



E12 The Interaction of Witchcraft With the English Criminal Justice System Since the Repeal of the Witchcraft Act in 1952

Alexander R.W. Forrest, BSc, MB, ChB, LLM, University of Sheffield, Medico-Legal Centre, Watery Street, Sheffield, South Yorkshire S3 7ES, United Kingdom*

That cases involving witchcraft in the western tradition are rare, that they often involve issues related to toxicology and misuse of controlled substances and that servants of the court dealing with them will find that their duties facilitated by a non-judgemental and informed approach to both accused and victims.

This presentation will impact the forensic community and/or humanity by reminding the community that cases involving witchcraft do occur and that investigators, prosecutors and defence advocates will benefit from taking an informed and non judgemental approach to their duties in such cases.

The Witchcraft Act 1735 was repealed in 1952 with the passage of the Fraudulent Mediums Act 1951. Prosecutions under the 1952 act have been rare, despite the apparent explosion in the number of fortune tellers and clairvoyants of one flavor or another in the last half century. Nonetheless, prosecutions for crime where witchcraft in the western tradition has been either central or peripheral to the *actus rea* are encountered from time to time. By the specifying the western tradition of witchcraft, I mean to exclude crimes relating to the practices of cults, sects and religions originating in or influenced by belief systems held in parts of sub-Saharan Africa.

In my experience cases involving witchcraft or magic are rare; I encounter one every two years or so. The cases often involve illicit drugs mixed with sacramental potions. Consequently the charges preferred may relate to the possession or supply of controlled substances. The use of illicit or prescription drugs during ceremonies involving sexual activity may be encountered and allegations amounting to drug facilitated sexual assault may be made.

Where a decedent has been intoxicated and has died during or following ceremonial sexual activity, a homicide investigation may follow.

Because the practice of Witchcraft, by its very nature, may release strong emotions, physical assaults causing injuries that may prove fatal can occur as a result of the interaction of practitioners with nonadherents.

The investigation and prosecution of such cases may prove to be difficult because of the reluctance of witnesses adhering to the same belief system to assist the investigation. Similarly, advocates defending such cases may have difficulties in securing the full cooperation of their clients. Both prosecutors dealing with victims and their families and defense advocates dealing with the accused will find their tasks greatly facilitated by taking a sympathetic, informed and non-judgmental approach to the belief systems of those involved.

Witchcraft, Sexual Assault, Legal History