

PARIS COURT OF ASSIZES

THIRD SECTION

SITTING IN ACCORDANCE WITH THE CRIMINAL PROCEDURE IN ABSENTIA IAN BAILEY CASE: STATEMENT OF REASONS TO BE INCORPORATED INTO THE CRIMINAL JUDGMENT

On Monday, 23 December 1996, at approximately 10:00 a.m., the lifeless body of Sophie BOUNIOL, wife of TOSCAN DU PLANTIER, a French national aged 39 who had arrived on 20 December at her secondary residence in Schull, Ireland, was discovered by her nearest neighbours, Shirley FOSTER and Alfie LYONS.

The latter called the Irish police stationed at Schull, County Cork, Ireland, who arrived at the scene at 10:38 a.m.

The victim's body was found 60 centimetres from the gate situated on the access road leading to three houses set on elevated ground, the victim being the owner of the nearest of the three houses served by the lane at the foot of which her body lay. She was wearing clothing consisting of a vest that had been partially pulled up, a pair of long white underpants which were notably caught, over a length of 90 centimetres, on a barbed-wire fence running along a dry-stone wall that was itself 120 centimetres away and covered with brambles, and a pair of walking shoes without socks.

The first medical findings, made on 23 December 1996 at 11:00 a.m., revealed, in addition to extensive blood staining on the victim's face, hair and hands and on the ground surrounding the upper left portion of the body, a deep and irregular wound to the right temporal area and a long scratch on the inner forearm with a visible laceration between the first two fingers of the left hand. These findings were to be confirmed by the post-mortem examination carried out the following day by the Irish pathologist, and further by the examination following the exhumation of the victim's body in July 2008.

These medico-legal examinations, which were entirely consistent with one another, concluded, firstly, that the victim's death resulted from multiple head injuries involving fractures of the skull and laceration of the brain, and more precisely from multiple fronto-temporal, right parietal and left occipital fractures, with a right frontal, longitudinal and sub-orbital depressed fracture measuring 8 cm in length and 1.5

to 1.8 cm in width. That depressed fracture, according to the experts, is indicative of extreme violence and was caused by a blunt instrument with edges, though the number of blows struck could not be determined.

The experts were agreed that both the flat stone and the concrete block found in the immediate vicinity of the body could have caused the injuries observed to the skull. Both pathologists further identified defensive injuries on the victim: the first pathologist noted multiple abrasions and scratches to the head, neck and hands comprising not only lacerations but also fractures with crushing of the metacarpals of both hands — skeletal injuries observed by the French pathologists who carried out the second post-mortem examination on the victim's body in early July 2008 — all of which attests, in accordance with the consistent conclusions of the expert examinations conducted more than eleven years apart, to the extreme violence of the blows inflicted, and also to the fact that the victim put up considerable resistance. The first pathologist further noted superficial, parallel and fairly regular abrasions which he attributed either to a surface with a rough or irregular edge having slid across the skin, or

possibly to the impact caused by footwear such as Doc Marten boots. or a serrated object which may have been used to lacerate the neck. He also noted on the arms: abrasions on the left arm; two lacerations at the ball of the left thumb and two incisions at the base of the index finger, the former being consistent with thorns or brambles and the latter with a sharp weapon; a cluster of contusions on the back of the hand with fractures of the diaphyses of the fourth and fifth metacarpals; on the right arm: two series of scratches, one of which was suggestive of a Doc Marten boot imprint; on the right hand: an incision of the skin at the base of the right thumb; scratches; contusions on the back of the hand; on the legs: isolated clusters of scratches on the back of the right thigh, the rear of the right knee and the back of the calves. The first post-mortem examination, carried out on 24 December 1996, estimated that death had occurred during the evening of 22 December 1996 or during the night of 22 to 23 December 1996.

The toxicological examination concluded that no narcotic substances or medicinal drugs were present in the blood and urine samples taken from the victim.

At the crime scene, and more specifically:

— beneath the brambles, at the level of the victim's left hip, between the body and the barbed-wire fence, a concrete block 40 cm in length bearing what appeared to be a bloodstain was found lying in place, that object having manifestly come from a small nearby structure housing an electric water pump, from the corner of which it was noted that at least one block was missing;

— and to the left of the head, a large flat slate-type stone covered in blood.

