

IN THE COURT OF APPEAL [CIVIL DIVISION]

IN THE MATTER OF THE CHILDREN ACT 1989

AND IN THE MATTER OF ALISA GAREEVA DEARMAN (DOB 24/04/05)

AND GABRIEL GAREEV DEARMAN (DOB 22/06/06)

B E T W E E N: -

LONDON BOROUGH OF BARNET

Applicant

-and-

ELLA DRAPER

First Respondent / Appellant

-and-

RICKI DEARMAN

Second Respondent

-and-

ALISA & GABRIEL DEARMAN

(through their Children's Guardian)

Third Respondents

Appellant Skeleton Argument

This is a unique case where allegations of serious nature has been made by P and Q against their father and several professionals involved in satanic child abuse rituals in various locations including schools, church(s), other public locations and alleged abusers homes which alleged to have secret rooms. The allegations are documented within Justices Pauffley Judgement para 11-15. Background history can also be found in the Judgement.

This Court will be aware of the media attention that this case has attracted and as we understand millions of people world-wide have viewed material relating to this case which was one way or another uploaded onto the internet.

We request that the court considers this appeal in conjunction with the statutory inquiry into historic child abuse set up by The Home Secretary Theresa May lead by Justices Goddard. This inquiry, as we are aware, is 'considering whether, and the extent to which, public bodies and other important institutions have taken seriously their duty of care to protect children from sexual abuse. It will seek to address public concern over failings exposed by appalling cases of organised and persistent child sexual abuse'.

We draw the Courts attention to the comments of Theresa May in the Telegraph published on 14th March 2015 (exhibited TMT1);

<http://www.telegraph.co.uk/news/uknews/crime/11471282/Theresa-May-Child-abuse-in-the-UK-runs-far-deeper-than-you-know.html>

"We already know the trail (historic child abuse) will lead into our schools and hospitals, our churches, our youth clubs and many other institutions that should have been places of safety but instead became the setting for the most appalling abuse. However, what the country doesn't yet appreciate is the true scale of that abuse..... how abuse is woven, covertly, into the fabric of our society."

"During one of my first meetings with survivors, one lady said to me: "Get this inquiry right and it will be like a stick of Blackpool rock. You will see abuse going through every level of society." I fear she is right. I have said before and I shall say again, that what we have seen so far is only the tip of iceberg."

"..where there has been a failure to protect children from abuse, we will expose it....So if there has been a cover-up, we will uncover it. And if perpetrators of child sexual abuse are found, they will be brought to justice".

The Appellant position is that this child abuse is not historic, but woven deeply into our society today and it happens on a much larger and horrific scale.

The Appellant states that police investigation was seriously irregular that there are strong suspicions of a cover up, which we will attempt to demonstrate in this argument as it is the basis of Ground 3 of the grounds of Appeal and indeed the "heart" of the appeal.

It should be noted with great interest that, as a matter of fact, while the arrest criteria for the arrest of Mr Dearman had been satisfied, he was invited for a caution plus 3 interview where he is not under arrest, free to leave at any time, not searched and no items were seized from him. While he was in the interview, Dr Hodes confirmed medical evidence

supported the allegations but yet he was still not arrested. This is detailed below. Therefore it is summited that a proper, prompt and effective investigation was never carried out, vital evidence was not secured and possibly allowed, deliberately or negligently, to have been concealed or destroyed. This, the Appellant strongly states, is in breach of the children's rights under Article 3 of the Human Rights and has allowed for a serious miscarriage of justice where the children, P and Q, and many other children still remain at serious risk. The Appellant seeks to set aside the Judgement and reopen the police investigation into the allegations of satanic ritual child abuse made by the children.

