by the court, to override the earlier judgment of February 2015?
2. Why was Janice Docherty prevented from speaking at the December 2015 hearing?
3. How was Judge Kelly allowed to order the removal of YouTube material that had overwhelmingly no bearing on the case?
4. Why was Judge Kelly appointed to hear the appeal, when another judge should have been allocated?
5. Why were the Dochertys not allowed into court during the February 2016 hearing?
6. I understand that during an *in camera* Family Court hearing, one reporter is allowed into the court, and that this person produces a monthly report of proceedings. The Dochertys are entitled to copies of all court transcripts and reports. Why have they not, to date, been supplied with such?
7. Why was Judge Kelly not arrested and charged, for failing to uphold the Dochertys' rights under Common Law?

Mr Cronin, there are some serious questions here that reach to the heart of the operation of Letterkenny District Court, and these questions need to be answered.

Yours sincerely,

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Letterkenny District Court Clerk
Val Cronin

To the First Minister of Scotland

FirstMinister@gov.scot

11 August, 2016

Your ref: 2016/0025583

Dear Ms Sturgeon,

Open letter: Your refusal to uphold the rule of law

Thank you for your acknowledgement of my letter received by you on 5 August, 2016.

The hounding of the Docherty family which was unlawfully instigated by Police Scotland after Brian Docherty reported a man who offered him £25,000 for "access" to his five-year-old autistic son continues; the four Docherty children remain in 'care', in the Republic of Ireland; their perfectly sane parents are remorselessly pursued, with a view to sectioning them (shades of the old USSR); Scottish institutions sink further and further into a mire of corruption, as no attempt is made to remove the rogue elements busily engaged in debasing them; and you indicate, by off-loading the responsibility onto other, less potentially effective, shoulders, that all this has nothing to do with you.

Are you happy to be presiding over a country where the powers of law enforcement are conferred, in the words of prominent Scottish journalist and supporter of the SNP, Kevin McKenna, on a "feral and out-of-control police force" which, armed with guns and accountable to nobody but itself, is "running amok"? Which, far from maintaining law and order, has apparently entered into a criminal conspiracy with a foreign government to attack those whose lives and property it is paid to protect?

What kind of independent Scotland do you envisage? Is it one where the rule of law no longer holds sway? Where criminals masquerading as police officers terrorise the population, and children can be stolen, screaming, from their parents by virtue of fabricated "concern reports"?

Please note, once again: Janice and Brian Docherty have never been accused of any crime. No valid case against them has been advanced in a Scottish court. No trial is taking place, or, indeed, likely to take place. You would not, therefore, be violating the separation of powers, should you choose to intervene on their behalf. You would simply be upholding the rule of law, and the right of law-abiding people to be left in peace.

Again, there is no evidence, beyond unsubstantiated allegations elicited by Police Scotland and dismissed out of hand by an inconveniently honest judge in an Irish court, to suggest that Janice and Brian Docherty are anything but irreproachable parents. Indeed, the appointed guardian *ad litem* has written to them as follows:

"From my own perspective as the children's guardian *ad litem*, I can assure you that I believe, and have informed the court, that you have four wonderful children whose presentation, abilities, sensitivity and care for one another is testament to you both and the loving which you have provided to the children."

You would, therefore, only be endorsing this lady's unbiased professional opinion, should you intervene with the Irish government to restore the Docherty children to their loving parents.

You know, and the Dochertys know, and those of us who have been writing to you on behalf of the Dochertys know, that there is no lawful reason for you to refrain from offering this family your assistance. Please stop spinning 'the line' that there is.

Yours sincerely,

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To Scotland's Chief of Police

13 August, 2016

Chief Constable's Secretariat,
Tulliallan
FK10 4BE

Dear Chief Inspector Gormley,

Open letter: questions to be answered regarding Police Scotland's vendetta against the Docherty family

Please find attached a copy of my e-mail dated 1 July, 2016, which posed a number of crucial queries regarding Police Scotland's unwarranted persecution—both literally and figuratively speaking—of Brian and Janice Docherty and their four children.

Since you yourself must now certainly be aware of the issues involved, your own failure to protect this law-abiding family is also thrown increasingly into question.

The only answer I have received to my questions to date is that this is a purely private matter between Police Scotland and Brian Docherty. This is clearly nonsense, since what is at issue is the apparent contempt for the rule of law by persons paid to uphold it.