The analysis of samples taken from the victim's body, as well as from the objects seized and placed in custody — including the bloodstains on the concrete block, the flat stone and the gate — yielded no incriminating DNA trace, either because the blood group could not be determined, or because the blood group or hair proved to be the victim's own.

Having regard to the material findings set out above and to the reports of the postmortem examinations carried out, it is incontrovertibly established that Sophie TOSCAN DU PLANTIER was intentionally killed as a result of multiple blows to the head, inflicted with a blunt instrument that caused fractures of the skull with a cranial depression and dislocation of the bones of the right hemi-cranium as well as of the bones of the left occipital region.

The homicidal intent is apparent from the nature, number and location of those blows, all directed at the head, which is a vital area of the body. The victim's multiple defensive injuries — notably to the hands, with crushing of the metacarpals — as well as the numerous abrasions on her body caused by thorns and brambles to the legs, arms and fingers, are so many signs of struggle and self-defence by the victim, which exclude any possibility that her death was accidental.

The victim had manifestly attempted to flee her attacker in the middle of the night, being compelled to escape from her dwelling notwithstanding its isolated nature.

As to the guilt of Ian BAILEY:

Notwithstanding the accused's consistent denials of the acts with which he is charged — during the investigation conducted by the Irish police, through his defence memorial before the investigating chamber of the Paris Court of Appeal sitting on his appeal against the committal order made on 27 July 2016, and through the civil proceedings instituted by Ian

BAILEY in Ireland, whether against publications that had, according to him, wrongly presented him as a suspect in press articles in 1997/1998 (giving rise to a judgment delivered in 2004), or against the Irish police from May 2007, whom he accused of conspiring to induce a witness to make false statements in order to implicate him — his non-involvement in the acts with which he is charged cannot withstand scrutiny of the elements of the proceedings referred to in the course of the trial before the Court of Assizes, which are set out below.

This is so notwithstanding the absence of any scientific evidence or biological trace capable of establishing a link between Ian BAILEY and the murder scene. On this point, it is important to note that no usable forensic evidence was found against anyone, and that this absence of scientific evidence must incontrovertibly be attributed to the fact that the victim's body, discovered on 23 December 1996 at approximately 10:00 a.m., was covered with a tarpaulin and left in situ for nearly 24 hours after its discovery, until the arrival of the pathologist — a circumstance scarcely conducive to the preservation of traces that might otherwise have been found on a victim's body.

This observation is further to be considered alongside the fact that the search of Ian Bailey's home and the seizure of certain items of his clothing did not take place until early February 1997. As to the scratches borne by Ian Bailey, noted as early as 23 December 1996:

The consistent testimony of persons close to the accused (Jules THOMAS, Saffron THOMAS) as well as of third parties (Arianna BOARINA, Denis O'CALLAGHAN, and officers O'LEARY and KELLEHER) establishes that Ian BAILEY was seen bearing significant scratches on his forearms and the backs of his hands — described consistently by witnesses as being consistent with bramble scratches — and a scratch on his forehead, as reported by his partner and a police officer (O'LEARY) as well as another witness (Mark MacCARTHY). These injuries were observed as early as 23 December 1996 by Arianna BOARINA (on the hands and forearms) and subsequently on 24, 27 and 28 December by the other witnesses.

Ian BAILEY's partner, Jules THOMAS, having initially stated that her companion had not left their shared bed once he had retired for the night on 22/23 December 1996, subsequently resiled from that account: she admitted, firstly, that he had got up approximately one hour after going to bed, and that she could not say whether he had returned to bed before bringing her coffee at 9:00 a.m.; and more significantly, she admitted that he was bearing, in addition to scratches attributed to the topping of a Christmas tree and the slaughter of turkeys on 22 December 1996, a fresh scratch with a small amount of blood that had caused her to question its origin — a facial scratch that the accused would claim to have sustained from a stick, which Jules THOMAS mentioned in her interview of 10 February 1997 and maintained in her interview of 27 January 1998.

