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MEMBER MCIJ

Judge at Nottingham Crown Court maintains anonymity for youngest convicted murderers in 30 years- ruling Monday 2nd September 2024

Ruling by Mrs Justice Tipples in pdf file released 2/09/2024 England Wales Judiciary Rex -v- BGI and CMB: https://www.judiciary.uk/judgments/rex-v-bgi-and-cmb/

[2024] EWCR 5

IN THE CROWN COURT AT NOTTINGHAM

Date: 31 July 2024

Before :

Mrs Justice Tipples DBE

Between :

REX

- and -

(1) BGI & (2) CMB

Defendants

Background to application and litigation as set out by the judge [paragraphs 1 to 6.]

1. This is an application for an excepting direction under section 45(4) and (5) of the Youth Justice and Criminal Evidence Act 1999 ("the 1999 Act") in order to permit the identification of the two child defendants in this case. The application is made by three media organisations: Independent Television News (the publishers of, amongst other broadcasts, Channel 4 News); News Corp UK & Ireland Limited (the publishers of the Sun, and other publications) and Associated Newspapers Limited (the publishers of the Daily Mail) and is dated 20 June 2024. I shall refer to the applicants collectively as the media in this ruling. The media's application is opposed by the Prosecution and the Defence.
2. I also received an application by email from Mr Matthew Cooper of PA Media dated 20 June 2024, which I have read and taken into account. However, in the light of the

representation of the media by Mr Jude Bunting KC, Mr Cooper indicated that he did not wish to say anything further at the hearing of the media's application.

3. On 10 June 2024 defendants in this case were convicted by a jury at the Crown Court in Nottingham of the murder of Shawn Seesahai. The first defendant had, at any earlier stage of the proceedings, pleaded guilty to possession of a bladed article in a public place. The second defendant was convicted of this very same offence by the jury on 10 June 2024. The defendants were 12 years old on the date of the offence and the date of conviction.
4. As a result of the defendants' very young age there have been reporting restrictions in place in respect of each defendant since 20 November 2023. That order was made by under section 45(3) of the 1999 Act and, in relation to the first defendant, provided that: "No matter relating to the youth may be published that would identify them, including their name, address, any educational establishment or any workplace they attend, and any picture of them. This order lasts until the youth reaches the age of 18. No matter relating to [the First Defendant] in the proceedings, shall while he is under the age of 18 be included in any publication if it is likely to lead members of the public to identify him in the proceedings".
5. An order in the same terms was made in relation to the second defendant.
6. I am told that the defendants are the youngest people to be convicted for murder since the murder of James Bulger, which is now over 30 years ago. The trial itself, which took place over a five-week period in May and June of this year, attracted extensive local and national media attention. The day after the verdicts the case attracted front page coverage in many national newspapers.

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The challenge is in relation to the discretionary Section 45 restriction imposed by the trial judge under the Youth Justice and Criminal Evidence Act 1999 preventing the media, and anyone else, for publishing anything which would identity 'name, address, any educational establishment or any workplace they attend, and any picture of them.'

This restriction will last until both convicted youths reach the age of 18, though there have been instances when such youths succeed in obtaining whole life anonymity in perpetuity under common law prior to their becoming 18. This is known as and referred to as 'The Venables jurisdiction.'

The move to identify them in the public interest has been led by PA Media, and the usual media coalition in order to reduce costs with a leading media law KC representing ITN (ITV news and Channel 4 News, News Corps UK and Ireland (*Sun* and *Times*) and Associated Newspapers (*Daily Mail*, *Mail Online* and *Mail on Sunday*).

The sentencing hearing for the two 12-year-old youths has been fixed for Thursday 26th and Friday 27th September 2024 at Nottingham Crown Court.

The media application for lifting the restrictions were opposed by the Prosecution and the defence. It was supported by the family of the murder victim.

Mrs Justice Tipples asked for reports from the Youth Offending Team which had to 'set out the implications for the defendants and their families in the event the reporting restrictions were lifted and they were named.'

