Justice Committee

Inquiry into the role and purpose of the Crown Office and Procurator Fiscal Service

Written submission from James Boyle

1. My name is James Boyle, I am sixty-one years of age, a Gay man and I am one of the Crown Office Procurator Fiscal Service’s (COPFS) victims.

2. Given the criminal enterprise run against me is now in its fourteenth year and continuing without prospect of cessation this submission is necessarily indicative of the extensive misconduct of Crown Office personnel acting against me on the basis of threats and activities designed to “ruin” my career, “ruin” my life and leave me “penniless”

3. I believe inquiries into the COPFS must hear evidence from its victims. Too often agencies such as the COPFS are given licence to represent their interpretation of their activities when these do not correspond with their victims’ understandings that are apparently suppressed for reasons bearing no relation to democratic accountability or the public good.

4. Since the first in a series of threats was levelled against me, at February 2003 I have been subject to an unending series of criminal abuses corresponding with the purposes expressed in these threats. These crimes perpetrated upon me by various public agencies, including the COPFS, the police service, the General Teaching Council (GTC), Disclosure Scotland, the Government’s Directorates and, in the final reckoning, Government and Parliament are culpable of funding and facilitating these crimes from the public purse and misappropriated public authority.

5. Ways and Means.

5.1 This continuing enterprise resulted from the award of criminal injuries compensation to me further to an assault in 1995. Those who designed and issued these threats decided they would not allow me to benefit from this compensation. They achieved their sworn purposes with the assistance of several public agencies, including the COPFS.

5.2 The means decided upon to give effect to these illicit purposes comprise untested – by the COPFS - unfounded fabrications.

5.3 Rather than conduct investigations the COPFS and each of the relevant authorities chose to set aside this and all legal and common law duties. These derelictions and this misconduct facilitated by the ways and means made available to malign agencies that enable the COPFS to achieve convictions where its victim has not committed the fabricated crime.

5.4 These mechanisms include ss274 & 275 of the Criminal Procedure (Scotland) Act 1995 and the Rule in Moorov.
5.5 ss274 & 275 enable the COPFS, its clients and judges to exclude and deny evidence to victims and jurors.

5.6 In this matter jurors were denied vital evidence, for example, denied the evidence a relative had said they would give until abused by way of false allegations by third parties and police activities against this vulnerable senior citizen on the basis of these demonstrably false allegations.

5.7 My relative was targeted by individuals, traumatised by police officers, afraid to speak with me for months and terrified to give the evidence they had said they would give until these events.

5.8 At the insistence of my cousin, and only because he is a military policeman, the police undertook the investigation they ought to have conducted in the first instance. This investigation proved these allegations were false, however police personnel chose not to investigate further, demonstrating contemptuous disregard for their victim, their purported legal duties and the public interest.

5.9 The Crown Office became involved and its personnel decided these allegations and the police responses should be facilitated.

5.10 A relatively short time before they delivered the first of these threats against me one of the persons who threatened me engaged in gossip of a similar nature against another person – this is no secret; the person subjected to this vile gossip and those who listened to these allegations are well aware of what was said. The court denied this victim the opportunity to rebut this fabrication and jurors denied this evidence, knowledge and understanding.

5.12 Their promiscuous, reckless and malicious use of the Rule in Moorov is yet another indicator of COPFS personnel’s determination to achieve convictions without regard to facts, legal and common law duties, the interests of justice and the public interest. Incredibly, Scotland’s courts facilitate this extreme abuse of victims.

5.11 The distinction between the Moorov circumstance and this is that in the Moorov case the complainers did not know one another whereas this was not the case in mine and consequently, as Lord Mackay observed in the course of a 2009 procedural hearing, “the scope for collusion in this case is too great.”

5.11 Jurors did not understand the nature of these proceedings and were lied to they were Masters of the Facts.

5.12 The dangers these practises present to the interests of justice and the public interest are obvious. The consequences for the victims are equally obvious to anyone who takes time to listen to victims.

