



JUDICIARY OF
ENGLAND AND WALES

R -v- Hassane, Majeed, Hamlett and Cuffy

Central Criminal Court

Sentencing Remarks of Mr Justice Wilkie

22 April 2016

1. Tarik Hassane you have pleaded guilty during this trial to the offences of conspiracy to murder and preparation of terrorist acts.
2. Suhaib Majeed, you have been convicted by the jury of conspiracy to murder, preparation of terrorist acts and possession of a firearm with intention to endanger life.
3. Suhaib Majeed, before the trial, you pleaded guilty to possession of a prohibited weapon and possession of ammunition without a firearm certificate.
4. Nyall Hamlett, you pleaded guilty before the trial to transferring a prohibited firearm and selling or transferring ammunition; and you, Nathan Cuffy, in the course of this trial pleaded guilty to transferring a prohibited firearm and selling or transferring ammunition and to 4 counts of

possessing a firearm with intent to endanger life and two counts of possessing ammunition with intent to endanger life.

5. Tarik Hassane you have admitted and you, Suhaib Majeed, the jury have found, were, between July to September 2014, supporters of, adherents to, and active in advancing the cause of radical Islam through violent jihad to be conducted in this country, of which each of you is a citizen, where, Suhaib Majeed, you and your family found refuge as a child, and in which each of you has been educated.
6. You were members of a conspiracy to commit murder, through shooting, on the streets of London, using a self loading pistol, with silencer, the killer to make good his escape by use of a moped to a safe place, a lock up, where moped and gun would be concealed ready to be used again. I have concluded, from the evidence presented by the prosecution, that, amongst the targets you were contemplating murdering, were members of the police and armed forces.
7. it is shocking, tragic and deplorable that you, 2 young British men, educated through the uk school system, undertaking university courses, should be so influenced by the bloodthirsty version of Islam, presented by isis and other, similarly minded groups, that you decided to take up arms against your fellow British citizens and those charged with protecting them, in the streets of your own city.
8. As young men with a limited understanding of Islam you and your friends adopted, discussed, and, in your cases acted upon, a violent and bizarre version of Islam, formulated and advanced, by malevolent self styled Islamic scholars using sophisticated propaganda tools. In the teeth of the reasoned doctrinal opposition of virtually all mainstream, respected Islamic scholars and clerics, you decided, in your arrogance, to disregard and dismiss all of those mainstream voices and adopted the ISIS/Al Nusra approach of violent jihad. You organised yourselves over a period of

months to commit terrorist murders, learning and adopting sophisticated encryption techniques to conceal what you were up to.

9. You were so determined and serious about committing murders that you arranged to obtain and did obtain from Nyall Hamlett and Nathan Cuffy, street criminals whom you knew or were put in touch with, a working firearm and ammunition, with silencer, in order to kill, escape, conceal your weapon and moped and, I am satisfied, do it again.
10. Even after others were detained, you, Tarik Hassane , were viewing online likely targets: namely a police station and territorial army barracks, still apparently determined to continue with a terrorist attack if need be on your own.
11. I have no doubt that, but for the intervention of the police and security services, whose vigilance and professionalism is highly to be commended, you would, within a short time, have pursued the conspiracy to its end by undertaking one or more murderous attacks in the way planned and intended by each of you.
12. I have to consider, in each of your cases, whether to impose a life sentence for the conspiracy to murder and/or the preparation for terrorist acts.
13. The question whether the seriousness of an offence and offences associated with it is such as to justify a life sentence has been considered in *R v Burinskas [2014] EWCA Crim 334*. The Lord Chief Justice said that it,
“...requires consideration of:
 - i. The seriousness of the offence itself, on its own, or with other offences associated with it in accordance with the provisions of s.143(1) [of the criminal justice act 2003]. This is always a matter for the judgment of the court.**
 - ii. The defendant’s previous convictions.**

- iii. **The level of danger to the public posed by the defendant and whether there is a reliable estimate of the length of time he will remain a danger.**
- iv. **The available alternative sentences.”**

14. I am also mindful of what was said by the then Lord Chief Justice in *R v Barot [2007] EWCA Crim 1119*, a case of conspiracy to murder

“a terrorist who is in the grip of idealistic extremism to the extent that, over a prolonged period, he has been plotting to commit murder of innocent citizens is likely to pose a serious risk for an indefinite period if he is not confined. If he commits an offence that permits the court to impose an indeterminate sentence, this is likely to be the appropriate course.”