Judge's summary of the crime [Paragraphs 14 to 16]

14. The defendants in this case were 12 years old when they were convicted of the murder of Shawn Seesahai, aged 19. Shawn Seesahai was born in Anguilla and had come to the UK to receive medical treatment for his eyesight. Shawn Seesahai was a stranger to the defendants and he, together with his friend Deron Harrigan, encountered the defendants shortly after 8pm on Monday 13 November 2023 by a park bench in Stowlawn fields, Wolverhampton. The defendants had seen Shawn and Deron a few minutes earlier, and words were spoken between them. There was a dispute on the evidence at trial as to what as actually said, and whether it related to who could sit on the park bench. Thereafter, the fatal events took place in not much more than a minute and, acting together, the defendants murdered Shawn Seesahai with a machete. Shawn was killed by a single stab wound through this body, which was 23 cm deep and penetrated his ribs, lung and heart. There was also a cut to Shawn's head, which had gone through to the skull bone, a stab wound to the arm and a cut to the thigh.

15. The defendants immediately left the scene, together with the first defendant's girlfriend, who was also present, and went back to their respective homes. The first defendant, who owned the knife, took it home, cleaned it with bleach and put it under his bed. His clothes, which had numerous blood stains on them, were turned inside out and put in the laundry basket. As for the second defendant, there was one small spot of blood on one of his trainers. The defendants exchanged messages on their phones later that evening and were both arrested on the evening of the next day. The defendants were best friends in the same year at school and, outside school, they spent a lot of time together.

16. These facts are, of course, shocking particularly given the very young age of the defendants.

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The balancing act engaged by the Judge as directed by the legislation is to take into account public interest in identification in the context of open justice and freedom of expression and the current and future welfare of the convicted youths who at 12 years of age are children.

Mrs Justice Tipples extrapolated safety and welfare issues from the Youth Offending Team reports.

In respect of the first defendant at paragraph 23:

"... having spoken with [the first defendant] and consulted records held about him, we would assess that [the first defendant] seems to function at a lower level than his chronological age both in terms of understanding and his emotional literacy. [The first defendant] is a child with extremely complex needs.... "

At paragraph 24:

"[5.2] ... We would assess that naming [the first defendant] publicly would have an extremely detrimental impact on his mental health. He is finding it difficult to comprehend his current situation and his future. He is only 12 years old, and he has experienced multiple childhood adversities in addition to now facing a life sentence. Lifting his anonymity could increase the likelihood of bullying and negative attention from other young people within the unit. This in turn could have a detrimental impact on his current positive behaviour and impede the rehabilitation process. ... [the first defendant] has been exploited and is assessed as vulnerable to negative influence. Should knowledge of his offence and conviction become more widely known, it would also have an impact on his ability to build a more positive future in the longer term. We have also considered the likely impact of lifting anonymity on his family. His grandmother has shared that she is very fearful for her own safety and possible repercussions should [the first defendant's] name become known ..."

The judge also observed the first defendant's grandmother 'has had to give up her employment and move home.'

In respect of the second defendant at paragraph 30, the Judge extrapolated the fact his mother has suffered from mental health problems and although he is:

"physically mature for his age, he is still young, and it will take time for him to mature emotionally and developmentally, in an environment where he feels safe ..." (paragraph 5.1).

At paragraph 31 the judge reports the following conclusion from social workers:

"[5.2] ... the lifting of [the second defendant's] anonymity is likely to increase the likelihood of negative attention within the secure estate, and this would negatively impact on [the second defendant's] rehabilitation, and feeling of safety within the unit. We hope that when [the second defendant] is released from custody he can reintegrate into society and lead a law-abiding life. However, this might be put at risk if his name is known in the public domain... there are concerns for [second defendant's] brother should anonymity be lifted. He is an adolescent in school. His current emotional wellbeing is fragile, in part due to being concerned regarding repercussions for him in the community. The fragility in [the second defendant's] mother's mental health means that lifting anonymity could be detrimental for her emotional wellbeing, impacting further on her emotional availability for [the second defendant's] brother and [the second defendant]."