Whilst the accused did not contest the existence of these bodily injuries, attributing them invariably to the topping of a Christmas tree on 22 December 1996 and then to the slaughter of turkeys — partial factual matters borne out by the testimony of Liam O'DRISCOLL, who saw the accused on 22 December 1996 pulling a Christmas tree without having witnessed its prior topping, and by the consistent accounts of Jules THOMAS and Saffron THOMAS — the fact remains that verification of the cut tree, and above all the numerous witnesses who had spent the evening with Ian BAILEY at the pub on the evening of 22 December 1996 — namely Bernadette KELLY, Christy LYNCH, David GALVIN, Venita ROCHE GALVIN, John Mac GOWAN and Sinead KELLY — contradict both the existence of those marks at the time of the evening of 22 December 1996 and the plausibility of the account offered.

Indeed, in lighting conditions verified by the investigators as perfectly adequate, those witnesses, who had conversed with Ian BAILEY, served him (as barman), handled his payments, or played music with him that evening, attest that the person concerned, who was in their immediate vicinity at all times — notably playing a bodhrán with his sleeves rolled up — bore no marks whatsoever on his arms, hands or face. Although a single witness (TISDALL) stated in a second interview that he recalled a scratch on one of the accused's hands, it must be noted that this was at most an insignificant mark, being singular and incomparably less extensive than the injuries observed by multiple witnesses from 23 December 1996 onwards, extending from the forearms to the backs of the hands.

Those injuries are described by the witness Arianna BOARINA as totally incompatible with the trimming of the small Christmas tree that she had personally observed at the home of the THOMAS/BAILEY couple, where she had spent the weekend preceding Christmas 1996, and appear on the contrary perfectly consistent with, and of an analogous nature to, the injuries borne by the victim according to the pathologist's findings, having regard to the environment of the crime scene, which was characterised by the presence of bramble bushes.

As to his claimed ignorance of the victim:

From the neighbourhood canvass questionnaire to which he was subjected by the Irish police on 28 December 1996, Ian BAILEY would claim not to know the victim and expressly stated that he had never met her, before subsequently admitting at best to having 'seen' her once eighteen months previously.

However, the proceedings and contradictory testimony establish that he knew the victim better than he had declared, though the precise extent of his acquaintance with her cannot be established with certainty. Thus Alfie LYONS, the victim's immediate neighbour, would attest at a minimum to having introduced them to each other at a time when he had engaged Ian Bailey to carry out gardening work for him; whilst Ian Bailey would boast to his friends of either knowing her (Yvonne UNGERER), or having met her on a path (Anne CAHALANE), or even having had her and a friend to dinner at his home two years previously (Bill FULLER). These matters must further be considered alongside the consistent accounts of three witnesses (Marie FARRELL, Dan GRIFFIN and Ceri WILLIAMS) who attested to having seen Ian BAILEY on Saturday, 21 December 1996, in the Main Street area of Schull, during the time slot (1:00 p.m. to 3:00 p.m.) at which it is established that Sophie TOSCAN DU PLANTIER was doing her shopping — a circumstance he would omit when completing the questionnaire on 28 December 1996, and which he would only reveal on 21 September 2000 to an investigator and in the presence of Jules THOMAS, stating that he knew Sophie TOSCAN DU PLANTIER by sight, had seen her when doing gardening for Alfie LYONS, but also on the Saturday before her murder when she was shopping, whilst contesting having observed her in a shop or followed her.

Conversely, persons close to and colleagues of the victim, Agnès THOMAS and Guy GIRARD, referred to statements made by the victim concerning an Irish poet whom she knew and who was seeking to meet her.

As to his evolving account of his movements on the night of the events:

The case papers reveal that Ian BAILEY's account of his movements on the night of the murder changed considerably. In the questionnaire to which he was subjected by the Irish investigators at the end of December 1996, he initially claimed to have gone alone to the Courtyard bar in Schull until closing time at midnight, and to have returned alone and directly to Jules THOMAS's home without mentioning any stop, nor the traditional music evening at the Galley in which it transpires he participated.

He would only disclose those matters — namely having spent the evening at the Galley pub in the company of Jules THOMAS, reciting poems and playing music from 10:00 p.m. until midnight — when placed in police custody on 10 February 1997. He stated that on the way home they had stopped on the hill, with Ian BAILEY alone getting out of the vehicle to look at the full moon, and that they had then returned to their home without going out again.

