

Judicial Communications Office

6 March 2020

COURT FINDS CHRISTOPHER ROBINSON GUILTY OF THE MURDER OF ADRIAN ISMAY

Summary of Judgment

Mr Justice McAlinden, sitting today without a jury in Belfast Crown Court, found Christopher Robinson guilty of the murder of Adrian Ismay in March 2016 and guilty of the possession of explosives with intent to endanger life. The judge made no finding in relation to the charge of providing property for the purpose of terrorism.

Adrian Ismay ("the deceased") died on 15 March 2016, 11 days after an improvised explosive device ("IED") which had been attached to the underside of his vehicle beneath the driver's footwell exploded. The deceased suffered serious leg injuries and required surgery but initially appeared to make a good recovery and was discharged from hospital. His condition, however, suddenly deteriorated and he was urgently re-admitted to hospital where he died after suffering a cardiac arrest. A post-mortem examination revealed that he developed a deep vein thrombosis ("DVT") as a result of the injuries he received in the explosion. The DVT migrated and resulted in the occurrence of a fatal pulmonary embolism. Under common law, in order to properly ground a charge of murder, it is sufficient that the defendant's act contributed significantly to the death; it need not be the sole or principal cause. Mr Justice McAlinden ("the trial judge") said in this case it was clear that the injuries sustained by the defendant as a result of the explosion were a "significant cause" of his death:

"The Court is in no doubt that the cause of the explosion which resulted in the death of Mr Ismay was the motion-triggered detonation of an IED device which had been attached to the underside of his vehicle by the use of at least two Mag Mount magnets and that RDX (Semtex) was the explosive used in that device. This attack bears all the hallmarks of a dissident Irish republican terrorist attack. There can be no doubt that those who planned and executed this attack intended to kill or seriously injure the driver of this van."

STRANDS OF EVIDENCE

Evidence relating to the Citroen C3

CCTV evidence showed a car driving past the deceased's house, turning, driving back and stopping. At 02:24 on 4 March 2016, a person can be seen emerging onto the footpath from one of the driveways in the street, getting into the rear passenger seat on the driver's side of the car which immediately drives off without putting on its lights. The judge said that the manner in which the person made his way to the rear passenger door, which was not the door nearest the footpath, indicated that the individual must have known in advance not to use any of the other doors.

The police's attention quickly turned to a red Citroen C3 car. The registered owner of this car at the time, Gemma Robinson, is the wife of Peter Robinson who is the brother of the defendant. The police seized the car on the evening of 6 March and carried out a search of the house. The car was found to have a child's booster seat in the front passenger seat and a full infant car seat harnessed

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onto the rear passenger side seat. The judge said this would mean that unless one, other or both of these seats were removed the only seat readily available for use by an adult passenger would be the rear driver's side passenger seat. Swabs were taken from various locations inside the car and traces of RDX (Semtex) were found on the rear floor area and on the rear seat and the infant seat attached to the rear seat. The judge said the presence of traces of RDX (Semtex) were consistent with the car being used to transport an IED containing this explosive.

The police examined the contents of a wheelie bin outside Peter Robinson's house and in a bag of household rubbish at the top found a windscreen sticker supporting the Poppy Appeal. Peter Robinson's palm print was found on the sticker and the defendant's DNA was found on the edge. The Crown argued that the presence of the defendant's DNA was consistent with him being in direct contact with the sticker. When interviewed by the police, the defendant submitted a pre-prepared statement in which he accepted that he had occasionally been in the car. The court said that if the defendant's DNA on the sticker was explicable by his presence in the car it must mean that at some stage the sticker was in the car so as to become contaminated.

The Court said there were a number of really striking similarities between the car seen in the CCTV evidence and the C3. The CCTV, however, showed a bright patch in the top middle section of the windscreen which was not visible on photographs taken of the car. The Crown argued that the bright patch was caused by the Poppy Appeal sticker being attached the windscreen. It submitted that this was attached so the car would not look out of place in east Belfast. The Crown argued that the sticker was removed after the car left the area and was disposed of in a bin bag and placed in the wheelie bin belonging to the car's owner. When the ANPR captured the car being driven by Christopher Robinson at 08:44 on 6 March there was no sign of anything attached the windscreen.