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The judge's explanation of relevant law (Set out in paragraphs 34 to 45)

The judge explained she is bound by the precedent in the 2021 R v KL Court of Appeal ruling KL v R. [2021] EWCA Crim 200 (19 February 2021)

She highlighted and quoted the relevant principles summarised in paragraph 67 of that ruling:

'(1) The general approach to be taken is that reports of proceedings in open court should not be restricted unless there are reasons to do so which outweigh the legitimate interests of the public in receiving fair and accurate reports of criminal proceedings and in knowing the identity of those in the community who have been guilty of criminal conduct.

(2) The fact that the person before the court is a child or young person will normally be a good reason for restricting reports of the proceedings in the way permitted by the legislation; and it will only be in rare cases that a direction under section 45(3) of the 1999 Act will not be given or, having been given, will be discharged.

(3) The reason why removal of a restriction will be rare is the very great weight that the court must give to the welfare of a child or young person. In practical terms, this means that the power to dispense with anonymity must be exercised with "very great care, caution and circumspection". See the guidance given by Lord Bingham CJ in the context of the 1933 Act in *McKerry v. Teesdale and Wear Valley Justice* (2000) 164 JP 355; [2001] EMLR 5 at para 19.

(4) However, the welfare of the child or young person will not always trump other considerations. Even in the Youth Court, where the regime requires that proceedings should be held in private, with the public excluded, the court has power to lift restrictions. When a juvenile is tried on indictment in the Crown Court there is a strong presumption that justice takes place in open court and the press may report the proceedings.

(5) The decision for the trial judge is a case specific and discretionary assessment where, guided by the above considerations, a balance falls to be struck between the interests of the child and the wider public interest in open justice and unrestricted reporting.

(6) When considering a challenge to an excepting direction made by the Crown Court by way of judicial review, the Divisional Court will "respect the trial judge's assessment of the weight to be given to particular factors, interfering only where an error of principle is identified, or the decision is plainly wrong": see *Markham* at para 36.

(7) To this standard public law approach must be added the conventional public law requirements that: (i) a fair process should be adopted by the judge in considering an application remove a restriction; and (ii) the judge should give reasons sufficient to explain why the balance has come down in favour of removal of the restriction. This latter point is particularly important because the judge's reasons are the only indicator that the parties (and a reviewing court) will have to satisfy themselves that the judge has indeed performed a lawful balancing exercise.'

Mrs Justice Tipples noted six further points on the law.

1.She 'read and considered the guidance provided in Youth Defendants in the Crown Court Judicial College (Branston & Norton; Oct 2023) at Chapter 11; and Reporting Restrictions in the Criminal Courts Judicial College (July 2023) at paragraph 4.2 (Protection of under-18s).'

2.She considered 'the power to protect the identity of persons under the age of 18 is consistent with the principles that inform the sentencing of children and young persons: see section 37(1) of the Crime and Disorder Act 1998; section 44(1) of the Children and Young Persons Act 1933; The Sentencing Council Guidelines, Sentencing Children and Young People: https://www.sentencingcouncil.org.uk/overarching-guides/magistrates-court/item/sentencing-children-and-young-people/ ; see also RXG v Ministry of Justice [2020] QB 703, Div Court at [62] to [65].'

3.She considered ‘the weight to be attributed to different factors may shift at different stages in the proceedings and, in particular, after a defendant has been found guilty and sentenced. In R v Winchester Crown Court [1999] 1 WLR 788 at 790F, Simon Brown LJ said that at that stage: “It may then be appropriate to place greater weight on the interests of the public in knowing the identity of those who have committed crimes, particularly serious and detestable crimes”. A judge must nevertheless keep in mind that “the principal aim of the youth justice system is to prevent offending, and then, if the identity of the offender is made public, that may have a detrimental effect on his/her rehabilitation ... which may in turn impede the effectiveness of that principal aim”: see paragraphs 60 to 62 of Youth Defendants in the Crown Court.’

