



JUDICIARY OF
ENGLAND AND WALES

THE QUEEN

-v-

NAVEED ALI

KHOBAIB HUSSAIN

MOHIBUR RAHMAN

TAHIR AZIZ

SENTENCING REMARKS OF MR JUSTICE GLOBE

3 AUGUST 2017

The four defendants, Naveed Ali, Khobaib Hussain, Mohibur Rahman and Tahir Aziz, are respectively 29, 25, 33 and 38 years of age. All four are to be sentenced following yesterday's convictions by the jury for an offence of engaging in conduct in preparation of terrorist acts, contrary to s.5 of the Terrorism Act 2006.

Tahir Aziz is present in court. However, the first three defendants have refused to leave Belmarsh Prison to come to court. That is their choice. It provides no aggravation of the case against them and does not affect the sentences that must be imposed.

For convenience only and with no disrespect to any of the defendants, I intend from now on to refer to all of them by their surnames.

It is unnecessary to adjourn for pre-sentence reports. There has been no request to do so and the trial has been of such length and has examined the backgrounds of the defendants in such depth, that I have no need for such reports. A combination of the detail and length of the case, the way the case has been presented to the jury and the specific questions the jury have had to answer, all mean I have a very clear understanding of what happened, what risks are posed to the public and the basis upon which sentence must now be passed.

The convictions follow a trial that lasted before the jury for four and a half months, during which time this country has been subjected to the terrible consequences of four separate terrorist attacks. Those attacks have demonstrated, in stark form, the carnage that can be created by different types of terrorist attack that can be carried out with a vehicle, explosives and bladed weapons.

I am satisfied from the evidence and the jury's verdicts that, but for the intervention of the Counter Terrorism Unit of the West Midlands Police and the Security Services, there would have been not dissimilar terrorist acts in this country using, at the very least, the explosives and/or one or more bladed weapons recovered almost 12 months ago on 26 August.

Those items were recovered on 26 August, but the history and background to this offending goes back to at least 2010.

By 2010, upon his own admission in evidence, Rahman had a limited and focussed Muslim view of the world. He was hanging around in his home town of Stoke with Muslim friends who held radical views. He was loud and opinionated. When approached by Security Service officers as to his own views and activities, he was dismissive and rude to them. It was suggested during the trial that he had changed. The verdict of the jury suggests otherwise. Even his co-defendant, Hussain, described him in evidence as domineering, paranoid and weird.

In September and October 2010, Rahman downloaded at his home in Stoke two issues of Inspire magazine published by Al Qaeda. One of them included an article called "*how to make a bomb in your Mum's kitchen*". The article gave details as to how to make a pipe bomb. Those details were not identical to the partly constructed pipe bomb that was recovered on 26 August last year, but there are sufficient similarities to make the contents of that article relevant to the sentencing exercise I now have to undertake. Rahman was charged with having the Al Qaeda articles in his possession with intent to use them for a terrorist purpose, contrary to s.57 of the Terrorism Act 2000.

On 23 August 2011, Ali and Hussain, left their homes in Birmingham and flew out from this country to Pakistan to go to a terrorist training camp.

Hussain has given a limited account as to why he went to the training camp. I do not ignore the basis upon which he was later sentenced, but I now have much more information about him than that sentencing judge had at the time. I found Hussain's answers to questions in evidence as to why he went to Pakistan to be vague and thoroughly unconvincing.

Ali has given no account as to why he went to Pakistan. I am satisfied that, despite a stutter and suggested difficulties with self-confidence and self-esteem, he could have given evidence and given an account. He chose not to do so.

What is clear to me is that both Ali and Hussain deceived both of their families who had no idea that they intended to travel to such a camp. In so far as both of their sisters came to give evidence about them in this

trial, both conceded that they knew nothing about what their respective brothers were thinking of doing back in 2011, were surprised by their actions and have never challenged them about what they did and why they did it. These facts alone devalue the evidence of the sisters about what they think are their brothers' current beliefs.