The trial judge said he was convinced that the C3 was the vehicle used to transport an individual in its rear passenger seat who was in possession of an IED to the deceased's property where the device was attached to the underside of his van. He said he was certain that this same individual, having attached the device, ran towards the C3 and got into the rear driver's side passenger door. He was convinced that the C3 was then used to convey this individual away from the scene and the presence of this individual and/or the device in the rear passenger seat resulted in the depositing of traces of RDX (Semtex). The trial judge also said he was convinced that the Poppy Appeal sticker found in the bin had been attached to the windscreen of the C3. He said this was a cynical ploy by which it was intended to ensure that the car would not appear out of place and/or would be less likely to be stopped and searched at a police checkpoint. He also said the presence of the defendant's DNA on the sticker was entirely consistent with it being present in the C3 either at the same time or sometime after the defendant was present in the car.

At the time, Peter Robinson was employed as a support worker in a hostel off Divis Street in Belfast. He was seen by two members of staff arriving to work a night shift on the evening of 3 March sometime between 19.15 and 19.30 and parking his C3 in a parking space facing the hostel. The arrival of his car was also captured by ANPR. The next time the car was captured on ANPR was at 02:15 on the morning of 4 March when it was travelling on the Annadale Embankment towards the Ormeau Road. The police investigation, however, found that the CCTV system in operation at the hostel was switched off and did not record any images between 21:09 and 21:27 on 3 March; 23:15 and 23:20 on 3 March and 02:40 and 02:47 on 4 March. The police also found that the system settings of the CCTV system installed in and around the hostel were changed so that all images were deleted after a period of 24 hours. This change was effected when Peter Robinson was on duty at 23:13 on 4 March.

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One member of staff at the hostel gave evidence that he saw Peter Robinson either pulling the plug of the CCTV system out of the socket or switching the system off at the plug on the night of 3-4 March. Either way the CCTV system was completely disabled. When he did this Peter Robinson said "Our Christy" or "Our Chrissy" was "calling" to the hostel.

The trial judge said he was convinced that the change in the retention settings was deliberately effected by Peter Robinson at some time between 23.15 and 23.30 on the night of 4 March. The explosion had been widely reported in the media earlier that day and the judge said it was a belt and braces approach to the removal of any possible video evidence of the comings and goings of persons to and from the hostel and the movements of vehicles parked within range of any of the CCTV cameras linked to the hostel's system. The trial judge also said he was convinced that on each of the three occasions when the CCTV was disabled during the night of 3-4 March, Peter Robinson was responsible for doing this so as to prevent the recording of any possible evidence of comings and goings of persons to and from the hostel, including his brother.

Mobile Phone and SMS Text Messages

The defendant was arrested on 6 March and his car, a silver Skoda Fabia, was seized. The police also found and seized a mobile phone which was subjected to forensic examination. Neither the battery nor the SIM for the phone was recovered. The trial judge said these items must have been removed from the phone very shortly before the police arrived at the defendant's house. He said that as the defendant was the only person present on the premises when the police arrived to commence the search, the removal and placing beyond discovery of these items could only reasonably be viewed as a deliberate attempt by the defendant to dispose of material which he considered to be at least potentially incriminating. A mobile phone seized during a search of Peter Robinson's house was also analysed. Evidence of a SMS text exchange between the two on 3-4 March was preserved in the memory of Peter Robinson's phone but deleted from the memory of the defendant's phone.

The trial judge said that the deliberate deletion from the memory of the defendant's mobile phone of any record of the exchange of SMS messages and calls must be viewed in the context of Peter Robinson telling his fellow worker that the defendant was coming to the hostel on the night in question; Peter Robinson switching off the hostel's CCTV system on three separate occasions during the night in question; Peter Robinson's alteration of the retention period of images on the hostel CCTV system during his next working shift; and the movements of the C3 car as established by its capture by the ANPR system and its observation by means of other CCTV systems:

"The deletion of this record can only reasonably be viewed as a deliberate attempt by the defendant to dispose of material which he considered to be at least potentially incriminating."

