

Three more jailed for Facebook comments on UK summer riots

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Two teenagers from Dundee, Scotland, and a 22-year-old man from Kidderminster, Worcestershire, in England, were imprisoned for years for statements posted on the social media site Facebook at the time of riots in English cities last summer.

Shawn Divin, 16, and Jordan McGinley, 19, were both arrested in August. The pair, along with two other teenagers from Dundee, had posted to a Facebook event page, "Riot in the Toon," of which they were administrators. Danny Cook from Kidderminster created his own page, "Letz Start a Riot".

Divin and McGinley's page, which appears to have consisted largely of Internet banter, was actually set up by a 14-year-old who is also facing legal action. The page proposed people gather in Dundee city centre, Wednesday, August 17, between 7 p.m. and 10 p.m. A much-quoted comment by Divin, but deprived of all context, stated, "Only join if yir actually gonna come. If any has guns bring them down to this. Kill some f**king daftys".

A journalist drew the page to the attention of an inquiry team set up by Tayside Police to prepare for possible rioting in Dundee.

The teenagers' homes were raided August 11; they were both arrested and their laptops seized. Both immediately admitted the postings, but denied that the page amounted to a serious attempt to incite a riot. Both said the page was, according to Divin, "a joke that got a bit serious" and, according to McGinley, "only meant to be a joke".

Following their arrest, another teenager, Liam Allen, also from Dundee, and the 14-year-old were barred from accessing the Internet, charged with breach of the peace and inciting a riot. Divin and McGinley were locked up on remand until their recent hearing.

In court, both pled guilty to breach of the peace.

Lawyers for both reiterated there was no intention to start a riot. Paul Parker Smith for McGinley told Sheriff Elizabeth Munro that his young client "has taken the trouble of writing to your ladyship and wants to apologise to all the people he may have alarmed".

Divin's lawyer James Laverty told the court that Divin's actions were "more a case of gross stupidity than any intention...to become involved in widescale disorder."

The teenagers' admissions of guilt, their regrets and apologies, their youth and inexperience, the facts that the page was viewed as a joke, that no riot took place anywhere near Dundee, were all held to no account by Sheriff Munro.

Instead, in a politically motivated sentence, Munro jailed McGinley for three years. Givin was handed four years and three months. Munro even claimed, "This is one of the worst breaches of the peace that I have ever had to deal with."

Danny Cook's page was only available to his 44 friends, and was taken down after 30 minutes, following instructions from his father. He apparently wrote a poem, "Riots are going on from Birmingham to London, I don't want to stand back, I want to join in." But neither he nor any of the 44 friends were actually involved in any disturbance whatsoever.

Jailing Cook for 30 months, Mr. Justice Butterfield insisted that severe sentences were necessary to protect the public and provide punishment and deterrent.

One of Cook's Facebook friends was Johnny Melfah, a 16-year-old apprentice bricklayer, who had his legal right to anonymity lifted by magistrates. Melfah was arrested and named for commenting on Cook's group, "anyone wanna riot in Droitwich and Worcester?"

Melfah was sentenced to 80 hours community service, electronically tagged for three months and

subject to a one-year youth rehabilitation order.

Butterfield's and Munro's comments echoed those of Judge Elgan Edwards when jailing Jordan Blackshaw, 20, and Perry Sutcliffe-Keenan, 22, in August. Blackshaw and Sutcliffe-Keenan were jailed for setting up Facebook event pages calling for riots in the towns of Northwich Town and Warrington, in England.

No riots took place in either town. Sutcliffe-Keenan reportedly created his page while drunk and deleted it the next morning. Nonetheless, Judge Edwards insisted the pages were "an evil act," which happened "at a time when collective insanity gripped the nation."

Blackshaw and Sutcliffe-Keenan were each jailed for four years. Appeals against the conviction heard in October were rejected because their offences took place during "sustained countryside mayhem."

Other cases follow a similar pattern. Ahmed Pelle, 18, from Nottingham, was jailed in August for 33 months for commenting on his own Facebook wall. Pelle posted three messages August 9. One stated, "Kill one black youth, we kill a million Fedz." Another referred to Mark Duggan, whose death from police bullets triggered the riots. Pelle's comments were interpreted in the courts and media as incitement.

In the only Facebook case to go before a jury so far, Hollie Bentley, 19, from Wakefield, walked free after creating a Facebook event, "Wakey Riot".

Bentley denied encouraging violent disorder and insisted, like the others, that her page was a joke. She had initially been told by magistrates that her page was "potentially a very serious offence". Had the pregnant teenager pled guilty, she too would be facing a lengthy prison sentence.

In the event, the trial judge, faced with police evidence that Bentley clearly considered the page to be a joke, instructed Bentley to be found not guilty.

The Facebook cases stand alongside the more than 4,000 young people arrested in the aftermath of the riots. Many were charged, and hundreds have already been convicted and are beginning lengthy sentences. These include Anderson Fernandes, 21, who was jailed for 16 months for taking one lick from a stolen ice cream, which he then gave to a passerby. Callum Marley, 20, was jailed for the same period despite stealing nothing at all. Marley merely wandered in and out of an empty shop.

Speaking outside Dundee Sheriff Court, Shaun

Divin's grandfather, John, noted the class character of the judgement by contrasting the treatment of his grandson to that of Jeremy Clarkson, a right-wing TV pundit and motoring correspondent.

Clarkson recently commented, on BBC TV, to an audience of millions, of striking public sector workers, "I'd have them all shot.... I would take them outside and execute them in front of their families. I mean how dare they go on strike when they've got these gilt-edged pensions that are going to be guaranteed while the rest of us have to work for a living?"

Clarkson, a wealthy broadcaster with decades of experience, was quickly defended by his dining companion, Prime Minister David Cameron. He considered Clarkson's fascist rants as merely "a silly thing to say". The director general of the BBC, Mark Thompson, claimed that Clarkson was merely being flippant, while BBC chairman Lord Patten defended Clarkson as a leading "cultural export".



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