



JUDICIARY OF
ENGLAND AND WALES

REGINA v AIDAN JAMES

Sentencing remarks of The Honourable Mr Justice Edis

Central Criminal Court

7th November 2019

The victim surcharge will be imposed in the appropriate sum.

Aidan James, you were convicted after a trial of one count of attending at a place where terrorist training in weapons was being delivered. There was a video of that taking place as you learnt to fire an AK47. There was also a detailed and very clear description of what happened in your journal. You were traveling to Syria through Iraq with the help of the PKK. The PKK is a proscribed terrorist organisation under UK law. On the way to Syria you spent a month in the refugee camp at Makhmour in Iraq which is a place where, on any view, the PKK was in a strong position. Indeed, had they not been there in force to defend it they would have been abandoning over 12,000 Kurds to potential slaughter by ISIS. You certainly thought that they were there and that they were in control of the place which you attended where training was delivered. Your journal says so. I think you were right.

For most of that time you were living in a safe house in the camp, and doing very little. But during September 2017 you were given the opportunity to train on more than one occasion at what you called “a PKK base”. I am satisfied on the evidence of your journal that this was a place which existed for the purpose of training members of the PKK and others. The training you received there was basic introductory training in the use of firearms. It appears that you were invited to join the PKK, but you did not do so. Your personal commitment was not to the PKK, but to the YPG.

You received much more substantial training later on, in Syria, from the YPG. You were acquitted of that count because the jury was not satisfied that this training was for a terrorist purpose. That was because in those days and at that place, the YPG was training people to fight against ISIS. The YPG, which became part of the SDF, was the only defence available to

the Kurdish population at that time. It is not irrelevant to the proper classification of that YPG activity that it was supporting the policy of the United Kingdom and other allies by fighting ISIS. In some of their activities they had air support from the USAF and the RAF. The jury was not satisfied that the YPG had any political or religious cause beyond fighting against ISIS for which this training camp was delivering weapons training. This activity was not, on the jury's verdict "noble cause terrorism": at least for present purposes, it was not terrorism at all. The force for which you were being trained was defensive force against a lethal and genocidal threat from ISIS. The prosecution has not sought to prove otherwise, and no jury has found otherwise.

You were not prosecuted for your actions in fighting ISIS with the YPG, even though your journal claims that you did this for about 6 weeks. I held that there was no case to answer on a count alleging preparation for terrorism prior to your departure from the UK, because it was not alleged in these proceedings that fighting ISIS alongside the YPG should result in a terrorist conviction, and that is all you were preparing to do. The prosecution did not seek a conviction on the basis that the weapons training from the YPG was for terrorist purposes if it was only intended to improve their ability to fight against ISIS. I do not accept that the stance of the prosecution is irrelevant for sentencing purposes. It is a stance which has resulted in a decision not to charge you with the more serious offence of receiving training for a terrorist purpose. That is a different serious offence than simply attending at a place where others were trained. As I have said, there was actually a video of you receiving weapons training, and the charging decision was not taken for lack of evidence to prove the more serious offence. It is a stance which means that you were not charged with preparation for an act of terrorism while you were abroad. It also led to your acquittals on the preparation charge you did face, and on the count related to the YPG. I cannot sentence you for offences of which you have not been convicted.

Your purpose in travelling through Iraq, where you committed the only offence of which you have been convicted, was to enter Syria covertly so that you could join the YPG in their fight against ISIS. You did this because you believed that you should stand up against ISIS and defeat them, both to help the Kurds and also to protect the population of the United Kingdom against terrorist attacks inspired by ISIS here.

You have been convicted of a short period of attendance at a PKK training base which was operated by the PKK for their benefit. The purpose of that training in your case was to do acts which the prosecution has not alleged were, in themselves, criminal. You knew quite well that the PKK were "on the list" as you put it in your interview in April 2017, 6 months before you received weapons training at their base near Makhmour.

Attendance for any purpose at a camp where weapons training for terrorist purposes is provided is an offence, and there is no defence of reasonable excuse. The policy of the law is to keep people who are subject to the criminal law of the UK away from such places altogether.

In addition, you have very recently pleaded guilty to possession of cocaine with intent to supply and possession of cannabis. These charges relate to drugs and other items found in your possession when you were arrested in April 2017 under the Terrorism Acts. You were a street level dealer with a significant role in a small-scale operation which was dealing in cocaine. The quantity is not the decisive aspect in sentencing these cases, but it was a significant quantity and some of it was of a high level of purity.

This is a late plea, but was indicated a long time ago informally. The long delay in dealing with this case has been caused by your travel to Syria and by a decision not to deal with the drug matter until the conclusion of the prosecution for the terrorist offences. It may be that you never truly intended to contest the drug indictment, but you did not want to await your trial for the terrorism offences as a convicted prisoner. You did, though, file a false Defence Statement. You have now lodged a basis of plea which perhaps suggests that you were not involved in street level dealing. I reject that, if that is what it means. I accept that a motive of your offending was funding your own habit, but that is of limited importance.

This is a category 3 case. The guideline has a range of 3¹/₂ - 7 years and a starting point of 4¹/₂ years. You have previous convictions but nothing directly relevant, and you have not been sentenced to imprisonment before. There is a psychiatric report which shows that you suffer from some psychiatric conditions related to traumatic experiences you have suffered, but also to substance abuse.

There is no guideline for the terrorism offence. In the ordinary case this conduct would require a substantial sentence of imprisonment. This is not an ordinary case because in truth, your attendance at this PKK training base was a very small part of a course of conduct most of which I have to ignore for sentencing purposes, for the reasons I have explained. In treating this case as substantially less serious than other offences contrary to the same section I am not in any way ranking the PKK as any less of a terrorist organisation than any other. It is a proscribed organisation, and that is that. The offence is less serious than others because of the very limited extent to which you assisted or supported the PKK.

Even so, attending a terrorist weapons training camp is a serious offence, and not merely a technical one. The law seeks to keep people away from these training places. The offence clearly passes the custody threshold. That training camp was operated for the benefit of the

PKK which is a terrorist organisation and you knew it. Although you found yourself in the Makhmour Refugee camp without planning to be there, you travelled from there to the weapons training place nearby willingly and took part in the training yourself when you got there.

It seems to me that the fact that you travelled to a place of weapons training in Iraq having been warned not to go to fight there by PREVENT police officers in Merseyside is an aggravating feature, but this is really counter-balanced by your fragile mental state. I have read the letters from your mother and sister and I think you owe it to them to make the best of yourself when you are released. You will have their support and you should not let them down.

The sentences should be consecutive because you were under investigation for the drugs offences when you left the country. The overall sentence should be proportionate to your criminality. I will achieve that by reducing the sentence on the terrorism count.

The sentence for the cocaine offence will be 3 years imprisonment giving you 15% credit for your plea. There will be a concurrent sentence of 1 day's imprisonment for possession of cannabis. The drugs, paraphernalia and cash seized will be forfeited.

The sentence for the offence of attending at a place of terrorist training will be 12 months imprisonment, consecutively to the 3 years, making a total sentence of 4 years. You will serve half of that in prison and be on licence for the remainder of it. In fact, you have served most of the time you must spend in prison already.

That sentence carries with it the notification requirements under the Counter-Terrorism Act 2008 for a period of 10 years. You must make yourself aware of these requirements and comply with them. If you fail to comply you will be committing a criminal offence.