The Defendant's Internet Browsing History

The trial judge said he was convinced that the deceased and the defendant were known to each other. They had both worked as volunteers for St John's Ambulance Service and the deceased had been involved in processing the defendant's application to join in 2010. When interviewed in hospital prior to his death, the deceased estimated that he had last seen the defendant over two years before the incident. In addition to volunteering for St John's, the deceased also volunteered for the Community Rescue Service. The Court heard that on 27 September 2015, the defendant performed a

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Google search on his mobile phone accessing details of the locations where that organisation was based. He then made a contact request via the Community Rescue Service website to say he was interested in joining, but did not pursue his application.

On 7 January 2016, the defendant performed Google searches on his phone for both organisations, and crucially searched for the deceased's profile on the website www.remoteemergencycare.com. This is a certification body for first aid trainers and the website included a photograph and information about the deceased. On 28 January 2016, the defendant used his mobile phone to search the opening times of a Tesco supermarket located at the entrance to the road where the deceased lived. The defendant continued to carry out further similar searches on his phone until 27 February 2016.

The Court heard that the analysis of the defendant's mobile phone's browser history revealed an "obvious interest" in the subject of the treatment of Irish republican prisoners and militant Irish republicanism in general. He was a frequent visitor to the websites and/or Facebook pages of the Irish Republican Prisoners' Welfare Association and the Irish Republican News. Further searches were carried out about the treatment of republican prisoners. The trial judge also said it was relevant that the defendant used his mobile phone to perform internet searches to access websites discussing the magnetic qualities of aluminium given that the IED was attached to the deceased's van by magnets.

The trial judge also regarded it as highly relevant that from the morning of 4 March, after the device had exploded, up to the time of the defendant's arrest that he used his mobile phone to search for and view news reports and photographs relating to the attack on 80 occasions. None of the new stories disclosed the fact that the victim was a serving prison officer or his identity, and the defendant asserted in his pre-prepared statement that the first time he heard the deceased's name was when the police came to arrest him on 6 March. The trial judge said he could not therefore possibly conclude that the "extreme degree of interest" shown in this story by the defendant was based on his knowledge that a former work colleague had been caught up in the attack:

"The only possible explanation for this intense and enduring interest in this news story (although it must be stressed that this is not a case that is being made by the defendant) is that the defendant at the time of the explosion knew that his former work colleague Adrian Ismay was a prison officer who lived in east Belfast and the defendant was following this story to seek confirmation as to whether Mr Ismay had been the victim of the attack."

The defendant's own online activity on Facebook was submitted in evidence. The trial judge said it contained an abundance of material which could lead a viewer to reasonably conclude that he supported the use of violence in furtherance of the aims and goals of Irish republicanism. Another strand of relevant evidence were the records of purchases made by the defendant on Amazon between 27 January and 7 February 2016. These included a pair of self-defence gloves, five balaclavas and a morph mask. During the search of his home on 6 March, two further improvised balaclavas were found together with four walkie talkie radios. Counsel for the defendant submitted that the defendant liked to dress up in costumes and engage in role play and that he may have been working as a security man in a hotel. The trial judge, however, said the purchase of balaclavas and the finding of improvised balaclavas were very unlikely to be connected with a penchant for fancy dress.

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The Police Interviews

The defendant did not answer any questions during interviews between 7 and 11 March 2016 but two pre-prepared statements were provided on his behalf. In the first, which was provided on 7 March, the defendant stated that he had worked with the deceased and had a good relationship with him. He asserted that the first time he heard about the explosion was on the news and that he only became aware it was Mr Ismay when the police informed him at the time of his arrest. The trial judge said this was an important issue. The defendant also claimed in his statement not to have left his home on 3 or 4 March save to go to his mother's house or to walk his dog.

During the course of a subsequent interview on 7 March, a second pre-prepared statement was provided in which the defendant stated: "I am not, never have been nor ever will be a member of a proscribed or specified organisation. I deny any allegation that I am an active member of the New IRA".

