

Paedo Files: a look at the UK Establishment child abuse network

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1: Conserving the Conservatives

On 24 October 2012, the Labour MP Tom Watson asked Prime Minister David Cameron about a paedophile ring centred on the Prime Minister's office at Number 10 Downing Street. Visibly discomfited, Cameron first affected not to know which former prime minister Watson might be referring to, then issued a bland assurance that the matter would be looked into.

The allegations to which Watson referred do not fall in any grey area. They involve coercive, forcible and sadistic sexual abuse of unambiguously underage children trafficked from children's homes around the UK. The accused are not social outsiders or ordinary families who might find themselves railroaded or caught up in some witch-hunt; quite the opposite. Among those under suspicion are judges, civil servants, right-wing politicians, foreign and domestic diplomats, and other official VIPs.

Police, judges, politicians, officials and security agencies appear to have been involved in the cover-up. There is little appetite for any rigorous inquisition: working police officers fear for their jobs and the media are complicit, gagged or scared of libel actions. This is no spurious moral panic drummed up by a hostile press on the word of gold-diggers, cranks or fantasists. It is a serious matter, and those seeking to investigate face an uphill struggle.

Cameron himself had in 2002 sat on a Parliamentary committee investigating supposedly over-zealous investigations into child abuse. Journalist David Rose, had volunteered to that inquiry:

'I think one idea which I would like very much to plant in

the minds of the committee is this: in none of these cases, in no example of these 90-odd investigations has a so-called paedophile ring ever come to light. There were no paedophile rings in care homes and similar institutions in this country.¹

Cameron later took up this point, referring back to Rose. In a line of questioning addressed to senior police officer Terence Grange, he raised the incongruous question:

'Can you confirm whether or not you have unearthed any evidence of a paedophile ring during these investigations? It was put to us by the Observer journalist [Rose] who did the Panorama programme that no-one had found a paedophile ring in their investigations.'²

Grange responded:

'I think that is true. The paedophile ring is probably a media hype, if I may say so. The forces were actually investigating allegations of physical or sexual abuse made by individuals, and it spread. No-one has raised the issue with me that they have found a paedophile ring, and I am defining a paedophile ring as a group of people who work in one place or, the suggestion was last year, move from place to place conducting their sexual abuses. I do not think anyone has found that and I doubt that it existed.'

The definition of 'paedophile ring' here is an odd one, since most of the outstanding allegations involve children being taken out of children's homes to be abused elsewhere. Grange, now dead, subsequently resigned his post while under investigation for failing to investigate a judge accused

1 <<http://www.publications.parliament.uk/pa/cm200102/cmselect/cmhaff/836/2051402.htm>>

Rose later spread some of the Iraq War propaganda and then tried to rehabilitate himself with an article in the *New Statesman* openly admitting that he had for years been open to 'manipulation' by security and spy agencies. See <<http://www.newstatesman.com/politics/2007/09/mi6-mi5-intelligence-briefings>>.

2 <<http://www.publications.parliament.uk/pa/cm200102/cmselect/cmhaff/836/2061802.htm>>

of child abuse.

Cameron then asked the panel of police witnesses another loaded and leading question:

'Last week we had the solicitors who were involved in one set of compensation cases, and they referred to the Paedophile Information Exchange, and they said they thought there was evidence of a paedophile ring. Do the police experts we have here all share that view that no ring has been uncovered?'

One officer replied:

'Certainly during our inquiries, which have been going on for over eight years now, we have never actually found evidence to show networking between offenders.'

This and the reply from Grange make it clear that the focus, as with so many other investigations, was on low-level employees, and not on police or senior child protection officials like Peter Righton, who was a prolific child abuser and founding member of the Paedophile Information Exchange. Given that such higher-level involvement was never properly investigated, it is no surprise that 'networking' between low-level offenders was not discovered.

The Home Affairs Committee investigation and report helped to cement the idea that paedophile rings were a matter of ill-informed popular hysteria. This assumption is one of the most powerful deterrents to serious consideration of these matters among influential sections of the public. It both reinforces and appeals to the supercilious anti-populism of the comfortable classes.

Slick, cultish, pseudo-left website Spiked exemplifies this attitude.³ The Spiked orthodoxy finds 'moral panics', 'conspiracy theories' and 'anti-science attitudes' wherever criticism of the rich and powerful is voiced. Most of the clique of regular Spiked contributors have no credentials beyond the vicious circle of mutual support they provide one another, amplified by an echo-chamber of proliferating think-tanks,

³ Not to be confused with another 'Spiked', the short-lived successor to the scurrilous 1990s UK magazine *Scallywag*, which first aired some aspects of the current scandal.

publications and discussion groups. Barbara Hewson is an exception. A member of the Bar, her word carries some independent weight. She has produced a number of Spiked articles on the topic of child abuse. One specimen, 'Abuse inquiry: built on conspiracy theories?' will provide a useful foil for discussion.⁴ There Hewson exemplifies the dismissive attitude Spiked takes to these allegations: 'The myth of powerful, protected perverts has been around for decades.'

The old 'old news' gambit

Gossip, and indeed clear evidence of serious child abuse among politicians and the establishment in general has indeed been 'around for decades'. The former Conservative MP Edwina Currie mentions in her memoirs that Peter Morrison, a fellow Conservative MP and aide to Thatcher, was a 'noted pederast with a taste for young boys'. She adds that he confessed as much to another senior Conservative MP, Norman Tebbit, and wonders why the Thatcher government would take such a risk.

