

**R. v. SUDESH FARAZ AMMAN.**

**SENTENCING REMARKS**

Introduction.

1. On 7<sup>th</sup> November 2018 you pleaded guilty to six counts of possessing a document containing terrorist information, and seven counts of disseminating a terrorist publication.
2. In relation to six of the seven counts of dissemination, your pleas were entered on the basis that you accepted that you disseminated the publication and at the time you did so, you were reckless as to whether others would be encouraged or assisted to engage in terrorist activity. On count 8 the plea was not qualified in that way. On the 7<sup>th</sup> November the prosecution stated that the pleas and the basis of the pleas were acceptable. I directed that counts 7, 9 and 11 should lie on the file with the usual direction. The case was adjourned for sentence. A pre-sentence report was ordered by the court by reason of your age. No report is before the court as you declined to be interviewed for the purpose of the report.

Facts

3. At the date of your arrest in May this year you were living in Harrow with your mother and five younger brothers. You were studying science and maths at North West London College.
4. You came to the attention of the police in April this year when officers were made aware of an online posting. A Dutch blogger exposed online extremist material he had identified in a Telegram chat room. That material included a photograph of a knife with two firearms on a Shahada flag with the phrase ‘*Armed and ready April 3*’ in Arabic. The blogger also highlighted his belief that the same person who had posted this material had also posted a You Tube link to a pro-gay rights speaker who frequented Speaker’s corner in Hyde Park. That link called on others to “*all unite together to attack one another. He will be there this Sunday at Hyde Park.*” Police enquiries showed that the extremist material had been posted on the Telegram chat room through your account. It was this that led to your arrest.
5. On arrest on 17<sup>th</sup> May there was nothing of concern found on the phone you had with you. You were asked about other devices. You spoke about an X box. You said that the computer you had was broken. Enquires showed that the computer was working as were other devices.

Also found in the course of the search was an airgun, a black shahada flag, a combat knife and a notebook

6. Examination of the devices found revealed that you had downloaded or otherwise caused to be created various documents concerned with making explosives, carrying out terrorist attacks and weaponry. You had discussed with family and friends your strong and often extreme views on jihad, the kuffar, and your desire to carry out a terror attack. You spoke about an attack using a knife but also spoke about acid attacks on mopeds.
7. Counts 1 to 6 on the indictment concern documents found on your electronic devices. They are all documents that encouraged, or were capable of facilitating, violent acts.
8. For example, count 1 covers a document titled “*How to make a bomb in the kitchen of your mom*”. The content is attributed to someone calling themselves the ‘AQ Chef’. It encourages Muslims to conduct ‘individual work inside the West’ and also says: “*we are conveying to you our military training right into your kitchen to relieve you of the difficulty of travelling to us*”. A senior forensic expert has concluded that the instructions could be used to construct a viable IED.
9. Count 2 covers ‘*Bloody Brazilian Knife Fightin’ Techniques*’. It gives instructions on inflicting damage to a human body with knives of various types as well as improvised weapons. Included are descriptions of ‘kill’ and weak points in the human body.
10. Count 3 deals with ‘*Close Combat*’. It appears to be a US Marine Corps training manual. It runs to 113 pages of illustrations and instructions.
11. Count 4 covers ‘*US Army Knife Fighting Manual techniques*’. Included in the document are various methods for knife attack.
12. Count 5 covers ‘*Anarchists Cookbook version 2000*’. There are chapters on creating home-made bombs, explosives, triggers and fuses. Of particular significance is that you made notes in a notebook that appear to replicate the Anarchy Cookbook recipe for making plastic explosives.
13. Count 6 covers ‘*Improvised – munition – handbook*’. Amongst other items this has step-by-step instructions for the manufacture of explosive substances. A forensic expert concludes that the instructions could be used to make viable explosive substances and IEDs. This document runs to some 273 pages.

14. Count 8 is the first of the counts under s.2 of the Terrorism Act 2006 of the dissemination of a terrorist publication. It is the most serious and the most concerning of the matters I have to deal with.
15. On 1<sup>st</sup> January 2018 you posted on the family WhatsApp group ‘La Familia’ a link to a pdf copy of the ‘*Inspire 16*’ magazine. You intended at the time that this would be a direct or indirect encouragement or inducement to the commission, preparation or instigation of acts of terrorism. ‘*Inspire*’ is purportedly published by Al-Malahem Media on behalf of the al-Qa-idah organisation. The document includes articles on ‘*the successful pressure cooker bomb*’ and deals with matters such as maximising casualties from IEDs. Another article refers to explosions in New Jersey and New York and a stabbing in Minesota in September 2016.
16. Included in the family WhatsApp group your brothers who were aged 15, 13 and 11 at the time. In messages with your siblings you can be seen to be promoting an extremist ideology. This is not in my view an immature fascination with graphic violence or with a taboo subject but the acts of someone with, for whatever reason or motivation, an ideological belief. By way of example you send to your 11 year old brother images depicting child fighters and IS or IS inspired propaganda. On December 12, 2017 you post an image of the ISIS leader and tell your 11 year old brother that ‘ISIS still exists’, ‘is everywhere’, ‘can never die’ and that the ‘Islamic state is here to stay’ and also speaks of the reward from Jihad. You speak about Muslims in London being massacred and being put in conditions worse than concentration camps. You express the belief that Jews are doing worse to Muslims and suggest that as Yazidi women are slaves the Quran makes it permissible to rape them. In January 2018 you describe to your 15 year old brother how you would ‘rather blow yourself up’ and how you want to know ‘how to make bombs’.
17. Counts 10 and 12 to 16 are various other items you disseminated. The documents include ‘Make a bomb in the kitchen of your mom’ covered in count 1, which you sent to your girlfriend. Immediately before doing so you post a message to her on 2<sup>nd</sup> April 2018 encouraging others to make a bomb and to attack.
18. Counts 12 to 16 deal with videos you disseminated in June and July 2017. Titles include ‘For the sake of Allah’ and ‘The Islamic State’ and cover such things as executions, torture, slow deaths in graphic detail as well as praise for those who die fighting for Allah.
19. In terms of mindset, your interest in Islamic extremism and Daesh appears to be more than just an immature fascination. It seems to me on the material here that you are someone with sincerely held and concerning ideological beliefs that motivate you to collect and disseminate material of the type here. In online chat you tell your girlfriend that you have declared a