The trial judge made the following findings in respect of the defendant's internet browsing and his interest in the deceased:

- "I am compelled to conclude that the interest expressed by the defendant in Mr Ismay and the area where he resided in the period leading up to the attack upon Mr Ismay, as evidenced by the Defendant returning to view Mr Ismay's web profile on a number of occasions and in checking the opening hours of the supermarket nearest to Mr Ismay's house, cannot possibly have arisen out of the Defendant's simple curiosity about the activities of a former volunteer work colleague or an interest in shopping at this location. The repeated visits to Mr Ismay's profile compel me to conclude with utter certainty that such activity was motivated by much more than mere curiosity about the present activities of a former volunteer work colleague.
- I am compelled to conclude that the frequent visits to internet sites which were concerned with the treatment of Irish republican prisoners and militant Irish republicanism in general and the population of his Facebook page with posts relating to these issues, not only demonstrate the Defendant's open support for militant Irish republicanism but also are clear evidence of his animosity towards those State agents directly involved in what he obviously regarded as the serious mistreatment of Irish republican prisoners. It matters not whether that animosity only developed after his period of working with Mr Ismay came to an end or whether it was present during that period but was not overtly displayed to Mr Ismay. All that matters is that this animosity was present at the time of the attack upon Mr Ismay.
- I am compelled to conclude that the frequent visits to internet sites discussing and describing the magnetic permeability of aluminium in the period leading up to the attack on Mr Ismay do not represent the abstract quest for knowledge by a curious scientific mind but can only be explained on the basis that this specific and esoteric subject had some material bearing and relevance to the present, pressing and concrete reality of Mr Robinson's actions and endeavours at that time. It is of note that he did not display any interest in this subject after the explosive device was successfully attached to Mr Ismay's vehicle by the use of two or more magnets.
- I am compelled to conclude that the frequent visits to internet news sites which reported on the attack on Mr Ismay, commencing just over two hours after the explosion took place, far from being motivated by concern for the welfare of a former volunteer work colleague or his

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passing curiosity in relation to current news items, was motivated by the Defendant's intense personal interest in the story, having regard to the intimate and integral role he played in the events giving rise to that news story.

- The Defendant's purchases from Amazon in the period leading up to the attack on Mr Ismay and the finds resulting from the search of his house at the time of his arrest are frankly inexplicable in the context of someone trying to avoid arousing suspicion in the minds of those involved in the investigation of serious violent crime. There is nothing to suggest that the balaclavas or walkie talkie radios were actually utilised during the attack on Mr Ismay. It is somewhat bizarre behaviour for an adult to cut sleeves off items of clothing and cut eye holes out of these sleeves in order to make improvised balaclavas, unless that adult wished to use these items to avoid his face being seen when engaging in criminal activity or taking part in a public protest organised by an unlawful organisation. The Defendant's intent and purpose in acquiring and manufacturing balaclavas cannot be ascertained with certainty. However, it is simply not credible to propose that these items were acquired and manufactured just for the purposes of engaging in fancy dress.
- Having regard to all the available evidence, the interpretation most favourable to the Defendant that can reasonably be placed on him acquiring and manufacturing these items is that, just as he posed with a realistic looking firearm for a photograph which he chose as his Facebook profile image, he had some sort of fixation with the trappings of paramilitarism which arose out of his support for militant Irish republicanism."

The Defendant's Skoda Fabia Car and Movements of his Mobile Phone

Analysis was carried out of the CCTV and ANPR footage of the defendant's car on the night of 3-4 March 2016 and the location and usage of his mobile phone at the same time. There were periods during which the phone was not attached to a network on 3 March. The trial judge said he was compelled to conclude that the most likely explanation for this was that the battery had been taken out of the phone and this caused the connection between the network and the phone to be suddenly lost.

CCTV cameras captured the defendant's car stopping on Dock Street at 20:51 and a male wearing light coloured trousers, a dark coat and bobble hat approached the rear driver's side door. CCTV and ANPR cameras then picked up the car arriving at Brougham Street close to where Peter Robinson was working in the hostel. At 20:54 the defendant sent a text to his brother to say "Put kettle on bro. 5".

