



JUDICIARY OF
ENGLAND AND WALES

IN THE CENTRAL CRIMINAL COURT

25 OCTOBER 2013

THE QUEEN

-v-

PAVLO LAPSHYN

SENTENCING REMARKS OF MR. JUSTICE SWEENEY

Pavlo Lapshyn you are 25 years old and from Ukraine. You have no previous convictions. You have pleaded guilty to murder (Count 1), to causing an explosion with intent to endanger life (Count 3), and to engaging in conduct in preparation of terrorist acts (Count 4). All those crimes took place in the West Midlands. The murder was carried out within 5 days of your arrival in this country as a highly qualified engineer on a 12 month work placement. Thereafter and within a period of less than two months you planted and detonated three improvised explosive devices in the vicinity of three mosques in Walsall, Wolverhampton and Tipton respectively. You were clearly planning to plant and detonate yet more such devices until you were arrested as a result of excellent police work and the help of the public. You clearly hold extreme right wing white supremacist views, and you were motivated to commit the offences by religious and racial hatred in the hope that you would ignite racial conflict and cause Muslims to leave the area where you were living. Such views, hatreds and motivation are abhorrent to all right thinking people, and have no place whatsoever in our multi-faith and multi-cultural society.

In September 2012 whilst studying for a PhD at a University in the Ukraine you were interviewed with a view to receiving a placement on a work programme operated by a Midlands based UK company. You were eventually successful. However it is clear that, even before coming to this country on 24 April this year, you had already been manufacturing and detonating improvised explosive devices in the countryside in Ukraine, as well as researching on the internet places in Birmingham where you could purchase materials and component parts of improvised explosive devices once you were here.

Once here you were put up at the company's premises in Small Heath. The very next day you researched on the internet a right wing supremacist site, and those affiliated to it who were serving prison sentences in Russia for racist crimes including murder. You placed that material on a Russian social networking site to which you were a subscriber. You also created a file bearing Neo Nazi insignia of the type sometimes adopted by right wing extremist and white supremacist groups.

On the 26th April you researched sites on the internet for the component parts and ingredients of Improvised Explosive Devices, as well as subsequently buying, and taking a picture of yourself holding, the large hunting knife that you were to use to commit the murder 3 days later.

In the early afternoon of Monday 29th April, you used your work computer to conduct internet research in relation to the supply of ingredients for the manufacture of Improvised Explosive Devices, and in the late evening you left the company's premises and made your way by bus to the Green Lane area of Small Heath. You were armed with the hunting knife and intent on finding a Muslim to murder.

You found Mohammed Saleem Chaudhry who was 82 years of age, and had been retired for over 20 years. He had been married for over 50 years with seven children and twenty three grandchildren. He was a highly respected member of the community. He lived with his wife in Little Green Lane and was regular attendee at prayers at the Mosque on Green Lane – albeit not in the best of health and walking with a stick. That night he left the Mosque after final evening prayers concluded at a little after 10.15pm. He started to walk home alone. He was wearing traditional Islamic dress. As he walked down Little Green Lane approaching his home you followed him. You produced your hunting knife and stabbed him three times causing three deep penetrating wounds to his left shoulder and back ranging in depth from 12.5 to 18cms. The wound that was highest up on Mr Saleem’s back passed all the way through his body from back to front. Another went through the lung and transected the left pulmonary artery branch resulting in massive blood loss.. There was damage to bone in keeping with the use of severe force. Mr Saleem was seen staggering in the road and then fell to the ground mortally wounded a short distance away from where you had stabbed him

You made good your escape from the scene, but fortunately an image of you doing so was captured by a CCTV camera. You returned to the company’s premises.

The victim impact statement made by Mr Saleem’s daughter Shazia on behalf of his family makes, unsurprisingly, harrowing reading.

Amongst other things she says that.....(Extracts read)

Equally unsurprisingly your conduct has had an adverse effect on the company which, in all innocence, employed you, and greatly distressed those with whom you worked.

The day after the murder you researched reports of the murder on the internet. On the 3rd May you created various files on your computer containing Neo Nazi and other right wing white

supremacist material, including an audio file: “*You must murder*” and several images of the aftermath of the Boston bombing in the U.S.

On the 17th May you created a file which contained a picture of a knife with the caption “*Mohammed Saleem was stabbed by*” and below the knife “*£10,000 reward - small price. May be £1,000,000?*” and a picture of a “*Smiley*” face with the slogan “*WHITE POWER*”.

On 18 May you created a file on your laptop that related to a Russian individual who characterised his asserted murder of people of Arab, Asian and Chinese extraction as being enemies of “*the race*” and the killings as an agency of a Racial Holy War. In that same vein a video game was later found on your computer entitled “*Ethnic Cleansing*” whose central thesis was the killing of Africans, Latin Americans and Jews - together with other racist material in a media file entitled “*White World*” and other anti-semitic, homophobic and racist material.

