



BIRMINGHAM CROWN COURT

12TH JANUARY 2018

R -V- GURTEJ SINGH RANDHAWA

Sentence

1. Gurtej Singh Randhawa you have been found guilty by the jury on Count 2, Attempted Possession of an Explosive Substance with Intent to Endanger Life. You were just 18 years old at the time but although you accepted attempting to import the device and entered a guilty plea to Fraudulent Evasion of a Prohibition on the Importation of Explosives contrary to s.170 (2) Customs and Excise Management Act 1979 (Count 1), you claimed to have intended to use the explosive to commit suicide rather than to harm any other person. You faced a powerful evidential case. The assiduous members of the jury were not deceived.
2. On 25th April 2017, you used a computer connected to the internet to make contact, via a market-place site on the dark web called AlphaBay, with someone you believed to be in Europe and capable of assembling and delivering to you, an improvised explosive device (IED). You used methods to disguise your true identity. In subsequent contact, between 26th April and 12th May, you told the vendor that the device had to be capable of being detonated remotely, by mobile telephone. You asked detailed questions about how the device would be armed, what the time lag would be between the trigger number being called and the consequent explosion. You wanted to know the likely radius of the explosion and the proximity required between the detonating phone and the device at the time. The IED had to be easy to conceal and you did not want your fingerprints to be left on it. You expressed the hope that all traces of foul play would be eliminated by the explosion.
3. In other exchanges, you discussed whether the battery on the device would last long enough for your purposes, telling the trader that it might be a couple of days after delivery before you could carry out your plan. It became clear that you intended to attach the IED to a car with magnets. You didn't want a big explosion if the car was sitting in traffic at the time it was detonated and you speculated about buying a disposable "burner" phone to use to make the call. On 11th May you told the vendor you were going to use the IED on Monday 15th May.
4. You had arranged for the IED to be delivered to your girlfriend's address. Fortunately, the person claiming to be a trader on AlphaBay was actually a law enforcement officer serving with the Federal Bureau of Investigations in America. The British authorities were alerted and the National Crime Agency investigated your movements. A realistic looking but inert device was delivered on 12th May and you picked it up. You removed some outer packaging before secreting it in your own home. Later that day, you were in contact with the vendor again to confirm receipt and asking for instructions to prime the device for use. You repeated your anxiety that you could not use it until the 15th you told him that you didn't want the battery to die and for the IED to explode in your

possession. You were arrested by officers who went to your home in the evening of 12th May.

5. In police interview you admitted the purchase of the device and said it was your intention to use it to commit suicide.
6. The background to this offending is now clear. You come from an observant Sikh family who would not have welcomed your relationship with the Caucasian English school-friend at Wolverhampton Grammar School, who had become your girlfriend in early 2016. Your relationship with her was mutually supportive and particularly intense. She suffered from anxiety. You had had physical problems yourself you're your mid-teens which meant you were capable of being very sympathetic. By way of example the jury heard that you would spend the whole night with a phone line left open between you, even if you were sleeping. You became very close to her family. Your mother discovered the relationship and was upset. You feared the consequences of your father finding out.
7. Without the apparent availability of an explosive device on the internet you would not have been able to commit these offences. But you did not stumble upon the idea and get tempted, you sought it. I am also satisfied to the required standard of proof that this was not a spontaneous, one off or short-lived episode arising from a lack of judgment brought on by depression or stress from physical illness. You have expressed suicidal thoughts to many people at different times over the years and it is impossible to tell if any were genuine thoughts but even if you had felt suicidal in the early stages of your physical illness that is very different to making preparations to commit suicide. I am quite satisfied that once you were in a relationship with your girlfriend you did not intend to commit suicide.
8. In that context, I turn to the evidence highlighted by the Prosecution of you seeking to obtain possession of other potentially lethal substances, such as ricin in October 2016, well before you began to negotiate the delivery of an IED. The evidence is unclear as to whether you ever successfully imported such a substance. However, I am sure that you were not then contemplating suicide by ingestion of a lethal substance and that any research you undertook about them was because your thoughts were moving along the line, even at that stage, of finding a means of endangering the life of another as a means of ensuring your continued relationship with your girlfriend. That is why you were concerned about such things as whether it would be readily detectable after use and whether mere physical contact with the substance by touching, could prove fatal.
9. I have no doubt that this offence in May 2017 was motivated by your desire to live with your girlfriend and attend university together. Your A level exams were approaching. You had accepted an offer to read medicine at Liverpool University, where your girlfriend was also going to study. You had told her family many lies about your parents and their attitude to you and each other so that they had invited you to go to live with them. You opened a bank account on 10th May giving your girlfriend's address. Just before your arrest you had agreed to go on holiday with your girlfriend's family in August. Over the months you had given hints that your mother might kill herself or try to kill your father.