15. In my judgement it is hard to contemplate a more grave offence than conspiring, deliberately and seriously, to commit murder against your fellow citizens, targeting, as I find was the case, those whose duty it is to protect the public, as part of what you both perceived as your religious duty, your contribution to what you perceived as a war being conducted by radical Islamists against those whom you characterise as unbelievers, and advancing that conspiracy by obtaining the deadly means by which murder was to be carried out.

16. I have considered in each of your cases the absence of any previous criminal offending. have read carefully and considered the pre sentence reports prepared on each of you and have considered what your counsel have written and said on your behalf.

17. Tarik Hassane, you have been devastatingly frank in your account to the author of the pre sentence report. You visited Syria in 2013, spent time with a friend who became a fighter and was subsequently killed, were exposed to and handled firearms whilst there. On your return to the UK, having declined the invitation to become a fighter, you raised thousands of pounds which I have concluded must have been to support extremist

violence there and in the summer of 2014 became a prime mover in instigating and advancing this conspiracy to commit murder.

18. I accept the conclusion in the pre sentence report that, whilst you are motivated to engage with your desire to redress what you perceive as injustice by means of violent extremism, your entrenched views and beliefs remain unaddressed and you pose a very high risk of harm to the general public and so are dangerous in the statutory sense.
19. Suhaib Majeed you have been less frank in what you told the author of the pre sentence report but you have expressed the view that the killing of soldiers in this country even when off duty is justified. By facilitating this plot, bringing to bear your IT. capabilities to encrypt information, knowing that Tarik Hassane intended to carry out multiple murders you demonstrated a lack of regard for the lives of intended targets. I agree with the conclusion that you pose a very high risk of harm to the public by the commission of a further serious offence and that you too satisfy the statutory test for dangerousness
20. I have considered the sentencing options namely an extended determinate sentence or a discretionary life sentence and have concluded that, by reason of, and in order to reflect, the gravity of your offending, I must impose a life sentence on each of you for the offences of conspiracy to murder and preparation for acts of terrorism and on you Suhaib Majeed for the offence of possession of a firearm with intent to endanger life.
21. I have reached the conclusion, having regard to all of the material available to me, that the danger posed by each of you is of such a degree and of a duration that cannot be reliably estimated so that neither a determinate nor an extended custodial sentence would provide sufficient public protection.
22. I, therefore, impose upon each of you, Tarik Hassane and Suhaib Majeed, a life sentence for each of counts 1 and, respectively, count 2, and counts 3 and 10.

23. I have to determine the minimum terms before the expiration of which each of you will not be considered for release on licence. You will not then be released, if you ever are, until the parole board has concluded that it is safe and in the public interest for you to be released. You would then be released on licence, to which you would be subject for the remainder of your life and you would be liable to recall to prison if you were to be in breach of its terms.
24. When fixing a minimum term for the conspiracy to murder, my starting point is the level of minimum term which the court would have imposed had the offences of murder been carried into effect, as intended, in late September or early October 2014.
25. The murders intended to be committed would, at that time, have fallen within paragraph 4 of schedule 21 of the Criminal Justice Act 2003 that is of an exceptionally high level of seriousness as being committed for the purpose of advancing a political religious or ideological cause. As such, the appropriate starting point would have been a whole life order.
26. I remind myself that in cases of attempted murder where a victim has made a good recovery the minimum term is likely to be in the region of half that which would have been determined had the attempt succeeded., *A-G Reference no.66 of 2007 [2007] EWCA Crim 2630*. I also have regard to the sentencing guideline for attempted murder
27. In each of your cases I have to consider your age, your record, your role in the conspiracy and all the other matters adverted to in the pre-sentence reports and, in your case Hassane , your plea of guilty.
28. **Tarik Hassane** . You were 20 at the time of the offences and are now 22. You had no previous convictions, I have noted what the pre sentence report says about your background. In your favour you did, eventually, plead guilty to these offences and you are entitled to some, though limited, credit for that.

29. On the other hand this was a grave terrorist conspiracy. You were one of the conspiracy's instigators, intent and insistent on driving it forward, even after Suhaib Majeed and the sources of the firearm were arrested. It is also clear that you were to be the gunman.
30. In my judgment, having regard to all of these factors, after a trial, for this conspiracy the appropriate determinate term would have been one of 45 years. I reduce that to 42 years to reflect your late pleas of guilty. The minimum term you will serve from today before you are considered for release on licence will be 21 years less the time spent on remand which will be determined administratively.
31. **Suhaib Majeed** you are marginally younger than Tarik Hassane but in my judgment that makes no difference. You too effectively had no criminal record. I have regard to your background as reported in the pre sentence report. I accept that, whilst you were one of the two main actors in the conspiracy, it does not appear that you were to be the gunman so your role is marginally less serious than that of Tarik Hassane . You, however, do not have the advantage of a plea of guilty.
32. In my judgment, having regard to the common factors you share with Hassane and the factors specific to you, the appropriate determinate term for these offences upon conviction would have been one of 42 years. The minimum term you will serve from today before you are considered for release on licence will be 21 years less the time spent on remand which will be determined administratively.
33. Suhaib Majeed. On counts 11 and 12 I impose no separate penalty.
34. **Nyall Hamlett:** I have to sentence you for count 8, transferring a prohibited firearm, and count 9, selling or transferring ammunition to another, to each of which you pleaded guilty before this trial began.

