

# Jon Venables: the right to know

Justice cannot be served at trial unless Jack Straw holds his nerve on unmasking Jon Venables

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The problem about concealment in public life is that it leads to suspicion. This is very easy to understand, and the solution is equally clear: we should keep secrecy about affairs of state to a vanishing minimum.

And this is as true in justice as it is in politics. Broadly, daylight cleanses the work of the courts and the judges as much as it exiles corruption from the routines of government. Lawyers in the past have frequently sanctified confidentiality, but sometimes in ways that were painfully self-serving. And while not everything that happens in court can be revealed, we have obviously been too quick in the past to doubt any strength in a right to know.

Yet like the right to speak freely, the right to knowledge can never be absolute. If it were, the principle would quickly become threatening and tyrannical. It would destroy all privacy and savage the personal in ways we can only begin to imagine. Which of us believes in a right for others to know everything about our own lives?

Perhaps more important, an absolute right to know could never coexist with the most basic notions of justice. It is no surprise that over the years our courts have developed sophisticated means for securing the fairness of criminal trials. We call these the rules of evidence, and they exist precisely to regulate what a jury may be told in the course of a case. And there is plenty that is kept from them, not only to protect the defendant but also to protect our loyalty to due process itself, and therefore each one of us.

Judges in China are in a more privileged position: there, there are no rules of evidence and courts may hear whatever the prosecution wants to tell them. The conviction rate is close to 100%.

Venables, who murdered a toddler when he was 10 years old, is back in prison. The blogosphere is wild with speculation, and some newspapers are straining at the leash of an injunction protecting his new identity. They think they have learned at least part of

the truth. They think that Jon Venables has become a disordered drunk and there are dark hints of violence and child pornography. The public, we are told, is entitled to learn more.

None of us, of course, owns the truth in any of this. But we may suspect that, since he has been returned to jail, Jon Venables could have done something sufficiently serious to face trial in the future. And what if there are others to be tried alongside him? It is a racing certainty they will argue that any case must be abandoned if the jury has an inkling about their companion in crime. It would be a shame if a tabloid conclusion that this young man has done something awfully wrong turns out to be true and yet he can never be tried because a couple of editors were too blind to our system of justice to see how they might frustrate it.

It's possible, of course, that this really is a point of principle. It's possible that, in outraged newsrooms, writers are genuinely affronted by the secretary's refusal to see things their way. They may feel that in a battle between accountability and fair trial, accountability should win. They may believe that some fleshed-out detail on tomorrow's front page is really more important than the steely progress of a criminal case to its just conclusion, whether that is conviction or acquittal.

In which case, Jack Straw is right. The more we're told about what Jon Venables may have done, the more likely he'll stand unmasked before his court – and the more unlikely that any trial will take place. The government should hold its nerve.