pledge to Islamic State and that you wish to purge society and carry out acid attacks. You speak about preferring a knife attack to the use of bombs and ask about having a knife delivered to her address. You speak about ISIS being the best thing to happen to Islam as well as speaking about being an internet mujahidin or a real one. In other chat you speak about thinking of carrying out a terrorist attack at Queensbury and to doing some reconnaissance. In the notebook found in the search where you made notes about explosives and detonators you also note 'goals in life' that include a desire to die as a martyr and to go to paradise.

20. You were interviewed on numerous occasions after arrest. You answered no comment to almost all questions.
21. In terms of antecedents, you are now 18. Your date of birth is 27 December 1999. You have a conviction for the possession of an offensive weapon and were made the subject of a referral order in June 2017 and a conviction for the possession of cannabis from May 2017 when you were also made the subject of a referral order.
22. I have before me the Sentencing Council Definitive Guideline on Terrorism Offences. In relation to counts 1 to 6, the most serious of these offences (count 1) comes, in my view within category B as to culpability and category 2 as to harm. The document included material likely to be useful to a person committing or preparing an act of terrorism and it provides instruction for specific terrorist activity albeit there is no evidence to suggest harm was very likely to be caused.
23. Within the guidelines for B 2 the start point is one of 4 years' detention and a range of sentence of 3 to 5 years' detention. The volume of material and the fact that it was collated over a not insignificant period of time, are aggravating features. The lack of relevant previous convictions and your age and relative lack of maturity are mitigating features.
24. For counts 8 to 16, there are also guidelines. In relation to count 8, the facts do in my view place the offence into category A as to culpability on the basis of the position of trust, authority or influence you were in with your younger brothers. As to harm, in my view it comes within category 1 as it involves instructions for specific terrorist activity. The start point for category A 1 is 5 years' detention and a range of sentence of 4 to 6 years' detention.
25. For the other counts, on the basis of recklessness, they either come within category B as to culpability or C. In terms of harm, most of the offences come within category 2 and count 10 within category 1. In terms of aggravating factors, there is the volume disseminated. On mitigating factors, your age and lack of relevant previous convictions.

26. I must also have regard to the guidelines on Sentencing Children and Young People. You were 17 as at date of the commission of the offences set out in counts 12 to 16. You were 18 at the date of the commission of the other offences on this indictment. The impact of the youth guidelines is that had you appeared before a court for sentence as a 17 year old for counts 12 to 16 on their own, the maximum sentence that could have been passed on you for those counts, on the basis that the dangerousness provisions do not apply to you and nor do the provisions of s.91 PCC(S)A 2000, would have been a 24 month detention and training order. As you are now 18, and will be 19 later this month, the purpose of sentencing adult offenders has to be taken into account. That means the court must have regard to the punishment of offenders, the reduction in crime (including by deterrence), reform and rehabilitation, protection of the public and reparation.
27. In mitigation Mr Zahir makes a number of points. Firstly, your guilty pleas to all these matters. Secondly, some of this material is easily available. Thirdly, he submits that you are not someone with settled and firmly held views, but a young man casting around. Fourthly, he says you have a concern about how Muslims are treated in terms of violence shown to them.
28. You will receive full credit for your pleas of guilty.
29. In my view this is a very concerning series of offences. The features I have identified in count 8 and in the other dissemination counts are particularly troubling. I propose to pass a sentence reflecting the overall conduct. The start point in relation to the most serious of the possession offences, count 1, allowing for the aggravating features and mitigating features I have identified as well as your age would be a sentence of 3 years' 6 months' detention. Allowing credit for your pleas, a sentence on count 1 of 2 years' 4 months' detention. On counts 2 to 6 sentences of 18 months' detention on each count.
30. The most serious of the offences is count 8. Even allowing for age the start point would be a sentence of 5 years' detention. Allowing full credit for your plea a sentence of 3 years' 4 months' detention. On count 10, 18 months detention and on counts 12 to 16 12 months' detention. All of those sentences are to be concurrent making a total sentence of 3 years' 4 months' detention.
31. You will serve one half of that sentence in custody and then be released on licence for the remainder of it. At any stage your licence may be revoked and your return to custody ordered.

32. I make an order for the forfeiture and destruction of the items found on the search – RJB/2, the laptop, SFL/3, the Dell Tower hard drive, SFL/6, a USB stick, SFL/24 a combat knife, SFL/38 a notebook, SFL/20 an iPhone, SFL/7 another iPhone and PVR/3 a laptop.
33. If the victim surcharge applies the appropriate order can be drawn up.
34. The offences here are qualifying offences for the purposes of automatic notification that applies by virtue of the sentence imposed. The notification period is one of 10 years in this case. (S.53(1)(c) of the Counter-Terrorism Act 2008).

HHJ Mark Lucraft QC

Central Criminal Court, London EC4

December 17<sup>th</sup> 2018.