In a subsequent interview, he would add that he had got up during the night to go to the 'studio' in order to write an article, and that he had returned to Jules THOMAS's house at around 11:00 a.m.

It was only during his second period of police custody on 27 January 1998 that he stated he had got up at 4:00 a.m. to write his article, gone back to bed 30 to 45 minutes later, and risen at 9:00 a.m. to go to the studio to finish his article.

The evolution of his statements must be considered in conjunction with the matters put to him by investigators in light of testimony gathered from third parties, and the detailed account given by Jules THOMAS in February 1997.

Indeed, having initially omitted the stop on the hill on the way back from the pub, and having claimed that once in bed Ian BAILEY had not got up again during the night, Jules THOMAS subsequently revised her account: she referred to the stop on the hill, to the view it afforded of the three isolated houses including the victim's, to the presence of a light at Alfie LYONS's home — the victim's immediate neighbour — and to the accused's statements about a bad feeling. Most significantly, once they had gone to bed, Ian BAILEY wished to go out again, as she felt him leave the bed approximately one hour after they had retired, without being able to give any further details save that he came to bring her coffee at 9:00 a.m. She expressly stated that at that moment she had noticed a small scratch on his forehead that was bleeding slightly, a wound which Ian BAILEY attributed to a blow from a stick.

These variations by Ian BAILEY and Jules THOMAS as to their movements on the night in question are to be construed as a deliberate attempt to conceal the fact that Ian BAILEY was absent that night for a reason that is moreover not credible: the 'studio' to which he claims to have gone to write an article during the night of 22/23 December 1996 is described in the case papers by the investigators as sparsely furnished and entirely without heating; and above all, the article expected on the Monday morning would in fact be communicated orally only the following day.

These matters are further contradicted by the testimony of Marie FARRELL, who consistently maintained for approximately a decade that on Monday, 23 December 1996, at around 3:00 a.m., she had seen a man walking along the road, 30 yards west of the Kealfadda crossroads, staggering with his head in his hands, and that this man corresponded to a person she had previously observed on the Saturday before her business premises and the following Sunday morning at 7:00 a.m. hitchhiking. The witness formally identified this individual as Ian BAILEY, maintained her testimony including at the defamation trial held in 2004; having regard

to the spontaneous and particularly courageous nature of her testimony given her personal situation at the time of the events, her retraction at the end of 2006 is to be attributed exclusively to the pressure and threats established by the proceedings, emanating from Ian BAILEY and those close to him, and attested by her employee, Mrs O'BRIEN.

It is noted that the conspiracy theory advanced by Ian BAILEY in his action against the Garda was entirely rejected by the Dublin High Court on 30 March 2015.

Finally, it is important to note that notwithstanding her retraction at the end of 2006 — in which she claimed that Ian BAILEY was not the man she had encountered on Monday, 23 December 1996, at 3:00 a.m. in the Kealfadda area — Marie FARRELL has nonetheless consistently maintained that she saw the same man on Saturday, 21 December 1996, in the afternoon outside her business premises, on the following Sunday morning at 7:00 a.m., and two days later on Monday, 23 December 1996, at 3:00 a.m., the man seen outside her business premises on the Saturday afternoon having furthermore been formally identified as Ian BAILEY by another witness, Ceri WILLIAMS.

As to his knowledge of the victim's nationality and his presence at the crime scene:

Whilst Ian BAILEY has always maintained that he did not learn until 2:00 p.m. on 23 December 1996, from Eddie CASSIDY, that the matter involved the murder of a French woman, those statements are contradicted not only by the testimony of Eddie CASSIDY himself, but also by that of Richard and Caroline LEFTWICK, from which it emerges that Ian BAILEY cancelled his appointment with them that morning, between 11:30 a.m. and 12:30 p.m., stating that the deceased was French. Furthermore, Saffron THOMAS stated that Ian BAILEY and her mother had gone out in the morning, an element corroborated by the testimony of Bill FULLER and James CAMIER, from which it appears that Jules THOMAS was in the very vicinity of the crime scene at 11:00 a.m. and that between 11:30 a.m. and 12:30 p.m. she was informing James CAMIER that Ian BAILEY was busy covering the murder of the French woman.