The trial judge noted that the defendant had told the police that he had not been out of the house that day apart from walking his dog and visiting his mother but concluded that the evidence showed that he definitely stopped his car on Dock Street at 20:51 and that by arrangement he picked up an individual at this location who got into the rear driver's side of the car and that as he drove away with this individual on board he contacted his brother via SMS message to inform him he would be with him in a short space of time. The judge commented:

"For the avoidance of any doubt, I am convinced that the Defendant was expected by his brother at the hostel that evening. He did make his way to the hostel in his car. He did have his mobile phone in the car at the time of his arrival in the area and the CCTV system installed in and around Ardmoulin Mews Hostel was switched off by Peter

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Robinson so as to ensure that there was no video evidence of the Defendant's arrival or presence in the immediate vicinity of the hostel. The Defendant had picked up an individual on Dock Street at approximately 20.51. No doubt this was by prior arrangement. Did this individual remain in the vehicle up to the time of its arrival at Divis Street at approximately 21.23? Given that the individual was in the vehicle with the Defendant when the Defendant contacted his brother by SMS text at approximately 20.55 and told him that he would be with him in five minutes, I conclude that it certainly was the intention of the Defendant at that time and part of this arrangement to take his passenger to Divis Street."

The trial judge said the material events were the switching off of the CCTV system at the hostel between 23:15 and 23:20 on 4 March and the journey of the C3 from 02:12 to 02:31 on 4 March. He said that during the entire period the defendant's Skoda was not captured on any ANPR or CCTV camera system and his mobile remained on and attached to the mobile base transceiver station "Shankill South". The Defence relied heavily on the lack of any evidence about the movements of the defendant following his alleged arrival at the hostel and evidence connecting the defendant to the C3 during this period or the period when the C3 made its journey back from the defendant's street. The trial judge said it was entirely correct to assert that there was a significant evidential lacuna during this period and that it was incumbent on the Court to direct the most intense degree of scrutiny.

The next event upon which the Crown relied was the continued utilisation by the defendant's mobile phone of the "Shankill South" mobile base between 02:28 and 02:39 without any evidence of active use until a SMS text was sent at 02:39 using this phone to Peter Robinson's phone. There was no record of this text message in the memory of the defendant's phone and the court said it was obviously deleted. Peter Robinson's phone revealed a text message that said "Hey bro, how's work?? Couldn't sleep." The trial judge said this was a peculiar message for the defendant to send to his brother at 02:39 given the fact that he was nowhere near his home let alone his bed but was instead in the vicinity of Divis Street. While there was no evidence to indicate that Peter Robinson replied to this text message, the trial judge said he must have been in the office of the hostel at this time as he turned the CCTV system off so that it did not record any images between 02:40 and 02:27 on 4 March. The defendant also made a voice call to his brother's mobile at 02:40 on 4 March lasting 16 seconds but there was no record of this on the defendant's phone.

CCTV and ANPR footage then showed the defendant's Skoda on Clifton Street at 02:48 from where it made its way to Dock Street. At 02:50 the images showed the car stopping on Garmoyle Street before it moved off again at 02:51. A CCTV camera captured an individual walking on the footpath on Pilot Street at 02:50. He was wearing a short dark coat, lighter trousers and what resembled a bobble hat. No other pedestrians were in the area. There were no traffic lights in the area where the Skoda stopped and the trial judge said it could not therefore be argued there was an explanation for the defendant doing this. At 02:53 the defendant's mobile phone attached to a network in the vicinity of Corporation Street. There had been no activity relating to the defendant's phone between 02:40 and 02:53 but the phone had not been detached from the network. The trial judge said the most likely explanation for this hiatus was the deliberate removal of the battery shortly after 02:40 as the defendant left the Divis Street area and the turning on of the phone at 02:53 as he travelled along Corporation Street some time after he had stopped at the entrance to Pilot Street. The defendant's mobile was then connected to various mobile transceivers until he arrived home and accessed his wife at 03:15. He then made a voice call to his brother's phone at 03:24.

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The trial judge said the defendant appears to have been away from his house between approximately 20:00 on 3 March to 03:15 on 4 March, a period of over seven hours, during which time he made two journeys to the docks:

“These events are of a very different nature to the short trip to the local shops or some similar destination which could easily be forgotten about or overlooked. I reiterate that the defendant’s pre-prepared statement contains a blatant and obvious lie about the Defendant’s movements during the night in question. Bearing in mind that the Defendant was being questioned about the placing of a bomb under Mr Ismay’s vehicle when he made that statement, I conclude that this lie was deliberately told for one reason and one reason only and that was to attempt to divert suspicion of involvement in this attack away from the Defendant.”