The serious procedural irregularity within the police investigation is supported by the witness statements of former Detective Constable Kylie Wilson dated 28th December 2015 (exhibited as KW1, analysis of crime report 2419891/14 which is the document generated by the police when of Alisa Gareeva Dearman and Gabriel Gareev-Dearman made their allegation of Satanic ritual child abuse). Ms Wilson specialised in sexual offences. She criticises the police investigation and states:

- Para 31 The Crime Report would appear to infer that policy was not followed in this case and this form was not completed
- Para 38: "Evidence pointing to and away from an offence must be considered. Investigators should not make assumptions that due to the unlikely or seemingly ridiculous nature of the allegation that it is untrue. If an account appears to be untrue corroboration should be sought for this also.

Particular attention should be given to the final conclusions of the witness statement.

Attention is also drawn to KW2, the witness statement of former Detective Constable Kylie Wilson dated 28th December 2015 in relation to the ABE interviews of P and Q. This report concludes that it was not suitable "to close this investigation at this point without further enquiries and corroboration being sought".

There was no investigative action taken against the implicated schools, the teachers, parents and members of the Social Services and the police. Other named suspects and professionals were not formally interviewed, policy was not adhered to correctly in regard to achieving best evidence in the police interviews of Alisa Gareeva-Dearman and Gabriel Gareev-Dearman, and the crime report 2419891/14 does not appear to have appropriate set of considerations, actions or reviews.

There is no explanation in the crime report 2419891/14 as to why the alleged perpetrators with distinguishing marks were not at the very least invited for a medical examination to verify or rebut the allegations, after all, it was within the police knowledge as demonstrated at Page 31 of 77 entry by DI Cannon on 9th September 2015 at 16:43

“Email from Sara Kundu (Speciality Doctor in child and Adolescent Psychiatry)

Re the Dearman Family, as reported to me by Jean-Clement Yaohirou....

...Jean-Clement told me he was struck by the amount of detail given to him by the children themselves eg. Detailed description of unusual features of the alleged perpetrators genital regions which made him feel that the allegations had a likelihood of being true”.

Yet no explanation is given to the lack of investigation in this regard. Please find attached Exhibit PP1, various drawings of abusers showing in detail the distinguishing marks.

These distinguishing marks and other details of the allegations were documented in the audio recordings made by Officer Jean Clement Yaohirou and in the various films clips of the children that found their way onto the internet. We refer to Paragraphs 107-108 of Justices Pauffley’s Judgement;

“

- It is a **curious fact** that prior to the launch of these proceedings, no police officer had listened to the audio recording made by Jean Clement Yaohirou or watched the film clips of the children. DI Cannon made inquiries at my request to discover that DC Rogers, the member of his team who received the film clips and the audio recording from Mr Yaohirou, had sent them to a property store in Chingford. The focus would appear to have been upon arranging almost immediate ABE interviews.
- I say no more at this stage than that **the police and social services inquiry could have taken an entirely different course if attention had been given to those recordings. At the very least, the questions asked of P and Q at interview would have been directed towards other areas of interest.** ”

This self evidents how Justices Pauffley acknowledges that evidence, in one way or another, was concealed or at the very least, not made available to the officers involved in the investigation.

Paragraph 108 of the Judgement (as above) reads “The focus would appear to have been upon arranging almost immediate ABE interviews” as a possible justification for the officers having not viewed the recordings. However it is submitted by the Appellant that the ABE interviews were conducted 3 times between 5th September through to 17th September 2014 and the investigation concluded on 22nd September 2015. This would have provided the police with ample time to review the recordings prior to making a ‘hasty’ decision to conclude its investigation.

It is submitted that the moment Justices Pauffley was made aware of such a “curious fact” she should have stopped the family proceedings and directed the police to re-open its investigation to atleast a prompt and effective standard which is clear from paragraphs 107-108 that it was not. This, it is submitted, give rise to a serious miscarriage of Justice.

Therefore, it is progressed on behalf of the Appellant that knowing the fact that the investigation was concluded without the officers having viewed vital and important part of the evidence renders her Judgement party or wholly wrong and unlawful. The fact that such evidence was not available raises the possibility that other vital evidence may have been concealed, made not available (due to poor investigation) or / and evidence/leads may not have been properly investigated to such an extent to say that a prompt and effective investigation had taken place.

Arrest of Mr Dearman??

