



JUDICIARY OF
ENGLAND AND WALES

R v JON VENABLES
SENTENCING REMARKS
MR JUSTICE EDIS
CENTRAL CRIMINAL COURT
7TH FEBRUARY 2018

The victim surcharge applies. I make a deprivation order for the laptop computer.

I make a sexual harm prevention order with the prohibitions set out in the order because those terms are necessary for protecting the public from sexual harm from you. That order will last indefinitely, that is to say until (if ever) the court discharges it.

You have been convicted of a sexual offence to which the Sexual Offences Act 2003 applies, and I certify that fact. You will therefore be subject to the notification requirements of that Act for an indefinite period.

The offences of which you have been convicted are such that you may be barred under the Safeguarding Vulnerable Groups Act 2006

Jon Venables, you have pleaded guilty at the first available opportunity to 3 counts of making indecent photographs of children contrary to s.1 of the Protection of Children Act 1978, counts 1-3 on the Indictment, and one offence of possession of a paedophile manual contrary to s. 69(1) of the Serious Crime Act 2015, count 4 on the Indictment.

The relevant guideline suggests a sentence before plea discount of 12 months, or, after discount for the plea of guilty, 8 months. The sentence I am about to impose will be much longer than that, but must remain proportionate to the offences with which I am dealing.

This case is unique because when you were 10 years old you took part in the brutal murder and torture of James Bulger. That was a crime which revolted a nation and which continues to do so, even after the 25 years which have passed since it happened. He was 2 years old. The facts of what you did are notorious and there is no need for me to repeat them here. From all that I know about James' parents it is clear that you not only took his young life, but have also devastated theirs.

You received a life sentence for that crime, and after serving about 8 years you were released subject to licence. That licence lasts for life, and there are conditions attached to it. Breach of the conditions means that you can be recalled to serve a

further indefinite period of imprisonment under the terms of the life sentence. The commission of criminal offences while on licence is a breach of the licence and you have now been convicted on two occasions since your first release. This is the second of those convictions. In 2010 you were convicted for the first time of similar offences to those which are before me, and received a sentence of 2 years' imprisonment. Although entitled to release after half of that sentence, 12 months, you were detained until 2013 under the terms of the original life sentence. The immediate effect of the licence today is that you will not get credit for the time spent in custody awaiting today, and, more importantly, that there is no guarantee that you will be released when you have served the sentence I shall pass shortly. The Parole Board is the body which has responsibility for deciding when you will actually be released in this case.

What I have to decide is what punishment is appropriate for these offences. In that respect I am required to follow a guideline unless it would be contrary to the interests of justice to do so.

Because the legal language of the offences has a technical meaning I wish to explain exactly what you have been convicted of. You have pleaded guilty to "making" the images listed in counts 1-3. This means that you downloaded them from the internet for your own gratification. You did not yourself create the images and you were not present when someone else did that. You did not intend to distribute or sell them.

The point about child pornography is that it involves films and images being made of very serious sexual offences being committed against defenceless children. It is heart breaking for any ordinary person to see this kind of material. The consumer of it, you, therefore does two things. First, he emerges as a threat to children from real harm caused by his own offences against them. A person with a perverted sexual interest in children plainly poses a higher risk than one without. Secondly, by being a consumer of this dreadful material he causes others to make it and thereby promotes the commission of very serious and damaging offences by others. These are the reasons why the offence is regarded so seriously.

There were 1170 images, and moving images were included. 392 were in category A which is the most serious class of image. These include multiple images and films of penetration of children and also some images where the young victim appears to be in physical pain. Some of them were babies. Given your history, it is significant that a number of the images and films were of serious crimes inflicted on male toddlers.

You did this using a browser called "TOR" which allows anonymous browsing on the internet and access to what is called the dark web. It was designed to enable you to obtain these images without being detected.

In addition, you had a paedophile manual, which you acquired in the same way. This is a vile document which gives detailed instructions on how to have sex with small children, as it puts it, "safely". The use of that word in that document reveals the cynical brutality of its author. This manual was created by someone with some detailed anatomical knowledge and is designed to encourage its readers to perpetrate the most serious sexual offences against very small children. It is a direct incitement to do this. Although the maximum sentence for this offence is far lower than the maximum penalty for the other three offences, it is, in my judgment, no less serious.