6. The choices to set aside the supposed duties to investigate and consider if suppose allegations are motivated by malice and/or other prejudice and considerations.
6.1 Another example that demonstrates the fact there was no investigation of any sort, by any public agency, is the fact my employers were made aware of the initial threat against me PRIOR TO the dating of the first version of a purported ‘trigger’ for ‘recovered memories’. The COPFS did not investigate this.

6.3 The pertinent question is: is it conceivable a threat can precede the supposed ‘trigger’ for that threat?

6.4 What is the lawful basis enabling these agencies to set aside the duty to investigate, independently and impartially: the choices not to understand this sequence of events and test the fabricated narratives put to them by their clients?

7. **No access to supposed statements and fabricated records.**

7.1 Victims must have an enforceable Right to personally access all supposed statements and all records of COPFS activities in order to establish which duties have been discharged and which omitted.

7.2 This Right must be extended to enable victims to access supposed statements and records got up by other agencies, including the police service and the GTC, that pursue purposes such as those expressed in the threats founded in this evidence.

7.3 It is not acceptable that records continue to be routinely denied to victims, including those that deliberately falsify purported personal data.

7.4 COPFS personnel must be compelled to provide victims, sheriffs, judges and jurors with precise details of their responses to reports put to them by the police. This document should contain a timeline and a clearly delineated account of each of the activities COPFS personnel undertook. Thereby the relevant parties can judge what has been done against what should be done; where, for example, deeming has supplanted investigation this fact will be made evident to both victims and jurors.

8.2 Jurors naturally assume the duty to investigate, as all duties, has been discharged. This misunderstanding presents a clear, often unsurmountable obstacle to victims accused and to justice.

9. **Systematic and habitual refusals to address facts, answer questions, respond to crime reports and no effective remedy to this State criminality and terror.**

9.1 Victims cannot hold The COPFS and other public agencies to account; for example, the denial of legal aid and the lack of personal financial resources result in the denial of the supposed Right to equality of arms to victims; bearing in mind the unlimited well of public funds made available to our abusers to pursue their purposes.

9.3 There is no “effective remedy” available to victims because Art 13 of the ECHR is no more a Right than any other of the ECHR’s provisions.

9.4 The practice whereby public agencies ‘investigate’ themselves is a confidence trick;
this deception that denies victims their supposed Right to an “effective remedy” is no accident, but a design.

9.5 The COPFS is not required to provide its victims with answers, for example, it refused to answer questions relating to its fabrication there exists a conviction in my name, put to the GTC – that likewise refuses to identify its response to this fabrication.

9.6 Earlier this year, in response to an enquiry by the local newspaper, The Rutherglen Reformer, the Crown Office blamed the police service for this fabrication masquerading as my personal data –.

9.10 COPFS personnel refuse to investigate obvious lying to and by police personnel and refuse to investigate transparent perjury by refusing to address complaints and evidence.


10.1 Albeit homophobia is purportedly unlawful in terms of Art 14 of the ECHR and domestic legislation, in Scotland it can be and is used against victims as an instrument of criminal abuse. In my personal experience, homophobia can be used as a means of conflating homosexuality with perversion and paedophilia. Had any attempt to investigate this been made by the COPFS, this prejudice and its purposes would be clear to see. On the other hand, when public servants, including COPFS personnel, choose not to scrutinise the record the potential for wrongdoing is significantly increased.

11. The COPFS is a State within a State – it is unaccountable, undemocratic and there is no effective remedy available to its victims – it acts above and beyond the law.

11.1 The COPFS’s purposes are its own purposes, its interest its own interest; this formula and the resultant practises directly confound and pervert the public interest. There is no “effective remedy” available to its victims, no protection from their malice, no means of holding COPFS personnel to account. This systematic denial of redress to its victims is both undemocratic and a criminal construct.