Evidence on behalf of the Defendant

The Court was told that the defendant did not intend to give evidence and that the only evidence that would be adduced on his behalf was a medical report prepared by a Consultant Psychiatrist, the record of the search of his house and a character reference from a priest in St Peter’s Parish. The question for the Court was therefore what, if any, inferences was it proper to draft from the defendant’s decision not to give evidence.

The psychiatrist’s report referred to the defendant’s history of mental health problems, complex post-traumatic stress disorder and alcoholism. The report stated that the defendant is prone to impulsive outbursts without proper consequential thinking which could result in a risk of him “blurting out allegations and false statements that will be irrelevant to his defence, and may be to the detriment of his defence”. The trial judge said the Court had no hesitation in concluding that the various strands of circumstantial evidence adduced by the prosecution in this case in respect of the actions of the defendant clearly called for answers from him. He said the question is whether the only sensible explanation for his silence was that he has no answers or none that would bear examination. The trial judge commented that when a judge is forewarned about the potential for impulsive outbursts and loss of emotional control, he could ensure that no unjustified or inappropriate weight would be attached to allegations and false statements made by the defendant in his oral evidence which were irrelevant to his defence. He noted, however, that he could not be sure that the matters raised in the psychiatrist’s report formed the basis for the defendant’s decision not to give evidence and therefore, out of an abundance of caution, the Court would not in this case draw any adverse inferences from his failure to give evidence in his defence.

The character reference provided by the priest revealed that the defendant previously sang in a Folk Group at Mass. It described the defendant as a willing, friendly, patient person who was calm and respectful in his manner. The trial judge said this description was somewhat at odds with the issues described in the psychiatric report but “taken at face value just serves to demonstrate how an individual can display different personae at different times and in different circumstances”.

The third piece of evidence was the search record which described how a Balmoral Hotel security badge, an amateur radio licence and self-defence gloves were found. The trial judge said he did not consider that the finding of these items could be considered as being in any way germane to the issues that the Court has to decide.

Circumstantial Evidence

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The Crown accepted that the case against the defendant was comprised of a number of strands of evidence, none of which provides his involvement in the attack on the deceased to the criminal standard. It argued that it is for the Court as the tribunal of fact to consider the entirety of the evidence in the round in order to make a determination in this case. It was argued that this was a classic circumstantial case and that any temptation to isolate one strand of the case and discard it if it does not reach the criminal standard must be studiously resisted.

TRIAL JUDGE'S FINDING

Mr Justice McAlinden made the following findings:

“Applying these principles to the various strands of evidence set out above, it is clear that the Court must adopt a holistic approach and assess the whole of the evidence in this case in order to determine whether the evidence seen in its entirety establishes beyond a reasonable doubt that the Defendant is guilty of any of the offences with which he is charged. At the same time, the Court has to examine the individual strands of evidence to rigorously test them for any signs of lack of integrity and to ascertain whether any of those strands which survive that scrutiny are linked by cross strands which would contribute to the integrity of the whole structure.

A key issue in this case which now requires specific consideration by the Court is the issue set out in paragraph [168] above. The question which was posed in that paragraph can be restated in the following terms. Was the return of the Citroen C3 from Hillsborough Drive, as evidenced by its last capture on CCTV progressing along Eglantine Avenue towards the Lisburn Road at 02.31, linked to the sending by the Defendant to his brother of a text message: “Hey bro, how’s work?? Couldn’t sleep.” at 02:39:37 when the former was in the vicinity of Divis Street and the latter was in the Ardmoulin Hostel, and was this communication, in turn, linked to the disabling by Peter Robinson of the hostel’s CCTV system between 02:40 and 02:47:42?