4.She said ‘it is for the defendants to adduce “clear and cogent evidence” to demonstrate that the balance falls in favour of anonymity. Further, as Warby LJ explained in R (Marandi) v Westminster Magistrates’ Court (British Broadcasting Corporation and others intervening) [2023] 2 Cr App R 15, Div Ct at paragraph 43(6): “the cases all show that this question is not to be answered on the basis of “rival generalities” but instead by a close examination of the weight to be given to the specific rights that are a stake on the facts of the case. That is why “clear and cogent evidence” is needed.”’

5.She said she considered ‘a reporting restricting under section 45 of the 1999 Act ceases to have effect when the subject of the restriction reaches 18. The length of time before the child affected reaches 18 is a relevant consideration: see R v KL at [85]. In the case of the first defendant it is more than 5 years until his 18th birthday and, in the case of the second defendant, it is just under 5 years until his 18th birthday. Further, although I am not dealing with sentencing today, there is no dispute between prosecution and defence counsel that this case falls within paragraph 5A of Schedule 21 of the Sentencing Act 2020. The mandatory sentence for murder is life imprisonment and, for offenders aged 14 or under when the offence was committed, the starting point for the minimum term is 13 years. Prior to the consideration of the aggravating and mitigating factors that minimum term will, however, need to be adjusted downwards to reflect the fact that the defendants were 12 (and closer to 12 than 13) when the offences were committed. The relevance of this for present purposes is that the defendants will each be eligible for parole at a much earlier stage in their lives than, for an example, a 16 or 17 year convicted of murder with a knife. The minimum term for a 16 year old is 17 years, and for a 17 year old is 23 years and in such cases a 16 or 17 year old defendant may, depending on the facts of any particular case, not be eligible for parole until their 30s.’

6.The judge also said she considered ‘given that reporting restrictions under section 45 come to an end when a person turns 18, the only application which could be made in anticipation of that person’s majority would, if the evidence justified it, be for an injunction under the Venables jurisdiction: see Reporting Restrictions in the Criminal Courts at 4.10; R v Aziz (Ayman) [2020] EMLR 5, at [36]. Such orders are exceptional, and this was the order sought, and made, in RXG v Ministry of Justice [2020] QB 703, Div Court. Further, an order can be made under this exceptional jurisdiction where there is evidence that revealing a person’s identity will significantly increase that person’s risk of self-harm: see D & F v Persons Unknown [2021] EWHC 157 (QB). I mention this because it is a point which could be potentially of relevance in a case such as this. However, the first defendant does not rely on this point and, as for the second defendant, there is no evidence before me to show it is potentially relevant to him at this stage.

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The media's case for open justice and freedom of expression on the grounds of public interest

The judge set out the media's submissions between paragraph 46 and 56 by Mr Jude Bunting KC:-