Tebbit, asked whether there was a political cover-up of such matters, replied: 'I think there may well have been. It was almost unconscious. It was the thing that people did.' He explained:

'At that time I think most people would have thought that the establishment, the system, was to be protected and if a few things had gone wrong here and there that it was more important to protect the system.'

Currie has more recently explained in this connection that such matters were met with a 'culture of sniggering, of giggling and of nudge-nudge, wink-wink'. None of this was discussed in public while Morrison was alive, and he is not necessarily involved in the unambiguous forms of organised child rape that are at the top and centre of this re-emerging scandal. Currie has stated that Morrison's actions, while certainly illegal at the time, may not have involved children under 16.

But who knows? Certainly not the members of the

⁴ Spiked, 16 July 2014 at <<http://www.spiked-online.com/newsite/article/abuse-inquiry-built-on-conspiracy-theories/>>

Conservative Party who were so conspicuously incurious about the exact nature of his activities. It is unlikely that politicians would have spoken so freely about Morrison if he were alive or if it were thought likely that investigators might link his personal life with an organised paedophile ring.

Still, in the light of this kind of remark, Hewson's assumption that nothing of concern happened is clearly unwarranted. That is what the current patchwork of disconnected inquiries and police operations is supposed to be investigating. The fact that investigations thus far have at every turn been hampered, overruled, disbanded, censored, smeared is no argument for continuing to ignore these matters – and in any case that is no longer possible.

Mutterings about Jimmy Savile, were around for decades, too. Savile's hobnobbing with royals and his relationship with Margaret Thatcher during her premiership would undoubtedly have meant he was subjected to scrutiny by the Security Service, and that his activities are likely to have been known to them. To award him a knighthood, Thatcher indeed had to overrule ordinary civil servants who objected, perhaps too delicately, that his lifestyle made him an unsuitable candidate.

Liberal MP Cyril Smith has – posthumously, like Savile – been exposed as a prolific and sadistic child abuser; and he too was able to keep a lid on his behaviour for decades.

Also 'around for decades' are the revelations of Colin Wallace, an impeccable witness who, at very considerable cost to himself, brought to light sexual abuse in the Kincora boy's home in Northern Ireland, involving politicians and protected by the Security Service. Thanks to Wallace, these events received some limited exposure; but while no-one seriously contests them, their implications are not discussed in polite society. It appears that Knox Cunningham, aide to Conservative ex-PM Harold Macmillan, was among a number of well-connected visitors to the home, and that some children were trafficked as far afield as Brighton in the South of England to be abused.

Other homes in Northern Ireland, housing children under the age of 16, and other politicians and senior Establishment

figures have been implicated. Wallace has offered to tell all if granted legal authority to do so.⁵ Both he and others state that blackmail was part of the purpose of facilitating the abuse.

Your secret is safe with us

This is a key issue: it is clear that security services have been heavily involved in these events, and it is equally clear that child sexual abuse is very useful to those who, like them, are in the blackmail business.

One obvious example is that of party whips. In 1995, Tim Fortescue, recalling his career as Conservative MP and whip, reported that a member of his party who faced 'a scandal involving small boys' would ask the party whips to help hush it up. As Fortescue put it, 'we would do everything we can because.....if we could get a chap out of trouble then he will do as we ask forever more.' Others have reported that the Heath government was more pro-active, keeping a 'dirt book' of MPs' indiscretions which could be used to exert pressure.

Another intriguing instance in which child abuse blackmail has been suggested relates to the recent inquiry headed by a senior judge from Northern Ireland, Brian Hutton. The inquiry was supposed to investigate the death of David Kelly, a government scientist who leaked details about the falsification of intelligence relating to Iraqi WMD, but whose death ended up being used instead as a vehicle for the Blair government to attack the BBC, who had reported the leak. Among the documents posted on the inquiry's website was a bizarre and cryptic document concerning child abuse, the presence of which has never been officially explained or even mentioned. In his book about Kelly's death, Liberal Democrat MP Norman Baker refers to rumours about the document:

'One, actually repeated to me in all seriousness by a very senior BBC executive, was that a leading figure in the Hutton inquiry process was known by the

⁵ Wallace has been given permission to talk. See <http://www.u.tv/News/2015/06/02/Former-army-officer-can-give-evidence-on-Kincora-38329>.

government to have had a paedophile past in a part of the United Kingdom well away from London. Was the inclusion of this particular document a way of reminding him to “do his duty”?’

Who's panicking?

Evidence from Wallace is not easily dismissed as so-called ‘conspiracy theory’, despite Hewson’s portrayal of the affair as a populist ‘moral panic’. There are other highly credible witnesses and investigators who stand to gain nothing from speaking out.

One example, whose case has been raised in Parliament to deafening silence, is Stuart Syvret. Syvret was a long-serving member of the government of the small island of Jersey, the independent ‘Peculiar of the Crown’ and playground for rich tax-dodgers. He attempted to publicise allegations of abuse and surrounding corruption. No libel proceedings were ever brought. Instead Google closed down his blog at the request of the Jersey authorities and Syvret was prosecuted and imprisoned under a bizarre construal of Jersey’s data protection law. Another Jersey Senator was forced to resign when it was revealed that he had advised Syvret to commit suicide.