It therefore follows that Ian BAILEY and Jules THOMAS had knowledge of the murder and the victim's nationality before 2:00 p.m. — the time at which that information was made public.

Given that the crime scene was sealed from 10:38 a.m. on Monday, 23 December 1996, only the perpetrator of the acts could have had knowledge of the existence of a murder, still less of the fact that it had been committed upon a victim of French nationality.

As to Ian BAILEY's own admissions to several distinct witnesses on distinct occasions:

Whilst the accused Ian Bailey did not contest the substance of the statements reported by Malachi REED, Helen CALLANAN and Richie SHELLEY — all three of whom had disclosed to the investigating services that he had personally confessed to them that he had committed the acts with which he is today charged — subsequently invoking either his state of intoxication, or sarcasm, or the fact that he had merely repeated what the police alleged against him, it is important to note the following:

— As to the statements made to Malachi Reed on 4 February 1997 — namely to a 14-year-old neighbour whom he was driving home to his mother, and to whom he declared: “I went to her

house with a rock one night and smashed her fucking brains out”, adding that he had done so in order to have a story for the newspapers — those statements were made a few weeks after the murder, to a young boy whose credibility there is no reason to question. His mother, Amanda Reed, confirmed before the Court of Assizes the substance of the confidences disclosed by her son and the distress they had caused him, which did not prevent him from invariably maintaining his testimony in the defamation proceedings instituted by Ian BAILEY and held in 2004. As to the accused’s alleged state of intoxication, it is noted that the witness always stated that Ian Bailey was fit to drive, that they moreover discussed other subjects of conversation that day, and that in January 1998 Ian Bailey sought to raise that conversation again with the witness in order to explain himself — which attests to his full awareness of the statements he had made and of their incriminating nature;

— As to those made to Helen CALLANAN on 1 February 1997 — the editor of a publication that had commissioned Ian BAILEY to cover the murder — namely: “It is I who did it, yes I killed her to revive my career as a journalist” — the witness expressly stated that she had taken those admissions all the more seriously because they followed her question to Ian BAILEY as to whether he was a suspect, something he had concealed from her despite being responsible for covering the murder, and which his journalistic ethics ought to have led him to disclose immediately; on the contrary, according to this witness, Ian Bailey had concealed his involvement and had thus been able to continue the assignment entrusted to him, gaining thereby, as a journalist, privileged access to sources, and writing, according to the witness, articles she considered to be slanted against the victim's family. It follows that the substance of the conversation between that news editor (for whom Ian BAILEY was working) and the accused, in the course of which he declared himself to be the author of the crime, was in no way situated in the register of jest or sarcasm;

— As to the conduct and statements of Ian Bailey to Richie SHELLEY on New Year's Eve 1998 — namely the fact that Ian BAILEY had done nothing but talk about the murder of Sophie TOSCAN DU PLANTIER, producing press cuttings in support, and had begun to weep before putting his arms around Richie SHELLEY and repeating four or five times “I did it” — it must be noted that the witness has always expressed the view that those statements, notwithstanding the festive and indeed alcoholic context of those disclosures, amounted to a confession forming part of an obsessive conversation on the subject of Sophie TOSCAN DU PLANTIER’s murder, leaving no possible doubt as to the meaning of the statements made.

These incriminating statements made to three distinct persons in separate circumstances and in the context of separate relationships (professional, friendship and neighbourly) must finally be considered alongside the testimony gathered on 20 February 1997 from Bill FULLER, maintained in its entirety before the Court of Assizes by the witness, who expressed the terror that such disclosures had generated in him. According to the witness, Ian BAILEY had on one occasion accused him of being the perpetrator of the murder in the following terms which seemed, in his view, to indicate that Ian BAILEY was recounting his own story: “It was you who did it. You saw her at Spar and she turned you on walking through the aisles with her tight arse so you went to hers to see what you could get out of her but she wasn’t interested, you attacked her, she ran away so you chased her and threw something at the back of her head and went a lot further than you intended.”