The crime report 2419891/14 confirm s that the arrest criteria for the father, and alleged abuser, Ricky Dearman had been satisfied but yet he was invited for a caution plus 3 interview at the police station on 15th September 2014. This was prior to any retraction by Alisa Gareeva Dearman and Gabriel Gareev-Dearman. We submit that the fact that he was not, and has never been arrested when the arrest criteria had been satisfied raises concerns and suspicions over the manner of the investigation conducted by the police.

There had been attempts, evident throughout the crime report, to minimise the need to arrest Mr Dearman. On page 12 (and onwards) of 77, entry by DI Cannon on 6th September 2015 at 00:44 hours;

“We do not have any confirmation of a current residence for Ricky”

“I have considered immediate arrest once the address has been identified..

“I recommend that immediate arrest is not required...the disclosure amounts to historic sexual abuse on both children, and each will need medical examination..”. We note here that even when the medical examination confirmed the allegations, no arrest was ever completed (see below para..)

“DC Martin has attempted to use Google Maps with the Alisa to verify the home address of Ricky. This was unsuccessful. Both victims are claim they can identify the address of the father by means of a drive around...drive around to be completed Monday 8th September 2015”.

Page 15 (onwards) of 77, entry by DI Cannon on 8th September 2015 at 11:44 hours;

“Saturday 6th September 2015.

I briefed DCI Foulkes regarding this investigation based on the information we had we had grounds for arrest, however no fixed address for the suspect”.

The above demonstrates that there was already by the 6th September 2015, grounds for arrest with the arrest criteria being satisfied. Further confirmation that the arrest criteria was fulfilled is given at Page 35 of 77 entry by DS Fernandez 10th September at 15:09

“...Ricky Dearman is the biological father of the children and has not yet been arrested due to the complexity of the allegation”

However, as stated above, he was invited for a caution plus 3 interview at the police station on 15th September 2014 where he is not arrested and free to leave at anytime. This was prior to any retraction by Alisa Gareeva Dearman and Gabriel Gareev-Dearman.

There is no detail within the Crime report as to why and how the decision was made to invite Mr Dearman for a caution plus 3 interview (where he is NOT arrested) when the immediate previous investigative steps suggested an arrest strategy would be discussed regarding Mr Dearman, other named abusers and applying for Section 8 warrants for the venues of interest. This is no detail as to how or who contacted Mr Dearman.

However, the Appellant notes that Mr Dearman gave an interview to Victoria Derbyshire of the BBC, which was broadcasted on Monday 20th April 2015. Victoria Derbyshire introduces the interview in the following way;

“He (Mr Dearman) explained when he first heard about the claims being made against him”

Mr Dearman states “it was 2014, um, September. And um, **I I can't remember how, But I I I found out that the police were looking for me. It might have been social services got in touch with me and and and said that you need to go to the police station** and I am and the children have been taken away from your mum and I am saying Why why why have they been taken away from their mum whats going on and they weren't telling me anything and I was kinda freaking out a little bit”

The above identifies how Mr Dearman was contacted. It is very curious that it was the Social Services that contacted him, with relative ease it seems, whilst the police were failing to locate his whereabouts. The Appellant seeks to know how and why the Social Services contacted Mr Dearman and not the police who were investigating the matter.

It should be noted that the children alleged that members of the social services and police were involved and this revelation by Mr Dearman only seeks to advance that claim. This is further evidence in support as to why the police should reopen the investigation and investigate in a prompt and effective manner.

The Interview of Mr Dearman on 15th September 2015

VD And what did the police say to you, that you've been accused of?

They said, I am ok with what they said it was um, it was more that its come from my children,

They said that I, I'm the leader of a satanic, satanic sex cult, paedophile ring and there's 100 and plus involvement in this including cafcass, the police, social services, schools and I am the I am the leader of this and..I am sat across, and they are recording this, I'm sat there across from the table from the police officer asking the questions, and I don't know how to answer that, how to

What was your reaction

Quiet difficult to have a reaction, I was kinda ok because it was ludicrous, it was the fact that my children had said this"

What else had they told the police that you had done

My two children 8 and 9 (starts to cry)

VD its OK

They said that am, that I sexually abused them, and I was selling them to people, my kids are so wonderful, and am, and am, I been selling them in this Satanic cult thing, not just by myself, they named 60 70 80 people, they said we were killing babies and shipping them in, they were showing with their hand movements...horrific upon horrific detail.