During the same period you also continued to accumulate materials and equipment with which to manufacture Improvised Explosive Devices.

By the 19th June you were researching travel from Birmingham to Walsall, together with satellite images of the area, including the area of the Aisha Mosque in Rutter Street. That afternoon you performed a reconnaissance of the area surrounding the Mosque. In the afternoon of Friday 21st June you researched Google Maps for the “*Aisha Mosque Walsall*”. Less than an hour later you went to Asda in Small Heath where you purchased a green wine bottle bag. That evening you set off to Walsall carrying the bag inside which you had placed a small improvised explosive device that you had made. It consisted of a 400 ml drinks bottle, 10 grams of home made HMTD as the primary charge, an intended main charge and an adapted mobile telephone and a lantern battery. However, fortunately, you had mistakenly used the wrong variant of the chemical that you used in the main charge and thus it was inert. Not long after 10pm you planted the device in front of some metal pedestrian gates in Rutter Street next to the Mosque and adjacent to

nearby residential property and a pavement. The mobile phone you used as part of the device had been set to activate at 10:58 p.m., with four further settings in case of malfunction (each of which were at busy times of the day). The detonator duly exploded with a loud bang not long before the start of prayers, but not the inert main charge. Fortunately, although 10 grams of HMTD alone has the potential to cause really serious injury or death, no one was hurt. The remains of the device were later recovered.

On 23rd June you commenced research into bus routes between Birmingham and Wolverhampton. You also used the search term “*Wolverhampton Mosque*” which produced links to the Wolverhampton Central Mosque. The Mosque is situated within a complex including a school and college and is next to a large roundabout.

In the evening of Thursday 27th June you travelled to Wolverhampton by bus. You were carrying a bag containing another improvised explosive device. This one consisted of 40 grams of home made HMTD as the primary explosive, with 600 grams of main charge and a timing device with two 9volt batteries. However you had made another error in relation to the composition of the main charge, which was again inert. You planted the device in shrubbery in the central area of the roundabout about 20 yards from the Mosque. It was timed to detonate at 9:00 a.m. the following morning Friday 28 June and did so. Thus it exploded at a time when many people were in the area – including children being delivered to school by their parents. Again, fortunately, and although you had used four times as much HMTD, the main charge did not go off and no one was injured.

On 1st July you created a file on your computer which contained a picture of a “*Buffalo River*” hunting knife (like the one you had used to commit the murder) containing its dimensions and the entry “*Mohammed Saleem Chaudhry killed by*”. That same day you created a further four files. The content included a Google satellite map of the Wolverhampton Central Mosque with a circle superimposed and an arrow pointing to it with the word “*Bomb*” and the title “*There is a bomb near*

Wolverhampton Mosque. Maybe there are other bombs near this mosque. We need news about this event? “Please check” and a “Smiley” face. At the bottom were the words “White power”. The document was directed to the Police (though not sent) and arose by virtue of the fact that the Police had arrested someone in respect of the Walsall offence who was not involved in the incident, and you wished to make that plain.

In the evening of 8th July you carried out reconnaissance in the area of the Central Jamia Mosque in Tipton. 10th July was the start of Ramadan in the U.K. You spent part of that day researching the Mosque on the internet, but did not realise that prayer time had been moved forward by one hour because of Ramadan.

In the late evening of Thursday 11th July you travelled to Tipton by bus carrying a third improvised explosive device, this time in a laptop bag. This device consisted of 40 grams of homemade HMTD as the primary charge, 600 grams of main charge in one metal container and 600 grams of nails as shrapnel in another container and a mobile phone and battery. However you had made another error in relation to the main charge, which was again inert. You placed the device on spare ground close to the car park of the Mosque. It was timed to go off at 1.03 pm the following day (Friday 12 July) which you believed was about 10 minutes before prayer time. Fortunately, because it was Ramadan, you were wrong. So when the detonator duly exploded (but again not the main charge) no one was hurt – albeit that the shrapnel was propelled to, and embedded in, objects as far as 75yards away. In the opinion of experts the device was extremely dangerous posing a significant risk to people and property with the potential to cause serious injury and death to those in proximity to the explosion at the time of detonation and on public transport as the device was being transported to its intended destination.

Excellent police work, in particular the meticulous examination of many hours of CCTV footage, led eventually to images being found of you buying the bag in Asda in which you carried the first device to Walsall. That was circulated in the media. You yourself researched it on the West

Midlands Police website. Help from the public led to your arrest at the company's premises in Small Heath on the 18th July. After a short struggle you were detained. Thereafter you were entirely cooperative. You informed officers that there were chemicals and various ingredients for a device in your bedroom but that none of it was modified and/or ready for use. The building was evacuated. A search revealed chemicals for the manufacture of another device - including 1 litre of hydrogen peroxide 35%, aluminium powder and ammonium. In your bedroom were found three partially adapted mobile phones and bomb making equipment.

