

Judicial Communications Office

27 November 2020

COURT SENTENCES FOR MURDER OF ADRIAN ISMAY

Summary of Judgment

Mr Justice McAlinden, sitting today in Belfast Crown Court, imposed a minimum period of 22 years imprisonment on Christopher Robinson for the murder of Adrian Ismay in 2016.

Christopher Robinson (“the defendant”) was convicted on 6 March 2020 of the murder of Adrian Ismay and of causing an explosion with intent to endanger life. Both charges arise out of the attachment of an improvised explosive device to the underside of Mr Islay’s van while it was parked outside his home. The device detonated as Mr Ismay, a Senior Prison Officer in the Training Branch of the Northern Ireland Prison Service, drove the van to work. He suffered serious leg injuries and while initially discharged from hospital, developed a deep venous thrombosis which migrated and resulted in the occurrence of a fatal cardiac arrest.

The Court set out in detail the defendant’s role in its earlier [judgment](#). It said it had no doubt that the defendant knew in advance the nature of the attack which was going to be carried out, that the bomb attack, if successful, would result in the death of Mr Ismay or the infliction of serious injury upon him and that this was the intended outcome of his actions. Having found the defendant guilty to the offence of murder, the Court imposed upon him the only sentence permitted by law for that offence, one of life imprisonment. The Court today provided its determination of the length of the minimum term that the defendant will be required to serve in prison before becoming eligible to have his case referred to the Parole Commissioners for consideration by them as to whether, and if so, when he is to be released on licence. If and when released, the defendant for the remainder of his life will be liable to be recalled to prison if at any time he does not comply with the terms of that licence.

Victim Impact Statements

Before determining the appropriate minimum sentence, the Court highlighted the victim impact statements it received from Mr Ismay’s widow and his daughters. The judge said the heart-wrenching statements managed with dignified reserve to convey how deeply they all loved Mr Ismay and how intensely he adored them:

“Only the hardest and coldest heart of stone would not be deeply affected reading them and anyone of normal sensitivity could not but readily perceive how each of the authors of those statement and those referred to therein have been utterly devastated by this murder and their lives have been altered irretrievably. They will endure the cruel impact of the tragic loss of Mr Ismay for the rest of their lives. These statements, with quiet dignity bring home to me the damage that Mr Ismay’s death has caused to their lives and I take this fully into account in this sentencing exercise. At the same time I recognise that the loss of Mr Ismay’s life cannot be measured by the length of a minimum term prison sentence.”

The judge also paid tribute to the “unstinting community service” which Mr Ismay engaged in including the Prison Service, Community Rescue Service and the St John’s Ambulance:

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“He lived to train, help and guide others. He was a decent, warm, generous and loving human being and our society is the poorer for his loss. If only there were more like him. His legacy is his example of unstinting and enthusiastic community engagement; reaching out to and engaging with all, irrespective of background.”

The Relevant Legal Principles

Article 5(2) of the Life Sentences (Northern Ireland) Order 2001 provides that the minimum term “shall be such part as the court considers appropriate to satisfy the requirements of retribution and deterrence having regard to the seriousness of the offence, or the combination of the offence and one or more offences associated with it”. The Court applied the legal principles on fixing the minimum term established in *R v McCandless & Others* and the *Practice Statement*¹. It also referred to the case of *R v Greer*² which considers the culpability of a defendant convicted of murder where it could not be established that he was the gunman or the driver of the vehicle who transported the gunman to the scene. The judge said it was clear that each case is fact specific and in some cases the culpability of the director of the crime is greater than that of the principle:

“What is important in a case such as this is not the precise role played by the defendant but whether the identified role was integral to the execution of the crime and in this instance I am convinced ... that the defendant played an important and integral role in planning and carrying out the terrorist operation which resulted in the death of Mr Ismay and, in such circumstances, there is no reason to choose a lower starting point that one which would be chosen for the individual who had actually planted the device under Mr Ismay’s vehicle.”

The Court quoted from the paragraphs in the Practice Statement which encapsulate and describe the gravity of offending that was clearly evident in this case and which stated that “cases in which the victim was performing his duties as a prison officer at the time of the crime or the offence was ... terrorist ... murder. In such a case, a term of 20 years and upwards could be appropriate”. The Court also referred to the valuable guidance obtained from the judgment in the case of *R v Wooton and McConville*³ where it was made clear that the terrorist murder of a police officer or a prison officer in the execution of his or her duties calls out for a strong deterrent sentence because these “public servants should be protected by way of deterrence having regard to the obligations and risks which they take on for the benefit of the community”. In that case the Court of Appeal concluded that the tariff in such a case required an uplift beyond 20 years because it was both a terrorist attack and an attack on a police officer.

