



CAAN ACTION NOTICE: -

1. Please distribute this notice as widely as possible.

Simon Walsh: The CPS makes a fist of it !

If you do not know about the case brought by CPS against Simon Walsh you need to read about his trial for possession of extreme pornography.

Very many people who know about the case and have commented upon it suggest that there were political or other reasons for his prosecution, but the facts are that he was prosecuted for possession of material similar to that which resulted in the acquittal of Michael Peacock in January of this year

(<http://www.guardian.co.uk/commentisfree/libertycentral/2012/jan/06/michael-peacock-obscenity-trial>), that the "likely to cause serious injury" provision of CJIA 2008 S63(7b) was unlikely to succeed and yet, despite Simon's acquittal his life plans have been utterly destroyed.

This case proves all too painfully that one does not have to be guilty or found guilty to be ruined and that anyone whose private life could be linked to porn (by personal design or otherwise), is a potential target and has good reason to be afraid.

Please take a few moments to read Simon's account of what happened to him and his life plans:-

<http://www.standard.co.uk/lifestyle/london-life/simon-walsh-how-bodged-arrest-and-profoundly-damaging-false-charges-have-ruined-my-city-hall-career-8046087.html>

Readers may also appreciate more information on the trial from Myles Jackman, Simon's lawyer. Here are articles in the Guardian and items on Myles' blog: -

<http://www.guardian.co.uk/law/2012/aug/08/extreme-porn-trial-simon-walsh>

<http://obscenitylawyer.blogspot.co.uk/2012/08/would-you-welcome-anal-prolapse.html>

Alex Dymock also wrote on the trial for the Guardian. Most of us wisely avoid the comments sections under articles but the articles by Alex and Myles produced a huge outpouring of anger directed at CPS and politicians for the utter mess that is CJIA 2008. So you may want to take in a flavour of what was said by readers as well as the articles themselves: -

<http://www.guardian.co.uk/commentisfree/2012/aug/09/extreme-porn-trial-anatomical-lesson>

Finally, here is an item in Law and Sexuality which discusses the implications of the case for future prosecutions: -

<http://lawandsexuality.blogspot.co.uk/2012/08/reflections-and-future-legal-directions.html>

Further analysis is provided by CAAN's own Jane Fae:

<http://janefae.wordpress.com/2012/08/10/cracks-in-the-wall-the-walsh-trial/>

Are you next?

You may be wondering what you can or cannot look at on the internet. The campaign group Backlash has been pondering on this issue too: -

http://www.backlash-uk.org.uk/wp/?page_id=497

Readers of our last newsletter will be aware that CAAN has made enormous efforts to seek clarity from MoJ and CPS relating to the interpretation of the legislation but we are no further forward. For example, hundreds of thousands of people have intimate body piercings but, despite a number of attempts over several years, we cannot even get confirmation from CPS as to whether material that depicts this is legal or not to possess. Our most recent request resulted in a reply on 6 August promising a substantive reply shortly – we are still waiting!

London based supporters may have seen the letter by Jon Fuller in the London Evening Standard in which he condemned the treatment of Simon Walsh and informed people of the chaotic, unpredictable nature of the legislation.

For information – here is a link to the CPS guidance: -

http://www.cps.gov.uk/legal/d_to_g/extreme_pornography/

Do you agree it is time for legal action? We have to end this now !

In the last newsletter we argued the case to challenge the legislation in court (Judicial Review and/or ECHR). Jon is now coordinating action on this front under the “BDSM Justice” name. Please would you consider what you are willing to do on the financial front and write to him at: -

BDSMJustice@hotmail.co.uk

Twenty people who offer £50 will get this over the first hurdle – obtaining professional specialist advice. So – can you help with funding to obtain professional legal advice? If you are willing to make a small contribution to this fight please contact Jon.

Data on prosecution and convictions

In the last newsletter we informed you of information from MoJ on the number of convictions in 2010. We now have the data for 2011 but we have also received data from CPS on the number of prosecutions and were astonished to see the number currently awaiting trial.

Reminder – these are the categories of extreme porn: -

- S63(7)(a): "life threatening" images
- S63(7)(b): "serious injury to breasts, anus or genitals"
- S63(7)(c): necrophilia
- S63(7)(d): bestiality

CPS data on people charged and reaching a first hearing in magistrates court: -

	2008/9	2009/10	2010/11	2011/12
S63(7)(a):	0	5	38	40
S63(7)(b):	0	52	132	102
S63(7)(c):	0	0	0	6
S63(7)(d):	2	213	995	1171
Total	2	270	1165	1319

The updated MoJ data on convictions: -

	2010	2011
S63(7)(a):	0	3
S63(7)(b):	9	11
S63(7)(c):	0	0
S63(7)(d):	48	67
Total	57	81

HELP NEEDED

Jon is currently taking forward a number of lines of inquiry and needs volunteer researchers more than ever. If you would be willing to help with specific mini-projects around this issue please would you contact us at: -

info@caan.org.uk

USEFUL LINKS

CAAN's Statement:

"We believe in the right of consenting adults to make their own sexual choices, in respect of what they do, see and enjoy alone or with other consenting adults, unhindered and unfettered by government."

"We believe that it is not the business of government to intrude into the sex lives of consenting adults."

If you'd like to support this simple notion, please Sign Up <http://www.caan.org.uk/sign.php>

CJIA clauses which criminalise extreme pornography:

<http://www.legislation.gov.uk/ukpga/2008/4/part/5/crossheading/pornography-etc>

Backlash - legal advice upon arrest: <http://www.informedconsent.co.uk/posts/219063/>

And for keeping up to date with anti-censorship issues www.melonfarmers.co.uk