

How the U.K. Prosecuted a Student on Terrorism Charges for Downloading a Book

Questions remain about why the highly unusual case — which took months to prepare and cost large sums of taxpayer money — proceeded at all

Ryan Gallagher



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ON THE FIRST DAY of the trial, Josh Walker wore a long navy jacket, a white shirt, beige pants, and black shoes. He stood outside the courthouse clutching a cigarette and shivering slightly in the cold morning air. “I’m beginning to feel nervous now,” he said, glancing toward the entrance of the court building.

Last summer, Walker traveled from London to Syria, where he joined the Kurdish-led YPG militia in its fight against the so-called Islamic State. After serving with the group for some six months, Walker returned to England, where he was charged under an anti-terrorism law.

Police had arrested Walker when he arrived at the airport. They later searched his apartment, turning up a copy of the infamous “Anarchist Cookbook,” which contains bomb-making instructions along with information about how to eavesdrop on phone calls and commit credit card fraud. Walker was accused of violating the Terrorism Act because he possessed information “likely to be useful to a person committing or preparing an act of terrorism.” He faced the possibility of a 10-year jail sentence.

This week, Walker went on trial. After hearing four days of evidence, a 12-person jury at Birmingham Crown Court in England’s West Midlands found him not guilty. But questions remain about why the highly unusual case — which took months to prepare and cost large sums of taxpayer money — proceeded at all.

The Anarchist Cookbook was first published in 1971 and has sold more than 2 million copies worldwide. Newer, updated versions are available freely online.

The week before the trial, 27-year-old Walker was in London visiting his lawyers. He was feeling optimistic. “I’m pretty confident that it’s going to go my way,” he said as he waited to board a train from Paddington Station back to Bristol in the southwest of England, where he has been living with his mother, Adele, while on bail.

But an element of doubt had crept into his mind by the time he arrived at the court on Monday morning. Before the trial began, Walker’s lawyer Joel Bennathan tried to get the judge to throw out the case. Bennathan called the prosecution “grossly disproportionate,” an “abuse of process,” and a breach of Walker’s right to “receive and impart information and ideas” under Article 10 of the U.K.’s Human Rights Act.

The judge, Mark Wall, nevertheless decided to proceed with the trial. It was an early blow for Walker, and not how he’d hoped the week would begin. In the dock, locked in a secure room behind a glass screen, he shook his head in disappointment.

As the case moved forward, the prosecution acknowledged that Walker was not suspected of plotting any kind of terrorist atrocity. The government was instead arguing that his mere possession of the book was a violation of the Terrorism Act’s Section 58 because it contained information that could have been useful to a terrorist if discovered. The book is freely available to anyone on the internet, and versions of it can even be purchased on Amazon. Regardless, prosecution lawyer Robin Sellers said it was possible a “radicalized” person could find Walker’s copy of the book and use it to prepare an attack.

WARNING

Read this book, but keep in mind that the topics written about here are illegal and constitute a threat. Also, more importantly, almost all the recipes are dangerous, especially to the individual who plays around with them without knowing what he is doing. Use care, caution, and common sense. This book is not for children or morons.

—William Powell

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THE ANARCHIST COOKBOOK

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THE ANARCHIST COOKBOOK

BY WILLIAM POWELL / Introduction by Peter Bergman

The prosecution's argument seemed bizarre and without precedent. People in the U.K. have been prosecuted before under the Terrorism Act for possessing the "Anarchist Cookbook," but usually the defendants have been involved in some other kind of nefarious activity as well. In 2010, for example, a member of a violent neo-Nazi group called the "Wolf Pack" was convicted of a terrorism offense for possessing the book. He was linked, through his father, to a plot to overthrow the government and poison people. In another case, in 2011, a man was sentenced to three years in prison for selling the "Cookbook" and Al Qaeda training manuals, pocketing \$113,000 in the process. Walker's case was different: He was being prosecuted solely because he downloaded and stored a copy of the book.