The police are—or should be—public servants, and the maintenance of law and order is a public, not a private, concern. Scottish families north and south of the border and, indeed, all UK citizens who have reason—like Robert Green and Timothy Rustige, both arrested at their homes in England by Aberdeenshire-area officers of Police Scotland—to fear incursions and summary arrest by your officers, have a right to demand answers regarding the infringement of the law by members of your force, and to insist that you hold those responsible to account.

Since my previous e-mails, a further disquieting fact has come to my attention. It appears that the only Alan Low known to reside in the relevant north-eastern part of Aberdeenshire was still being referred to as DC Low a year *after*, on his own admission, he offered Brian Docherty £25,000 for "access" to the latter's five-year-old autistic son.

If this does not set alarm bells ringing in your head, it certainly does in the head of any reasonable and impartial person studying the facts of this extraordinary case.

Those of us who are aware of your unlawful pursuit of the Dochertys are not alone in questioning the conduct of Police Scotland. Respected journalist Kevin McKenna has repeatedly alluded to your force's lawless behaviour, writing in *The Guardian*, on 1 August, 2015, that "Scotland currently possesses a police force not fit for a banana republic … a national pantomime act," and stating that a "full judicial inquiry into the customs and practices of Police Scotland" is required, with a view to "restoring some confidence and trust among the public for this dysfunctional force that has become a law unto itself."

Since the resignation of your predecessor, Stephen House, the situation has not improved. Indeed, only a week or so ago Mr McKenna wrote, in *The Herald*, " … Police Scotland has been allowed to run amok: snooping on journalists; stopping and searching innocent citizens; lying in court to secure convictions … and failing to explain, more than a year after the event, why a young man died in their custody." To this litany of arrogant contempt for the rule of law, the experiences of the Dochertys can be added as a crowning indictment.

Perhaps you are as shocked as Mr McKenna by the unruly behaviour of your subordinates. I am therefore resubmitting my questions, so that you may have the opportunity of proving your bona fides. If no answers are forthcoming, the only conclusion must be that you consent to the damning implications which any reasonable person will draw from your silence.

Yours sincerely,

_____

An e-mail thread between Police Scotland and one UK Column viewer

GENERAL ENQUIRY

Name and address supplied

Subject: Docherty Family: "Who has the power to marshal the resources of three states to harass a single family for telling the truth?"

Subject Detail:

A most serious matter.

The Docherty Family's story begins in July 2014 in rural Aberdeenshire, on the Crimonmogate estate located between Peterhead and Fraserburgh. They had moved in to a rented house on the estate of Viscount Petersham. This was small for their family of four children but ideal as the quiet location suited their elder son who suffered from autism. Within months of moving in, they were approached by a neighbour with an outlandish proposal. This neighbour offered them £25,000 "to do with as they would like" for access to their disabled son. They did the right thing, told him to get lost. The paedophile neighbour was both insistent and confident: "You will not say 'No' to me!" Brian Docherty contacted the authorities.

You will know about this case but if you wish I can write more fully.

It is a disgrace to us all that an innocent family can be so cruelly targeted for disruption and have their children seized. I am asking that all good people will swiftly restore the children to their parents and cease to hound the parents. I cannot imagine the heartache for the four children and for the parents.

Reverse this madness now and give the children back.

I am writing to inform my MP.

C3 Division Service Centre

NOT PROTECTIVELY MARKED

Under the Data Protection Act, Police Scotland cannot discuss any case with anyone other than the person/people involved.

Regards
Police Scotland
Service Centre

To: C3 Division Service Centre Aberdeen
Subject: Re: Scottish Police Contact Us form

To whom am I replying? It is very confusing.

This is a matter of pressing public interest, and a statement (without revealing confidential information) is required from Police Scotland.

As Police Scotland do not have any case open on the Dochertys' allegations, what "case" are they referring to?

Please send me an answer.

NOT PROTECTIVELY MARKED

Hi there,

Thanks for contacting Police Scotland.

As before we cannot discuss any case with yourself unless you have direct involvement with the case. As my colleague has mentioned any information you request in regards to an incident would need to be followed up through the appropriate channels.

Kind Regards

Police Scotland
Aberdeen Service Centre

To: C3 Division Service Centre Aberdeen
Subject: Re: Scottish Police Contact Us form

Thank you for your kind regards.

Please will you give me directions on how to write to someone who can give an answer and where the appropriate channels are?

