

Judicial Communications Office

1 December 2023

COURT SENTENCES FOR MEMBERSHIP OF A TERRORIST ORGANISATION

Summary of Judgment

Introduction

1. Sitting in the Crown Court today, His Honour Judge Ramsey KC imposed the following sentences on Mr Carl Reilly and Paul Philip Crawford for charges of belonging to or professing to belong to a proscribed organisation, contrary to section 11(1) of the Terrorism Act 2000:
 - Carl Reilly – 30 months’ imprisonment;
 - Paul Philip Crawford – 18 months’ imprisonment.
2. Pursuant to Article 15A into the Criminal Justice (NI) Order 2008, as inserted by the Counter-Terrorism and Sentencing Act 2021, the custodial elements of the terms of imprisonment will be two-thirds and, thereafter, Mr Reilly and Mr Crawford will be released, if so directed by the Parole Commissioners. At the end of the term of imprisonment, there will be an additional year on licence.

Background

3. On 17th February 2015 Carl Reilly, who is now 47 years of age, and Paul Crawford, now aged 48, met at the Carrickdale Hotel Dundalk. This meeting was the subject of covert surveillance during which the conversation was audio recorded. Gardai surveillance officers at the scene identified those taking part in the meeting, where it took place within the hotel, the cars used as transport and where the men went after departing the hotel. The Officers named Mr Reilly and Mr Crawford as the persons observed by them.
4. Mr Crawford arrived into the hotel car park in his own vehicle while Mr Reilly arrived slightly earlier travelling in a vehicle owned by a Stephen O’Donnell from Belfast. Both Mr Reilly and Mr Crawford reside in Northern Ireland. Officers observed Mr Reilly park the car he was travelling in and walk to another part of the hotel car park where he found Mr Crawford sitting in his vehicle. Both men were then observed walking to the hotel lobby. Mr Crawford sat down at a table in the lobby facing the reception area while Mr Reilly sat facing Mr Crawford with his back to reception. They remained in that position for some time before they returned to Crawford’s vehicle and left the car park together. Mr Crawford’s unoccupied car was later observed in Aisling Park, Dundalk. Further surveillance was carried out at an address in Dundalk, which is the home of Peter McVeigh. At that address both defendants were observed in conversation with Mr McVeigh at a communal grassy area in front of the house.

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5. Mr McVeigh is a person who both men spoke about during their conversation in the hotel. Mr Reilly spoke about what he planned to discuss 'with the lads' tonight but is told by Mr Crawford it would just be Mr McVeigh. Mr Reilly responded "Ok, but I'm going to say to McVeigh tonight, stay the path with me, look where we came from and if we stick to the path, we can keep going on...". Mr McVeigh was convicted of the murder of two RUC Constables and firearms offences in February 1973 at Belfast City Commission. He was released on license on 4 July 1991. Garda had evidenced a previous sighting of Mr Crawford and Mr McVeigh in conversation at a Republican Network for Unity commemoration on 5 April 2015.
6. CCTV footage from the hotel was seized and corroborated some of the observations of the surveillance officers. Controlled viewing of the footage was carried out and resulted in formal identification by PSNI officers of Mr Reilly. Police can show associations between Mr Reilly and Mr Crawford before and after the meeting at the hotel. Throughout the conversation in the hotel both men discuss several personalities using full names or surnames. Oblique references are used about individuals as to when they get out or are due to get out of prison. Nicknames are also used. There are several evidenced sightings of Mr Reilly with persons who are convicted terrorists, sightings of both of them at commemorations as well as observations of Mr Reilly at court hearings of individuals facing terrorist or firearm offences. In interview it is suggested to Reilly that he is referring to these individuals when he says: "I'm losing men in Belfast, they're going to Maghaberry, the Branch are buzzing us...".
7. In prepared statements, both defendants denied the offences in interview by police.
8. However, on 19th May 2023, both defendants pleaded guilty to the offences, with the following agreed basis of plea being submitted to the Court:
 1. "Each of the defendants pleads guilty to membership of a proscribed organisation as per the Indictment.
 2. The membership counts are based upon the conversation recorded between the two defendants as set out in Exhibit 10 (OM 36 p 12-22 exhibits)
 3. The roles of each of the defendants are indicated by reason of the contents of the said conversation as attributed to each of them therein. Crawford has on the face of the manuscript a lesser role.
 4. Reilly offered to plead guilty to membership but not count 2 in and around September 2020. Crawford also offered to plead guilty to membership at that time if it would resolve the overall case. These offers were refused on the basis that the prosecution sought at that time to proceed with the directing terrorism charge.
 5. Mr Crawford has no relevant previous convictions and there is nothing further pending against him.