Others report that they have been obstructed by police, prosecutors and other powerful persons, and in some cases explicitly threatened. For example, child protection officer Chris Fay, who attempted to take statements from children in connection with the exclusive Elm Guest House child brothel, reports that his house was shot at in his absence, and that he was threatened at gunpoint by officers of the Metropolitan Police Special Branch – a unit with national reach which liaises with the Security Service. Ten days after he raised the issue in the House, Tom Watson MP himself reported ‘warnings from people who should know that my personal safety is imperilled if I dig any deeper’.

It is undoubtedly true that in this kind of situation there is a general risk of false accusations and overzealous police action. But the public response to the Savile revelations, and

the consequent opening of the floodgates, has not had such a character. If anything, the general public seems numbed and rather baffled by what is going on. Of course, if asked, members of the public will express an entirely appropriate disgust at the abuses described. Some feel strongly enough to type out a tweet on their smartphone. But there is little sign that the madness of crowds is driving anything here.

There is certainly an increased level of activity by police investigating sexual crimes among the general public and among showbiz celebrities. Thousands of people have been raided for viewing 'indecent images of children' on their computers. A succession of ageing celebrities have been investigated for, and some convicted of, child sex abuse. Attention has returned to child abuse in Rotherham and some gruesome allegations have emerged of street-level sexual abuse there.

But none of this is being driven by populist sentiment. If anything it is a topdown process, and ultimately the police, press and government are reacting to the inescapable facts of the situation. The revelations about Savile and Smith, and the willingness of two Labour MPs to say the hitherto unsayable, has generated an imperative for action which has a logic of its own.

Some of this may amount to displacement activity; some, even, to deliberate misdirection. Something must be done, but there is considerable flexibility as to exactly what that 'something' might be. There is always a danger in such circumstances that the innocent may be falsely convicted, or relatively minor offences exaggerated – especially among those who must rely on the rapidly dwindling resources of the Legal Aid Board.

But there is another risk: that all this busy activity, for all that much of it is no doubt necessary and long overdue, distracts us from the most serious and most difficult cases of all. Distinctions are becoming subtly blurred: isolated cases of the rape of adults, or of apparently consensual sex with those close to the age of consent, or involving relatively mild forms of sexual touching are all being lumped together in a way which

may tend to distract from the core allegations of organised trafficking of young children for the purposes of sexual abuse, including violent and sadistic rape and torture. The Conservative Prime Minister disgracefully warned of a 'gay witch-hunt': it seems that conflating homosexuality with child abuse is a price worth paying in the effort to smear investigators as homophobes.

Web of intrigue

The genuinely powerful have, unsurprisingly, not been subject to police questioning over child abuse allegations – at least not so far as Britain's opaque censorship apparatus of D-notices and super-injunctions allows us to discover. Both corporate and citizen media have been reticent following the unbelievably inept failed exposé by the BBC's Newsnight of an unnamed person who was revealed to be long-suspected abuser, the baron Alistair McAlpine.

In a convoluted and never adequately explained mix-up, the key witness appeared to have been mistaken as to the full name of his abuser, and rapidly issued a retraction before going to ground. McAlpine died soon afterwards, but had time to issue a carefully worded and superficially watertight rebuttal, accompanied by numerous threats and claims for libel against Twitter users, one of which he took to trial and won, and a libel claim against the BBC (who had not even named him) which the abject corporation settled for £185,000.

This was unexpected, since McAlpine had refrained from suing *Scallywag* magazine for making similar lurid allegations in 1994, though the magazine was prominent enough to be considered worth suing by Conservative Prime Minister John Major when it alleged he was having an affair (we now know that they were right about an affair, but misinformed about the identity of his paramour). In this case, though, Alistair McAlpine seemed sure of his ground.

As a result of this strange affair, a chilling effect was exerted on the Twittersphere, the press and broadcast media, while an increasingly cowed BBC descended into yet another spectacular and abject bout of self-flagellation. It is ironic that

these events, in their effects at any rate, should mirror so closely the straw-man tactic that McAlpine himself had advocated in his book *The New Machiavelli*, praised by Margaret Thatcher as a 'shrewd commentary on Machiavelli's timeless principles of skulduggery':

'First, create a situation where you are wrongly accused. Then, at a convenient moment, arrange for the false accusation to be shown to be false beyond all doubt. Those who have made accusations against both the company and its management become discredited. Further accusations will then be treated with great suspicion.'⁶

It is notable, too, that there seems to have been no investigation into who the mysterious abuser, if not Alistair McAlpine, might have been. The evidence leads almost ineluctably to the late Alfred 'Jimmy' McAlpine, a cousin of Alistair. But the Establishment cannot allow this very obvious angle to be pursued in public. The jealously-guarded official line has always been that no powerful persons have ever been involved in abuse of 'children in care'; such abuse has always been presented as limited to staff members operating in isolation. The bizarre figure of Jimmy Savile is supposedly an anomalous exception, and the right-wing press has sought to blame his decades-long impunity solely on the National Health Service and the BBC – both, conveniently enough, much-loved public sector institutions, and as such prime targets for attack by the Right.

