

NO/DAW/DP

11th October 1993

Geoffrey Robertson, Esq., Q.C.,
14 Thornhill Crescent,
London,
N1 1BL.

CONFIDENTIAL

Dear Geoffrey,

I hope you will forgive me for making this unusual, somewhat unethical (and confidential) enquiry of you, but the circumstances surrounding the particular matter with which it is concerned are, I think, also somewhat unusual.

Since November 1990 I have been pursuing through the Courts a civil challenge to an HM Customs forfeiture order consequent to the seizure from myself of six, sexually explicit videotape cassettes which had been given to me, at my request, by an acquaintance from a Dutch civil rights campaigner in the Netherlands and imported by me into the U.K. from Amsterdam via Heathrow Airport. (A chronology of events is attached hereto).

Up until now, I have been representing myself in person, both in the magistrates' court and in subsequent High Court hearings, the full one of which was on 9th June last. The technical issue is my appeal against the Uxbridge Justices' order upholding the forfeiture of the tapes, by way of Judicial Review since my application for them to state a case for the opinion of the High Court was refused by them.

I applied for legal aid, being unemployed and having no funds. This was refused, and I therefore continued to represent myself at the High Court hearing on 9th June (before Lord Justice Glidewell and Mr. Justice Cresswell). Although Lord Justice Glidewell complimented me on the skill with which I had presented my case, I have undoubtedly been put at a disadvantage by the lack of professional Counsel to represent me.

Whether or not this lack of legal representation was a significant contributory factor to the judgment I don't know, but in any case, the judgment went against me - wrongly, in my view, of course, but not surprisingly. I therefore entered an appeal to the Court of Appeal on 3rd July. This is now listed and awaiting a hearing date.

In the meantime I appealed (in person) against the refusal of legal aid to the Legal Aid London Area Committee on 15th September and (to my surprise, but delight) it has been granted. This means that I can now instruct solicitors (mine is, of course, Ted Goodman of Hillearys) to

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brief Counsel to take over my representation in this important test case, and one which, should the U.K. Courts continue to find against me, I am quite prepared to pursue in the European Courts - especially the European Court of Human Rights where the particular issues arising from my case (vis-a-vis a European individual's importation into the U.K. of sexually-explicit material in his own possession and for his or her own personal, adult use and his right to freedom of expression regardless of frontiers) have not so far been tested.

Ideally I believe that the core importance of the issue warrants a top 'silk' pre-eminent in this particular legal sphere, like yourself. I am advised by my solicitor, however, that Legal Aid will not countenance such expenditure on leading counsel without written advice from junior Counsel that this is necessary.

This is where the difficulty arises. Neither I, nor my solicitors, are able to call to mind a really able barrister who is completely versed in this particular area of the Law, and, of course, one who will be in sympathy with my erstwhile approach to and rationale of the issue. Obviously it would be impossible for any new direction of the case to be introduced at this advanced stage, pending a Court of Appeal hearing.

Are you able, therefore, to suggest the name (or names) of such a suitable barrister who would 'fit the bill' and which I could pass on to my solicitor for possible briefing? I would be most grateful for any helpful suggestions you can make regarding this matter (off the record, of course) and, once again, my apologies for intruding in this somewhat unorthodox fashion.

I hope you are well and with all best wishes,

Yours sincerely,

David Webb,
Honorary Director,
National Campaign for the Reform of the Obscene Publications Acts

Enclosures - List of Issues
List of Propositions of Law to be Advanced
Chronology of Events
Dramatic Response