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Operation Planet, Abuse of Justice & The Crown Office Of Scotland



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Tuesday, 13th March 2012



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'Operation Planet', Edinburgh

On the 24th March 1990 the Edinburgh Police launched 'Operation Planet'. That police initiative followed the discovery of a 16-year-old boy in a house in the city centre who, over a period of 10 days, had been plied with cannabis and repeatedly sodomised by a number of men. The boy had been on weekend leave from a local children's home. Evidence uncovered in subsequent police enquiries indicated the men were also engaged in homosexual 'rent boy' activities, and were linked to a 'network' of older men.

The 'Operation Planet' Court Case and Judgments

By the time the 'Operation Planet' case was brought before court, a total of 10 men had been arrested, on a total of 57 charges. Those charges related to the taking part in, and the procuring of, acts of sodomy upon the boy contrary to Common Law and the Criminal Justice (Scotland) Act 1980, the supplying of cannabis to the boy contrary to the Misuse of Drugs Act 1971, and harbouring and concealment of a boy under supervision care contrary to the Social Work Scotland Act 1968.

The pre-trial hearings took place between the 9th and the 11th January 1991. During those hearings it was agreed between the Crown and defence counsels to reduce the 57 indictments to just 10 – allowing five defendants to walk free, and with pleas arranged for the remaining five. Police officers involved in "Operation Planet" were totally confounded, and extremely angered, by this extraordinary turn of events.

On the 15th and 16th January 1991 the trial was held, before Lord Clyde (the Senator of The College of Justice), of the one defendant who had pleaded not guilty (an Edinburgh-based solicitor). The jury found the charges to be 'not proven'. On the 12th February 1991 the remaining five accused persons (who had pleaded guilty) appeared before Lord Clyde for sentencing. One of the accused was sentenced to four years imprisonment. Sentencing of the remaining 4 accused was deferred to the 8th October 1991 when they appeared before the Lord Justice Clerk and were admonished.

Breaking The Law

Towards the end of March 1991 – and as a direct consequence of ‘Operation Planet’, and prosecutions relating to acts of sodomy upon teenage boys – an internal study paper was produced by The Crown Office that sought to establish a rationale for, and the extent to which, the protections offered by Common Law could be circumvented, and statute law ignored. The author of that paper was the (then) Senior Legal Assistant at The Crown Office, Elish McPhilomy (now Elish Angiolini).

The justification given by The Crown Office for this extraordinary action was that “some public concern about the appropriateness of basing charges on Common Law rather than statute” had been expressed. However the only “public concern” cited in The Crown Office report was of an opinion proffered by one of the defence counsels in the ‘Operation Planet’ trial, the Advocate Derek Ogg – and as quoted in The Glasgow Herald on the 20th February 1991.

On the 29th April 1991 a meeting was held between Lord Fraser (the Lord Advocate), Lord Roger (the Solicitor General), Duncan Lowe (the Crown Agent), Alfred Vannet (the Deputy Crown Agent) and persons unknown, to discuss the Elish McPhilomy report.

As a result of that meeting, directions were issued by the Crown Office to the Procurators Fiscal (directive No 2025 on the 28th November 1991) in which the Crown Office effectively sanctioned particular criminal acts, contrary to Law – of teenage boys being sodomised by older men. That directive provided the means by which such activities were to be ‘legitimised’ by The Crown.

In response to what the Crown Office described as “public misapprehension”, an amended set of directions was issued (directive No 2025/1 on the 20th December 1991). However those directions amounted to little more than an adjustment of detail – and with an additional Crown Office directive stating that it saw little justification in pursuing cases involving the clients of ‘rent boys’.

The concern is not simply that of officers of the Crown being in breach of

their oath (and of 'malfeasance in public office'). There is also the matter of the introduction of political activism into the Criminal Justice System – for the purpose of introducing extreme, and un-consented social change.

One such issue, of considerable importance, is that of the activities of paedophiles and of organised paedophile rings. The abhorrence of such behaviour is a natural human reaction against those who indulge in such hideously cruel and selfish acts against vulnerable children. However the danger is that the politically motivated misrepresentations of those who attempt to confront paedophilia as 'homophobic' (as espoused, for example, in a 1997 article in 'ScotsGay' magazine, by Advocate Derek Ogg) can also be seized upon by those with evil intentions to close down any effective response to the serious problem of organised child abuse.

Moving On

On the 28th November 2001 Elish Angiolini was appointed Solicitor General for Scotland. On the 12th October 2006 she was elevated to Lord Advocate, and on the 17th July 2007 it was announced that she had appointed Derek Ogg QC to be her Advocate Depute.

On the 6th March 2009 Lord Advocate Elish Angiolini announced that she had appointed Derek Ogg QC as the head of the new National Sexual Crime Unit who, on accepting that appointment, promised: "For prosecutors, sexual offences are often the most challenging and sensitive cases to bring before a court. However, I am determined that we will continue to do our utmost to bring compelling prosecutions and treat victims with dignity and respect."

Later that same year Mr. Robert Green sent two letters to Derek Ogg pleading for the Crown Office to instruct Grampian Police to investigate serious and substantiated allegations of the paedophile abuse of a young downs syndrome victim, Hollie Greig. In particular Mr. Green asked that Grampian Police should be instructed to interview those named as Hollie's abusers (including a serving police officer, and a local Sheriff).

Both letters were ignored.