11.2 Before it is provided with further resources the Crown Office, and all public agencies, require to be compelled to discharge their legal duties and made subject to independent discipline. Its victims must be provided with funding, on the same basis it is provided to the COPFS, and expertise enabling us to compel such agencies to discharge their purported legal and common law duties.

Turning to some of the content on the Government’s website:

The COPFS is Scotland’s independent prosecution service, acting in the public interest to help bring offenders to justice.
• In the matter of the enterprise being run against me the COPFS acts partially. It is not independent but has licence to do as it pleases.

The core role of the COPFS is to consider reports about crime from the police and other agencies.

• Reports of crime are no substitute for evidence of crime. The formula, evidence in law, is simply a means to an end and all too capable of being perverted and employed in the criminal interest.

• Fabricated police reports are not subject to rigorous or any scrutiny, for example, police personnel can provide the COPFS with fabricated material resulting from illegitimate activities and their refusal to discharge legal duties in the knowledge their submissions will not be subjected to rigorous analysis but scanned for means to achieve prosecutions.

To decide whether it is in the public interest to prosecute them, and, if so, to deploy the resources that are necessary to help ensure that justice is done.

• The resources made available to the COPFS’ victims – “them” - are inadequate to enable victims to effectively challenge their COPFS abusers for the simple reason this provision never corresponds with the resources made available to COPFS personnel, including the rigging mechanisms – see 5. Ways and Means. Its victims are axiomatically and designedly placed at an immediate and permanent disadvantage that cannot be remedied in the current circumstances.

• The formula, “equality of arms”, is a deception practised upon victims and the community.

How the COPFS protects and supports witnesses and victims of crime.

• This provision is all very well, however no such provision is available to the COPFS’ victims. The COPFS is incapable of providing redress to its victims and therefore a democratic society can and must provide redress and justice to its victims.

1. Please outline your views on the overall efficiency and effectiveness of the COPFS in its core role of considering reports about crime from the police and bringing prosecutions.

Are there ways in which the services provided by the COPFS could be improved – for instance, through increased use of technology, further reforms to criminal procedure, or better case management?

If so, do those changes also bring risks, in terms of the overall interests of justice or of access to justice (bearing in minds the differing needs of people across
Scotland; urban and rural communities, economically disadvantaged people, vulnerable groups, etc)?

- The disservice provided the community by the COPFS is predicated upon a refusal to be bound by legal and common law duties and Human Rights legislation. Were Parliament to compel its personnel to discharge these duties the supposed service it currently provides would be vastly improved; the interests of justice and the public interest properly served.

2. Please outline how well you consider the COPFS works with other stakeholders in the criminal justice system, so as to provide a —joined up and complementary service that helps meet the ends of justice.

Other stakeholders might, for instance, include the police, defence lawyers, the courts, the prison service, criminal justice social work, and third party organisations working with victims or offenders.

- The COPFS does not subject police reports to rigorous, independent scrutiny. On the other hand, it seeks to hide information from its victims, their legal agents and jurors in order to dislocate their challenges to COPFS activities and fabricated indictments.

NB: my experience leaves me in no doubt dislocation acts against the purported presumption of innocence and in the COPFS and the criminal interest. For example, the non-disclosure of evidence to me and to jurors created a dislocation, a vacuum of knowledge and understanding, that I have no doubt left jurors concerned that defence narratives did not add up and were therefore suspect.

3. Does the COPFS as presently constituted have the resources and skillsets it needs to carry out its core role effectively? And is it appropriately — future proofed?

for instance, to deal with new technologies available to criminals, changes in the overall profile of crime in 21st century Scotland, or withdrawal from the European Union?

If not, what additional capacities does the COPFS need?

- My concern is with Government’s failure to provide the COPFS’s victims with the resources and skillsets we require in order to effectively challenge our abusers.
4. How well does the COPFS respond to the needs of victims of crimes and to witnesses (especially vulnerable witnesses) in criminal cases and meet its legal obligations towards them?