This key issue referred to above can only meaningfully be addressed by looking carefully at all that we know about these three events. The Citroen C3 was on its way back from Hillsborough Drive, ferrying the person who attached the device to the underside of Mr Ismay’s vehicle away from the scene. This vehicle had been parked in front of the Ardmoulin Hostel before it began its journey to Hillsborough Drive with the bomb and bomber on board and Peter Robinson must have had the keys of the vehicle until they were obtained from him by one or more of those responsible for transporting the bomb. This vehicle must have made its way back to a location where Peter Robinson was able to gain access to it and use the keys to drive it during the morning of 4th March 2016 because it is captured at 8.45 a.m. in the general area of Mr Robinson’s home and it was subsequently seized by the Police outside his house on 6th March 2016. At no time between the night of 3rd/4th March and the time of seizure of the vehicle by the Police did Peter Robinson make any report of his vehicle being taken by anyone without his permission. The vehicle could not have been driven without the keys and no report was made by Peter Robinson of any keys being taken.

The SMS message “Hey bro, how’s work?? Couldn’t sleep.” sent at 02:39:37 on the morning of 4th March 2016 cannot on any rational or sensible basis be regarded as a genuine enquiry by the Defendant about how his brother was getting on at work at that time or as a genuine

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expression by the Defendant of his sleeping difficulties. The message was sent from the vicinity of Divis Street. The Defendant by that time had been out of his house since shortly after 20:00 the previous evening. He was nowhere near his house or bed at the time. It wasn't the case that he was at home until shortly before sending the text and not being able to sleep he had left his bed and his home to go to see his brother. His mobile phone had been attached without interruption to a mobile base transceiver station in the area of Divis Street in the vicinity of the hostel since shortly before 21:30 the previous night.

For the Defendant to send such a text informing his brother that he could not sleep when the Defendant had been out and about and away from his home and bed for six and a half hours can only be seen as an attempt by the sender to mislead either the recipient and/or someone else who might gain access to the contents of that SMS message. If the Defendant was that interested in what his brother was doing at work, why did he not simply call in to see his brother as he was in the vicinity? If his brother had considered this message to be a genuine enquiry about what he was doing, why did he not respond, then or later? Looking at the entirety of the evidence, the only rational and sensible explanation for this unacknowledged and unanswered message being sent at this time is that it was a coded signal sent by the Defendant to his brother about the return of the Citroen C3 to the vicinity of the hostel.

The only rational and sensible explanation for the temporary disabling of the CCTV system at the hostel is that Peter Robinson was present in the office of the hostel at or about 02:40 on the morning of 4th March 2016 and deliberately disabled the system for a period of some seven minutes. It has been convincingly established that he had disabled the CCTV system at the hostel five and a half hours earlier as a direct response to information received from his brother. I am convinced that the provision of the coded signal by the Defendant to his brother precipitated the disabling of the hostel's CCTV system by Peter Robinson at or around 02:40 and that this was a deliberate attempt to prevent any visual record of events surrounding the return of the Citroen C3 motor vehicle being created. A belt and braces approach for the purpose of ensuring that there was no such visual record is demonstrated by Peter Robinson changing the CCTV system settings during his next night shift at the hostel.

The answer to the question posed in paragraph [168] as reformulated in paragraph [208] above is that these three events or strands of evidence are definitely linked and, having made that finding, the Court must now anxiously and carefully scrutinise the entirety of the evidence in order to determine whether the Crown has established the Defendant's guilt in respect of any or all of the charges faced by him.

Such anxious and careful scrutiny of the whole of the evidence in this case compels the Court to conclude that the Defendant deliberately engaged and assisted in the targeting of Mr Ismay as the intended victim of this bomb attack. The Defendant knew that this bomb attack, if successful, would result in the death of Mr Ismay or the infliction of serious injury upon Mr Ismay and this was the intended outcome of his actions. The Defendant repeatedly checked out Mr Ismay's online profile and went so far as to check up on the opening times of a large supermarket located opposite one end of Hillsborough Drive. The Defendant knew in advance what type of attack was going to be carried out. His concerns about the fixation of the improvised explosive device to the underside of Mr Ismay's vehicle prompted him to search the internet for information relating to the magnetic permeability of aluminium.