46. Mr Bunting for the media recognises that the defendants are both young and the fact that they are children means that the court will have particular regard to their welfare. However, it is for the defendants to prove that anonymity is an absolute necessity and, on a forensic analysis of the evidence in this case, the media contend that there is no sound evidential footing for maintaining the reporting restrictions for the defendants.
47. Mr Bunting submitted there were five separate aspects to the welfare of each defendant.
48. First, in relation to age there are examples in the cases where excepting directions have been made in relation to children aged 13 and 14 (see, for example the recent decision in R v Dermody, Ellenbogen J, 5 July 2024; R v Lee (a minor) [1993] 1 WLR 103; R v Craig Mulligan and others, Jefford J, 30 June 2022).
49. Second, evidence that a child is vulnerable is inadequate to prove the need for anonymity. Rather, what is required is expert evidence, for example from a psychiatrist, in relation to a defendant's mental health condition and which shows a causal link between the lifting of the reporting restrictions and the consequences, ie vulnerability or increased vulnerability, of the child or young person. Mr Bunting pointed to various examples in the cases where he submitted there was evidence that the youth defendants were far more vulnerable than in this case and in those cases the evidence that they had adduced had been insufficient to maintain their anonymity (see, for example, R v Markham [2017] 2 Cr App R (S), 30 at [25]-[29], [31] and [74]). In this case, the media submit that the evidence in support of anonymity is insufficient. In the first defendant's case the pre-sentence report identifies mental health issues, but there is no explanation of the nature and extent of that condition, or why it cannot be managed within the secure unit. The second defendant does not have any mental health issues or vulnerability (other than his age).
50. Third, the prospect of rehabilitation must be demonstrated on evidence and not assertion (see, for example, R v KL at [85]). The defendants have failed to provide any particulars in this case of how maintenance of their anonymity will assist with their rehabilitation in the five years until they reach 18.
51. Fourth, impact on other family members. There is no evidence in either defendant's case to show that, if their anonymity is lifted, there is a real and immediate threat to any family members, and there is evidence that the first defendant's identity is already known in the local community. Further, the evidence in each case is not sufficient to show that any consequence of lifting the reporting restrictions on a member of the defendant's family, will indirectly affect the welfare of that defendant himself.
52. Fifth, any reference to the Venables jurisdiction is irrelevant in the present context.
53. Mr Bunting submitted there were strong reasons for open justice in this case and identified the following factors in favour of lifting the reporting restrictions.
54. First, the crime was particularly grave and has given rise to local concern and national revulsion. Second, the facts are shocking. Third, this is case where the names of each defendant matter to the reporting of the case and, as in the case of R v Charlie Pearce

(Haddon-Cave J, 7 December 2017), the current reporting restrictions "leave a 'vacuum' at the heart of the case which exacerbates the risk of uninformed comment" which impedes the ability of the public to come to terms with the murder of Shawn Seesahai. Fourth, the identity of the first defendant is already known within the community. Fifth, the defendants have now been convicted of murder, which shifts the balance in favour of publication. Sixth, there is a substantial public interest in reporting knife crime: see R v KL at [88].

55. Seventh, it is said that this is a case where there may be institutional failures, with issues as to whether sufficient care was taken to protect the first defendant and how it was he came to be in possession of the machete used to commit the offence. The press want to investigate this and that requires telling people who the first defendant is and, unless his anonymity is lifted, the investigation of these important institutional issues will be impeded.
56. Eighth, the media rely on the deterrent effect of naming defendants based on quotes from two police officers set out in editorial of The Sun which included the following "We don't have enough deterrents these days, which is why criminals roam the streets without fear. Naming and shaming sometimes works". Further, the authorities make it clear that deterrence is a relevant factor for the court to take into account (see, for example, R v Winchester Crown Court, ex p B [1999] 1 WLR 788, Div Court at 790E, per Simon Brown LJ).

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Arguments for the first and second defendant and prosecution for retaining their anonymity

The first defendant is a very vulnerable and young child with extremely complex needs, whose functioning and behaviour are a direct consequence of his traumatic and disrupted up-bringing.

If he is named now, then it will have an extremely detrimental impact on his mental health, which will deteriorate, and the positive progress he has made to date will be undermined.

The evidence from his two social workers is more than adequate for the purposes of maintaining the first defendant's anonymity and refusing the application for an excepting direction.

There is no reason in this context for "naming and shaming" a defendant (see, for example, McKerry v Teesdale and Wear Valley Justices [2001] EMLR 5, at [19] per Lord Bingham CJ); deterrence is unlikely to occur as a consequence of naming a child offender; the important public debate in relation to knife crime is not assisted by knowing the name of a particular offender; there has already been extensive publication of the details of the trial, and about the upbringing and background of the first defendant; the inability to publish the first defendant's name does not have the effect of imposing "a substantial and unreasonable restriction on the reporting of the proceedings"; it is difficult to understand how the naming of the defendant would somehow inform comment by the public or ensure comments are accurate.