The court was told that Walker had downloaded the book in May 2015, from the library at Aberystwyth University in Wales, where he was studying international politics and strategic studies. Walker had printed the book to use it for a role-playing "crisis game" group he was part of, in which students would act out dangerous world events to better understand how government officials make decisions during volatile, high-pressure situations. On this occasion, Walker was helping to organize a game that was going to simulate a terrorists-versus-security-services scenario, and he wanted to use the "Cookbook" as a reference for the kinds of weapons, bombs, and other criminal tactics the terrorist team would be allowed to deploy.

During the trial, three students who participated in the game corroborated Walker's account. One of the former students, Samantha Barlow, said she was concerned at the time about Walker printing the book, as she thought it could get him in trouble. Nevertheless, she did not think that possession of the book itself was illegal, or that it was a "restricted document," as police later told her. "I didn't know we still had those in this country," she told the court.

The crisis games had inadvertently caused trouble at the university in the past. After a previous game involving a terrorist scenario, students had left behind notes and papers that contained information about a phony terror plot that had been simulated as part of the game. A cleaner found the notes and, not realizing their purpose, reported them. Police officers were called in.

To avoid a similar mishap, Walker and his fellow students planned to destroy all their notes and documents after the game. They had a party at Aberystwyth's South Beach, a 10-minute walk from the university's Old College, and threw all the papers from the game onto a barbecue. But Walker — who told the court he had been drinking whiskey and smoking cannabis heavily that night — forgot to burn the "Cookbook."

The prosecution claimed Walker had deliberately retained his copy of the "Cookbook" because he was "curious" about its contents. Walker denied this, saying he could not remember what he'd done with it after the game. Sellers, the prosecution lawyer, suggested Walker had endangered public safety by taking the book home and storing it in a drawer under his bed.

The government argued that his mere possession of the book was a violation of the Terrorism Act.

The anti-terrorism law Walker was charged under includes a defense for possessing documents that are likely to be useful to a terrorist. If you have a “reasonable excuse” for having the information, the law states, you have not committed a crime.

Walker had two “reasonable excuses” that his lawyer presented to the court. The first was that the document had an academic purpose: It helped inform his university game, educating students about terrorism and counterterrorism. The second was that after the game had finished, he forgot that the document was in his possession.

Walker’s case seemed to strengthen on Wednesday, when Sharon Marie Broome, an explosives expert with the British Ministry of Defence, told the court that while the makeshift explosive instructions in the “Anarchist Cookbook” were “credible,” much of the same information could be obtained from freely available books and academic literature.

Broome said that she had worked for 25 years assessing explosives, sometimes forensically analyzing devices used in real terrorist attacks perpetrated in the U.K. and overseas. Bennathan, Walker’s lawyer, pressed her on whether she had ever encountered a terrorist case that involved the use of the “Anarchist Cookbook.” She could not provide any examples.

Later on Wednesday, the pendulum appeared to swing back in the other direction, when Walker was called to the stand for the first time. He looked relaxed and assured at first, but as Sellers, the prosecution lawyer, pressed Walker on why he had not destroyed the “Cookbook” after the game, Walker grew agitated.

Sellers told Walker he never needed to download it in the first place.

“I am not suggesting you intended to follow any of the instructions in the book,” Sellers said.

“So why I am here then?” Walker snapped.

The judge reprimanded Walker for arguing with Sellers.

“I’m sorry, Your Honor,” Walker said, glancing up toward the judge. “I am just trying to defend myself.”

By the end of the session, Walker slumped in his seat, exhausted and deflated. He stepped down from the witness box and walked across the small courtroom to the public gallery, where his father was waiting.

A group of Kurdish activists gathered outside Birmingham Crown Court in support of Josh Walker, on Oct. 23, 2017.

Because of his affiliation with the YPG in Syria, Walker has gained the backing of the U.K.’s Kurdish community. On the first day of his trial, a group of local Kurdish men and women, plus a small group of activists, stood outside the court for hours holding supportive banners. Several carried signs with a simple message: “We are proud of you Josh Walker.”

