



JUDICIARY OF
ENGLAND AND WALES

29 July 2019

SUMMARY

**RXG -v- (1) Ministry of Justice (2) Persons Unknown
[2019] EWHC 2026 (QB)
President of the Queen’s Bench Division and Mr Justice Nicklin**

[references in square brackets are to paragraphs in the judgment of the Court]

1. On 23 July 2015, the claimant, RXG pleaded guilty to two offences of inciting terrorism overseas contrary to section 59 of the Terrorism Act 2000. On two occasions in March 2015, when he was 14-years-old, RXG had incited another person to commit acts of terrorism, namely the murder of police officers during an attack on an ANZAC Parade in Melbourne, Australia; and the murder by beheading of a person in Australia. The plot was thwarted by the Australian Federal Police who made several arrests. RXG is the youngest person ever to be convicted of a terrorist offence in the United Kingdom. He was sentenced to detention for life with a minimum term of 5 years: [2]-[3].
2. Pursuant to section 45 Youth Justice and Criminal Evidence Act 1999, the Crown Court imposed reporting restrictions prohibiting identification of RXG whilst he was under the age of 18: [4]
3. Since his sentence, RXG has been detained in a secure children’s home: [6]. Before he turned 18 last year, an application was made on his behalf for an injunction to continue the prohibition on his identification. A temporary injunction was granted pending the decision in this case: [7].

RXG’s Claim

4. RXG sought the continuation of the prohibition on his identification on the grounds that, were he to be identified, then he was at risk of attack either by other prisoners or, upon his release, members of the public. Relying upon expert evidence (summarised in [10]), he also argued that an order protecting his anonymity was justified because, if he were to be identified, his rehabilitation would be jeopardised. It was argued that, due to his autistic spectrum disorder, he was particularly vulnerable in this respect.
5. RXG’s representatives submitted that the Court had jurisdiction to make an order that would continue the prohibition on his identification following the Court’s decisions in the cases concerning the killers of James Bulger, Mary Bell, Maxine Carr and two brothers who had committed serious offences against three other young children: [32]-[34].

Decision

6. The Court was not satisfied that RXG had demonstrated that there was a real and immediate risk of serious physical harm if his identity were to be revealed: [52].
7. Nevertheless, the evidence available to the Court compelled the conclusion that, if RXG were identified, it would be likely to have a “*profound impact on his psychological well-being*” [60], would cause him serious harm [71] and fundamentally undermine his rehabilitation, a position which was exacerbated by his autism [66]. The Court attached particular weight to the fact that RXG had been a child when he committed his offences and had been exploited and groomed by extremists [60(i)] and that very real progress with his rehabilitation had been made in the four-years he had spent in detention: [60(iii)]. The Court also noted that there was a significant wider public interest that RXG’s rehabilitation should be successful: [59].
8. Whilst recognising the fundamental public interest in unfettered reporting of criminal trials, including the identification of the offenders [69], the Court was satisfied, in this “truly exceptional” case [60], that it was necessary to grant an injunction to continue the restrictions on identifying RXG [71].
9. The Court’s Order will permit the restrictions on identifying RXG to be reviewed at any time, should circumstances change: [72]

NOTE: This summary is provided to help in understanding the Court’s decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: www.bailii.org.uk