



JUDICIARY OF
ENGLAND AND WALES

Regina v Mohammed Abdallah

Central Criminal Court

8th December 2017

Sentencing Remarks of Mrs Justice McGowan

1. Mohammed Abdallah, you are 26 years of age, you were born on 31st July 1991. Your family came to this country when you were three years of age. Your father came to escape an oppressive regime in Libya. You grew up and went to school in Manchester. You did not do well at school but completed your education at college, leaving at the age of 18. I have seen the reports of Doctor Beck and Professor Young who agree that your overall IQ score is 68. That figure reflects the difficulties you have in verbal expression and comprehension. In all other respects, the assessment was higher. You do not suffer from an intellectual impairment. An application for an intermediary to assist you in giving evidence was allowed to help you deal with the detailed schedule of events. Having seen you give evidence over a number of days I have no doubt that you fully understood what you were doing and the consequences of your actions. That view is supported by your personal history.
2. You travelled to Libya in 2011 and fought there. You were trained to use a semi-automatic weapon and, on your own account, used it in battle to "kill or be killed". You also assisted others in firing heavy weapons. Your brother,

Abdalraouf Abdallah, also fought in Libya and was badly injured, he is permanently paralysed and confined to a wheelchair.

3. In late June 2014 you travelled to Turkey to cross into Syria intending to fight in the armed struggle to overthrow the regime. The discussions between the group showed an interest in and support for both Jabhat Al Nusra and Islamic State. Both are extreme and violent organisations. Both are proscribed by the UK Government. You travelled with Nezar Khalifa and it was planned that you would meet another two men, Stephen Gray and Raymond Matimba. The intention was that all four of you would enter Syria, possibly with others. In fact Stephen Gray was turned back and did not join you.
4. During the first two weeks of July 2014 you and the other two men took possession of guns, almost certainly on more than one occasion. You bragged about the weapons in messages and pictures sent to your brother. You were the only one of that group who had previously been involved in the use of automatic and heavy weapons in combat.
5. On the 18th July your details were used to facilitate the payment of £2,000 sent by your brother from Manchester. That money was clearly to be used to enable you to continue in your purpose of going to Syria to fight.
6. Documents subsequently recovered from records kept by Islamic State show that on or about July 20th you provided your details to be entered on a form to mark your move or migration into Islamic State. Less than a month later you were allowed to leave. On your account you stayed in the region and crossed again into Syria. It is not possible to identify all your movements or actions during this period. You later went to Libya and joined a government militia, staying there until 2016.

7. In May 2016 your brother was tried for his part in this terrorist network and Stephen Gray pleaded guilty. On 11th May 2016 Abdalraouf Abdallah was sentenced to an extended determinate sentence of 9½ years, made up of a custodial element of 5½ years and an extended licence period of 4 years. For the part he played in sending the money which you received he was sentenced to a concurrent term of 2 years. Stephen Gray was sentenced to an extended determinate term of 9 years, made up of a custodial term of 5 years and an extended licence period of 4 years. Both men were found to be dangerous.
8. On 15th September 2016 your family contacted the authorities through your solicitor and you voluntarily came back the following day and were arrested. You were interviewed and made no comment but in a prepared statement denied any involvement in terrorist activity.
9. There are no guidelines from the Sentencing Council for this range of offences. The approach to the assessment of culpability and harm is set out by the Court of Appeal in R. v. Kahar and other appeals [2016] EWCA Crim. 568. In that case the Lord Chief Justice set out a general approach to terrorist offences, it is not limited to s.5 Terrorism Act 2006. Characterising level four offending he set out a general range of sentences from 10 to 20 years with an extension period of five years. It applies to this case.
10. The harm element of these offences is very high, it was intended that many lives would be endangered, and many people killed. The intention of you and the rest of your group was to travel to Syria and to engage in acts of violent terrorism, to "kill or be killed". To carry that out you involved yourself in acquiring weapons.
11. The assessment of your culpability is more balanced. You were totally committed to joining a proscribed organisation and did join Islamic State. You

had previously experienced combat, your experience in Libya neither aggravates nor mitigates this offending but it does demonstrate your informed commitment to violence in Syria. You were trained to use an AK 47 and had assisted in the use of heavy weaponry. You had witnessed first-hand the appalling loss of life and injury inevitably inflicted by the use of such terrible weapons. Your experience of weapons was of significant value to the group.