When Ali and Hussain's families found out they had gone to Pakistan, they were encouraged to return. They left the training camp and flew back to this country a few days later. They were both charged with the same s.5 offence of which they have now been convicted, although it was an offence of obvious less seriousness than the present offending.

Lest there be any doubt about it, it was and still is important that the evidence in the 2010 and 2011 cases I have just mentioned demonstrate in relation to all three defendants an awareness of and participation in anti-surveillance tactics to hide their true actions and to divert attention away from what they were doing. They are tactics I am satisfied were deployed by them together with you Aziz for the same purposes in relation to this case. The very fact that such tactics existed means that defence propositions that lack independent support require the closest scrutiny.

During 2012, Ali, Hussain and Rahman all pleaded guilty to the offences with which they were charged. After appropriate reductions to take account of the guilty pleas, Ali and Hussain were sentenced 3 years 4 months and Rahman was sentenced to 4½ years.

I am satisfied that, by 2012, all three defendants had already become wholly or partly radicalised and were already exhibiting dangerous signs for the future. These were reinforced when they met up in prison with others charged with and/or convicted of terrorist offences. They also met up with each other. I am satisfied that the three defendants formed a friendship that was rekindled when they were ultimately released from prison and returned to their respective homes in Birmingham and Stoke.

In each case, it is of significance that upon release from their respective prison sentences, each breached the licence conditions imposed upon release. Ali had to be recalled to prison twice. Hussain had to be recalled once. Rahman had to be recalled twice. Additionally, he is presently awaiting sentence having pleaded guilty to breaches of two sets of notification requirements following a failure to report a change of home address in early 2016, the details of which became part of the evidence in the trial.

These offences and breaches, when taken together with the present offending, are of considerable significance in terms of the assessment as to dangerousness and as to what sentence should now be imposed.

A substantial amount of time during the current trial was devoted to mindset evidence, mainly derived from what was found on the devices of all four defendants after the arrests. The jury had a highly-detailed Timeline document going back to mid-2015, which roughly coincides with the attempted re-integration of Ali, Hussain and Rahman into society. Lest it be thought that Ali, Hussain and Rahman were given no assistance upon their releases, it is important to state that they were provided with link and supervising officers. They were also monitored very carefully by those in authority who were concerned about their future activities. Despite the assistance that they were given, they have offended again in a much more serious way. It is a tribute to a combination of surveillance and under-cover law enforcement work that they and you, Aziz, were arrested before all of you carried out what I am satisfied from the jury's verdicts would have been terrorist acts involving a considerable loss of life and serious injury.

In Ali's case, with no evidence having been given, I have heard no explanation from him as to what was found on his devices.

In Hussain and Rahman's cases, exculpatory evidence was given seeking to explain away what was found. However, given the jury's verdicts, even if the jury has not specifically rejected that evidence as part of their verdicts – and I suspect it is highly likely that they have rejected it - I reject it. I am satisfied that, in each case, there is ample evidence that supports a longstanding radical violent ideology. It comes from the previous terrorist convictions, membership of numerous extremist Telegram groups over a lengthy period of time, references and postings in relation to the waging of Jihad and the possession of numerous documents, images and Nasheeds, many of which relate to Jihad, praising Jihadi fighting and martyrdom.

By way of example only, in Ali's case, his ideology is reflected in his message quoting Ibn Taymihhah's Fatwa "*we have prepared for the disbelievers a humiliating punishment*"

In Hussain's case, his ideology is reflected in his message after the Nice attack in July 2016 that Muslims should prepare for "*a fully fledged war with Europe*".

In Rahman's case, his ideology is reflected in retaining on his laptop a document including a lecture from an Australian speaker justifying the 9/11 attack and describing as excellent a famous Jihadi book called Milestones, which argues for offensive Jihad against everything that is non-Muslim, which is to be regarded as evil and corrupt.

