

**IN THE HIGH COURT OF JUSTICE**

Case No. CO/5998/2014

**QUEEN'S BENCH DIVISION**

**ADMINISTRATIVE COURT**

In the matter of an Application for  
Judicial Review

The Queen on the application of

**ELLA DRAPER**

**(Claimant)**

**and**

**THE COMMISSIONER OF  
POLICE FOR THE  
METROPOLIS**

**(Defendant)**

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**ACKNOWLEDGMENT OF  
SERVICE**

**SECTION C**

**SUMMARY GROUNDS FOR  
CONTESTING THE CLAIM**  
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**INTRODUCTION**

The defendant contests the whole of the claim and the claimant's application for permission should be dismissed.

**BACKGROUND**

On 5 September 2014, the defendant was informed that the children of the claimant ("the children") were the victims of sexual abuse by a cult of which their father was a leader. An email was sent to the defendant, stating that the children had reported sexual abuse, sacrifice and murder. The email alleged that the abuse took place in Christchurch School in Hampstead on Tuesdays, Wednesdays and Thursdays. Babies were said to be tortured with rattaps, dropped on the floor and killed. The babies' throats would be drained, their blood would be drunk and their bodies would be cooked at McDonalds. Children were brought from Guyana,

China, India and America for this purpose. Skulls and baby skin were said to be kept in a secret room. Detective Inspector Cannon noted on 6 September 2014 that there was no evidence to support such a high number of people going missing.

The police interviewed the children on three different occasions. A medical examination was carried out upon the children. Site visits took place to test the veracity of the allegations. The children's father was interviewed under caution. Upon the third interview, the children withdrew the allegations and stated they had made the allegations up, inspired by the film 'Mask of Zoro'.

On 20 September 2014 it was decided by the defendant that the allegations would be recorded as a non-crime. This was because:

- The children provided different accounts of where the purported satanic abuse took place;
- The description which the children gave of where abuse took place could not be reconciled with the actual layout of the building. For example, no secret room existed and drawers which were said to store babies' skulls were too small for this purpose;
- Aspects of the purported abuse were not possible. For example, 50 people could not have fit into a toilet cubicle at a swimming pool to commit abuse whilst the pool was open to members of the public;
- The boy claimed to have ejaculated when he was four, at roughly a litre of semen a time, despite four year old children not being capable of ejaculating;
- The girl was unable to identify the address which she had supposedly been at numerous times in respect of the allegations;
- The children withdrew their allegations in the third interview with the police and stated they had felt forced to provide the accounts due to the style of questioning and barraging by the claimant's partner.

The children have been removed from the claimant's custody and are currently in foster care. Court of Protection proceedings are ongoing where the claimant is challenging the decision that they be removed from her custody.

At present, whilst the investigation into the children's allegations of satanic abuse and murder has ended, an investigation is on-going into possible sexual abuse against the children. The available medical evidence has revealed anal scarring on the children but it is not clear at this stage that caused the injury.

### **The claimant's evidence**

The claimant has appended a number of documents to the judicial review application. These include a CRIS report, medical evidence and two witness statements from a former police constable called Kylie Wilson (based upon interviews with the children and the CRIS report). However, the CRIS report, the interviews and the medical evidence have all been provided in the course of Court of Protection proceedings. The defendant's enquires have indicated that the claimant has not been granted permission to use these documents for this judicial review.

As such, no comment is offered in respect of the contents of such documents (including the statements of Ms Wilson which are based upon Court of Protection documents).

## GROUNDINGS FOR CHALLENGING THE CLAIM

The claimant seeks for the defendant to re-open the investigation and to provide full disclosure. It is demanded that the investigation be in accordance with “*professional standards, with due diligence and taking into account the accusations*”. Further investigative steps are demanded, including seeking advice from a “*clinical psychologist with skills in the occult and alternative religions*” who can see whether the children’s testimony “*accords with the practices and beliefs of a satanist coven*”.

It is claimed that breaches of Article 6 and 8 of the European Convention of Human Rights have occurred, but these are wholly un-particularised. As such, it is not possible to respond to such claims.

### **The investigation**

It is not clear at this stage what the precise basis of the challenge to the investigation is due to the poor particularisation of the claim. However, no purpose would be served by any of the further investigative steps which the claimant has demanded in the judicial review application. It is clear that the investigation considered the relevant evidence and reached a reasonable conclusion. The allegations of satanic sexual abuse, murder and the cooking of children were by their nature extremely improbable. The children have withdrawn the allegations. The physical evidence clearly did not support such claims. The investigation into such allegations has not ceased due to bias (which is unparticularised), but due to proper consideration of the evidence. This decision was clearly lawful.

### **Disclosure**

The claimant has also sought disclosure in this application. The grounds fail to refer to any decision of the defendant to previously decline disclosure. Accordingly, the claim for disclosure is misconceived, as a judicial review must challenge a decision of a public body, yet no decision has been made in this instance.

Furthermore, it is clear that the claimant is seeking materials which should not be disclosed in any event. Strong reasons exist why unredacted CRIS reports are not disclosed. The application for disclosure also appears to have been directed at the wrong party – the defendant does not possess for example “*all notes and tape recordings of meeting between social workers and the children*”. The request for disclosure appears to be for documents relevant to the family court proceedings and the suitable body to approach in this regard is clearly the Court of Protection.

## **COSTS**

The defendant seeks an order for costs against the claimant on the basis that there has been a failure to comply with the pre-action protocol. The letter of claim was sent alongside the application for permission.

Those costs represent the time spent in preparing this Acknowledgment of Service and are in the following sum:

Grade B fee earner: 10 hours at £242 for each hour = £2,420

**Directorate of Legal Services  
Metropolitan Police  
22 January 2015**