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6. It is accepted that there has been delay in bringing this matter to trial which is relevant in relation to the sentence of the court. Delay is not attributable to prosecution or defence.”

Sentencing

9. Judge Ramsey KC referred to the applicable sentencing authorities and to a number of comparable sentences imposed in similar cases. However, he noted that comparisons of sentences in other cases must be carefully undertaken since they are usually highly fact-specific and cannot therefore provide an infallible guide to the appropriate sentence even where circumstances are similar. The judge also noted that the offence to which the defendants pleaded guilty is one which is rarely encountered as a standalone charge.
10. The judge rejected submissions that the cumulative effect of the insertion of Article 15A into the Criminal Justice (NI) Order 2008 would be a breach of the law against retrospective penalties enshrined in Article 7 ECHR, and the right to liberty under Article 5(1). Judge Ramsey KC considered that these issues had been addressed in a unanimous judgment by the UK Supreme Court in the case of *R v Morgan and others* [2023] UKSC 14; and he noted that this argument had been rejected by O’Hara J in the case of *R v Perry* earlier this year.
11. Pursuant to Article 15(1) of the Criminal Justice (NI) Order 2008. in passing sentence, Judge Ramsey KC assessed whether there is “a significant risk to members of the public of serious harm occasioned by the commission by the offender of further such offences.” He noted that the court must take into account the matters referred to in Article 15(2); and that the test for dangerousness is set out in the leading case of *R v Lang* [2005] as endorsed in this jurisdiction by the case of *R v EB* [2010]. The judge noted that there have also been helpful observations about these provisions in *R v Kelly* [2015] NICA 29 and in *R v Wong* [2002] NICA 54.
12. The judge concluded that, notwithstanding the serious nature of the charges, neither of the defendants met the statutory test and he was not satisfied that there is significant risk to members of the public of serious harm occasioned by the commission by these defendants of further specified offences. In reaching his conclusions on this matter, he was particularly influenced by the behaviour of both defendants while on bail for a number of years and subject to significant restrictions. He noted that there have been no breaches which necessitated recall. The judge also indicated that he was impressed by the testimonials submitted on behalf of the defendants. He noted that both men have previous convictions - in Crawford’s case these are not of a terrorist nature and in Reilly’s case, there is a relevant antecedent, but it is now quite historic.
13. With regard to the overall sentences, Judge Ramsey KC considered that *R v Morgan & ors* [2020] NICC 14 was of assistance in identifying comparable guidance, noting that all of the accused in *Morgan* faced membership charges but Morgan himself was the only one who was charged with membership and nothing else. The judge considered that the discussions which are the subject of this case were not as extensive or sinister as those in the *Morgan* case but nonetheless they represented disquieting and disturbing twisted views which simply have no place in our society.

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14. Judge Ramsey KC identified a starting point of four years' imprisonment in Mr Reilly's case. Taking into account factors such as the passage of time and delay in the prosecution, the rigorous bail conditions imposed on Mr Reilly over a lengthy period, the triable issues in the case and personal matters relating to the defendant and his family, in addition to the guilty plea, the judge ultimately imposed an overall sentence of 30 months' imprisonment.
15. Reflecting his lesser role and the absence of previous relevant convictions, Judge Ramsey KC identified a starting point of 2 years and 3 months' imprisonment in Mr Crawford's case. Again, taking into account factors such as the passage of time and delay in the prosecution, the rigorous bail conditions imposed on Mr Crawford over a lengthy period, the triable issues in the case and personal matters relating to the defendant and his family, in addition to the guilty plea, the judge ultimately imposed an overall sentence of 18 months' imprisonment.
16. This sentence means that notification requirements specified in the Counter-Terrorism Act 2008 are triggered and the defendants will be subject to the notification requirements for 10 years on release, pursuant to section 53(1)(c) of the 2008 Act.

NOTES TO EDITORS

This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available on the Judiciary NI website (<https://judiciaryni.uk>).

ENDS

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