Yet the cat remains out of the bag. The available information all points to the existence of a powerful and well-protected paedophile network in the UK which preyed on the most vulnerable children in society. It is clear that some in the Conservative Party are deeply concerned about the allegations. Simon Danczuk, one of the two Labour MPs who have been instrumental in bringing awareness of these matters out of the shadows, reports that the day before he was due to give evidence on the matter he was accosted by a Conservative MP who had never spoken to him before.

⁶ London: Wiley, new edition, 1999, p. 176.

'He warned me to think very carefully about what I was going to say the next day before the Home Affairs Select Committee when I'd be answering questions on child abuse. "I hear you're about to challenge Lord Brittan about when he knew about child sex abuse," he said. "It wouldn't be a wise move", he advised me. "It was all put to bed a long time ago." He warned me I could even be responsible for his death. We looked at each other in silence for a second. I knew straight away he wasn't telling me this out of concern for the man's welfare. There was no compassion in his voice.'

The question of whether such activities continue remains almost entirely unasked. It is seemingly supposed that the demise of the Conservative government of the 80s and 90s saw an end to them.

Nonetheless, thanks to Labour politicians, the current resurgence of interest in a previously slow-burning scandal of organised child abuse at the very top of the British Establishment is finally getting the public and – to some extent – official attention it merits. A bewildering array of inquiries and police operations has been sparked, but the Conservative-led UK government resisted calls for an overarching public inquiry into the affair.

Initially it announced a grudgingly-convened inquiry into the general issue of institutional failures to protect children. This was a carefully chosen brief, but if sufficient scrutiny is applied, it could have been forced to address, at least nominally, the central allegations of organised abuse in high places.

The first choice as chair was the baroness Elizabeth Butler-Sloss. She found herself in a conflict of interest (it was clear that the investigation would be called upon to inquire into the actions of her deceased brother), and when the public and press proved persistent in their challenges, she had to go. The inquiry was then to have been chaired by Fiona Woolf, a ranking member of the Establishment by virtue of her position as Lord Mayor of the confusingly-named City of London, the enclave of transnational bankers that lurks, like

some godless Vatican, in the centre of London. But her friendly relationship with the former Conservative Home Secretary and European Commissioner, the late Leon Brittan, who plays a part of unknown scope in the allegations to be investigated, gave rise to a conflict of interest. Woolf was a neighbour of Brittan and his wife, whom she sponsored for a charity 'fun run' with a friendly 'good luck' message. She had been a colleague of each of the Brittans in a number of capacities, official and honorary. Pressure on Woolf mounted and eventually the Prime Minister stated that she had his 'full confidence'. Experience suggested that once it is found necessary to assert this a resignation would not be far behind. So it proved and she duly resigned at the end of October 2014.

A third chair was appointed, New Zealand judge Lowell Goddard, and a new inquiry began with these terms of reference:

'To consider the extent to which State and non-State institutions have failed in their duty of care to protect children from sexual abuse and exploitation; to consider the extent to which those failings have since been addressed; to identify further action needed to address any failings identified; and to publish a report with recommendations.'

The new inquiry,

'will be a statutory inquiry established under the 2005 Inquiries Act. Unlike the previous panel inquiry it will have powers to compel the attendance of witnesses and the production of evidence by institutions and individuals. Justice Goddard and her legal advisers will be able to review open and classified sources. This new inquiry will therefore have all the powers it needs to penetrate deeply into the institutions that have failed children in the past, and to identify those institutions that are reportedly continuing to fail children today.'⁷

The Parliamentary Under-Secretary of State, Home Office (Lord

⁷ <<https://childsexualabuseinquiry.independent.gov.uk/terms-of-reference/>>

Bates) told the House of Lords:

'There are, however, good reasons for confining the inquiry's scope to England and Wales. The Hart inquiry in Northern Ireland⁸ and the Oldham inquiry in Jersey are already underway, while the Scottish Government have announced their own inquiry into child abuse, but I shall discuss this with the new chairman. In the event that the geographical scope remains the sameI wish once more to reassure the House that the Official Secrets Act will not be a bar to giving evidence to this inquiry.'⁹

The mainland UK inquiry led by Lowell Goddard will say *Kincora et al* is the purview of the Hart inquiry in Northern Ireland inquiry.¹⁰ *But that inquiry will not have the same powers as that on the mainland UK* – its remit to compel the appearance of people and documents extends only to Northern Ireland – and thus the state's attempt to conceal the Northern Ireland events continues.¹¹ And it remains to be seen if 'State and non-State institutions' in the terms of reference will extend to businesses such as the Elm House Guesthouse and informal networks.

2: Conflicts of interest

In recent decades commercial influence has seeped into every area of public life, eroding the significance of the crucial concept of conflict of interest. Politicians, civil servants and influential advisors move unimpeded through the 'revolving door' between industry and officialdom, or operate on both sides at once. Journalists routinely provide plugs and recommendations in exchange for money or other benefits. The bar for establishing a conflict has, where possible, been raised so as to require proven bias. Since neither the person

⁸ <<http://www.northernireland.gov.uk/statement-to-assembly-hia-inquiry-tor>>

⁹ <<http://www.publications.parliament.uk/pa/ld201415/ldhansrd/text/150204-0001.htm>>

¹⁰ And events of Jersey will left to the Oldham inquiry. See <<http://www.bbc.co.uk/news/world-europe-jersey-28408981>>.