Offences contrary to s.1 of the Protection of Children Act 1978 are specified offences and the court should consider whether an extended sentence should be imposed.

Is there a significant risk of serious harm to the public from the commission by you of further specified offences? I accept that downloading images for private viewing does not directly cause serious harm to the public. The existence of a market for this kind of depravity undoubtedly causes serious offences to be committed by others against children so that the images can be created. This does cause children all over the world to be seriously harmed. That dreadful fact does not appear to trouble your conscience at all. As a consumer of the products of this barbarous evil, you, along with many others, indirectly cause it to happen.

The commission of these offences and the possession of the manual suggest that you have a compulsive interest in serious sexual crime against small children. The possession of the manual also suggests that you were at least contemplating the possibility of moving on to what are called “contact offences”, that is actual sexual crime against children. This is against a background where you know the very substantial penalties you face if you are caught. The incentive for you to live a quiet a law abiding life out of the public eye does not just come from penalties imposed by the criminal justice system, which is why there is an injunction in place to protect your life. You took a very great risk when you committed these offences and this suggests to me a compulsive desire which you could not control. You did this on a day when you were undergoing assessment in the contact of your life licence. This shows how manipulative and dishonest you are.

There is no evidence that you have ever actually embarked on the commission of any contact offence. There is no evidence of grooming or, in this set of material, of you having been in contact with other men with a view to gaining access to children.

The Pre-Sentence Report was prepared by someone who has had significant dealings with you. Its author concludes that you present a high risk of serious harm to children. It is agreed that the threshold for an extended sentence is met but submitted on both sides that the question is academic since the extended period of licence would add nothing to the powers which the Parole Board already has and will have for the rest of your life because of the life sentence.

I conclude that the risk you pose to the public is fully addressed by the fact that you are subject to a life sentence. That is a far more potent long term protection for the public than anything I can do today. I have read a Pre-Sentence Report which contains information which, in conjunction with this conviction and sentence, will cause the Parole Board to examine the case when considering release with particular care. I have referred to the opinion of its author already, which will be part of the material on which any release decision will be made.

Any evidence at all that you had turned your attention to any children in what I shall call “the real world” would, of course, change this assessment and would probably also result in additional offences being charged with more extensive sentencing powers available.

The relevant guideline suggests a starting point of 1 year with a range going up to 3 years. However, the paedophile manual requires an uplift as do the previous convictions in 2010 for offending of this kind. It is a different kind of thing from the images and films because its purpose is to inspire actual offending. It is probably not designed to excite or to achieve sexual gratification simply by being looked at, but to give practical advice. It is extremely important that possession of this kind of thing should be clearly punished and I consider that a consecutive term is required.

Further, there are aggravating features as identified in the guideline. The offences were committed whilst on licence and in breach of a number of the terms of that licence. For the reasons I have stated already, this is a particularly serious aggravating feature in this case. Your breach of licence was manipulative, persistent and dishonest as well as seriously criminal in itself. The children depicted were often very young and vulnerable, there is discernible pain and distress suffered by some of the children depicted and the collection includes moving images. The number of images is substantial, though much larger collections are routinely encountered in these cases. The proportion of category A images, almost exactly one third, suggests deliberate searching for and collection of this most repulsive material. In doing that, you accessed the dark web.

For these reasons the sentence can properly be increased into the next category range within the guideline, which is usually reserved for offences involving distribution of images of this kind. This involves following the guideline by using its ranges, but by doing so flexibly when confronted with a wholly exceptional case such as this.

There is very limited mitigation apart from the plea for which you will receive full credit following the guideline. It is true that you were immediately candid with the police when arrested, but, as is common in this type of case, you did not have much choice. Your difficulties in living in the community are obvious, but you do not have the mitigation that you only offended on one day. Your offending went back some months and required ingenuity to keep it hidden.

The offending is so serious that only an immediate custodial sentence will suffice. That sentence must be above the usual range in the guideline to which I have just referred for the reasons I have given. But for your pleas the total sentence would have been five years. Giving you full credit of one third for those pleas as I am required to do, the sentence on you is as follows:

Count 1: 32 months;

Count 2: 2 years;

Count 3: 18 months;

Count 4: 8 months consecutive.

This makes a total term of 40 months. At the half way point of this sentence you will be released from this sentence. Whether you will actually be released from prison at that point depends on what action is taken in relation to your life sentence.

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