- 35.** The maximum sentence for count 8 is 10 years and it is subject to a minimum term of 5 years imprisonment. The maximum sentence for count 9 is 5 years.
- 36.** The jury has acquitted you of any knowledge of or involvement in the true purpose for which you transferred the firearm and ammunition and I will sentence you on that basis.
- 37.** You are now 25 years old. You have a modest criminal record. On your own account, and on the other evidence, I am satisfied that you have been involved with criminal activities on a street level, largely at the behest of and under the influence of others who hold sway in your estate. Despite your efforts to do so after your last release from prison you were unable to give up those connections and activities.
- 38.** I am satisfied on the evidence that you were trusted by Ricardo Scarlett to discuss with Hassane and Majeed what type of firearm and accessories they wanted and what was available. I do not accept your account that you were unaware, until minutes before, that you were to collect a firearm and accessories from Cuffy to transfer to Majeed. Of course you were not aware that they were to be used for terrorist murder but you did anticipate that they would be deployed for criminal purposes and, inevitably, that a firearm with silencer and ammunition would be used in circumstance whereby life may be endangered.
- 39.** In my judgment, after a trial, the appropriate sentence for count 8 would have been one of 8 years and, on count 9, 4 years.
- 40.** You are entitled to credit for your plea of guilty in advance of the trial though not at the earliest opportunity. Accordingly the sentence on you for count 8 is one of 6 years 6 months and for count 9 3 years and 3 months. Those sentences will run concurrently. You will be released after serving

39 months less time spent on remand which will be determined administratively.

41. **Nathan Cuffy** you are 26 and have a modest criminal record.
42. I have to sentence you, not just for counts 6 and 7 transferring a firearm and ammunition, but also for the separate and significantly more serious 4 counts of possessing a firearm and 2 counts of possessing ammunition each with intent of endangering life. Those offences have a maximum sentence of life imprisonment
43. It is clear from your guilty pleas to counts 13-18 and from your evidence and the other evidence, that you provided, for almost a year before these events, a service for three serious criminals as a repository for 5 firearms and associated ammunition and a silencer which, by your pleas of guilty, you intended should be used to endanger life.
44. Pursuant to that role you delivered the firearm, silencer and ammunition to Nyall Hamlett for criminal purposes knowing well what you had in stock and first ensuring that he told you precisely what it was that he was instructed to collect. Immediately afterward you spoke to one of those three, apparently to satisfy him and yourself that you had discharged your allotted task properly.
45. You were an integral part of the way in which these three serious criminals organised their criminal activities. Your role, though purely functional, was crucial. You were trusted to keep safe and deliver up, on instruction, firearms, which were intended to be in working order, in three cases already loaded, together with, if required, live ammunition, and, in this instance, a silencer, the deadly means by which those criminals might advance their serious criminal endeavours and which, as you knew and intended, may well endanger life.

46. Your commission of counts 6 and 7 formed part of the criminality involved in counts 13-18. All the counts formed part of a continuous course of criminal conduct. The sentences for all counts will run concurrently.
47. You are entitled to a modest discount for having pleaded guilty to each of counts 6,7 and 13-18 after the start of the trial.
48. Having regard to all the circumstances, for each of counts 13-18, the sentence after a trial would have been one of 15 years. After credit for your late guilty pleas the sentences on each will be one of 14. Years. To run concurrently with one another and with the sentences I pass for counts 6 and 7 which are, respectively, 7 years 6 months and 3 years 9 months. The total sentence is one of 14 years. You will be released after 7 years from today after credit for time on remand which will be determined administratively.
49. There will be no separate sentence for each of counts 13a to 16a and count 18a.
50. In your cases Hassane and Majeed I inform you that pursuant to part 4 of the counter terrorism act 2008 there is a notification period of 30 years.
51. I make an order of forfeiture pursuant to section 52 of the firearms act 1968 in respect of the items set out at paragraph 47 A-P of the prosecution sentencing note and pursuant to section 23a of the terrorism act 2000 of the items set out in the schedule supplied by the prosecution.

The Hon Mr Justice Wilkie

22 April 2016.