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The Defendant made a car journey to the area of the docks and he then transported an individual from Dock Street to the Divis Street area prior to the planting of the bomb and in doing so he knowingly facilitated the mounting of this attack. The Defendant knowingly arranged for and facilitated the use of his sister-in-law's motor vehicle for the purpose of transporting the bomb and bomber to Hillsborough Drive and for the purpose of transporting the bomber away from the scene again. The Defendant is forensically linked to a cynical ploy to render the vehicle less conspicuous in the area where the attack was to take place. The DNA evidence described above by itself does not establish that the Defendant had direct contact with the Poppy Appeal car sticker but the entirety of the evidence convinces me that he had contact with this sticker in the context of it being attached to the windscreen of the Citroen C3 motor vehicle in furtherance of this planned attack. Following the attack, the Defendant undertook another car journey in his own vehicle to the docks, his second journey to this area on the night in question. During this second journey to the docks area, he stopped his vehicle at the mouth of Pilot Street, and in doing so he knowingly facilitated and assisted an individual involved in the attack on Mr Ismay to evade discovery and detection.

The Defendant knowingly took steps to minimise the chances of his intimate and inextricable involvement in the attack upon Mr Ismay being uncovered by turning off his mobile phone at particularly key stages of his journeys that night, by deleting entries from the memory of his mobile phone relating to voice call and SMS messages, by putting his SIM card and the battery of his phone beyond the reach of the Police, by arranging with his brother for the CCTV system of the Ardmoulin Hostel to be disconnected at key stages of the operation and the system settings of the CCTV system to be subsequently changed so as to dramatically reduce the period of retention of images, by sending a coded SMS message to his brother, and by the telling blatant and obvious lies (contained in a pre-prepared statement provided to the Police during interview under caution) about his movements on the night in question and about him not knowing that Mr Ismay was the victim of the attack until he was informed by the Police at the time of his arrest

Following the attack, the Defendant showed an intense and enduring interest in the internet news coverage of the attack that can only be explained by the Defendant's prior knowledge of and intimate involvement in the planned attack upon Mr Ismay, an individual whom the Defendant had specifically targeted. This intense and enduring interest cannot be explained by the existence of a close and/or enduring relationship between the Defendant and Mr Ismay nor can it be explained by innocent curiosity engendered by the Defendant's pre-existing knowledge that a former work colleague, Mr Ismay, was a prison officer living in the area of the attack, because such a relationship and/or knowledge is denied.

The Defendant's social media activities demonstrate a clear support for violent Irish republicanism and strong support for Irish republican prisoners. His social media activities also demonstrate a strong disapproval of the Police Service for Northern Ireland, the Northern Ireland Prison Service and Sinn Fein and this clearly expressed disapproval of Sinn Fein flies in the face of his stated support for Sinn Fein as detailed in Dr Loughrey's report. The Defendant's support for violent Irish republicanism and for Irish republican prisoners and his strong disapproval of the PSNI and the NIPS provide a cogent and compelling explanation for his intimate and inextricable involvement in this attack upon Mr Ismay, a serving prison officer, a fact that must have been within the knowledge to the Defendant. The fact that the Defendant was in possession of homemade balaclavas, had purchased other balaclavas from Amazon and had posed with a realistic looking firearm for a photograph which he chose as his

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Facebook profile image, strongly supports the proposition that he had some sort of fixation with the trappings of paramilitarism which arose out of his support for militant Irish republicanism.

Having examined and tested the individual strands of evidence in this case and the links between those strands and having carefully and anxiously scrutinised the entirety of the evidence in this case, I am compelled to conclude that the evidence establishes beyond a reasonable doubt that the Defendant Christopher Robinson was intimately and inextricably involved in the facilitation and execution of the terrorist operation which involved the attachment of a viable improvised explosive device to the underside of Mr Ismay's vehicle with the intention of causing the death of Mr Ismay or causing him really serious injury. That device did explode when Mr Ismay was driving the vehicle and the injuries he suffered resulted in his death.

I have carefully examined, taken into account and considered every piece of evidence in this case, every skilful submission made by Senior Counsel for the Defendant, and every relevant matter brought to my attention by or with the specific agreement of the Defence, looking anxiously for anything arising therein or therefrom that could give rise to a reasonable doubt in my mind as to the guilt of the Defendant and I have found nothing. I, therefore, am compelled to find the Defendant guilty of the murder of Mr Adrian Ismay and I find him guilty of the possession of explosives with intent to endanger life. I make no finding in relation to the charge of providing property for the purpose of terrorism."

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>).

ENDS

If you have any further enquiries about this or other court related matters please contact:

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