Why have children been taken away from their mum

that contacted me

if there are notes made by officers involved in the investigation made at the time that can explain the concerns and issues raised in this appeal then the Appellant is willing to reconsider her position on whether this ground for the Appeal should be progressed. However, prima facie, it is clear, the Appellant submits, she failed to investigate the allegations made.

Furthermore, Dr Hodes completed a medical examination of Alisa Gareeva Dearman and Gabriel Gareev-Dearman and provided a report on the 15th September 2015 stating:

“Gabriel has physical signs that support his allegations of both physical and sexual abuse”

“There was evidence of findings consistent with the allegations given by Alisa. These were of inflicted physical injury – physical abuse and insertion of a blunt penetrating instruments into her anus”

In addition, there is an entry on the Crime report on page 40 of 77 at 16:49 on 15th September 2015 by DS MJ Fernandez that Dr Hodes had confirmed the “injuries to the children and that the child had implicated...his father for causing injuries to the anus area”.

This is especially interesting because at that stage of the investigation, there had been no retractions by the children and Dr Hodes medical examination had not been criticised by Mrs Justice Pauffley (**the appellant does not agree with this criticism and contends that another medical expert should have been instructed to verify or discredit the findings of Dr Hodes – and not a peer meeting where the peers had not examined or listened to the children themselves**). This was therefore at that stage, valid supporting evidence of the sexual abuse claims.

It should be noted that Mr Dearman was interviewed by the police on 15th September 2015 between 16:20 and 17:26 hours, clearly within the period that Dr Hodes provides her confirmation of the injuries and the abuse. Although the arrest criteria had already been satisfied, this supporting evidence would have triggered further grounds for immediate arrest under PACE CODE G and, Mr Dearman in our submission, should have been arrested and his phone / computer/other relevant property identified and seized for evidential purposes and his premises searched to allow for a prompt and effective investigation. In line with normal procedure, his laptop / computer should have been seized and forensically examined, his mobile phone forensically examined to determine any connection with abusers and the mobile phone should have been cell sited to identify his whereabouts during the weekdays, especially during the school hours. This procedure was not adhered to and no explanation is given in the crime report or any papers the Appellant has seen.

The Crime report does not provide any reasoning for why Mr Dearman was only questioned in relation to incidents of sexual abuse at the swimming pool in the disabled toilets. He is never questioned about satanic child abuse rituals or being a leader of a satanic cult or his connect

We refer to and entry in the Crime report 2419891/14 page 42 of 77, by DS Fernandez on 15th September 2014 at 16:59

“Mr Dearman has been invited in Caution plus 3 for interview regarding one specific allegation of sexual abuse which occurred between Nov’2013 and July 2014 at Finchley swimming pool. DC Savage Interviewing officer”

It is certain from this entry that Mr Dearman would only be questioned about one specific allegation of sexual abuse at Finchley swimming pool.

An extract from page 42 has an entry providing a summary to the interview.

17/09/2014 15:29

DC 219414 S MARTIN

Interview caution plus 3

Start 16.20

Finish 17.08

Start 17.10

Finish 17.26

MR Ricky Demean was interview on the 15/09/2014,

He said that 1st of all the dates that have been disclosed are in correct the first time he v see his children was after he had been to court to get a order to allow him to see his chil of July 2014 he did take the children swimming; he thinks that it was the complex in Fir a406. They went in and choose a cubicle which was a big on he choose this as he had 2 him. He said in side the changing room was a bench and a fold down baby changer. The use the pool with the wave machine but this was not working. So they played with a bal pool. After about 1hr they have got changed all together in the large changing room.

