

Two boys convicted of Jamie Bulger killing win anonymity ruling

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A High Court Judge granted a life-long injunction Monday banning the media from disclosing any information about Robert Thompson and Jon Venables upon their release. The two, who were put on trial aged ten, were convicted in 1993 for murdering toddler Jamie Bulger. In making her judgement, Family Division President Dame Elizabeth Butler-Sloss agreed with Thompson and Venables' solicitors that their clients' right to life took precedence over the media's right to freedom of expression.

Under the European Convention on Human Rights, which was incorporated into British law last year, Butler-Sloss ruled that the state had an obligation, "in exceptional circumstances", to protect individuals "who are seriously at risk of injury or death if their identity or whereabouts became public knowledge".

Having read Home Office evidence, press reports, judicial observations and other information relating to the Thompson/Venables case, Butler-Sloss said that she was convinced that "these young men are uniquely notorious and are at serious risk of attacks from members of the public as well as from relatives and friends of the murdered child. I am satisfied that... there remains among some members of the public a serious desire for revenge if the two young men are living in the community." So seriously were these threats being treated, she continued, that Venables and Thompson were being given completely new identities to be assumed upon their release from detention.

With a mind to media coverage of the case over the past eight years, the judge continued that sections of the press could not be relied upon to respect Thompson and Venables' request for anonymity, and would publish information about them should it become available. Noting that previous press campaigns to "out" paedophiles by publishing their names and addresses had resulted in several fire-bomb attacks on innocent people's homes and numerous physical assault, Butler-Sloss ruled that, "In the exceptional circumstances of this case and applying English domestic law and the right to life enshrined in article 2 of the European convention, I have come to the conclusion that I am compelled to take steps in the almost unique circumstances of this case to protect their lives and well-being."

In the interests of showing that the two boys had been

rehabilitated, Butler-Sloss said that past information about them not covered by confidentiality considerations—such as the names of the secure units where they were held and the rehabilitation regimes they underwent—could be published by the media after a "cooling off" period of 12 months.

The judgement, which could still be appealed by news groups, means that injunctions will prevent the media from disclosing information about the new identity, appearance or addresses of Venables and Thompson when they are released from secure accommodation. The injunctions only apply to England and Wales, however, and do not prevent the publication of information concerning their identities on the Internet or in other countries. There were reports prior to the judgement that newspapers were preparing a bidding war to obtain such information, if the Judge had lifted reporting restrictions. One report said that two years ago, pictures of Venables and Thompson then aged 16 were being offered to newspapers for prices totalling tens of thousands of pounds. Agents and go-betweens are also marketing testimony from those who have come into contact with the teenagers while in custody. However, these had not been taken up because of an injunction protecting the two's identity during their detainment. Their solicitors had applied for, and won, a temporary extension on that injunction last year when the two boys turned 18 years old.

The ruling by judge Butler-Sloss is a damning indictment of the reactionary and anti-democratic character of much of the British media. Newspapers such as the *Daily Mail* and Rupert Murdoch's *Sun* used the tragic circumstances of Jamie Bulger's death to claim that Britain's children were "out of control" and that "tougher" measures were needed to enforce law-and-order. The then Conservative government and Blair's Labour Party (keen to establish its own right-wing credentials) were only too willing to oblige.

In England and Wales the age of criminal responsibility is set at 10 years old, and so Thompson and Venables could be legally tried as adults. Nonetheless, their trial set a terrible legal and social precedent. Previously the very rare instances of child-on-child killings had been dealt with in the more low-key surroundings of the juvenile legal system. But by 1993, official policy in every area was characterised by intolerance, prejudice

and a brutal disregard for the acute social problems that produces such cases. In a media-induced climate of violent and hysterical retribution, the two little boys were committed to stand trial for murder before the High Court, despite being too young to understand the lengthy proceedings that led, inevitably, to their incarceration. Since they were too small to see over the dock of the court, a special platform had to be built. Their right to anonymity as juvenile defendants was also stripped from them on the spurious grounds of "public interest"—a decision directly responsible for the dangers they both now face on release.

Above all, the Thompson/Venables case shows the extent to which the British ruling class have turned their faces full square against all elements of progressive legislation. Not only were previous reforms in welfare, health and general social policy under assault, but so too were long standing democratic legal norms.

Over the past eight years, one inroad after another has been made against the rights of juvenile defendants. More children are now imprisoned in British jails than virtually any other country in Europe. Nonetheless, for the rightwing these incursions have not gone far enough. The principle they wish to see overturned, and which was the central issue in Thompson and Venables' application for anonymity, is the right to rehabilitation.

In court, Desmond Browne QC for three national newspaper groups that had opposed a permanent injunction—which includes the *Sun*, *Mirror* and *Telegraph* newspapers—argued that the ruling could be used by "other child murderers" and paedophiles "to ward off unwelcome press attention and vigilante attacks". After the verdict, Neil Wallis, editor of the *Sunday People*, said that a key feature of "a free press" was to "watch" over such former criminals, rather than allowing them to "roam the world unchecked".

The *Sun* led its January 9 edition with an "exclusive," claiming that Thompson and Venables had been enjoying a "luxury life" in detention, which included trips to the seaside and £10 birthday present money. It railed against the fact that the two boys—described as former schools truants from "poverty stricken families"—had been given "healthy, well-balanced diets" and received counselling. It expressed particular ire that both had enjoyed educational facilities, which had enabled them to achieve relatively high levels of attainment that few of their peers would be able to match.

The *Sun* does not raise any objections to the boy's previously wholly inadequate childhood circumstances, which played no small role in their crime; nor that tens of thousands of children share similar conditions. The *Sun* positively champions the economic and social policies that create such circumstances. Its objection is that Thompson and Venables should not "benefit" from their detention and should, presumably, have faced even worse circumstances under detention.

According to this line of reasoning, it is not enough that some

children are so disturbed by their childhood experiences and surroundings that they may attack or even kill another child. Nor that at just 10 years of age they should be subjected to a punitive legal and media trial and then be detained under lock and key for more than eight years in sparsely furnished accommodation. Nor is it enough that the two have been turned into such apparent objects of public hatred and revulsion that they will have to spend the rest of their lives hiding their true identities and under constant police supervision.

The *Sun* and others demand "real punishment". But their appeals for "freedom of the press" is merely a coded demand that they be given a licence to ensure that, by virtue of their hysterical and salacious reporting, their preferred harsh punishment be administered by others, outside of the law.

Above all, the news groups are enraged by reports that Thompson and Venables have grown into mature, educated young men, filled with remorse for Jamie's death. Their progress is considered exceptional, given the constant attention to which they have been subjected, and it is likely that the parole board will rule some time this year that the two do not present a risk to the public, and should be released. This progress is testimony not only to the redemptive possibilities within each individual, and especially within children, but to the care and dedication of countless professionals involved. That is why the rehabilitative regime that the two were afforded, despite official political policy, is the object of such vitriol from those like the *Sun* who fears its success exposes the backward and reactionary grounds on which they have sought to drag criminal policy back more than 200 years.

The judicial travesty that is the Thompson/Venables case could not have occurred in any civilised country worthy of the name. However, Monday's ruling in no way corrects the tremendous wrongs to which these two young boys were subjected, and that will mark their entire lives. Having run roughshod over all democratic norms, the state was forced to make some partial effort to clear up the mess it had created. Nonetheless, all those concerned with social progress should welcome the anonymity decision as a blow against reaction.



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