Indeed, the scenario thus articulated by Ian Bailey — in which the victim had fled and her attacker had thrown something at the back of her head in order to stop her before going

much further — is, remarkably, entirely consistent in all respects with the findings gathered in the course of the investigation and the conclusions of the medico-legal expert reports.

The psycho-criminological analysis carried out by a clinical psychologist on this precise point concluded that this could amount to a confession by projection, Ian BAILEY attributing to another person negative feelings that he refuses to acknowledge in himself — it being noted that according to the witness, Ian BAILEY immediately added: “Well actually, that’s how I met Jules. I saw her tight arse and I wanted her.”

It follows that Ian BAILEY, on three separate occasions and to three witnesses with whom he maintained respectively a friendly, professional or neighbourly relationship, unambiguously stated that he was the perpetrator of the crime with which he is charged, subsequently furnishing a fourth witness (who at the time formed part of his circle of friends) — whilst accusing him in a potentially projective manner — with details consistent with the *modus operandi* of the attack on the victim. That body of inculpatory evidence cannot be set aside either by a context of intoxication that was absent in at least two of the four admissions referred to above, or by one of irony incompatible with the gravity of the acts charged, and all the more so given that at the time of all those statements Ian Bailey either knew he was suspected or had already been placed in police custody in connection with the murder of Sophie TOSCAN DU PLANTIER.

It is further noted that all of those witnesses took those admissions seriously, severing all ties with the accused and reporting them immediately to the police.

All of the foregoing elements, as retained by the Court in its deliberations, must also be considered alongside the location and configuration of the place where Sophie TOSCAN DU PLANTIER's body was found, namely:

— a wild and isolated environment comprising three houses — one of which was unoccupied at the time of the events — served by a shared access track; this is therefore a location wholly unsuited to casual passers-by, according to the elements of the proceedings corroborated by the witnesses heard by the Court of Assizes and still residing in that area. This consideration, taken together with the absence of any element in favour of such a lead, led the investigators to discount the possibility of a prowler, whilst the hypothesis of someone close to the victim was also quickly excluded, the case papers establishing that the victim had gone alone to Ireland for a few days to relax and deal with a heating problem, having in vain proposed to a number of her friends that they accompany her;

— but also a place where the body was found at a distance compatible with Ian BAILEY's place of residence, namely 4 miles by the longest route and 2.4 miles by the shortest route, the latter being perfectly familiar with the area; indeed, the timed routes carried out at night over the various possible itineraries established that Ian BAILEY could have made his way, including on foot, after his evening at the pub and his return to Jules THOMAS's home, to the victim's home and back to Jules THOMAS's home, who would not see him again with certainty until 9:00 a.m. on 23 December 1996.

Finally, the nature and gravity of the acts charged, having regard to the *modus operandi*, must be considered alongside Ian Bailey's personality at the time of the events, as it emerges from the testimony gathered and from the case papers. On this point, it is important to note that in May 1996, approximately six months before the acts charged, it is established that he committed against his partner acts of extreme violence, as attested by the medical documents and photographs in the case file; those acts included the tearing out of tufts of hair, an attempted enucleation, and required sutures inside the victim's mouth, hospital treatment and a protection

order, as well as the support of neighbours ensuring her daily safety for several weeks before Jules THOMAS, who refused to bring a complaint in respect of those acts, resumed cohabitation with Ian BAILEY three weeks later. In his private diaries placed on the case file, Ian BAILEY acknowledges the seriousness of his behaviour towards his partner, questioning his own conduct and admitting that on that day he had wanted to kill her, whilst citing a state of heavy alcohol consumption since Easter of the same year. Two further violent acts against his partner Jules THOMAS on 21 August 1993 and 20 August 2001 are likewise established. It is appropriate to note that at the time of the acts charged Ian BAILEY found himself in this same context of acting out, given the evening he spent on Sunday, 22 December 1996, at a pub where it is established that he consumed alcohol, an evening following that of the previous day, which was also heavily alcohol-laden and ended at Patricia MURPHY's home where he remained for the night — an element of his movements concealed by the accused in his initial statements.

