

Two boys imprisoned for killing British toddler Jamie Bulger face possible release

Chris Marsden
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The British legal system was forced to publicly acknowledge one of the worst judicial abuses of recent years last week, when the two boys convicted in 1993 of killing toddler Jamie Bulger were deemed eligible for release.

Jon Venables and Robert Thompson could be freed early next year, following a ruling by the Lord Chief Justice Lord Woolf. Britain's senior judge said on October 26, "I set a tariff that will expire today. This will enable the very difficult task of deciding if and how these young men should return to society to begin."

The two boys were aged 10 when they killed two-year-old Jamie, after abducting him from a shopping centre on Merseyside. Had they committed the crime a few months earlier, they would have been below Britain's appallingly low age of criminal responsibility and could not have been tried even in a juvenile court. Yet they were tried in an adult court against a background of a hysterical witch-hunt by politicians and the media.

The Conservative government had spent over a decade routinely attributing every social problem created by their economic and social policies to the failings and human frailties of the weak, the lazy or the criminal-minded individual. For its part the Labour Party was anxious to prove its support for the reactionary social nostrums and law-and-order agenda pioneered by Margaret Thatcher. The media pundits, as always, welcomed any sensational story on which to hang their own right wing prejudices. With scarcely a critical voice in evidence, they all latched onto the tragic killing of a small boy as a vehicle to express the most backward sentiments.

Instead of seeking a social or psychological explanation of why the two young boys had become embroiled in a violent act against a defenceless child, it was considered enough to deem them inherently "evil", or to blandly proclaim that their "warped minds" had tried to emulate the teen-horror movie "Child's Play" (which neither boy had ever seen).

When the case came to court, screaming mobs demanded life imprisonment or the death penalty and tried to physically attack the police van carrying the two boys. Inside the courtroom, a disgraceful spectacle unfolded. The floor of the dock had to be specially raised so the boys could see the proceedings. The deliberations carried on around the two bewildered and frightened children, who by turns stared ahead uncomprehendingly, fidgeted or cried and begged for their mothers. Neither boy gave evidence, as they were suffering severe post-traumatic stress disorder.

To make matters worse, essential details of Thompson's and

Venables' backgrounds—which provide at least some insight as to why they ended up attacking young Jamie—were not admitted in evidence.

Thompson was one of seven brothers, in a family where the older children regularly attacked the younger ones such as Robert. His mother was an alcoholic and his father, who left home when Robert was five, was also a heavy drinker who beat his wife and children. Venables' parents were also separated and his mother suffered psychiatric problems. His brother and sister had educational problems and attended special needs schools. Following his parents' separation, Venables manifested disturbed behaviour. At school he would regularly bang his head on walls or slash himself with scissors.

What can only be described as a gross miscarriage of justice ended with Mr Justice Morland finding Thompson and Venables guilty of murder and sentencing them to serve a minimum of eight years in a secure unit. The then Lord Chief Justice, the late Lord Taylor of Gosforth, subsequently increased their sentence to 10 years. In July 1994, Conservative Party Home Secretary Michael Howard then raised the tariff again to 15 years, at least partly in response to a campaign waged by the *Sun* newspaper owned by media mogul Rupert Murdoch.

That Thompson and Venables may soon be released is not due to any change of heart by the political and judicial establishment. For seven years, the Conservative government of John Major and its Labour successor under Tony Blair have done everything possible to ensure that the two boys remain locked away. But a number of factors have combined to undermine this.

The impetus for the decision to make Thompson and Venables eligible for parole was provided by the seven-year campaign waged by their solicitors to challenge both the legality of the 1993 trial and Howard's intervention in setting the higher sentence. They brought their case to the European Court of Human Rights because, as Venables' solicitor John Dickinson explained, the "substantial issues" raised by his client's case "couldn't be considered in this country".

Howard's political interference in the judicial process had major constitutional implications that caused grave concern within Britain's ruling elite. His ruling was quashed by Britain's highest court, the House of Lords, after judicial review proceedings in 1997. Even then, however, no decision was taken on what the tariff should be.