12. You were committed to the enterprise, you travelled abroad and waited for the arrival of the other two and possibly others, and for the delivery of the guns. You played a part in the sending and receiving of messages to facilitate the steps in the process, even if you were not always the actual author of a particular message. Your intellectual limitations did not alter or diminish your intention. Your previous experience demonstrates your full understanding of what was involved. I do not accept your evidence that you had never heard of Islamic State or ISIS in the summer of 2014. Your intention was clear from your discussions in the weeks you spent waiting to organise yourselves to cross into Syria and from the fact that once there you joined the organisation. Your previous offending in this country is irrelevant.

13. I accept that, to some extent, you acted under the influence of your brother and that you would probably not have been capable of organising this enterprise unaided. Having willingly entered and joined Islamic State you left after only a few weeks. There is no evidence capable of proving what you did whilst there, why you left or what you did afterwards. You left unharmed and, on your account with funds. You stayed in that part of the world, again travelling back into Syria soon afterwards. You later travelled to Libya.

14. About two years later you returned voluntarily to the UK having made arrangements and knowing you would be apprehended and arrested. You did

not know that the authorities had come into possession of the material from Islamic State. You have consistently denied involvement in the commission of these offences.

15. You are to be sentenced for three offences, all closely entwined. I do not find that the receipt of money to continue in the enterprise adds to the overall criminality. Giving full consideration to all aspects of the case and the principle of totality that offence will be met by a concurrent sentence. However, the acquisition of weapons must be marked in addition to the offence of joining Islamic State. You took possession of those weapons because your intention was to kill, not merely to support. On the approach laid down in Kahar your case has the characteristics of level four offending. The facts of this case closely match those identified in the description of level four offending. Characterising level four offending the Lord Chief Justice set out a broad range of sentences from 10 to 20 years with an extension period of five years.
16. I am required to consider whether or not you should be assessed as dangerous. You are still only 26 years of age and you have travelled abroad twice to fight. The first occasion was not unlawful in this country, but it demonstrates that you remained undeterred by seeing death and injury inflicted in those battles.
17. There is no evidence of the possession of extremist propaganda material or that you have espoused radical views designed to influence others. The evidence of your mind set is to be found in your actions. I accept that there is no evidence of your involvement in terrorist activity since the Summer of 2014 and that you returned voluntarily. However, your commitment to violence abroad on this occasion is clear and you have not shown any sign of having changed your views or attitudes. You meet the statutory criteria under the

Criminal Justice Act 2003 and present a continuing risk to the public. That test is met whether it is the public in the UK or abroad.

18. Notification requirements apply in this case.

19. Parliament has set the maximum sentence for joining a proscribed organisation at 10 years. The maximum for the possession of the weapons is 15 years.

20. I am assisted by the sentencing remarks in the case of Abdalraouf Abdallah and Stephen Gray but there are many different factual considerations. You acquired weapons intending to use them to kill, you completed the journey to Syria and you joined Islamic State.

21. As set out earlier the harm intended in this case is of the highest. You played an active and significant role in the enterprise.

22. On the facts in your case the appropriate starting point for the offence on count 1 of possessing a weapon is 8 years, for count 3, joining a proscribed organisation is 5 years. The sentences on those two offences reflect different aspects of the criminality in your case and must run consecutively but will be reduced to terms of six years and four years respectively to take into account the mitigation available to you and the principle of totality. There will be a sentence of 2 years on count 2 to be served concurrently. The total term is intended to be one of 10 years. The time you have served on remand will count towards that sentence. The finding of dangerousness means that there must be an extended period of licence, in all the circumstances of this case that period is intended to be 5 years. The combined effect of that would be a sentence of 15 years, 10 years as the custodial element and an extended licence period of 5 years. As the dangerous provisions do not relate to count 3 that must be expressed as follows: an extended sentence on count 1 of 11 years made up of a

custodial term of 6 years and a period of extended licence of 5 years, to run consecutively to a sentence of 4 years imprisonment on count 3. In addition, you will be subject to Notification Requirements for a period of 30 years.