Your case, Aziz, has a different background. You are Muslim by birth, but I accept your evidence that your family were and are not strictly observant Muslims and that it was not until after your marriage broke down that sometime during 2014 you turned to religion. It was in this context that you met up with people who either already were or became idealistic extremists and, through them and your own interests, you became radicalised into violent Jihadist thinking. One of the people with whom you had frequent contact

was Rahman who, like you, lived in Stoke. The evidence does not establish that he was the sole cause of your radicalisation, but I am in no doubt that his views became highly influential to you and ultimately he was the person with whom you were most closely involved.

The Timeline in your case has required the closest scrutiny. When taken together with the verdict of the jury, I am in no doubt that it establishes your mindset of sympathising with the ultra-extreme beliefs of Islamic State at a time when you were well aware of the nature of their extreme conduct and attacks on the West and is indicative of your fixed radicalised view of religion, life and society.

By way of limited example only, you were expelled from Facebook after expressing extremist views in discussion with others. You sent Rahman a book called "*the Solution*" which was about Osama Bin Laden seeking to justify and celebrate the 9/11 attacks. You ended up as a member of many extremist Telegram channels, had a copy of Inspire magazine on your phone that contained the instructions for the making of a pipe-bomb and possessed numerous videos and Nasheeds of a violent Jihadist nature.

The mindset evidence provides the background to what happened last summer leading up to the arrests on 26 August.

In the summer of last year, Ali and Hussain were under law enforcement surveillance. By the end of July, there was an under-cover operation in existence monitoring their movements. That operation was centred around a specially set-up delivery company in Birmingham called Hero Couriers, which was purporting to recruit occasional delivery drivers. Hussain was employed to drive for the company on nine separate occasions. The undercover law enforcement officer responsible for hiring him astutely observed and was suspicious of his habit of carrying a draw-string bag with him which he would take with him in the company's delivery car. He would not leave it behind in his own car when he went out delivering. On Thursday 25 August, he had no bag with him at all. It was the one and only occasion that this had happened.

By this time, Ali had also been employed at the premises. His first delivery was on Friday 26 August. He arrived in a Seat Leon, which was left at the company premises. He was provided with the company car and went out delivering. He did not take any bag with him. Whilst he was out delivering, the under-cover officer and Security Service officers found a drawstring bag under the driver's seat of the Seat Leon. The bag contained a pipe-bomb, eleven shotgun cartridges, a meat cleaver with the word Kaffir scratched on the blade, an air pistol with a magazine attached to it with gaffer tape, a separate roll of gaffer tape, a 9mm bullet, some latex gloves and a couple of tissues.

The existence of the vehicle and the description of all the items within the bag are self-explanatory, bar one – what has been described as the pipe-bomb.

The pipe-bomb consisted of a metal pipe with a shotgun cartridge stuck in each end with the flange at the top of each cartridge secured to the end of the pipe by a nut, an “O” ring and a hexagonal brass end cap.

The pipe was up to about half full of low explosive powder. There was additional powder contained within each of the two shotgun cartridges. When contained within the pipe, as it was, the powder would explode if ignited. Further powder from the two shotgun cartridges at either end of the pipe increased the explosive potential. More powder from the other cartridges in the bag was available to add to the powder that was already contained within the pipe.

As constructed, there was no means of initiation. An attempt had been made to drill a hole in one of the end caps. If a hole was completed, it would have given access to the percussion cap of the cartridge inside the pipe which could have been initiated by using a narrow-pointed object to impact the percussion cap to explode the cartridge and the powder inside the pipe. That could have been done whilst holding it if such a person was minded to do so. Alternatively, it could have been thrown so as to land on the pointed object protruding from its end. A further alternative and simple means of initiation would have been to have drilled a hole into the pipe and to place a pyrotechnic fuse into the pipe and then light it like a firework.

Also, as constructed, the end caps were not screwed into the pipe, which instability would have reduced the confinement of the powder, which in turn would have reduced, but would not have extinguished, the explosive element of the powder. That instability could have been overcome by taking the simple step of using a strong glue to glue each end on to the pipe.

The expert opinion was that, even in its partly constructed state, if initiated, an explosion had the potential to cause injury and loss of life and damage to property. That would be exacerbated if more powder was added to the inside of the pipe and/or the end caps were made more secure.