Counsel for the defendant urged the Court to accept the proposition that Mr Ismay had not yet commenced his actual duties as a prison officer when murdered and that this could be distinguished from cases where the murder took place when the prison officer was actively engaged in his duties as such. The Court said it could not accept that proposition:

“Mr Ismay was murdered solely because he was a prison officer and his murder was perpetrated in pursuance of a twisted republican terrorist ideology. In our troubled society prison officers and police officers have been regularly targeted at home or off

¹ See Notes to Editors.

² *R v Greer* [2017] NICA 4 paragraphs [14] - [17]

³ *R v Wooton and McConville* [2014] NICA 69

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duty simply because in those environments, they are deemed to be easier targets. In such circumstances, the need for deterrence can be no less acute and obvious.”

The Court also commented that it was clear that the perpetrators were perfectly at ease exposing Mr Ismay’s family or others to the risk of injury and death as they could have accepted a lift with him:

“Such callous disregard for the lives of others in such an attack is clearly an aggravating feature which places such a killing on a par with the killing of a prison officer during the actual execution of his duties.”

The Court noted that the defendant has a criminal record of 17 previous convictions but this had no significant bearing on this sentencing exercise. The Court also noted the contents of a medical report from a Consultant Psychiatrist which offered a diagnosis of complex post-traumatic stress disorder with a concomitant history of alcohol abuse and cannabis misuse. The judge said this subtly offered an explanation as to how and why a person such as the defendant could and would allow himself to be used by other sinister individuals and become intimately involved in the murder of Mr Ismay:

“This issue did not form part of [Counsel’s] plea [on behalf of the defendant] because [he] does not see himself in this almost pathetic light but it is clear that others who are not before the Court and who presently remain at large, no doubt continuing to pursue their terrorist aims, made use of the defendant with all his complexities, vulnerabilities and deficits to further those terrorist aims.”

Minimum Tariff

The Court said this was clearly a case where the higher starting point must be increased to meet the gravity of the crime and the culpability of the defendant and that an uplift beyond 20 years was required. It said that prior to taking account of any matters that can legitimately be considered as having a mitigating impact on the issue of culpability, the appropriate minimum term would be 22 years. In terms of mitigation, the Court said:

“Put bluntly, there is really nothing by way of personal mitigation in this case that would give rise to a need to factor in a reduction from the figure of [22 years]. The defendant expresses not one scintilla of remorse or regret for his actions. He continues to deny any involvement in the killing of Mr Ismay.”

Taking all relevant matters into account, the Court concluded that the minimum tariff which the defendant must serve before he can apply for release on licence is one of 22 years. It noted that he is entitled to credit of 447 days in respect of time already served before sentencing. On the second count of causing an explosion with intent to endanger life, the Court imposed a determinate custodial sentence of 20 years to run concurrently with the minimum term imposed.

NOTES TO EDITORS

1. 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>).

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2. The minimum term is the term that an offender must serve before becoming eligible to have his or her case referred to the Parole Commissioners for them to consider whether, and if so when, he or she can be released on licence. Unlike determinate sentences, the minimum term does not attract remission. If the offender is released on licence they will, for the remainder of their life, be liable to be recalled to prison if at any time they do not comply with the terms of that licence. The guidance is set out in the case of R v McCandless & Others [2004] NI 269.
3. A Practice Statement [2002] 3 All ER 417, sets out the approach to be adopted by the court when fixing the minimum term to be served before a person convicted of murder can be considered for release by the Parole Commissioners. It also sets out two starting points. The lower point is 12 years, and the higher starting point is 15/16 years imprisonment. The Practice Statement also identifies that in very serious cases a minimum term of 20 years and upwards may be appropriate with cases of exceptional gravity attracting a minimum term of 30 years. The minimum term is the period that the court considers appropriate to satisfy the requirements of retribution and deterrence having regard to the seriousness of the offence. This sentencing exercise involves the judge determining the appropriate starting point in accordance with sentencing guidance and then varying the starting point upwards or downwards to take account of aggravating or mitigating factors which relate to either the offence or the offender in the particular case.

ENDS

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