¹¹ See <<http://www.bbc.co.uk/news/uk-northern-ireland-29705408>>

subject to the conflict nor their colleagues are likely explicitly to accept that actual bias is in the offing, we increasingly hear that a conflict of interest is merely 'apparent', and thus may be ignored. The great and the good close ranks to salute the unquestionable integrity of such 'eminent' characters, while media commentators mostly prefer not to rock the boat. So it was with Butler-Sloss and Woolf.

Barrister Barbara Hewson's article, cited above, refers dismissively to Woolf's 'alleged' conflict of interest. Hewson did not deny that Woolf is on friendly terms with the Brittans. To speak of an 'alleged' or 'apparent' conflict of interest, then, is absurd. Conflict of interest is a procedural concept: it does not depend on demonstrating any actually operative bias. In fact it is precisely to avoid the difficulty and embarrassment involved in anticipating or proving corruption or subconscious prejudice that the concept has come to play the role it does. The legal maxim that no-one may judge his own case does not amount to the assertion that all judges are corrupt: it recognises that there is always some potential for illicit bias in the exercise of official duties, and simply seeks to avoid situations in which such bias may arise or appear to arise.

To identify whether a person is subject to a conflict of interest, we compare two things: the potential influence of their professional decisions and actions, and the range of their interests. If the two overlap, there is a conflict of interest. Interests are defined on an objective basis, informed by a general understanding of human behaviour. Such interests include the possibility of financial gain, and, as in these cases, the avoidance of potential damage to the reputation of a family member or friend.

Conflict of opinion

While dismissive of Butler-Sloss's and Woolf's conflicts of interest, Hewson did suggest that her ideological opponent the National Society for the Protection of Cruelty to Children (NSPCC), 'which', she said, was 'effectively leading the first investigation', was far more 'conflicted' than Butler Sloss. Because the NSPCC campaigns on issues relating to child

welfare, it too – or rather its head, Peter Wanless – is ‘conflicted’ in dealing with one of the many disconnected inquiries into these issues.

Even allowing that Wanless is anything more than a careerist ‘safe pair of hands’, this accusation is doubly inapt. When an official inquiry is made into the powerful and well-connected, the primary risk is of a false negative, rather than a false positive. A quietist chairperson can exclude or ignore testimony; an overzealous one is not able to conjure extra evidence out of thin air.

An unjustified positive finding would be very hard to put forward. Extraordinary scrutiny would be applied; grounds would have to be given; a heavy burden of proof would be imposed. By contrast, common sense and experience both tell us that a report may exonerate the powerful in spite of the evidence actually heard. No matter how loud and well-justified, cries of ‘whitewash’ do not form part of the official record.

More importantly, a normative belief is not an interest. Hewson did not make this clear, but she was not here talking about a conflict of interest, but instead the murkier issue of apparent bias. She did not make clear what stance espoused by Wanless might have tended to disqualify him from chairing the inquiry. Presumably the idea is not just that ‘balance’ requires that we find someone neutral between the interests of vulnerable children and those who seek to dominate and abuse them.

The interest of justice

The appeal to personal opinion as a disqualifying factor was notably on show in 1999, for example, when a panel in the highest public British court, then known as the Law Lords, adjudged another of their number, Leonard Hoffmann, to be subject to a conflict of interest in finding that Augusto Pinochet, the former president of Chile, should be extradited. The finding was based on Hoffman’s connections to Amnesty International. While the panel accepted that there was no precedent for treating such connections as a disqualifying

'interest', they decided, with little substantive argumentation, to treat them as such. The panel was thus able to disqualify Hoffman automatically, without having to make and substantiate an accusation of illicit bias.

One of their number, Brian Hutton, nominally joined the unanimous concurrence with the panel's leading judgement, but was willing to go further. Rather than discreetly nodding in the direction of a fictional objective interest, he preferred to enunciate a more sweeping doctrine:

'I am of the opinion that there could be cases where the interest of the judge in the subject matter of the proceedings arising from *his strong commitment to some cause or belief* or his association with a person or body involved in the proceedings could shake public confidence in the administration of justice as much as a shareholding (which might be small) in a public company involved in the litigation.'

The only point of introducing the phrase here italicised is to assert that Hoffman's opinions about justice and international law could be treated as an automatically disqualifying 'interest'. Hutton's statements to this effect did not however form the basis of the panel's judgement, and are at the very least eccentric by the usual standards of natural justice. This is perhaps even clearer when one recalls that the opinion in question was that, in the words of the Nuremberg tribunal: 'The principle of international law which, under certain circumstances, protects the representatives of a state cannot be applied to acts condemned as criminal by international law.'

There is another notable case in which conflict of interest principles have been artificially tightened, against the prevailing trend towards laxity. In 1996, the Belgian investigating judge Jean-Marc Connerotte was removed from an investigation into the Marc Dutroux affair.

Prejudiced against murder?

Dutroux was found to have a well-designed secret dungeon in his basement, in which he had held captive two abducted

children whose bodies he buried at another of his properties. An accomplice reported that the girls had been kidnapped to order. The investigation led to a businessman and regular face at sex parties, Jean Michel Nihoul. A witness, Regina Louf, implicated Dutroux and Nihoul in organised sadistic child abuse involving blackmail and large sums of money. She gave detailed and checkable testimony to police describing the involvement of judges, a prominent banker and a top politician. The case featured threats to judges, witnesses dropping like flies, grotesque smear campaigns against witnesses and the removal of investigators. Nihoul openly boasted to journalists that he was 'the monster of Belgium' but had impunity because he had information on too many politicians and other prominent figures. Dutroux himself claimed that highly-placed individuals were complicit in his crimes.