- COPFS personnel as Ministers and parliamentarians choose which victims and false victims they seek to privilege for their own purposes – thereby manufacturing crime profiles. Consequently, the COPFS’s victims are treated with contempt, subjected to inhuman and degrading abuses whilst denied access to redress, Human Rights and Fundamental Freedoms; supposed protection for protected characteristics, as Human Rights, vanish the moment victims require to access such protection.

- Rigging mechanisms employed to secure convictions in, for example, supposed sex matters, clearly violate and abrogate Art 6 of the ECHR. The contamination of the well of the court by pretend victim support personnel - les tricoteuses - poisons proceedings with the demand there have been crimes committed by the victim accused when there is no crime.

- The matter of judges and sheriffs who act in the criminal interest is another egregious phenomenon politicians fail to address. Likewise, the political attitude to police personnel who lie on oath for their own and their clients’ purposes is cause for the gravest alarm.

- My message to Scotland’s politicians is this; stop talking about your commitment to Human Rights and act to secure them to every Scot without prejudice.

5. The Inspectorate of Prosecution in Scotland is the independent, statutory inspectorate for the COPFS.

What is your awareness of the existence and role of the IPS and of its effectiveness in carrying out that role?

How effective has it been in carrying out its role?

Does it appear to have the resources it needs.

- You will not be surprised to discover this COPFS victim had no idea this agency exists until now.

Outcomes for COPFS victims.

- Given this enterprise is now deep into its fourteenth year there can be little if any question but that the inhuman and degrading standard has been exceeded and I
find myself the object of torture and a form of modern slavery whereby 'honourable' public employees exploit me for profit and preference whilst facilitating the purposes expressed in threats, including those founded in evidence to the High Court in 2010 that corroborate my reports of such to my employers seven years previously.

• At this stage in such enterprises as that I continue subject to, victims discover that as throughout the course of the supposedly independent and impartial legal proceedings employed as means of abuses and torture, he does not exist; he has no character, no protected characteristic and no being. He is a lump of stuff that can be abused at will by reckless, unaccountable public officials.

• This denial of one’s life is a form of holocaust.

• The consequences are many, including the reality of manufactured dislocation and exclusion, the imposition of trauma, ill-health, poverty, of a constant sense of being under threat, the reality of being constantly under threat, the legal requirement one colludes in the crimes perpetrated upon oneself, the knowledge one’s taxes fund such criminal enterprises, leading to emotional, intellectual and spiritual dislocation for victims.

• The fundamental problem the COPFS’s victims face is the failure of our politicians to address their supposed Art 1 duty and face up to this vested interest; this State within a State. Whatever the reasons for this failure there is no doubt the consequences for the victims of this failure are vicious. This failure leads, in this matter, to the imposition of an indeterminate sentence upon me by various public agencies, without due process, in the absence of crime in circumstances in which Government refuses to provide me with an effective remedy whilst funding and facilitating the purposes expressed in the threats against me, including those founded in evidence to the High Court.

• The current attitude to the COPFS’s victims, and therefore Government and Parliament’s victims, that demands we must be made to suffer in order to maintain the COPFS’s fictitious reputation is perverse and barbaric.

Here are some suggestions for bringing the COPFS to a sense of reality, an understanding of right and wrong, of the interests of justice and the public interest:

• COPFS personnel must be made to understand their duty to the public interest supersedes their commitment to the agency. This basic provision is essential if we are to establish a rational and democratic prosecution service.
• Complete transparency for the COPFS’s victims, jurors and defendants as opposed to the current pretence of transparency.

• Police personnel must provide victims and COPFS personnel with precise details, including timeline, of each stage of their investigations. Where no investigation has been undertaken there can be no move to indict victims of this form of sharp practice.