It is to be noted and is relevant that Hussain had been trained at a college gas fitting course in relation to the fitting of end caps. His DNA on the roll of gaffer tape within the bag is further evidence implicating him directly with its contents.

What was found on the morning of 26 August at Hero Couriers has to be considered alongside the evidence activity in the days and weeks leading up to that morning.

At the end of June, Rahman bought three Samsung phones and SIM cards on ebay for himself, Ali and Hussain to use. Each took possession of one of the phones. None was used prior to 26 August. These facts and the verdicts of the jury make the prosecution’s alleged inference that they were to be operational

phones irresistible. You, Aziz, did not receive an ebay phone. It supports the contention that by that time you may not have been part of the planning that was then ongoing.

There were meetings between Ali, Hussain and Rahman on 27 May and 4 August in Birmingham. Anti-surveillance tactics were adopted on both occasions.

On 11 August, Hussain requested Ali to set up a secure Telegram channel for the exclusive private use of themselves and Rahman. Ali set it up and called the channel "The Three Musketeers". The fact that you were not a member, Aziz, again might support the contention that by that time you may still not have been part of the planning that was then ongoing.

You, Aziz, continued to correspond with Rahman through WhatsApp rather than Telegram. It is illuminating to me that in one of those messages on 15 August, after a discussion about ISIS, you stated that you supported all those that fight in the cause of Allah regardless of what group they are in and they were all better than you as they were "*fulfilling their obligation and I am getting left behind*". I reject the proposition that this solely related to events out in Syria. If ever there was a request to a committed extremist to become involved in whatever was then ongoing, this message to Rahman was capable of being a clear indication that you wanted to join in.

If there was any doubt about your intentions, they are removed by the fixed attitude you displayed to people in authority in this country when you sent a WhatsApp message to Rahman on 19 August. It was sent after you found out that three defendants had been convicted by a jury at this court of making speeches encouraging support for ISIS. You messaged Rahman saying that the undercover witness who had recorded the speeches made by those speakers should "*burn in hellfire*".

That message was sent the day before the weekend of 20 and 21 August when all four of you met up in Stoke. Anti-surveillance tactics were adopted by all of you as to the manner and venue of the meeting and the insistence on there being no use of mobile phones. The jury's verdict in relation to you, Aziz, has to be interpreted as meaning that, by that time, you had been recruited and intended to assist in planning whatever was going to be the attack or attacks that were going to take place

In the early hours of 25 August, in communications on "The Three Musketeers" Telegram channel, there were revealing messages.

Rahman, posted a video he had taken of the screening of a documentary about "*Remember 9/11 - The Liquid Bomb Plot*". It relates to a plot in 2006 to blow up planes and which also dealt with surveillance and anti-surveillance tactics. He also posted messages stating "*what am I doing*" and "*I feel so guilty; look how weak I have become*". He downloaded and posted a video that related to "*the humiliation that*

would come from not waging violent Jihad” with the speaker being critical of people sitting back, doing nothing, not fighting and to Jihad continuing and to judgment day and paradise being obligatory.

Shortly afterwards, Hussain, sent messages saying *“what are we doing”, “nothing is happening; we just talk”* and *“just feel depressed, not in terms of my dunya but in terms of my deen”*

Rahman, replied *“I know”* and *“just don’t realise what is awaiting those who truly believe in that special trade with Allah”*.

Hussain, replied *“we gotta do something; nothing really happening”*.

Ali, contributed by sending quotes about martyrdom, paradise and *“Jihad for Allah’s cause”*.

On the night of 25 August, only hours before the bag was found, there were more revealing messages on “The Three Musketeers” Telegram channel.

Ali was messaging *“may Allah make it easy for us”*.

Hussain, replied *“Amen, bro, make dua”* and *“we need to speak to certain guys”*.

Ali, then sent a poem consistent with it being all about fighting and paradise.

Within hours, the bag and its contents had been discovered in Ali’s car at Hero Couriers, all four defendants had been arrested and, in your case, Aziz, a large sword was recovered from alongside the driver’s seat of your motor vehicle.

