

# UK Twitter joke conviction appealed at High Court

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Two-and-a-half years ago, Paul Chambers tweeted to his 600 followers on Twitter, “Crap! Robin Hood Airport is closed. You’ve got a week and a bit to get your shit together, otherwise I’m blowing the airport sky high!”

The tweet was a reaction to Doncaster Airport being closed due to snow preventing him from travelling.

A week after posting this throwaway line, an off-duty manager at the airport found the message during an unrelated computer search. Though airport management considered the message to be “not credible” as a threat, Chambers was arrested by police under the Terrorism Act, questioned for almost seven hours and told that he would be charged for a bomb hoax.

His house was searched and his mobile phone, laptop and desktop hard drive were confiscated. This led to his suspension from work and being banned from Doncaster’s Robin Hood Airport for life.

Chambers was charged and convicted on the basis of the Communications Act 2003 sending a “menacing electronic communication” by a district judge at Doncaster Magistrates’ Court in May 2010. He was fined £385 and ordered to pay £600 in costs. He lost his job as a consequence.

The Communications Act 2003 was passed by the Labour Party to regulate broadcasting and electronic media. It also concerned changes to ownership rules, which facilitated greater control by media moguls such as Rupert Murdoch.

Much of the court case, popularly known in the UK as the “Twitter joke trial”, was reduced to the question of whether the tweet was menacing in the context of terrorist violence. The prosecution argued that the tweet could be taken as a genuine threat, regardless of whether he was joking, or the airport knew about the “threat.”

This spurious line of argument was upheld in an appeal hearing at Doncaster Crown Court in September 2010. Judge Jacqueline Davies dismissed Chambers’ appeal on every count. She found that the tweet “contained menace” and that Chambers must have known that it might be taken seriously. She also found that section 127 of the Communications Act 2003 covers messages sent on a social media platform such as Twitter or Facebook in the same way as it would cover nuisance telephone calls. The court ordered Chambers to pay a further £2,000 legal bill.

In February 2012 there was a subsequent appeal in front of two high court judges. On May 28, the court, failing to reach a decision, ordered a new hearing without giving a reason why they could not decide on a verdict.

The new hearing convened on June 27 at the High Court in London. It reserved judgement over whether to quash the conviction. A ruling is expected within weeks.

On its face, the proceedings look farcical and have a Kafkaesque feel. Nobody in their right mind could believe that the tweet sent by Chambers constitutes any kind of threat to anyone. Mr Cooper, Chambers’ lawyer told the court, “If that be the case ... John Betjeman would be concerned when he said ‘Come, friendly bombs, and fall on Slough’, or Shakespeare when he said ‘Let’s kill all the lawyers’.”

The case raises serious issues of fundamental civil rights relating to Freedom of Speech. Paul Chambers’ life was thrown into crisis by the state on the basis of a silly joke.

Chambers’ attempt to quash the charges against him has found widespread support. Comedians, actors and writers such as Stephen Fry, Al Murray and Graham Linehan organised a campaign in defence of

Chambers. In 2010 thousands of Twitter users participated in a campaign repeating Chambers' tweet with the hashtag #IAmSpartacus. On 15 April, 2011, a benefit concert was held to raise money to pay for his legal fees, contributing to a fund that raised £30,000.

There are several other examples of people being prosecuted on the basis of messages on social media.

Azhar Ahmed, a 19-year-old from Ravensthorpe, England, was arrested in March this year by West Yorkshire Police and charged with a "racially aggravated public order offence for posting a message on Facebook." Opposing the British army in Afghanistan (see: "British teenager arrested for Facebook comments criticizing Afghan war").

Last year, after the British riots, scores of people, mostly youth and some as young as 14, were arrested, prosecuted and sentenced to fines, community service or prison on the basis of messages and comments on social media. To raise just the crassest examples:

- Ahmed Pelle, 18, from Nottingham, was jailed in August 2011, 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."

- Jordan Blackshaw, 20, and Perry Sutcliffe-Keenan, 22, were sentenced at Chester Crown Court to four years imprisonment. Blackshaw was arrested after he set up a Facebook "event" called "Smash Down in Northwich Town" Sutcliffe-Keenan created a Facebook page titled, "The Warrington Riots" on August 9. None of these two postings had led to any disturbances.

In the current climate of mass austerity and growing resistance by the working class to the ongoing onslaught on their living conditions, the ruling elite considers the Internet and its associate technologies as a threat. The official media regularly hails the capacity of modern communications technologies to organise protests against governments deemed antagonistic to British imperialist interests, such as Iran or China. Any attempt to control the Internet in those countries is immediately denounced as anti-democratic and suppressive.

Closer to home, the same issues are looked at in a different light. In the name of the war on terror, legislation such as the Communications Act 2003 has been introduced to suppress and control any opposition to the right wing agenda of successive governments,

Labour and the Conservative/Liberal Democrat coalition.

Basic democratic rights have been eroded to the point where making a joke can lead to one's arrest. There can be no doubt that serious opposition by the working class to attacks on social services, jobs or conditions will be treated in the most ruthless way by the state.



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