Counsel for the second defendant highlighted ‘his extreme youth; he has no previous history of offending; there is a real and genuine prospect of future rehabilitation, which is likely to be adversely affected if his identity were made public; the potential risk to his wellbeing; the adverse impact on his teenage brother and his mother’s mental health, which indirectly will affect the second defendant and his mother’s ability to support him; proper and informed debate in relation to this case, or knife crime more generally, can take place without the second defendant being identified; and the second defendant, if named now, will forever be prevented from seeking an injunction under the Venables jurisdiction protecting his identity from being made public, and he should not be denied that possibility at the age of 12.’

Prosecution counsel argued that ‘the pre-sentence reports prepared in relation to each defendant, provide ample justification for the orders remaining in place; the defendants, their backgrounds and what led to the offences being committed can be understood without the defendants being named; there is no evidence that the name of the defendants would act as a deterrent, rather deterrence arises from fear of detection, conviction and sentence; and the evidence before the Court does demonstrate that, if the reporting restrictions are lifted, it will adversely affect the rehabilitation of each defendant.’

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The judge’s reasoning in the balancing exercise (set out between paragraphs 61 to 80)

The defendants in this case are very young. There is therefore a very substantial period of time until his anonymity will otherwise come to an end, a very different landscape to that for a 16 or 17 year-old convicted of murder with a knife, who only has a relatively short period of time until reporting restrictions lapse on turning 18.

The fact the defendants are so young is a factor which carries very great weight in assessing the public interest of any good opportunity for rehabilitation including the opportunity to be brought up in a secure way.

Counsel for media recognised that the contents of a pre-sentence report may, in any particular case, be sufficient to support the maintenance of a defendant’s anonymity.

The first defendant is a 12-year old, who functions at a lower level than his chronological age, and has extremely complex needs. The judge was satisfied there is a real risk that his mental health and opportunity for rehabilitation will be adversely affected if his anonymity is removed.

The judge acknowledged ‘this was a particularly grave crime and there is a substantial public interest in the reporting of knife crime, and the discussion of the background to this particular crime. Further, the facts are shocking. A stranger murdered by two 12 year-olds with a machete in a public park, after a few words were spoken between them, in an attack which took place in not much more than a minute’

But the details of the trial have already been extensively reported. She added: ‘the media can, and already have, published substantial detail in the relation to the up-bringing and background of the first defendant, and will be able to continue to do so in relation to matters that will arise at the forthcoming sentencing hearing. In this context, I do not consider that this is a case where the current reporting restrictions in relation to the first defendant leaves a

“vacuum” at the heart of the case which exacerbates the risk of uninformed and inaccurate comment (cf R v Charlie Pearce, Haddon-Cave J).’

The fact that the first defendant’s identity is already known in the wider community is not necessarily a good reason for letting the public at large know about it and the judge believes this is not a good reason to dispense with his anonymity.

The judge does not know whether, in relation to the facts concerning the first defendant, this is a case which calls for any inquiry or investigation in relation to steps taken or not taken by Children’s Services or any other authorities.

The judge observed that this is a case in which those responsible for the murder of Shawn Seesahai have been tried, convicted and will be sentenced in September 2024 and that in itself identifies deterrence to others.

In the judge’s view the first defendant’s welfare, ‘clearly outweighs the wider public interest in open justice and unrestricted reporting.’

The judge observed that the pre-sentence report for the second defendant disclosed that ‘until his arrest he was not known to Children’s Services, there are no mental health issues identified, and no episodes of self-harm.’ But the judge said this youth ‘although presenting a resilient exterior, is “unlikely to have the emotional capacity to process everything that has happened.”’

She accepted the conclusion of the social workers that any ‘lifting of the second defendant’s anonymity is “likely to increase the likelihood of negative attention within the secure estate, and this would negatively impact on the [second defendant’s] rehabilitation, and feeling of safety in the unit.”’

She added: ‘I have regard to the effect that lifting the restrictions will have on his mother, who has a history of mental health problems .... that would adversely affect her ability to support the second defendant. I accept the evidence of that risk which has the potential to indirectly impact on the second defendant’s welfare.’

Mrs Justice Tipples said: ‘I do not consider the current reporting restrictions in relation to the second defendant leaves, or will leave, a hole at the heart of the case which exacerbates the risk of uninformed and inaccurate comment.’ She added: ‘I do not see how withholding the second defendant’s identity will prevent the media reporting this case in a way which will serve as a deterrent to others.’