Connerotte was the only judge who made much progress in investigating the matter. He was removed when he was found to have a conflict of interest on the grounds that he had attended a fund-raising dinner in support of known victims' families. Sympathising with the families of children known to have died does not, of course, imply any prejudice as to the question of who killed them. Apparently such sympathy was enough to generate a 'conflict of interest'. With Connerotte gone, the investigation stalled.

Two years later, in 1998, a government inquiry announced that Dutroux had no accomplices in high places. The case was paralysed for another six years before Dutroux was eventually brought to trial in the matter, along with three other accused, including Nihoul, who alone escaped conviction when the jury were unable to reach a verdict on the evidence made available.

In stark contrast to these instances, Woolf's and Butler-Sloss's conflicts of interest were initially indulged by the authorities and supporters such as Hewson. The natural assumption is that the authorities were seeking someone who will be predisposed to find that the allegations are without substance.

Get-out clause

There is also a further possibility, which has no doubt occurred to others besides myself. In the Pinochet case, the lead opinion blandly explained:

'It appears that neither Senator Pinochet nor (save to a very limited extent) his legal advisers were aware of any connection between Lord Hoffmann and AI [Amnesty International] until after the judgment was given on 25 November. Two members of the legal team recalled that they had heard rumours that Lord Hoffmann's wife was connected with AI in some way. During the Newsnight programme on television on 25 November, an allegation to that effect was made by a speaker in Chile.... On 7 December a man anonymously telephoned Senator Pinochet's solicitors alleging that Lord Hoffmann was a Director of the Amnesty International Charitable Trust....Senator Pinochet's solicitors informed the Home Secretary of these allegations. On 8 December they received a letter from the solicitors acting for AI dated 7 December....Mr. Alun Jones Q.C. for the CPS [Crown Prosecution Service] does not contend that either Senator Pinochet or his legal advisers had any knowledge of Lord Hoffmann's position as a Director of AICL until receipt of that letter.'

The conflict of interest in the child abuse case has been widely noted. Simon Danczuk, one of the two Labour MPs responsible for bringing this matter to public attention, was 'dismayed' by the discovery of Woolf's conflict, stating that it rendered her position 'untenable'. He reluctantly capitulated in the face of government intransigence, unwilling to countenance the further delay involved in waiting for the government to choose yet another candidate – with no guarantee that they would not try the same thing. He remarked: 'I'm beginning to wonder if [Conservative Home Secretary Theresa May] doesn't want this inquiry to ever really see the light of day.'

Danczuk was too polite to say so, but quite apart from

the formal conflict of interest, Woolf was inevitably and incorrigibly biased. This is not a spurious 'bias' imputed on the basis of principled beliefs or opinion. Quite the opposite: it is the Establishment sense of merited privilege, shorn of all vestige of responsibility by the Thatcherite right. It is exactly the attitude that has led Conservative politicians to close ranks thus far. It is the same sense of entitlement that ends with high-level child-abusers casually playing power games with the bodies and minds of defenceless children.

3: Nothing to Be Done

In part 2 I referred to the arguments of the barrister Barbara Hewson. Hewson has another argument, which would bypass all talk of conflict of interest. The inquiry, even were it properly run, would not matter, since it would have little hope of discovering the facts. This is a counsel not so much of despair as of indifference: Hewson, preoccupied as she is with the Spiked doctrine of 'moral panic', has already rejected the allegations, as we will see.

Unreliable witnesses

Drawing on her background in the document-heavy field of commercial law, Hewson makes the remarkable claim that witness testimony is worthless. If accepted by the criminal courts, this principle would surely reduce the conviction rate to a very low order.

The claim is based on a judge's observation that in commercial disputes, little is to be gained from an attempt to evaluate contested and biased recollections of the fine detail of unminuted negotiations, and that in such circumstances it is preferable to cut the Gordian knot of oral contract and rely on documents (underwritten, of course, by testimony as to their provenance).

This kind of consideration does not apply in the criminal field of offences against the person, in which cross-examination is more likely to find inconsistencies, a far wider

range of corroborating evidence is generally available, the events being recalled are considerably more memorable and less open to interpretation than some oral representation made in the course of business. Criminal courts do not, except in the case of white-collar offences, generally rely heavily on documents.

Hewson is correct to point out that documents in these cases tend to disappear or to be confiscated or shredded. That is certainly a problem so far as some aspects of these cases are concerned. However, dossiers directly relating to sexual abuse are likely to contain written testimony, in some cases at second hand. These can be extremely useful as leads in an investigation, and – notably – as evidence that claims were made at an earlier time rather than recently concocted, as in the case of some of Colin Wallace’s allegations. But they would not normally be admitted as evidence in a criminal trial. The underlying reasons for this are that their provenance may not be clear, and – crucially – their content cannot be subjected to cross-examination.

While the degradation of evidence over time is undoubtedly a problem, especially when there is any kind of cover-up, Hewson’s particular argument therefore seems misplaced.

