

The Jamie Bulger case: Press seek to thwart release of Robert Thompson

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Britain's leading tabloid newspapers have published letters and documents aimed at preventing the release of Robert Thompson on parole. Thompson was 10 years old when, together with 10-year-old Jon Venables, he killed toddler Jamie Bulger in 1992. Found guilty of murder, the two boys were sent to separate secure accommodation. Now 18 years old, they may be eligible for release later this year if it is considered they have been rehabilitated.

Despite a High Court ruling on January 8 banning the media from disclosing any information about Thompson and Venables, Rupert Murdoch's *Sun*, and the *Sunday People* (part of the *Mirror* group), have published letters and documents implicating Thompson in a number of violent assaults. Family Division President Dame Elizabeth Butler-Sloss had upheld Thompson and Venables' application for life-long anonymity at the High Court in January. Referring to the sensationalist press coverage of the case over the last eight years, Butler-Sloss said that the order was necessary because 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." Because of the concern for their safety, the two young men are to be provided with new identities upon their eventual release.

Butler-Sloss rejected the counter-claim by three news groups—including the *Sun* and the *Mirror* — that a ban would undermine press freedom, stating that sections of the press could not be relied upon to voluntarily respect Thompson and Venables' request for anonymity. The injunction prevents any publication of leaks from staff and carers in the secure units where Thompson and Venables are held, any naming of their location, publishing of details of their appearance, therapy they have undergone or any other confidential information.

Yet within weeks—and in advance of the full parole board hearing, due later this year, which will consider the young men's release—the newspapers began publishing salacious and false information aimed at discrediting accounts of Thompson's rehabilitation.

Strictly speaking, the newspapers have not breached the injunction. Their stories have been garnered by trawling around former inmates at the secure units where Thompson and Venables are held in search of any lurid tale that could be used

to whip up public hostility to the two's release and influence the parole board. This unsubstantiated information—provided thus far by an arsonist and a heroin addict—has formed the main basis for Jamie Bulger's parents to demand they be allowed a say in the parole board decision.

Although legally the newspapers' actions may be within the bounds of the acceptable, their journalistic standards and integrity are not. The papers have published false and/or disputed material and when found out have loudly declared that it is their right to do so.

Earlier this year, the *Sunday People* was the first to publish allegations that Thompson had been involved in two violent fights in 1997 and 1999. These claims were used in the High Court last week to justify a challenge to Thompson's release by Jamie Bulger's father. In court lawyers acting for Jamie's family said Thompson would never have been put forward for consideration by the parole board if the existence of the report had been known. "Some form of cover up" was taking place to secure Thompson's release, they claimed, and rehabilitation was being put "before punishment and deterrence".

But the court heard that one account had been completely fabricated and the other grossly exaggerated. A supposedly official local authority report concerning the first alleged incident, and published on the front page of the *Sunday People*, was a forgery, the court heard. Blank headed notepaper had been stolen from the secure unit and filled in subsequently. The director of public prosecutions is investigating the matter to see if there are grounds for a criminal prosecution.

In court Lord Justice Rose said: "Uninhibited investigative journalism is one of the hallmarks of democracy and the public interest is often well served by the media's discovery of facts which would otherwise have remained undiscovered. But often what appear to be facts are subject to dispute."

The High Court hearing also rejected Mr Bulger's claim to have a legal right to challenge Thompson's sentence. Whilst the feelings of victims and/or their relatives would be taken into account, Justice Rose said, emotions could not determine sentencing policy.

With a preliminary hearing of the parole board due on February 23, the *Sun* sprang into action. Thumbing its nose at the High Court warning against relying on unverified material,

last week the newspaper began publishing letters allegedly written by Thompson to a former fellow inmate, Leon McEwan. Extracts from several of the letters were published, along with allegations by McEwan that Thompson had boasted about his sentence being too lenient. Beneath banner headlines demanding that the parole board view the letters, the *Sun* alleged they were proof that Thompson remained a danger to the public.

The extracts published are fairly trivial. More importantly, the paper published them without establishing that they had been written by Thompson. Instead, the *Sun* reassured its readers that since they had not paid McEwan any money he would not lie. In a flagrant effort to throw even more sand in the eyes of the public, the tabloid enlisted the help of "top handwriting expert" Erik Rees to analyse the letters. Rees is the head of the British Institute of Graphologists, who practice a pseudo-science that claims to be able to establish personality traits revealed by a supposed relationship between handwriting style and the unconscious mind. Predictably he declared that the person responsible for writing the letters was "dangerous". Informed that the letters were believed to be written by Thompson, he opined, "I do not believe he should be let out".

In a strongly worded statement, Thompson's lawyer Dominic Lloyd said the *Sun*'s publication of the hand-written notes and sketches were "another step in a concerted campaign to vilify" his client. Even after the High Court had warned of the "dangers of relying on dubious documents", Lloyd continued, the *Sun* had gone ahead with publishing letters that his client denied writing.

In its editorial column on February 21, the *Sun* disingenuously claimed that the "*only* issue at stake" (emphasis added) was whether the letters published were actually exchanged between Thompson and McEwan.

For the past eight years, the Thompson/Venables case has been the focus of aggressive efforts by sections of the media to establish their right to intervene in, and even determine, judicial policy.

From the time of Jamie's death, newspapers such as the *Sun* have used the case to demand "tougher" measures on crime and a reversal in judicial policy, which they claimed favoured the guilty.

The Conservative government of the time, and Blair's Labour Party, fell over themselves to oblige. In an unprecedented decision, Thompson and Venables were remanded to face trial before an adult court, though they were only aged 11 at the time. After a trial conducted in the full glare of the media, the two boys were found guilty of murder and sentenced to a minimum of eight years detention. In a blatant capitulation to rightwing media demands, the trial Judge stripped the boys of their legal right to anonymity as juvenile defendants on the spurious grounds of "public interest".

Still not satisfied, the *Sun* launched a petition that eventually led to the then Home Secretary Michael Howard raising the

minimum tariff (sentence served) to 15 years. Only after the European Court of Human Rights ruled in December 1999 that Howard's action in raising the tariff had violated a defendant's right for sentencing to be determined by a court, independently of the Executive (government), was the original tariff reinstated in October 2000. It was this decision that enabled the two to be considered for parole and, with favourable reports on their progress, it is expected they will be released later this year.

However, the editors of the *Sun* and the *Sunday People* remain unrepentant. The *Sunday People*, which has admitted paying an undisclosed person £200 for "assisting" in the story involving the faked document, arrogantly denied that it had done anything wrong. Even after the High Court hearing in which the document forgery was revealed, the newspaper did not apologise for misleading its readers, much less explain why it had not taken care to authenticate its report. Instead, the *Sunday People* denounced the judges as being "misguided, muddled and inexperienced" individuals, who were "undermining confidence" in the judicial system. It went on to argue that even if the document was a fake, it must have been written by someone with knowledge of the unit. Therefore its allegations could still be true.

Earlier in the week, *Sun* editor David Yelland defended the *Sunday People*, and said his newspaper would continue to "ask questions," no "matter what the authorities do". Yelland continued, "If ever there was a public interest defence for the press to ask questions it's a case like this".

Given the newspaper's actions, "public interest" clearly does not mean ensuring readers are given truthful reports based upon verifiable material on which to form their opinions. Rather "press freedom" only means the freedom of the press to conduct gutter journalism and serve as a mouthpiece for rightwing political prejudices and law-and-order rhetoric.



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