Commentary

It is enormously impressive that PA Media and a consortium of authoritative news media publishers and broadcasters have taken the trouble to seek the promotion of open justice and freedom of expression in this context with the most powerful advocacy possible through the instruction of Jude Bunting KC.

This is neither a High Court Administrative Division nor Court of Appeal Criminal Division precedent, but a very considered decision by a High Court judge sitting in the Crown Court at Nottingham.

There is no doubt Mrs Justice Tipples has gone out of her way to facilitate fairness and representation of all sides of the issue and the media have been given full and detailed consideration.

I find it disappointing that the Crown/Prosecution decided to support the position of the defendants. I think the prosecution in open justice and freedom of expression matters during criminal trials should remain neutral or adopt an *amicus curiae* position where applications for reporting restrictions are made by defendants.

I personally found all the arguments presented by Jude Bunting persuasive and would have found in favour of the media application. I do not believe the trial judge had enough evidence before her to demonstrate an absolute necessity for the maintenance of reporting restrictions; particularly after conviction.

The judge has relied on pre-sentence reports drawn up by social workers and not 'expert evidence, for example from a psychiatrist, in relation to a defendant's mental health condition and which shows a causal link between the lifting of the reporting restrictions and the consequences.'

No such mental health issues relate to the second defendant. And there is no evidence in either defendant's case to show that, if their anonymity is lifted, there is a real and immediate threat to any family members.

It could be argued that the reference to any impact of lifting the anonymity on the mental health of the mother of the second defendant is not provided by a psychiatrist, but by the social worker authors of the pre-sentence report on her son.

Has the judge given enough consideration to the growing public interest in reporting the increasing problem of youths going on trial for homicide and other serious offences connected to knife crime?

Isn't there a growing public interest in deterring young people from committing knife crime when they know that their identities are likely to be concealed from the public and they will receive lower sentences because of their age?

If both youths will be in secure accommodation and custody for many years, is it really the case that their identification is going to have any real and material impact on their long-term rehabilitation? It will be many years before they are considered for parole. Might it be the case that the argument of their very young age works both ways?

The Venables jurisdiction argument is problematic in that it would *ipso facto* invalidate any open justice and freedom of expression application to persuade courts to identify convicted youths in high public interest cases.

Contra mundum in perpetuity orders in respect of notorious child or adult convicted defendants are usually contextualised by evidence of a real and present danger to their life and wellbeing under Articles 2 and 3 of the Human Rights Act.

The accepted fact that the identity of the first defendant is widely known in his community is unfair to those denied any opportunity through media coverage to have this information.

The media always have a tough mountain to climb in applications to lift Section 45 YJ&CE 1999 restrictions because of the 'very great weight that the court must give to the welfare of a child or young person and the fact that the power to dispense with anonymity must be exercised with "very great care, caution and circumspection."'

It is certainly the case that Mrs Justice Tipples has satisfied this legal duty and obligation. The ruling and media arguments in favour of identification can assist court reporters who might wish to persuade a court to lift YJ&CE restrictions in other cases.

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Media coverage of this case

Telegraph news report: 'Youngest defendants convicted of murder since James Bulger's killers won't be named. High Court rules that identifying the 12-year-old boys would be detrimental to their welfare, outweighing public interest.' Behind paywall: https://www.telegraph.co.uk/news/2024/09/03/defendants-convicted-murder-shawn-seesahai-not-named/

Joshua Rozenberg. Substack. A Lawyer writes: 'Young killers won't be named Judge turns down media request to identify 12-year-old murderers.' Behind paywall/registration: https://rozenberg.substack.com/p/young-killers-wont-be-named

BBC News report 10th June 2024: 'Boys, 12, found guilty of machete murder.' See: https://www.bbc.co.uk/news/articles/cz99py9rgz5o