As the case proceeded in Europe, important dissenting voices

began to be heard. Vincent Moss, a juror in their trial, went on record to state that he felt he was forced into giving a guilty verdict. "We should have gone back into the court and we should have said, 'Yes, we do have a verdict: these young boys are in urgent need of social and psychiatric help'," he said. Later another anonymous juror wrote to the *Guardian* newspaper to denounce the conduct of the 1993 trial. "The trial was about retribution... It was apparent that in the dock were two children; almost entirely uncomprehending of most of the proceedings; distressed by those parts they did understand (as, for example, the replaying of tapes of the police interviews when they cried and cried and called for their mothers); subject to trial as if they were aware adults; unaccountably branded as 'evil' by the judge.

"I felt that we, the jury, were forced into a verdict of 'guilty of murder'. A more appropriate verdict would have been 'guilty as frightened and largely unaware children who made a terrible mistake and who are now in urgent need of psychiatric and social help'."

Finally, in November last year, Britain's Chief Inspector of Prisons Sir David Ramsbotham gave an interview to the *New Statesman* magazine expressing his own concern over the continued imprisonment of Thompson and Venables. "Once they have reached the age of adulthood [18], I would hope they would get as early as possible a release in order to give them some chance of making a life... People say life shouldn't be easy for them in the light of what they did. I acknowledge that. But they did it at the age of nine [sic]. I can't remember all my emotions at that age, and I'd be horrified if I was still held accountable for them."

For the crime of stating the obvious, Ramsbotham was publicly reprimanded by Labour Home Secretary Jack Straw and forced to issue a humiliating apology.

The next month, the European Court of Human Rights issued its findings on the Bulger trial. It ruled that Thompson and Venables did not receive a fair trial under Article 6 of the European Convention. The boys' psychological state, the trial procedures and the "highly charged" atmosphere in which they were conducted meant "the primary purposes of the proceedings, the establishment of the facts of the case and the allocation of responsibility, were impaired". Instead the trial ran the risk of "presenting the appearance of an exercise in the vindication of public outrage".

The European Court ruled additionally that the two children's human rights were also breached by the intervention of then Home Secretary Michael Howard in their sentencing, as opposed to "an independent and impartial tribunal".

Even after this ruling, the Labour government continued its hardline stance. Home Secretary Jack Straw immediately reassured MPs the two boys would not be released early and said that Labour would not change any aspect of the law relating to juvenile trials for serious crimes. But the government was forced to appoint Lord Woolf to look into the two boys' sentencing.

The official reaction to Woolf's ruling has been all-too-predictable. In the media, almost every report focused on the angry comments of Jamie's mother or father and their demand that Thomson and Venables remain in prison. Former detective superintendent Albert Kirby, the officer who headed the murder investigation, was wheeled out of retirement to state his belief that

15 years was "the most realistic" term. The *Sun* headlined its report on the decision with the word, "Crazy".

For the government, Straw stressed that neither boy will be freed until the parole board decides they no longer pose a danger to the public. A Home Office statement was issued, expressing his "continued sympathy for the family of James Bulger, whose grief at this terrible murder is compounded by what must appear to them to be a never-ending cycle of court judgements about their son's murder."

For the Tories, Michael Howard said Woolf's decision did not reflect the "unparalleled evil nature of the offence". Shadow Home Secretary Ann Widdecombe said that an adult would have served at least 20 years for the crime and so a 15-year sentence would already represent a considerable reduction.

Given this political climate, it would be rash to assume that the parole board will automatically give the go-ahead for Thomson and Venables' release. And even if they do win their freedom, they have no genuine possibility of leading a normal life.

Next month the two boys are to launch a legal action in the High Court in a possibly vain attempt to maintain their privacy after their 18th birthdays, when a 1993 injunction banning the media from publishing photographs or other details about the boys expires. Even if this is successful, Britain's media will undoubtedly seek to circumvent the ruling by fair means or foul. To avoid the camera lenses of the sensationalist tabloid press, moreover, Thomson and Venables would be forced to break all contact with their families and might even have to flee the country. They would thus exchange life in prison for a life on the run, hiding from hack journalists and living under the constant threat of vigilante action by some disturbed individual or right-wing group.

See Also:

The Jamie Bulger killing: European Court rules that two 11-year-olds tried as adults did not receive fair trial
[17 December 1999]

The Jamie Bulger killing: European Court rules that two 11-year-olds tried as adults did not receive fair trial
[17 December 1999]

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