On the 2nd time they met up they all went to London on day out they got some food from health shop, they then went on a river cruse. While on the cruse his daughter has said th was ill the mother BF has come in to her room and given her a hot lemon drink. While d has pulled her hair.

On the same trip Gabriel disclosed.

His son told him that he has walked in on his mum and her BF having sex,

17/09/2014 15:29

DC 219414 S MARTIN

Gabriel has asked what is going on. Both said nothing Gabriel told him to leave his mother. BF has then grabbed hold of the mother's breasts in clear view of Gabriel and told him what he likes with her.

MR Demean thinks that this has been said because

1. His wife has been telling the children what to say he said that he has witness this via
2. the mother would like to leave the UK and move to Russia, which he has refused to

He said that he feels that the police should look at the reports that the Cafcass have on the matter and failing to care for the children.

The above make it obvious that Mr Dearman was not questioned about the allegations as a whole, his connections with the other named alleged abusers and that he was part of satanic cult. Such omission raises further concerns of procedural irregularity especially given that no reasoning for the strategy or content for the interview is detailed in the Crime Report and no doubt there would have been a strategy and reasoning for this decision and approach.

In contrast to the description of the above interview, the Appellant draws the Courts attention to interesting comments made by Mr Dearman in the aforementioned BBC programme. The following exchange takes place between Victoria Derbyshire and Mr Dearman;

Victoria Derbyshire: "what did the police say to you, that you've been accused of?"

Mr Dearman, almost in tears: "They (the children) said, I am ok with what they said it was um, it was more that it's come from my children. They said that I, **I'm the leader of a satanic, satanic sex cult, paedophile ring and there's 100 and plus involvement in this including Cafcass, the police, social services, schools** and I am the I am the leader of this and..**I am sat acrosss, and they are recording this, I'm sat there across from the table from the police officer asking the questions,** and i I don't know how to answer that, how to.."

Victoria Derbyshire: "What was you reaction?"

Mr Dearman: “Quite difficult to have a reaction, I was kinda ok because it was ludacris, it was the fact that my children had said this”

The comments made above by Mr Dearman are in grave contradiction with what the police interviewed him about. Mr Dearman makes it clear that he was in an recorded interview with the police officers when he was questioned about this and there is no reason to doubt that he is not talking about the same interview on the 15th September 2014.

These comments made by Mr Dearman on National TV seriously undermines his credibility in respect of anything he has claimed or said during the interview and these proceedings especially in relation to the Appellant and the allegations made by the children. Given that the safety of the children is of most importance, these comments by Mr Dearman should be considered by the Court with great concern and alarm.

Crime report 2332233/11

Furthermore, it is noted from a previous incident involving the Appellant and Mr Dearman the fantastical, strange and lustful preferences Mr Dearman has which the Appellant describes as of obscene nature. This is documented in Crime report 2332233/11 exhibited as CR2.

The incident refers to sexually explicit text messages from Mr Dearman to the Appellant in October 2011 that distress the Appellant. The content was that he “had been having vivid dreams about V1W1 (the Appellant) with ‘Big boy’ (apparently a reference to sex toys) and that his dreams were about V1W1 (the Appellant) being with 3 men (1 black and 2 white) and her being under the sheets with them” having “intercourse... whilst he stood in the room watching”. Mr Dearman admitted to sending the texts but that they were taken out of context.

The Appellant submits that these text messages show that Mr Dearman’s obscene and unnatural sexual fantasies and desires are of a ‘strange’ nature. This would have been, or should have been, within the knowledge of the police officers investigating the allegations made by the children and, the Appellant submits, no doubt would have raised suspicions about Mr Dearman. However crime report 2419891/14 fails to have any reference to this. This is further evidence, the Appellant submits, of how a prompt and effective investigation was not carried out in breach of the childrens’ right under Article 3 of the Human Rights Act.

Please take heed that if there are notes made by officers involved in the investigation at the time of the investigation that can explain the concerns and issues raised in this appeal then the Appellant is willing to reconsider her position on whether this ground for the Appeal should be progressed. However the Appellant submits that prima facie, it is clear, the police massively failed to investigate the allegations made by the children.