• The COPFS must provide victims and courts with similar details of their first stage investigations, enquiries and further investigations.

• Judicial office holders must scrutinise COPFS submissions for Human Rights abuses and similar omissions, for example, the nature of or lack of investigations, any failure to consider potential and actual malice and prejudice on the part of complainers, police and COPFS personnel.

• Independent and meaningful complaints processes that can lead to dismissal and charges being brought where it is established COPFS personnel have lied, fabricated and/or acted recklessly. Legal sanctions must be readily accessible to their victims when COPFS personnel omit legal and common law duties.

• Sanctions when the COPFS delays providing answers. These to be made known to jurors.

• Training in Human Rights legislation for COPFS personnel.

• Training in the consequences of miscarriages of justice for the victims of these criminal designs.

• Training in homophobia and its impacts upon victims for COPFS personnel.

• The removal of the name Stonewall from all court, COPFS and police buildings, literature and correspondence. It is nauseating to see this name, synonymous with resistance to homophobia and homophobic crime, employed by homophobic agencies as a means of establishing their purported but non-existent commitment to protecting homosexuals from homophobia.

• Legal Aid and skilful assistance must be available to the COPFS’s victims until they are satisfied they have achieved justice and no longer subject to continuing abuses further to COPFS misconduct. If necessary, this funding should be provided from the COPFS’s budget.

• The presumption of innocence must be made real and COPFS personnel must be brought to a clear understanding of this Human Right as each of the Rights and Freedoms they currently feel free to ignore and abrogate.
• There must be no more reliance upon rigging and fixing mechanisms, the ways and means that enable COPFS personnel to refuse their duties and abuse their victims.

• ss274 & 275 must be repealed and, however difficult, COPFS personnel must be compelled to seek evidence of crime – the assertion of crime is not enough and a clear breach of the purported Right to a presumption of innocence.

• The Rule in Moorov cannot continue to be used promiscuously simply because it facilitates convictions. Where complainers know one another this Rule must not be made available to COPFS personnel, judicial office holders and jurors.

• There must be no more contaminating and prejudicing court proceedings by the presence of supposed victim support personnel in the well of the court.

• A Right in reality to have fabricated documents resulting from and conforming to threats, illicit purposes and activities destroyed, including those of COPFS and police personnel and judicial office holders, must be passed into law and secured to victims without let, hindrance or prejudice. This provision must encompass all public agencies, including the GTC and Disclosure Scotland.

• All additional decisions taken by judicial office holders that facilitate the purposes expressed in threats against victims must be rescinded and these records destroyed.

• The corrosive Rifkind Doctrine that ensures victims can be denied compensation for the crimes and abuses perpetrated upon them, on the basis it is acceptable to fabricate charges, or any basis, must be struck down and a Right to enforceable compensation introduced.

• The public interest and the interests of justice are not served by presuming allegations are true and thereafter deeming outcomes that facilitate crime. These practises corrupt and fundamentally damage both.

• Neither interest is served by public bodies having licence to abrogate Human Rights and Fundamental Freedoms or, as in the enterprise I have been subjected to, to collude in homophobia.

• Where victims accused identify perjuries and fabrications by complainers, police and COPFS personnel or any public agency, they must have an enforceable Right to statutory legal aid and to raise proceedings without COPFS interference.

• An independent review body must be established that is capable of considering the activities of COPFS personnel and complaints against them. This agency
must include the COPFS’s victims on its committees and in its disciplinary proceedings in order to overcome the current rigging and fixing embedded in current bogus self-regulation practises such as those to found in, for example, the police and COPFS’s and the GTC. This body must have the power of enforcement, i.e. it must be capable of compelling attendance and the release of documents. It must have authority to refer criminal matters to the courts. This authority must not be constrained by case law.

- The practice of blaming the COPFS’s victims; any of the State’s victims, for the crimes perpetrated upon them, is barbarous and must cease.

James Boyle.
November 2016