

In UK, Twitter, Facebook rants land some in jail

November 15 2012, by Jill Lawless



A woman uses her smartphone in central London, Wednesday, Nov. 14, 2012. UK Lawyers say the mounting tally of those arrested and convicted of making offensive comments through social media, shows the problems of a legal system trying to regulate 21st-century communications with 20th century laws. Civil libertarians say it is a threat to free speech in an age when the internet gives everyone the power to be heard around the world. (AP Photo/Sang Tan)

(AP)—One teenager made offensive comments about a murdered child on Twitter. Another young man wrote on Facebook that British soldiers

should "go to hell." A third posted a picture of a burning paper poppy, symbol of remembrance of war dead.

All were arrested, two convicted, and one jailed—and they're not the only ones. In Britain, hundreds of people are prosecuted each year for posts, tweets, texts and emails deemed menacing, indecent, offensive or obscene, and the number is growing as our online lives expand.

Lawyers say the mounting tally shows the problems of a legal system trying to regulate 21st century communications with 20th century laws. Civil libertarians say it is a threat to free speech in an age when the Internet gives everyone the power to be heard around the world.

"Fifty years ago someone would have made a really offensive comment in a [public space](#) and it would have been heard by relatively few people," said Mike Harris of free-speech group [Index on Censorship](#). "Now someone posts a picture of a burning poppy on Facebook and potentially hundreds of thousands of people can see it.

"People take it upon themselves to report this offensive material to police, and suddenly you've got the criminalization of offensive speech."

Figures obtained by The Associated Press through a freedom of information request show a steadily rising tally of [prosecutions](#) in Britain for electronic communications—phone calls, emails and social [media posts](#)—that are "grossly offensive or of an indecent, obscene or menacing character—from 1,263 in 2009 to 1,843 in 2011. The number of convictions grew from 873 in 2009 to 1,286 last year.

Behind the figures are people—mostly young, many teenagers—who find that a glib online remark can have life-altering consequences.

No one knows this better than Paul Chambers, who in January 2010,

worried that snow would stop him catching a flight to visit his girlfriend, tweeted: "Crap! Robin Hood airport is closed. You've got a week and a bit to get your (expletive) together otherwise I'm blowing the airport sky high."

A week later, anti-terrorist police showed up at the office where he worked as a financial supervisor.

Chambers was arrested, questioned for eight hours, charged, tried, convicted and fined. He lost his job, amassed thousands of pounds (dollars) in legal costs and was, he says, "essentially unemployable" because of his criminal record.

But Chambers, now 28, was lucky. His case garnered attention online, generating its own hashtag—(hash)twitterjoketrial—and bringing high-profile Twitter users, including actor and comedian Stephen Fry, to his defense.

In July, two and half years after Chambers' arrest, the High Court overturned his conviction. Justice Igor Judge said in his judgment that the law should not prevent "satirical or iconoclastic or rude comment, the expression of unpopular or unfashionable opinion about serious or trivial matters, banter or humor, even if distasteful to some or painful to those subjected to it."



People use rge computers at a computer shop in central London, Wednesday, Nov. 14, 2012. UK Lawyers say the mounting tally of those arrested and convicted of making offensive comments through social media, shows the problems of a legal system trying to regulate 21st-century communications with 20th century laws. Civil libertarians say it is a threat to free speech in an age when the internet gives everyone the power to be heard around the world. (AP Photo/Sang Tan)

But the cases are coming thick and fast. Last month, 19-year-old Matthew Woods was sentenced to 12 weeks in jail for making offensive tweets about a missing 5-year-old girl, April Jones.

The same month Azhar Ahmed, 20, was sentenced to 240 hours of

community service for writing on Facebook that soldiers "should die and go to hell" after six British troops were killed in Afghanistan. Ahmed had quickly deleted the post, which he said was written in anger, but was convicted anyway.

On Sunday—Remembrance Day—a 19-year-old man was arrested in southern England after police received a complaint about a photo on Facebook showing the burning of a paper poppy. He was held for 24 hours before being released on bail and could face charges.

For civil libertarians, this was the most painfully ironic arrest of all. Poppies are traditionally worn to commemorate the sacrifice of those who died for Britain and its freedoms.

"What was the point of winning either World War if, in 2012, someone can be casually arrested by Kent Police for burning a poppy?" tweeted David Allen Green, a lawyer with London firm Preiskel who worked on the Paul Chambers case.

Critics of the existing laws say they are both inadequate and inconsistent.

Many of the charges come under a section of the 2003 [Electronic Communications](#) Act, an update of a 1930s statute intended to protect telephone operators from harassment. The law was drafted before Facebook and Twitter were born, and some lawyers say is not suited to policing social media, where users often have little control over who reads their words.

It and related laws were intended to deal with hate mail or menacing phone calls to individuals, but they are being used to prosecute in cases where there seems to be no individual victim—and often no direct threat.

And the Internet is so vast that policing it—even if desirable—is a hit-and-miss affair. For every offensive remark that draws attention, hundreds are ignored. Conversely, comments that people thought were made only to their [Facebook](#) friends or Twitter followers can flash around the world.

While the U.S. Supreme Court has ruled that First Amendment protections of freedom of speech apply to the Internet, restrictions on online expression in other Western democracies vary widely.

In Germany, where it is an offense to deny the Holocaust, a neo-Nazi group has had its Twitter account blocked. Twitter has said it also could agree to block content in other countries at the request of their authorities.

There's no doubt many people in Britain have genuinely felt offended or even threatened by online messages. The Sun tabloid has launched a campaign calling for tougher penalties for online "trolls" who bully people on the Web. But others in a country with a cherished image as a bastion of free speech are sensitive to signs of a clampdown.

In September Britain's chief prosecutor, Keir Starmer, announced plans to draw up new guidelines for social media prosecutions. Starmer said he recognized that too many prosecutions "will have a chilling effect on free speech."

"I think the threshold for prosecution has to be high," he told the BBC.

Starmer is due to publish the new guidelines in the next few weeks. But Chambers—reluctant poster boy of online free speech—is worried nothing will change.

"For a couple of weeks after the appeal, we got word of judges actually

quoting the case in similar instances and the charges being dropped," said Chambers, who today works for his brother's warehouse company. "We thought, 'Fantastic! That's exactly what we fought for.' But since then we've had cases in the opposite direction. So I don't know if lessons have been learned, really."

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