Among them was Chris Scurfield, whose son Kosta was killed in March 2015, the first Briton to die fighting against the Islamic State in Syria. Like Walker, Kosta was



a volunteer with the YPG. “The government and the police really need to get their act together and work out who their friends are,” said Scurfield, who wore a small pin with a picture of his son on the lapel of his jacket.

“Take your freedoms for granted and you will lose them somewhere down the line.”

Although Walker’s possession of the “Anarchist Cookbook” was the focus of the case, his trip to Syria loomed over the proceedings. In the end, his effort to help fight the Islamic State in that country — risking his own life in the process — probably benefited his case. His defense team used it to show that he was of good character and to emphasize that he did not deserve the harsh punishment the government sought.

During closing arguments on Thursday, the prosecution reiterated its claim that Walker had no reasonable excuse to possess a copy of the “Cookbook,” which could “help someone planning to build a bomb.” That the book is freely available on the internet did not matter, argued Sellers, the prosecution lawyer. It was an issue of “personal responsibility,” he said, and it was the government’s view that possessing the book was unlawful, because it could be useful to terrorists.

Bennathan countered that we would be living in a “mad world” if a student were convicted of a terror crime for downloading a book. He told the jury they could choose not to live in that “mad world” by acquitting Walker of the alleged Terrorism Act

offense. “Take your freedoms for granted and you will lose them somewhere down the line,” he said.

He also pointed out that Walker was probably the only person in the courtroom who had actually fought against terrorism by going to Syria and joining the YPG. “Back he comes, despite that background, and they choose to prosecute him,” Bennathan said.



Josh Walker addresses the media outside Birmingham Crown Court on Oct. 26, 2017.

In a lobby area outside the courtroom, Walker’s parents anxiously awaited the jury’s verdict. Neither was confident enough to predict the outcome one way or the other. It was difficult to read the jury and gauge their responses to the evidence. Were they sympathetic?

Walker’s father, Dennis, 47, works as a carpenter and lives in Pembrokeshire, Wales. He had brought a copy of Charles Dickens’s novel “Hard Times,” which he was reading in an effort to take his mind off the proceedings. Wearing blue jeans and a green jumper, he was sitting on a bench outside the courtroom, hoping his son would not be jailed. “He hasn’t acted dishonorably as far as I am concerned,” the elder Walker said. “It’s shame that it’s come to this, ... but it is what it is. We’ve just got to deal with it.”

After about an hour, a tinny-sounding announcement emanated from the court's speakers: The jury had reached its verdict. The 12 jurors — eight men and four women — filed in and took their seats. Asked for their decision, the jury foreman stood: "Not guilty."

There were gasps and cheers in the public gallery. Walker rose to his feet and, from behind the glass screen in the dock, clasped his hands and mouthed the words "thank you" to the jury across the room. A security guard standing inside the secure room with Walker pulled the keys from his pocket and unlocked the door. His mother, weeping, leapt from the public gallery and embraced him.

Walker almost sprinted down the courthouse steps. He was greeted outside by a small handful of Kurdish supporters, who shouted in celebration when they heard the result.

"I'm elated," Walker said. "I'm just glad this is all over."

"There are times in history and society when the law is wrong, when policy is wrong," he said. "And it is up to us as citizens to put that right."

He said he was not bitter about how he had been treated by the government, but he reserved some sharp criticism for the prosecutors. They "could have made much better use of their resources," he said. "We've wasted a lot of taxpayers' money on this."

A spokesperson for the Crown Prosecution Service said in a statement that its decision to pursue the case against Walker was made "following detailed consideration of the evidence and in accordance with the Code for Crown Prosecutors." The spokesperson added: "We acknowledge and respect the decision the jury has reached."

As a free man, Walker can now make plans. He will soon return to work in Bristol, where he has a job as a kitchen porter in a restaurant; next year, he hopes to resume his university studies. In the immediate aftermath of his acquittal, however, there was only one thing on his mind. "I think we're going for a drink," he said, smiling.

The Ted K Archive

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Top photo: Josh Walker photographed in Birmingham, England, on Oct. 26, 2017.

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