

**343.6a** *Assisting terrorists*      *Post-guideline case*

*R v Rashid* 2019 EWCA Crim 797 D pleaded on the first day of trial to four counts under the 2006 Act. Counts 1-3 were section 5 offences. Count 4 was a section 1 offence. Count 1 was about messaging individuals believed to be in Islamic State territory, seeking advice about travel routes to Syria and Turkey, saving money in order to travel and seeking an individual who could vouch for D as a prospective member of Islamic State. Count 2 related to assisting another to commit acts of terrorism. D had some communications with an individual whose online username was 'Rapunzel'. D sent Rapunzel links to videos that explained how to use lasers to assist in shooting aircraft down and links to documents that explained how to manufacture explosives in confined spaces and jam anti-tank ground missiles. Count 3 also related to assisting others to commit acts of terrorism. D researched and analysed the attack at the Besiktas Stadium, looked at ways in which the attack could have been carried out more successfully and how it could be carried out at similar venues within the UK. D created a brand known as the 'Lone Mujahid' aimed at providing resources to lone wolf attackers. D created and administered a number of channels, under the Lone Mujahid banner, on the instant messaging program 'Telegram', and uploaded numerous resources including terrorism publications. Included in count 3 was D's creation of a secure and impenetrable cache of digital devices. The final count related to D publishing statements intended to encourage members of the public to commit, prepare or instigate acts of terrorism. D posted a photograph of the Burmese Ambassador to the United Kingdom together with the address of the Burmese Embassy and a caption saying 'you know what to do'. He posted a picture of Prince George doctored to include a silhouette of a jihad fighter and the address of his school with the message 'even the royal family will not be left alone'. Various other posts were made encouraging terrorist activities. When police visited D's house to arrest him, he tried to throw his mobile phone into a neighbour's garden, but the phone was recovered. It contained around 290,000 messages. D was now aged 32 and had no previous convictions. A pre-sentence report said that D posed a high likelihood of further offending and a high risk of serious harm to others. The author of the report said that what started off for D as a citizen's concerns with the Syrian war, quickly turned into his identification with Islamic extremist ideologies. The Judge also had a detailed assessment provided by an Imam who said that D was 'a highly socially excluded and isolated individual'. The Judge considered D to be a dangerous offender. He considered that counts 1 to 3 fell into Category B1 of the guideline with a starting point of life imprisonment and a minimum term of 25 years' custody. Count 4 was considered to be Category A1 with a starting point of 5 years. A number of aggravating features were identified by the Judge. The only mitigation available to D was his lack of previous convictions. The Judge concluded that he must impose life imprisonment on counts 1, 2 and 3, and 4 1/2 years for count 4 with a 10% reduction for the late pleas. Held. D was a man with no previous convictions who had, within a comparatively short period of time, become so thoroughly radicalised, that he persistently engaged in doing what he could to encourage others to commit terrorist atrocities and to prepare to travel abroad himself in order to engage in combat. However, the Judge did fall into error in some aspects of his application of the sentencing guideline. In relation to count 1, D had not made firm plans to travel abroad and had not found anyone to recommend him to ISIS. It cannot be said that D's planning had reached the stage where multiple deaths were very likely to be caused and so the appropriate harm category was 2. In count 2, by sending links to Rapunzel to pass on to others, D had engaged in acts of significant assistance or encouragement of others but could not be said to be coordinating their activities. Therefore, this offence was more correctly categorised as 1C. Again, D's relentless posting of messages in count 3 can properly be described as coordinating the activities of whoever may read them. The correct category was 1C. We do not alter the sentence for count 4. For counts 1-3, we start for each at 15 years' minimum term. Collectively we move to 20 years not 28. With a 5% credit for plea (because it was a life sentence), life with a **19-year**, not 25, minimum term.

### 343.7a *Funding terrorists*

*R v Wakil* 2019 EWCA Crim 1351 LCJ D was convicted of entering into a funding arrangement for the purposes of terrorism (2000 Act section 17). D's sister S left the UK when she was 16 to join Islamic State. Once in Syria she married an Islamic State fighter, but he was killed shortly after. S remarried and had a child. She kept in touch with her family via social media and was committed to life within Islamic State. S indicated that she wished to die in Syria and would welcome martyrdom. Her family were aghast at what had happened and repeatedly begged her to return to the UK. There was close contact between the police, representatives of the Prevent programme and the family. It was well understood by the family that they should not send any money to S as it could be seen as terrorist funding. In early 2016, S was trying to persuade one of her brothers in the UK to send her money. At the time she suggested that she wanted to leave Syria, but changed her mind a few months later. In December 2016 S contacted D and told him that she was unwell. In January 2017, S told D that "the enemies" were getting closer and that she needed money to pay smugglers to help her leave Syria. She said she was hungry, ready to leave and that her daughter was unwell. D agreed to send some money and S suggested using the Telegram instant messaging platform which is known to be very secure. Four days later, D was explicitly warned not to send money. S then sent D details of a third party in Lebanon to whom the money could be sent for onward transmission to her. D enlisted the help of an acquaintance to conduct the transfer from a local shop which acted as a Western Union agent. S later told D that the money had reached her. But she did not leave Syria and said that the smugglers' price had gone up. D did not send any more money. He was arrested and readily admitted the transaction when interviewed. D suffered from paranoid schizophrenia. By the time of this offence, his symptoms were well controlled by medication. It is not suggested that his mental illness was itself causative of the offending. However, the development of the psychosis associated with schizophrenia had adversely affected D's intellectual functioning, which was already at a low level. Medical evidence suggested that D had a "heightened level of suggestibility compared to the average person". D lived at home with his parents and siblings. He had no real friends and no employment. He was socially isolated and a vulnerable individual. The Judge located the offending within category 3B of the *Terrorism Guideline 2018* which gives a starting point of 4 years and said that the failure of D to heed repeated warnings was an aggravating feature which raised the starting point by 6 months. By way of mitigation, the Judge noted D's good character and his mental health problems which made him particularly suggestible. She said, "Your sister knew this and I do believe she manipulated your reasonable and understandable worries about her and your young niece." She continued, "although you should have realised the risk that the money may be used for terrorist purposes, I accept you genuinely wanted to help your sister pay for smugglers to get her out of Syria." Held. We make no criticism of the Judge's overall approach but conclude that the underlying features of this offending and the particular personal circumstances of D called for a greater reduction from the starting point. Additionally, it is relevant in the context of D's difficulties, that his life in custody will be more difficult than most. **20 months**, not 2 1/2 years.