The irresistible inference from all this is that you were all jointly concerned with the possession of a pipe bomb that did not need much more doing to it to make it a viable murderous weapon and that an attack or attacks with intent to kill and injure and cause terror were imminent by use of any or all of the following, a pipe bomb explosive device and a meat cleaver, with an air pistol being available to discourage members of the public from intervening in any attack and the sword, all of which would have been carried out to promote an anti-West ideology of radical violent jihadists and would have been carried out with a degree of determination that would have included a willingness to die if necessary in the execution of the attack.

I have not included any vehicle in the list of objects that would be used in an attack. Despite suspicion that one or more vehicles might have been used as part of any attack, there is no actual evidence in the case to support that proposition. On this aspect, I accept the defence submission that it is not just a situation of there being no evidence to support the proposition; there are contra-indications, in that it is to be noted that

recent attacks in the United Kingdom and Europe using vehicles have involved the vehicles being rented or stolen just before the attack. That is not to say that a committed terrorist could not use their own vehicle. However, there is simply no evidence of that being the case here.

It is in all of these circumstances that I need to consider what are the appropriate sentences that must be imposed.

I have considered the guideline case of *R v Kahar* [2016] 2 Cr.App.R.(S.) 32 as well as *Attorney General's Reference (No.323 of 2016)*; *R v Abdallah* [2017] 1 Cr.App.R.(S.) 29; *R v Burinskas* [2014] Cr.App.R.(S.) 45; and *R v Saunders* [2014] 1 Crim. App. R. (S.) 45.

I remind myself of the broad principles that apply to the consideration of a sentence for a s.5 offence. Conduct threatening democratic government and the security of the state has a seriousness all of its own. The purpose of the sentence should be to punish, deter and to incapacitate whilst taking care to ensure the sentence is not disproportionate to the facts of the case. S.143 of the Criminal Justice Act 2003 requires a consideration of an offender's culpability (which in most cases, will be extremely high) and any harm which the offence was intended to cause or might foreseeably have caused. The starting point should be the sentence that would have been imposed if the intended acts had been carried out, with the offence being more serious the closer the offender was to the completion of the intended act. Important matters to consider are the number, nature and gravity of the intended terrorist acts; the degree of planning, research, complexity and sophistication as well as an offender's commitment; the period of time involved; the depth and extent of the radicalisation of the offender; and the extent to which an offender has been responsible for indoctrinating or attempting to indoctrinate others.

Additionally, it is important to consider dangerousness and, in considering whether an offender is dangerous, the extent and depth of their radicalisation and extremism and the likelihood of its continuance will obviously be very important factors. An offender who is in the grip of idealistic extremism is likely to pose a serious risk for an indefinite period.

Defence submissions have been made in writing and in court that the previous offending was different and less serious than the present offending; that mindset might not be as bad as that portrayed by the prosecution; that the Timeline only includes a small insight into a much wider picture that suggests less radicalisation; that the Inspire magazine article as to how to make a pipe-bomb involved making a different type of pipe-bomb to that recovered from the car; that the circumstances of the offending demonstrates less professionalism, expertise or readiness to attack than that suggested by the prosecution; and that the part construction of the pipe-bomb suggests an attack was not imminent. Individually, I am requested to consider personal aspects of mitigation in relation to health, social impact for the future upon you of very lengthy sentences.

I have given consideration all those submissions compendiously and individually, as indeed I gave consideration to the multitude of defence submissions that have been made during the trial and in the weeks before it even began. Those submissions covered just about every possible aspect of the case and included several applications to me to discharge the whole jury for a variety of reasons. They have gone hand in hand with a root and branch attack on the credibility of just about every prosecution witness in the case, most particularly the under-cover officer known as Vincent, who alone was cross-examined for a total of 12 days, but more generally upon the integrity of the whole of the Counter Terrorism Unit of the West Midlands Police. It was an attack which the verdicts of the jury suggest was wholly unfounded. I make mention of these matters solely to underline and stress as strongly as I can that I put them out of my mind in deciding the issue of sentence. There is obviously no credit to be gained from any guilty pleas, but likewise no defendant must be penalised for the defences that counsel have vigorously pursued on the instructions of the defendants. Defendants are entitled to have a trial and it is standard sentencing practice that a defendant's case is not worsened by that fact. The submissions made in mitigation require and have been given careful and separate consideration by me. They have been considered on their own merits objectively alongside the totality of the evidence in the case.