10. How the major changes in your life that you wished for were to be achieved included endangering the life, I am sure, of your father by setting off an explosion in his car. This was an offence of astonishing audacity. You obtained the explosives, so you thought, having paid for the device using crypto-currency and arranged for its delivery to an address away from your own home. The jury rejected your case that you had planned for your girlfriend to inadvertently detonate the device and kill you. This claim was a palpable falsehood, never mentioned in your police interview and did no credit to your intelligence or humanity. I have no doubt it was a last resort once you appreciated the strength of the evidence. Equally, I have no doubt that you intended to carry through your intention to use the device. Any doubt about that is dispelled by the evidence of your contact with the vendor after you had collected it.
11. Despite the court's order no presentence report has been prepared on you. The National Probation Service has explained the failure to me in writing as an administrative error by a new member of staff and I have directed that appropriate steps are taken to ensure such a failure does not recur. One specific purpose I had in mind when I ordered a presentence report was to give you the opportunity to reflect upon your actions after conviction, and express any remorse or regret you felt to an independent person. Given your continued denial that particular aim would have been frustrated.
12. You have suffered for some years with physical illness, particularly a rare skin condition Pemphigus vulgaris which is a blistering auto-immune disease. You were diagnosed with Pemphigus when you were 15 years old. You have had to take medicines including, at least at one point, more than a dozen tablets a day and both illness and treatment has undoubtedly had an adverse impact on your physical and general well-being, particularly initially, when you were most severely affected. These stresses led to a diagnosis of adjustment disorder which resulted in you repeating a year of your A levels. This also meant you spent another year at school with your girlfriend and would leave for university at the same time as her. Remarkably, while remanded in custody after arrest, you took the exams and achieved exceptionally high A level grades. You have provided four letters from doctors concerning Pemphigus including Consultant Dermatologists who have treated you. Your condition is now well-controlled and you are on relatively low doses of medication.
13. I have seen and read a report prepared before your conviction by a consultant psychiatrist Dr Nabavi who was instructed to consider your fitness to plead amongst other things. I have been assisted by a detailed psychiatric report prepared by Dr Imran Piracha who has seen you on two occasions and given the extensive material I have about you and the helpful submissions now before me, it is unnecessary to delay sentence further to obtain a report. Dr Piracha's report must go back with you to detention and be provided to the prison mental health team.
14. Dr Piracha has concluded that you do not suffer from any severe and enduring mental illness such as severe depression. He has probed the impetus for your offending and concludes that your actions were rational. The depressive symptoms you described to him were not of such severity that they clouded your judgement at the relevant times. You had moderate depression when first in custody after arrest but this has been dealt

with by medication to which you have responded well. Another expert, a Consultant Psychiatrist Dr Agarwal who was instructed by your solicitors to provide a report for this hearing has concluded that you were suffering from a moderate depressive disorder in May 2017 but that it is currently in remission and appropriate treatment for any further symptoms will be available in a custodial setting.

15. You gave Dr Piracha contradictory accounts of your motivation for seeking to obtain explosives. You told him, as you told the jury that you intended to take your own life with but in your second meeting you alluded to someone else being culpable. You refused to expand on this. I have no doubt, on the evidence at trial, that this is another false attempt by you to deflect the blame and assert your own innocence.
16. You are plainly highly intelligent and capable of determined manipulation. You told sustained lies to your girlfriend and her family about your own parents, particularly your father. To Dr Piracha you described this as a fantasy life you had developed. He concludes that any such fantasy life was not the result of mental illness and that you retained complete insight throughout. Given that, it is to their credit that your family (including your father) and your girlfriend have forgiven you and are loyally standing by you.
17. Indeed, dozens of people have provided written references for you; members of your family, teachers and a variety of people from the wider community. I have read them all. They express their shock and disbelief at the allegations and your conviction and paint a picture of an admired, charming, caring and hard-working young man. What emerges is that this offending is entirely out of character and so there is a realistic prospect of your rehabilitation in due course. That you may not fulfil the promise of your intellectual talent and social skills is no one's fault but your own.
18. I have listened carefully to everything that has been said ably on your behalf by Mr Duck QC. He has done his best to try to reconcile the verdict with your continued denial of an intention to harm another person. In truth those two things are irreconcilable. In a handwritten letter, you ask me to sentence on the basis of your evidence to the jury concerning your suicidal ideation. I must be faithful to the jury's verdict and there was overwhelming evidence that you intended to cause harm to another person. There is no basis for concluding that your intentions were wider than a member or members of your family. The prosecution has specifically ruled out any ideological incentive in this case and this was an isolated offence rather than a campaign.
19. The sentencing Council has not formulated a definitive guideline for completed offences against the Explosive Substances Act 1883. A number of dissimilar cases, each with some, but limited, relevance are cited to me by Mr Duck QC and Mr Copeland for the Crown. The unique fact specific nature of your criminal activity is my paramount consideration. The starting point is an assessment of your culpability in seeking to obtain a car-bomb. You intended to endanger life which demonstrates a high level of culpability. This is underlined and aggravated by the degree of planning necessary for the offence and the relative sophistication of the plan: accessing the dark web, including making a financial agreement using crypto-currency to the value of about £500 with someone you believed to be a criminal prepared to deliver illicit