There is the enormity of the offer, the enormity of Police Scotland turning on the Docherty family, the enormity of the Docherty family being persecuted in Scotland, Ireland and Northern Ireland. And all for reporting an alleged paedophile. Had it been a wrong allegation, then life would no doubt have gone on peacefully for the Docherty family. It makes one think.

Do you know where I search to find out how Police Scotland persecuted Brian and Janice Docherty, who lived in East Lodge on the Crimonmogate Estate of Viscount Petersham in Aberdeenshire and reported to the police that Brian had allegedly been offered £25,000 by a neighbour for access to his disabled five year old son?

Is this statement true? "The best way to tackle paedophilia and protect children is to aggressively target those who report an elite paedophile ring by removing their children and trying to mentally section the same parents – when this all fails, take away all their legal rights and monitor them."

"Parents who report paedophilia to police are reported to social services, who try to have them sectioned and their children permanently removed, and when this fails they are placed under constant surveillance and their water poisoned."

Thank you for your assistance in this matter.

NOT PROTECTIVELY MARKED

Hi there,

You would need to write into our freedom of information at Police Scotland, Queen Street Police Station, Queen Street, Aberdeen, AB10 1ZA.

As my previous e-mail states I will not comment on any case.

Thanks

Police Scotland
Aberdeen Service Centre

Subject: Re: Scottish Police Contact Us form
To: C3 Division Service Centre Aberdeen

Dear Police Scotland

I do not want information (Freedom of Information or any other information) I expect you to put right a wrong.

How not to be fobbed off the first time

To: Jack.Murray@gov.scot

Date: 15 August 2016

Dear Mr. Murray,

I accept that my earlier questions were not specifically within your remit, and that you were unable to respond to them.

However, the following do fall within your domain:

1. It appears that elements within your organisation conspired, with the Republic of Ireland's TUSLA, to have the Docherty children taken into care. This is disconcerting because the Dochertys have stated in public that **they have never been accused of any wrongdoing in respect of their children**. They only came to the attention of your department after reporting an approach by a suspected paedophile. *This* precipitated the involvement of personnel within your organisation.

2. The Docherty children have been in custody for over 7 months now. **They are not, I repeat not, in care.** The Dochertys have stated, on video, that during a supervised visit with their children they saw substantial bruising and finger marks on the face and body of their infant son, who had never previously ever suffered such bruising or marks. Any right-thinking person must conclude that the detention of the children, along with the apparent physical abuse of the Dochertys' son, constitutes **institutionalised abuse of children. There can be no other conclusion.** And there are people within your organisation that are directly involved in this.

3. Items 1 and 2 need to be investigated forthwith, and the outcome of the investigation made known to the Dochertys, at the very least.

4. I repeat my earlier question, namely **why are the Docherty children in care**, and **why for such an extended period**?

5. I do understand that as this is a child-protection case it is very sensitive; however I strongly believe that there is an overwhelming public interest that this case is properly investigated and resolved. By 'resolved', I mean, in the first instance, that the children are returned to Brian and Janice Docherty, at the earliest opportunity.

6. As a third party, I appreciate that my right to information on this case is severely limited. However, **the Dochertys, as the involved parents, have every right to know the answers to all of my questions**. What I would ask is that you assure me that you will undergo an investigation, return the children, and explain to Brian and Janice why this situation was allowed to develop, and escalate, at the behest of your department.

Yours sincerely,

_____

Brian and Janice Docherty's most urgent requests for public tip-offs as of September 2016

UK Column advice: If concerned about being traced, use a public computer, or a computer which you do not normally access, create a one-off fake-name webmail account to e-mail dochertyinvestigation@ukcolumn.org and then never read that e-mail account again.

1. Is **Bridgeen Smith/Smyth**, the HSE West team leader at Letterkenny who was apparently drafted in to deal with the Dochertys (as she is not on the CORU register in Letterkenny), in fact the wife of HSE West Regional Director **John Smith/Smyth**? (The Dochertys have seen both use two surname variants, oddly enough.)

Did she even work regularly in Letterkenny before or after dealing with the Docherty case?

2. Who in the Irish Government is trying to urge the Dochertys to place all the blame on **Mary Malee** in Mayo in order to deflect from Dublin? Is it the Ministry of Justice?

3. What is the relationship between **Sergeant John Forkan** and **Maria Houston (*alias* Heuston)**, the unqualified woman whom the Dochertys believe to have been "caring" for their son [Son 2]? Has Houston/Heusten/Hewston a military background?