Destroyed files

Hewson’s general stance, too, is misguided. An inquiry into those who are in a position to destroy evidence must take account of their power. Time and again, we find whistleblowers’ credible testimony officially rejected because relevant records that might corroborate it are missing. To take one obvious example: when the Brazilian Jean-Charles De Menezes was shot by heavily armed specialist officers on a London Underground railway carriage in 2005, the Metropolitan police reported a fortuitous absence of CCTV coverage. There was apparently no proper investigation into this claim and how such a total blackout could have occurred, and as a result the police were able to force through their own version of events.

In such cases, lack of evidence is often more a pretext for quietism than a genuinely insurmountable impasse. To follow Hewson's lead in using civil litigation as a model, one might reflect on the legal maxim *omnia praesumuntur contra spoliatores* – literally 'all things are presumed against the destroyer of evidence'. When evidence is missing, we should not simply hand the benefit of the doubt to the person or body who disposed of it. To do so is not only to ignore an important piece of circumstantial evidence, but to follow a policy which rewards cover-ups. Inferences based on apparent motive should not, especially in a fact-seeking inquiry, be ignored: if someone appears to have tried to cover up, that is *prima facie* evidence that they thought they had something to cover up. Even more obviously, the exact circumstances in which evidence is spoilt must be inquired into thoroughly, rather than disregarded as a *fait accompli* and an evidential dead end.

The issue of spoliation came to the fore in 1996, when Clwyd County Council recalled all publicly held copies of the 'Jillings report' into child abuse in North Wales children's homes. The council's insurer, then administered by Zurich Mutual, had threatened to void the council's cover on the grounds that describing the abuse would be a 'a hostage to fortune' and tantamount to admitting liability. Reporters saw extracts at the time, one of which disclosed that the same insurer had previously brought similar pressure to bear. As the *Independent* newspaper reported:

'...fears by the Municipal Mutual of victims launching legal actions helped to ensure that a full report of an earlier investigation into the abuse was never seen by elected councillors, and was confined to a very small group of senior social services personnel.'

Very soon after, Clwyd Council itself was destroyed, split into three smaller councils. Hewson's self-fulfilling pessimism about destroyed records does not apply in this case: not all copies of the Jillings Report were in fact destroyed, and a very heavily redacted copy was recently released following a Freedom of Information request.

Dodgy dossier?

Hewson is unconcerned about spoliation in the case of the Conservative Leon Brittan. As Home Secretary in 1983, he was handed a file of papers by another Conservative MP, Geoffrey Dickens, an outsider in the party viewed as something of an eccentric. That file, relating to child abuse allegations, is now missing.

Stressing the very slightly unconventional aspects of Dickens's character, Hewson hints that his information may have been pure fantasy. In fact the most eccentric of Dickens's qualities appears to have been his willingness to violate group norms and blow the whistle, as when he asked in the Commons why former high-ranking diplomat and reputed MI6 officer Peter Hayman, a member of the Paedophile Information Exchange (PIE) who had been found to have been in possession of child porn, had escaped prosecution and publicity.

Hewson is dismissive:

'Dickens unfortunately did not keep back-up copies of his fascinating files. Their disappearance has been given a sinister spin, though it is far from clear why the Home Office should have been expected to copy and archive Dickens' papers for him.'

In fact, Dickens did keep a copy at his family home. Since he reported that his constituency home and London flat were both broken into by someone not looking for valuables, it is perhaps unsurprising that the file should have been destroyed after Dickens died in 1995, apparently at the behest of his wife who considered it too sensitive to keep in the house. The 'sinister spin' Hewson refers to was perhaps exemplified by the ex-Director of Public Prosecutions, Kenneth Macdonald, who described the disappearance as 'alarming' and called for an inquiry.

Hewson does not relate that on his third attempt at recalling the story, Brittan accepted that he had written to Dickens assuring him that 'I am now able to tell you that, in

general terms, the view of the Director of Public Prosecutions is that two of the letters you forwarded could form the basis for inquiries by the police and they are now being passed to the appropriate authorities.' No further information about those police inquiries has, to my knowledge, come to light.

In view of all this, we may certainly agree that disappearing documents are a problem – especially, as noted previously, where there is a cover-up in place. But a sensible approach to such destruction of evidence is to dig deeper, and to make 'spoliation inferences' where the facts justify them.

An over-reliance on documentary exhibits as the gold standard of evidence not only tends to produce false negatives when spoliation has occurred – it can also give rise to false positives. Words on paper have an almost mystical authority for those who seek comfortable certainties – historians find them especially convenient – but a piece of paper cannot be cross-examined. Where there are any grounds for doubt, a document's provenance, integrity and authorship must be subjected to rigorous forensic examination before its content may be relied upon as fact.

Hewson suggests that eyewitness testimony is almost worthless by comparison to documentary exhibits, because it is a potentially inaccurate record, subject to falsification and degradation over time. But she then goes on to dismiss the possibility of using documents in this case, because they have 'disappeared'! She is wrong on both counts. Not only are there many credible witnesses, not limited to supposed victims of abuse, making consistent, long-standing allegations capable of corroboration, but not all documents have disappeared; and of those that have, the circumstances of their disappearance can help to establish a cover-up and thus complicity.

Is the 'myth' true?

Hewson, though, does not countenance even the possibility of a cover-up, since it seems she has already decided that there is nothing to cover up. Her article's subtitle reads: 'The myth of powerful, protected perverts has been around for decades'.

And 'myth' here clearly means something entirely untrue.