You made various admissions including saying that you had planted the device near the Wolverhampton Mosque in order to demonstrate that the police had arrested the wrong man in relation to the Walsall device. A thumb drive was also recovered which contained 30 photographs, and 8 videos including footage of you making and detonating three devices together with details of chemical formulae used to construct devices, poisons and the use of weapons.

When your mobile phone was examined it was found to have been used to conduct searches in respect of the Mosques that you had attacked, and also in respect of two other mosques in other parts of the country..

In interview you admitted sourcing the materials, constructing the devices, researching the targets and engaging in reconnaissance and deploying anti-surveillance tactics such as switching your mobile phone off so as to avoid cell siting. When asked the reason for the bombings, you stated "*racism*"; "*so I would like to increase racial conflict*". You stated that you had acted on the grounds of religion and colour as you believed a series of explosions "*might achieve more*" and "*the Muslims will have to leave our area*".

The Tipton device, you accepted, had been significantly more powerful and contained shrapnel in the form of nails and a more sophisticated clock device that avoided the prospect of the

device being activated by a random SMS message. Your purpose in setting the device was to commit a terrorist act and you intended that mosque goers would be hurt. You said that the location was ideal as “*there was little risk of white people suffering*”. You said that the 21st June device (Walsall) was symbolic as the date of the Summer Equinox. You said that you had timed the Tipton device to explode on the 12th July as it was a Friday and was a day of “*major prayer*” in the Muslim faith.

On the 20th July you were arrested on suspicion of the murder of Mr Saleem. You admitted the offence stating that you had travelled by bus to an area that you believed had a predominantly Muslim population whilst armed with a knife and that you were “*looking for a suitable opportunity*”.

You admitted that the murder was committed out of racial hatred, and that you wandered around looking for a victim, and saw Mr Saleem who was alone and wearing traditional Muslim dress. You followed him and stabbed him to death. You described changing the position of your feet in order to achieve greater thrust when using the knife and wanted to stab him in the heart, stating “*I have racial motivation and racial hatred*”.

You admitted that you had purchased the knife on your second or third day in Birmingham and described how you carried the knife on the evening of the murder and concealed it so “*the enemy cannot see the position of the blade*”. You stated that you had disposed of the knife as you ran away, thrusting it to the hilt into the ground by some shrubbery. You also admitted composing the entries on your laptop and posing with the knife - saying that the image was a “*spontaneous decision*”

On Count 1 the sentence is mandatory - it must be one of life imprisonment.

But I must also identify the minimum term that you must serve.

The prosecution argue that my starting point should be a whole life term upon the basis that the murder of Mr Saleem was done as part of a series of terrorist acts for the purpose of advancing a political, religious racial or ideological cause and that thus the seriousness of the offence is extremely high.

On your behalf it is accepted that the murder of Mr Saleem was both racially and religiously aggravated and that thus, on any view, the starting point must be one of at least 30 years, but it is submitted that this is not a case in which I can be sure, on the facts, that a whole life term is required.

Having considered the matter with great care, and set out the facts at some length, I am not sure that you murdered Mr Saleem to further a cause as such. Rather it seems by me that you were acting alone and motivated by your own extreme and appalling prejudices – albeit that there are other wholly misguided organisations and individuals who share your views. Nor do any additional features of the case, whether taken individually or in combination, make me sure that this is a case for a whole life tariff.

I take then a starting point of 30 years to reflect the racial and religious aggravation of the murder. I must also bear in mind the need to deter others.

Starting from that point, there are a number of additional aggravating features - the offence was committed in the course of a series of acts of terrorism; there was a significant degree of planning and premeditation; the murder involved the use of a knife taken to the scene for the purpose; Mr Saleem was particularly vulnerable through age and infirmity; and the murder took place in a public street with attendant public concern.

The only mitigating features other than your plea are your age, your lack of previous convictions and your candour.

In my view the aggravating features massively outweigh the mitigating features, taking the minimum term up to 45 years, from which I deduct the maximum of 5 years to reflect your plea.

Thus the minimum term will be one of 40 years before you can even be considered for release.

There will be concurrent terms on the other Counts

Stand up please.

Pavlo Lapshyn, the sentence on Count 1 is life imprisonment with a minimum term of 40 years less the 93 days that you have spent on remand (subject to administrative correction). On Count 3 there will be a sentence of 12 years imprisonment concurrent, and on Count 4 likewise a sentence of 12 years imprisonment concurrent.

I make an order under s.23 of the Terrorism Act 2000 for the forfeiture and destruction of all the explosive ingredients and paraphernalia on the Schedule, and for the forfeiture of £2,000 of the cash which money is to be used for the benefit of the West Midlands Police and for the community they serve.

There will be a Notification Order for the maximum of 30 years.

Count 2 will lie on the file, subject to the usual order.