Having conducted that exercise and whilst I do take into account the extremely limited mitigation that arises from personal circumstances, I cannot accept the substantive submissions that have been made.

In relation to Ali, Hussain and Rahman, for the reasons I have already set out in respect of the previous convictions, the breach of the licence conditions, the radicalisation and idealistic extremism, the length of time during which all of this has occurred, the secrecy of the communications and meetings, the anti-surveillance activities and the elevation of actions into the extremely serious preparatory steps inherent in the present offending, I am in no doubt whatsoever that all three are highly dangerous offenders in the sense that each poses a significant risk to members of the public of serious harm from the commission of further offences.

In relation to you, Aziz, the history is shorter, there is no previous terrorist conviction and the evidence suggests you became a late recruit. However, your radicalisation did not occur overnight. The Timeline goes back 12 months to mid 2015. Your obsessive interest in extremism covers many months and, far from it waning, it continued with enthusiasm up and until your arrest. The conclusion I have reached is not that you had to be encouraged to be recruited, but that you effectively asked to become involved. We only have the messages that have been recovered. The anti-surveillance activities mean we do not have any detail of what occurred during conversations you had with Rahman or at the meeting over the weekend of 20 and 21 August. However, I draw the inference from the totality of the evidence that we do have that you were more than happy to become involved and to play as active a role in whatever was going to happen in one or more attacks whenever it was agreed that they should occur. I reject your evidence about

the sword being in your car for defensive purposes for when you were delivering food. I agree with the prosecution assertion that by August 2016 you had the zeal of a convert. The jury were unpersuaded by your exculpatory evidence to the contrary. I agree with their findings. Notwithstanding the comparatively shorter history in your case, my conclusion is that you, too, must be regarded as a dangerous offender who poses significant risk to members of the public of serious harm from the commission of further offences.

Having made these findings, I need to decide the separate issue of whether the seriousness of the offending in each case is such as to justify the imposition of a sentence of imprisonment for life. That requires consideration of the seriousness of the offence itself, any previous convictions, the level of danger posed to the public, whether there is any reliable estimate of the length of time a defendant will remain a danger and any available alternative sentence.

In relation to my assessment of the offence itself, if committed and murder resulted, it would have fallen to be sentenced under paragraph 4 of Schedule 21 of the Criminal Justice Act as an attack justifying a whole life term, it being *“a murder done for the purpose of advancing a political, religious, racial or ideological cause”*.

The messages on 25 August suggest an attack was imminent, albeit not necessarily immediate. It is at least likely that some further work needed to be done to the pipe-bomb. What needed to be done, though, was neither significant nor difficult. The use of the pipe-bomb by itself could have been catastrophic. However, that was not the only possible means of attack. The events of Manchester and London Bridge demonstrate the terror and irreparable serious damage to life that can result from the use of explosives and bladed weapons. I am satisfied there was sophistication and professionalism in the planning as evidenced by the contents of the bag, the purchase of the phones, the use of a secure Telegram messaging channel and anti-surveillance tactics. So far as Ali, Hussain and Rahman are concerned, it was also longstanding in that such preparations were ongoing over many weeks, such that frustration and impatience was evident in the messages of 25 August, which messages are in themselves further evidence of the imminence of an attack. So far as you are concerned, Aziz, the jury’s verdict means you willingly latched on to the planning that had been ongoing and became part of whatever was about to happen.