In the text of her article, Hewson asks, rhetorically: 'All of this sounds shocking, but is it true?' Rather than address this issue in any direct way, though, she prefers to take a innuendo-laden detour through the cherry orchard of social history:

'This latest panic rehashes specific aspects of the moral panics that swept Britain in the late 1980s and early 1990s, in which Dickens was a major player. As Professor Philip Jenkins shows in *Intimate Enemies* (1992), exposure of spies like the homosexual Anthony Blunt helped shape a popular image of upper-class perverts [*sic*] from public schools, where homosexuality was rampant, and whose colleagues concealed their activities.

Jenkins called this a powerful weapon in populist rhetoric, used to attack the ruling elite. MPs from Jeremy Thorpe to Harvey Proctor were accused of deviant sexuality [*sic*] and criminal activity.'

No doubt some people regard anything that might be used to attack the ruling class as *ipso facto* beyond the pale. The question, though, remains: are they true? Hewson seeks to elicit a blanket, if implicit, 'no'. But the handful of sneers and smears she offers could deflect only the most incurious and ignorant of readers. Since Hewson brings him up via Jenkins' plausible-sounding but ultimately irrelevant musings, it is worth noting that it now appears that Anthony Blunt was himself involved in paedophilic activities connected to the wider network or networks now under investigation, and that he may have been blackmailed on that basis.

The 'latest panic', as Hewson chooses to frame it, is not, as she suggests, a 'rehash'. It is unfinished business, which the Conservative Home Secretary has been forced to reopen by the objective facts of the situation, as brought into the open by Labour politicians. The Conservative establishment will try to sweep the central issue under the carpet, but there will be no hiding the elephant-sized lump it makes.

Unknown knowns

The internet is awash with relevant material. Predictably, there is a quantity of anti-gay and hyper-conspiratorial ranting. There also appear to be planted smears (for example, a heavily distorted account of a cancelled police investigation into reports of abuse and the discovery of human remains at a children's home at Haut-de-la-Garenne) and the odd straw-man hoax (a probable instance being certain claims made against Conservative ex-Chancellor Kenneth Clarke), aimed at muddying the waters and discrediting well-founded claims. But none of this can now entirely drown out the trickle of credible accounts of abuse and cover-up, including numerous news stories from mainstream media, notably the *Mirror* newspaper and Exaro news website, amply supplemented by blogs such as 'Spotlight On Abuse', 'the Needle' and 'Desiring Progress'.

Still, none of this is enough to bring a full appreciation of the known facts and their clear implications to critical mass among the general public, or to convince those in the chattering class who are too comfortable, too fearful or too corrupt to face the unfolding truth.

Will 'child abuse fatigue' kick in? Will the cumulative effect of a few high-profile retractions and one or two spectacularly failed investigations combine to slow what at present seems an unstoppable momentum? Will tame inquiries tactfully avert their eyes from members of the elite and from the security and secret services? Quite possibly.

If so, though, this will join the list of unknown knowns, facts tacitly and imperfectly understood, which assert themselves as a sense of distrust, sometimes diffuse but always corrosive, in British society. Paedophile panics may well have happened in the past – claims of widespread ritual satanic abuse based on dubiously 'recovered' memories would appear to have had this character. But witch-hunts literal or metaphorical tend to arise as the misdirected expression of other anxieties, and are always directed at the relatively powerless. When the officially unarticulated but deeply unsettling facts are real instances of organised child abuse,

and the suspected culprits are untouchable, who knows how the resulting societal angst will manifest itself?

The British working class is already groaning under the strain of punitive and politically-motivated 'austerity' measures. Rioting has flared up across England. The Scots, understandably, have come close to secession from the UK. Mistrust is rife, and multiplied by increasingly desperate infighting between factions of the ruling elite, all seeking to distract from their own misdeeds by exposing those of others. The City of London, under fire as never before, appears to have mounted a diversionary attack on politicians by releasing the shabby details of their expenses claims. The politicians capitalised on the 'phone hacking' scandal to attack the press. The Conservative press attempted a stunningly audacious pre-emptive counterattack on Labour politicians by spuriously accusing them of having supported the activities of the Paedophile Information Exchange in the 70s. As a result of all this, the public is beginning to get a sense, albeit hazy and misdirected, of pervasive corruption throughout the ruling institutions of British society.

The Conservative government is falling back on the 'security' agenda, trying desperately to convince a jaded British public that the civil wars in Iraq and Syria somehow pose a threat to Britain. They hope to rekindle the patriotic fervour of the Falklands war to rescue them, just as in 1983, from the electoral effect of brutal *laissez-faire* policies. But all they are doing is exacerbating the deep unease in British society.

A lid may yet be kept on the establishment child abuse network long enough for attention to wane, but public disquiet will continue to simmer underneath. The ultimate beneficiaries of such pent-up anxiety are, perversely, likely to be the proponents of far-right ideology, in particular the faux-populists of the United Kingdom Independence Party (UKIP) whose purposely ill-defined position is tailor-made to capitalise on ill-defined grievances.

Amid all this mistrust and doubt, the Conservative Party may yet slip through seemingly unscathed. If so, the stench

will linger in the air at Westminster for years to come.

Author's note: *This article is a snapshot of a work in progress. The sheer volume of material available means many aspects of the story, in particular recent developments, could not be covered.*