Accordingly, it is submitted that Mrs Justice Pauffley erred in clearing the alleged abusers of any criminal wrong doing (Para 165 of the Judgement) and ruling that “There was no satanic or other cult at which babies were murdered and children were sexually abused” without a proper and adequate police investigation conducted especially given the evidential suggestion of a police “cover up”. The police have a duty to conduct investigations into particularly severe violent acts perpetrated by private parties in a timely and efficient manner. It is submitted that there had been systemic failings by the police in investigating these allegation perpetrated by Ricky Dearman and other abusers which amounted to a breach of the victims’ rights under Article 3 of the ECHR.

- It is repeated that the Judgement by Mrs Justice Piffle, as a whole or in part, was wrong and unjust due to the serious procedural irregularity within the police investigation of the satanic ritual abuse allegations made by Alisa Gareeva Dearman and Gabriel Gareev-Dearman thereby rendering her Judgement wholly or partly unlawful and it should be set aside and an immediate police investigation into the allegations needs to be commenced.
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- Mrs Justice Pauffley erred in ignoring medical evidence of Dr Hodes which confirmed sexual abuse on both Alisa Gareeva Dearman and Gabriel Gareev-Dearman thereby rendering her judgement wholly or partly unlawful.
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- Mrs Justice Pauffley erred in not giving proper consideration to the context within which allegations were retracted and the nature of the retraction.
- The “retraction” interviews took place on the 17th September 2015 whilst Alisa Gareeva Dearman and Gabriel Gareev-Dearman were in the custody of the possible alleged abusers (members of the Police Service, Social Services and CAFFCASS). The retractions themselves were inconsistent and do not give the same sources of material as to where they got their ideas from for touching, whether they touched or not, where the idea of plastic willies came from etc. Gabriel Gareev-Dearman’s retraction appears to be

confused and he appears to be lead through it by the Police interviewer, DC Martin. This raises further concerns of cover up and the possibility that the retractions may have been coerced should have been considered especially given the confirmation of sexual abuse by the medical evidence, and the suggestion by Kylie Wilson, in her witness statement dated 29th December 2015, that the nature of the “abuse and by whom is unfortunately tainted by the questioning and handling of this matter”.

- The “retractions” had implicated a child at Christ Church primary called “Sophie”. There is no evidence or information to confirm what, if any, actions were taken against identifying Sophie and confirming the content of the retractions made by Alisa Gareeva Dearman and Gabriel Gareev-Dearman which would have added support to the retractions.
- The lack of consideration to the context within which the allegations were retracted and the nature of the retractions, we submit, renders Mrs Justice Pauffley’s judgement wholly or partly unlawful.
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- Although the Appellant was not present, Mrs Justice Pauffley erred in not allowing the Appellant’s McKenzie friend to remain present in court to take notes throughout the fact finding proceedings between 3rd-6th and 10-12th March 2015 thereby rendering her judgement wholly or partly unlawful.
- Allowing the McKenzie friend to remain during the proceedings would have been in the best interest of the Appellant and the children. Given that the Appellant was absent from the hearings, Mrs Justice Pauffley’s refusal prevented the Appellant from ascertaining whether her case was put to all relevant parties and that all matters she would have raised were raised and raised to an adequate standard as referred to Mrs Justice Pauffley in her Judgement Para 22 “It has made little difference that Ms Draper has been absent. I have been actively assisted in my investigative role by Ms Markham, Counsel for the local authority, and Mr Ageros who represents the guardian. Each has asked questions designed to explore those matters which, in all probability, the mother would have raised. Close attention has been given to the claims she’d made in her written material so as to ensure her case was put to all relevant witnesses”.

Breach article 6 as Appellant not given access to justice. Her position is that she was intim

These grounds and skeleton arguments are submitted with the liberty to amend especially given that we do not have up to date papers involved in the proceedings and no transcript of the fact finding hearing.

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Hanson Young and Co
Solicitors for the Appellant
08.04.2015