The nature and length of time over which I am satisfied in each case radicalisation and the commitment to idealistic extremism has now existed and, I am satisfied continues, is such that I regard all four defendants as a continuing danger to the public. There is no estimate, still less a reliable one, as to the length of time any one of the four will remain such a danger. In my judgment, there is no available sentence, even by way of an extended sentence, that will ensure the safety of the public other than the imposition of a life sentence. I have kept in mind the fact that a life sentence is a sentence of last resort. However, my conclusion in each case is that the seriousness of the offending justifies such a sentence. In these

circumstances, pursuant to the provisions of s.225 of the Criminal Justice Act, I am obliged to impose a sentence of imprisonment for life.

Having concluded that I must pass life sentences upon all four defendants, I am required to set out in court the minimum term of that sentence that must be served as the punitive and deterrent term of the sentence before consideration can be given to any release within the ambit of the any early release provisions.

It is important for it to be understood by anyone listening to my sentencing remarks or reading them later that the expression minimum term is not to be confused with the pronouncement of a determinate sentence of imprisonment, in respect of which only one half the sentence will be served before a defendant is released on licence. By minimum term, I mean the term that must be served before a defendant's case may be referred to the Parole Board for a consideration of release upon licence. It means the actual term that must be spent in prison before that process may take place. Whether there will be release after the minimum term has been served will be a matter entirely for the Parole Board to consider at that time. The Parole Board will not do so unless satisfied that the defendant is not a risk to the public and is ready for release into society. If there is a release at that time, or any later time, it will be on licence with specific conditions attached to it. There will be a recall to continue serving the life sentence if there is a breach of any licence condition that is set by the Parole Board.

I have regard to the guidance in *Kahar* in relation to the levels of offending and the observations in *Abdallah* guarding against the over-mechanistic application of the guideline levels of offending due to the highly fact-sensitive exercise involved in assessing each level. Having carefully considered the complexity of each level as described in *Kahar*, I am satisfied that the offending comes towards the bottom of level 2 and the top of level 3. If an attack had actually been launched or was in a more immediate state of preparation, the minimum terms I intend to impose would have been at a different level and much higher than what they are going to be.

There is little or no distinction to be drawn between Ali, Hussain and Rahman. This was joint offending for a group attack and each was involved for as long a period as any other. I disregard the fact that any one may be more demonstrative or articulate than another. That does not influence me to adjust one sentence upwards or another sentence downwards. The facts remain the same, as does the individual culpability and joint responsibility. My conclusion is that, in due course, each was going to play a significant role in the forthcoming attack wherever and whatever that was going to be.

I find there is, though, a distinction to be made so far as you are concerned, Aziz. Your criminal record is different. There is no aggravation inherent in a previous conviction for a terrorist offence or any disobedience of official orders. Your radicalisation is not as long-lasting. As already stated, I am satisfied from the jury's verdict that you eventually fully aligned yourself with what was going on. In doing so, you

became a willing and active group member in relation to an extremely serious offence. That necessarily merits a lengthy minimum term. A distinction must be made between you and the others, but you cannot avoid the serious consequences of becoming involved in a offence of this nature.

Sentence

1. The victim surcharge will be payable in each case in whatever is the correct amount applicable to the sentence I am about to impose.
2. Pursuant to s.23A of the Terrorism Act 2000, I make forfeiture orders in relation to all items on the list of property supplied to the court in respect of property seized upon the arrests, except for items JRA/184 and CRB/107, as being property used or likely to be used for the purposes of terrorism.
3. I note and inform all four defendants that pursuant to Part 4 of the Counter-Terrorism Act 2008, there will be terrorism notification periods of 30 years.
4. In Rahman's case, following his guilty pleas on 19 September 2016, I need to pass sentence in relation to the breach of notification requirements a year ago, the full details of which became part of the evidence in this case. Solely because of the sentence that I must now pass in relation to the indictment, I impose no separate penalty in relation to such breaches.
5. I direct that the 329 days that each defendant has so far spent in custody shall count towards the minimum terms that must be served.
6. In relation to Ali, Hussain and Rahman, the sentence on this indictment is a sentence of life imprisonment with a minimum term to be served of 20 years' imprisonment.
7. In relation to you, Aziz, the sentence upon you is a sentence of life imprisonment with a minimum term to be served of 15 years' imprisonment.