Although conducted on the basis of the case papers, the psychiatric expert examination ordered and entrusted to a joint team of a psychiatrist and a psychologist, whilst excluding any abolition or impairment of discernment and control of his acts within the meaning of Article 122-1 of the Penal Code, concluded that Ian Bailey exhibited psychological personality traits described as 'borderline' or 'border state'. Those experts concluded that Ian Bailey was likely to present a personality built upon narcissistic, psycho-rigid, violent, impulsive and egocentric foundations, with a low tolerance for frustration and an overwhelming need for recognition, and that violent acting-out under the disinhibiting effects of alcohol was possible, along with a pleasure in self-dramatisation, in having recourse to the imagination, and in indulging in ambiguity and provocation, at times in an amused or ludic register, at times in a defiant one. The experts noted that the characteristics of his personality were indicative of splitting, with a mode of functioning in which contradictory behaviours alternated, opposing deep impulsive drives against a perfectly maintained outward composure.

Conclusion as to guilt:

Accordingly, in the light of the foregoing elements, namely:

- the lack of credibility of Ian BAILEY's explanations regarding the scratches he bore after the events, which are described consistently by witnesses as being consistent with bramble scratches, that is to say marks entirely consistent with those found on the victim having regard to the environment of the murder scene;
- the convergence of the credible testimonies referred to above, establishing that Ian BAILEY was aware of the location of the body and the victim's nationality before that information was made public, that he even offered photographs of the crime scene to several persons on the very day the body was discovered, and that he himself acknowledged being the perpetrator of the murder to three distinct witnesses, whilst furnishing a fourth with details consistent with the *modus operandi* as established by the proceedings;
- his determination to conceal his acquaintance with the victim, and his actual movements in the days preceding the murder — from which it emerges that he had seen the victim on the Saturday and had taken an interest in her — and his absence from his partner's home at a time compatible with the commission of the acts, he having been seen by a witness at 3:00 a.m. at Kealfadda —

the Court considers that there is sufficient evidence to establish that he committed the acts with which he is charged.

As to the applicable law:

Those criminal acts constituting the intentional taking of the life of Sophie TOSCAN DU PLANTIER, a French national, committed in Ireland by Ian BAILEY, a British national residing in Ireland, having not to date been the subject of any prosecution in Ireland against the latter, such that the accused cannot at present point to any acquittal within the meaning of Article 368 of the Code of Criminal Procedure, nor to any final judgment within the meaning of Article 692 of the same Code or of Article 113-9 of the Penal Code, but only to a decision to take no further action which has no value as a final judgment, those criminal acts do indeed fall within the scope of French law pursuant to Article 113-7 of the Penal Code, which provides that French law applies to crimes committed by a French national or by a foreign national outside French territory to the detriment of a victim of French nationality at the time of the acts.

As to sentence:

In respect of sentence, the Court has taken into account and given consideration in its deliberations to the following:

- the accused's previous criminal record, which is free of violence prior to the acts charged;
- the length of time that has elapsed since the events, to which however the civil proceedings instituted by the accused in Ireland have contributed;
- the extreme gravity of the acts charged, involving a murder perpetrated upon a 39-year-old woman, by means including a concrete block thrown with great force at the skull, and the circumstances of that act of violence against a victim of slight and slender build, surprised at night in her home and compelled to flee, whose defensive and fatal injuries attest to the multiplicity and violence of the blows;
- the accused's borderline personality type, his propensity for heavy drinking that has already facilitated violent conduct especially towards his partner, together with an obsession with sexuality avowed in his own private diaries at the time of the events;
- procedural and media conduct revealing a total absence of any awareness of the gravity of the acts committed and of remorse.

Having regard to all of those elements, the Court considered it appropriate to sentence Ian BAILEY in absentia to a term of twenty-five years' criminal imprisonment.

It is further appropriate, notwithstanding the effects of the arrest warrant issued against Ian BAILEY pursuant to Articles 122, 123 and 131 of the Code of Criminal Procedure by the examining magistrate on 16 February 2010 — a warrant rectified by a further arrest warrant dated 13 July 2016 on the charge of wilful homicide, the effects of which continue pursuant to Article 379-3 of the Code of Criminal Procedure — to issue, as the trial court, an arrest warrant against Ian BAILEY in order to ensure the execution of the present judgment.

Given at the Palais de Justice, Paris, on 31 May 2019.