4. What is the background and motivation of Donegal lawyer **Liza Finegan**, other than her representing the State?

5. What is the current professional practice status and practice location of HSE Mayo's consultant psychiatrist **Ciarán Seán Máire Smyth**? While he is known to have a 1991 psychiatric qualification (MRCPsych) and a "specialist registration" (Mayo no. 355), why is he apparently not registered with the Irish Medical Council despite being the county's Clinical Director for consultant psychiatrists?

What drove him in 2004 to take a sociology PhD in the "ethnography" of public psychiatry and "a post-structuralist analysis of mental medicine in its community-based mode of operations"? Which state or EU entities is he close to for funding or ideology?

6. What is the current official and the current actual practice location of Donegal/Derry social worker **Gabrielle McDaid**? Was she registered to practice social work in the Republic of Ireland before June 2016? Has she ever had regular social work employment in the Republic of Ireland, or only in Northern Ireland?

7. Is Donegal social work Central Team leader **Eilish Crawford-Quaile** or her husband from Scotland? Has she a psychiatric or psychology background?

8. What is **Judge Paul Kelly**'s motivation, or what is the hold over him, that he should have acted so corruptly in this case contrary to his own policy speeches?

9. Since Irish court-appointed guardian *ad litem* **Patricia Molony** does not drive, which police or other persons took her and the Docherty children from the Republic of Ireland, via Northern Ireland, to Scotland and back for the Docherty children's attendance of the funeral of their maternal grandmother (McLaren) in Blairgowrie, Perthshire, in January 2016? Who authorised this at Police Scotland and the PSNI?

9. Which (Irish, British or foreign) entities and persons purchased the (State tax-relieved) stately home of Laughton House in Moneygall, County Offaly for the previous Minister for Children and Youth Affairs in the Republic of Ireland, **James Reilly**, since he is a known bad debtor?

And which entities and persons previously purchased for Reilly, in a complicated investment arrangement, the care home which he previously owned, Greenhill Nursing Home in Carrick-on-Suir, Co. Tipperary? (See here, here, here and here.)

10. Is Police Scotland Professional Standards (North) Department Chief Inspector Amanda-Jane 'Midge' Mackay's husband, Martin J Mackay, with Police Scotland? (The couple live in Aberdeen.) Was he, or a relative, in fact the Detective Inspector Mackay who, without giving his first name or initials, stalled for time with the Dochertys in early November 2014 while tipping off Irish social services?

AND CRUCIALLY: Can the public notify us of any people connected with any of the characters in this transcript who are known or reasonably suspected to be informants or to be living a lie about his or her denominational affiliation, (sources of) wealth, political loyalty or attitude, sexuality or nationality?

Contacts — Scotland and Northern Ireland

	SCOTLAND	
Police Scotland	Police Scotland PO Box 21629 Stirling FK7 1EN foi@scotland.pnn.police.uk (FoI requests)	01786 289070 From Republic of Ireland or from Europe: 00 44 1786 289070 From North America: 011 44 1786 289070
Phil Gormley, Chief Constable	phil.gormley@scotland.pnn.police.uk	01259 732208 RoI/Europe: 00 44 1259 … N.Am.: 011 44 1259 …
Police Scotland, Aberdeenshire	Aberdeen City Divisional Headquarters Queen St Aberdeen AB10 1ZA	01224 306431 RoI/Europe: 00 44 1224 … N.Am.: 011 44 1224 …
The Scottish Government Justice Secretary Michael Matheson MSP	T3.05 The Scottish Parliament Edinburgh EH99 1SP Michael.Matheson.msp@parliament.scot Scottish.Ministers@gov.scot	01324 629271 RoI/Europe: 00 44 1324 … N.Am.: 011 44 1324 …
The Scottish Government First Minister Nicola Sturgeon MSP	T4.26 The Scottish Parliament Edinburgh EH99 1SP FirstMinister@gov.scot	0141 424 1174 RoI/Europe: 00 44 141 … N.Am.: 011 44 141 …
Press Secretary of the First Minister of Scotland	Aileen Easton aileen.easton@scot.gov.uk	0131 244 2056 (00 44 244 / 011 44 244…)
Aberdeenshire Council Social Work Dept. (additional tel. no.: 01224 665490 — Johnson's Aberdeen office)	Gordon House Blackhall Road Inverurie AB51 3WA ritchie.johnson@aberdeenshire.gov.uk inverurie.registrar@aberdeenshire.gov.uk	01467 628200 0345 608 1208 *(in UK only)* RoI/Europe: 00 44 1467 … N.Am.: 011 44 1467 …
	NORTHERN IRELAND	
The Police Service of Northern Ireland George Hamilton, Chief Constable	Police Headquarters Brooklyn 65 Knock Rd Belfast BT5 6LE	02891 454444 02890 650222 From Republic of Ireland: 04891 / 04890 From North America: 011 44 2891 … / 2890 … From Europe: 00 44 2891 … / 2890 …