Guardian report 10th June 2024: 'Two boys, 12, found guilty of Shawn Seesahai murder in Wolverhampton. Pair become two of youngest convicted murderers in UK after machete attack on 19-year-old in park.' See: https://www.theguardian.com/uk-news/article/2024/jun/10/two-boys-12-found-guilty-of-shawn-seesahai-in-wolverhampton

West Midlands Police 10th June 2024: 'Two 12-year-olds found guilty of the murder of Shawn Seesahai.' See: https://beta.westmidlands.police.uk/news/west-midlands/news/news/2024/june/two-12-year-olds-found-guilty-of-the-murder-of-shawn-seesahai/

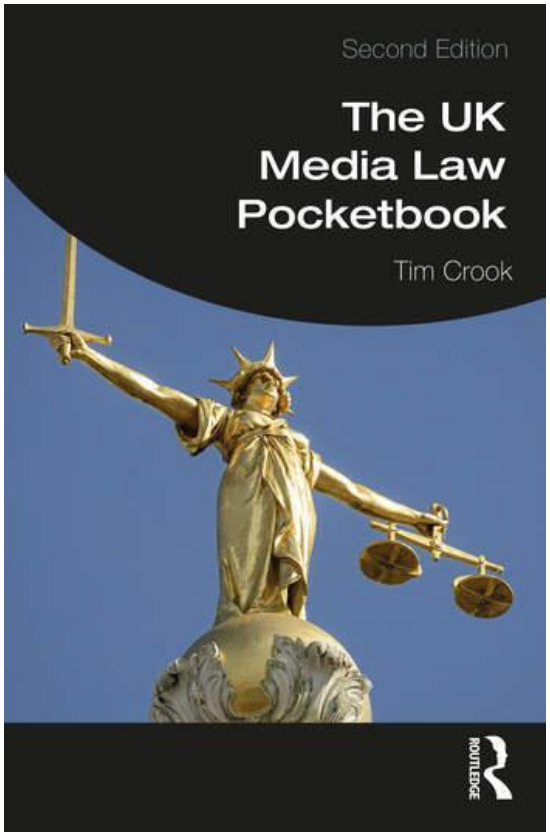
BBC News report 10th June 2024: 'It is what it is - boys, 12, Snapchat after murder.' See: https://www.bbc.co.uk/news/articles/cekk3954890o

Remembering the murder victim in this case Shawn Seesahai who was 19 years old when murdered 13th November 2023.

Sky News report 10th June 2024: 'Shawn Seesahai: Boys, 12, found guilty of murdering 19-year-old in machete attack.' See: https://news.sky.com/story/shawn-seesahai-boys-12-found-guilty-of-killing-19-year-old-in-machete-attack-13147244

CPS statement on Shawn Seesahai murder 10th June 2024: https://www.cps.gov.uk/west-midlands/news/cps-statement-shawn-seesahai-murder

Wolverhampton Safeguarding Together 'Media Statement - Murder of Shawn Seesahai.' See: https://www.wolverhamptonsafeguarding.org.uk/latest-news/media-statement-murder-of-shawn-seesahai-released-wednesday-12-june-2024



The second edition of *The UK Media Law Pocketbook* presents updated and extended practical guidance on everyday legal issues for working journalists and media professionals. This book covers traditional print and broadcast as well as digital multimedia, such as blogging and instant messaging, with clear explanations of new legal cases, legislation and regulation, and new chapters on freedom of information and social media law. Links to seven new online chapters allow readers to access all the most up-to-date laws and guidance around data protection, covering inquests, courts-martial, public inquiries, family courts, local government, and the media law of the Channel Islands and the Isle of Man. Tim Crook critically explores emerging global issues and proposals for reform with concise summaries of recent cases illustrating media law in action, as well as tips on pitfalls to avoid.

The UK Media Law Pocketbook is a key reference for journalists and media workers across England, Wales, Scotland, and Northern Ireland. The book's companion website provides downloadable sound files, video summaries, and updates all the developments in one of the most dynamic and rapidly changing fields of law. Visit https://ukmedialawpocketbook.com.

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