explosives across jurisdictions with impunity. You got as far as preparing the device so it would be ready to affix to the target vehicle. The seriousness with which the law regards the use of explosives, even where there is no terrorism element, is illustrated by Schedule 21 to the Criminal Justice Act 2003 which indicates that in cases of murder the minimum term for the mandatory life sentence must start as the same for cases involved explosives as those involving firearms.

20. The next essential feature is an assessment of the harm caused or intended by the offence. No harm was caused to any person but your intention was to cause a very serious level of harm by way of an uncontrolled explosion on a public road inevitably leading to grave damage to property and risking the life of anyone caught up in it.
21. The full offence which is contrary to s.3 Explosive Substances Act 1883 is a specified violent offence and I must consider whether you fall to be sentenced as a dangerous offender which has an explicit meaning in statute. Dr Piracha offers his opinion as to the risk you pose in the future at paragraph 21.4 of his report. He says, "*in terms of future risk, based on the antecedents of the index offence and the fact that the jury accepted the prosecution case, I formed the opinion that the offence represents a high risk of serious harm to others.*" He refers to your ability to maintain a superlative level of academic performance while at the same time contriving to obtain an illegal explosive. In this context, he also draws attention, unsurprisingly, to your continued refusal to accept responsibility for the intention proved against you which Dr Piracha explains has an impact on your own degree of insight into the risk you pose in the future. It is not clear from the way the psychiatrist expresses himself, whether he has considered the statutory definition of a dangerous offender or not. Having reflected on the full contents of the report together with the evidence heard during the trial I am not satisfied to the necessary standard that you are someone who poses a significant risk to members of the public of serious harm occasioned by committing further specified offences. Accordingly, this case does not meet the terms of section 225 Criminal Justice Act 2003.
22. I bear in mind that you have been convicted of the attempted offence although your conviction is on the basis you believed that you were obtaining a viable improvised explosive device intending to deploy it and you would have tried to deploy it had you not been arrested.
23. You became 18 in August 2016 and were 3 months away from your 19th birthday at the time of the offence. It is axiomatic that someone of that age may not have reached full emotional and intellectual maturity. Knowing everything that I do about you and being sure of the degree of culpability I have already referred to, I do nonetheless, take into account your youth as well as the fact that the impact of punishment is likely to be felt more heavily by someone of your age.
24. You have never been before the criminal courts before and your previous good character is mitigation. Its loss will have a long-term impact upon you and may, almost certainly will, close the door on the medical career you hoped for.
25. The fact that you have been suffering from symptoms of depressive illness, whilst not being of such a nature or degree as to have any significant impact on culpability, is a

feature that I take into account when assessing the effect of serving a sentence of detention you. In the same way your physical illness, although less severe than in the past, is in my mind.

26. In your letter to the court you express the wish to serve the community in which your family lives peaceably. You stand before the court as someone who had many advantages in life and immense potential. I cannot say what the future may hold and whether, any longer, you have the prospect of professional achievement. However, an important first step could be the acknowledgement of the extent of your offending. That is a matter for you, not anyone else. The loyalty of your family and friends may enable you to have more insight over time.
27. The surcharge applies and must be paid.
28. A custodial sentence is reserved as punishment for the most serious offences. This is one of those and custody is unavoidable. Your detection and prosecution should stand as a warning and deterrence to anyone who tries to buy such repugnant items using the internet. They may not be dealing with who they think they are dealing with.
29. The sentence I pass will be the shortest possible commensurate with the seriousness of the offence. The starting point I take after trial for the attempt to possess explosives with intent is 10 years. There will be no separate penalty for the evasion count which is subsumed within the facts on count 2. You do not have the benefit of a guilty plea. Allowing for the mitigation I have set out the sentence is one of 8 years detention in a Young Offender Institution. In accordance with normal sentencing law you will serve half that sentence before being released. You will then be on licence until the full period has expired. The time you have spent remanded in custody will count towards the sentence.
30. You have been able to pay for your legal representation and the prosecution has made an application for its costs. Given the sentence I have passed, the reality that your family, rather than you yourself, paid for your defence and the fact that you have minimal financial resources of your own, I refuse the application for costs.

Mrs Justice Cheema-Grubb