Contacts — Republic of Ireland and London

	REPUBLIC OF IRELAND	
An Gárda Síochána (Irish Police) Commissioner Nóirín O'Sullivan (Ms.)	Gárda Headquarters Phoenix Park Dublin D08 HN3X Republic of Ireland shrac@garda.ie (Human Rights Office) pressoffice@garda.ie (Press & PR) foi@garda.ie (Freedom of Information)	00 353 1 666 0000 From within the RoI: 01 666 0000 From North America: 011 353 1 666 0000
National Headquarters of Irish Social Services Tusla — Child and Family Agency	The Brunel Building Heuston South Quarter St John's Rd West Dublin D08 X01F Republic of Ireland info@tusla.ie	00 353 1 771 8500 Within RoI: 01 771 8500 N.Am.: 011 353 1 771 …
Social workers at Letterkenny hospital Tusla — Child and Family Agency	Tusla County Clinic St. Conal's Hospital Letterkenny, Co. Donegal Republic of Ireland	00 353 74 910 4714 00 353 74 912 3750 Within RoI: 01 74 … N.Am.: 011 353 74 …
Social work HQ for County Donegal Tusla — Child and Family Agency	Area Manager Michael Gallagher Euro House Killybegs Rd Donegal Town, Co. Donegal Republic of Ireland michael.gallagher@tusla.ie	00 353 74 974 3026 Within RoI: 01 74 … N.Am.: 011 353 74 …
Social work HQ for County Mayo Tusla — Child and Family Agency	Area Manager Paddy Martin Top Floor, St Mary's Headquarters Castlebar, Co. Mayo Republic of Ireland paddy.martin@tusla.ie	00 353 94 904 2283 Within RoI: 094 … N.Am.: 011 94 …
Department of Justice and Equality	Head of Communications Patrick Forsyth 51, St Stephen's Green Dublin D02 HK52 Republic of Ireland pressoffice@justice.ie	00 353 1 602 8317 Within RoI: 01 602 … N.Am.: 011 353 1 602 …
	UNITED KINGDOM-WIDE	
The Home Office (interior ministry of the UK Government, retaining overall responsibility for UK policing and social work)	Direct Communications Unit 2 Marsham Street London SW1P 4DF public.enquiries@homeoffice.gsi.gov.uk	020 7035 4848 From RoI/Europe: 00 44 20 7035 4848 From North America: 011 44 20 7035 4848
The Scotland Office	Dover House, Whitehall London SW1A 2AU enquiries@scotlandoffice.gsi.gov.uk	0131 244 9010 (00 44 131 / 011 44 131)
The Northern Ireland Office	1, Horse Guards Rd London SW1A 2HQ NIOEnquiries.mailbox@nio.gov.uk	02890 520700 (RoI: 04890 …) (Europe: 00 44 2890 …)

A closing suggestion

A UK Column viewer proposes the putting-on of a public play:

"When Punch and Judy come to town—The Kidnap of the Year".

A fast-moving play where a wolf in sheep's clothing offers a fortune for a five-year-old boy. Polite Scotland turn a blind eye and call on the help of the Department of the Pied Piper of Hamlin to try and intern the boy and his three siblings.

Picture a small remote cottage in Aberdeenshire where there is danger from Greenhouses and Bogeymen and threatening crashes and bumps in the dark night. The boy's family flee with him to Ireland, where the Bogeymen and Pied Piper follow them.

Now the Guardians of Ireland enter the fray, and the threatening crashes and bumps increase. The Pied Piper makes a great noise and threat and takes all four children into his mountain fastness. The parents are frustrated at every turn while trying to get the children returned.

Can you believe that a puppy was hit and hurt with a taser gun and another dog stabbed? The plot gains momentum with many twists and turns and double dealing at the Courts.

The parents flee to a monastery in Northern Ireland and have to flee again, after losing their children and all their possessions, across frozen fields and scale a castle wall to take a ferry back to the Kingdom of Scotland.