



JUDICIARY OF
ENGLAND AND WALES

IN THE CENTRAL CRIMINAL COURT

THE QUEEN
-v-
AHMED HASSAN

SENTENCING REMARKS OF THE HON. MR JUSTICE HADDON-CAVE

Introduction

1. Ahmed Hassan, you have been found guilty by a Jury of the Old Bailey of Attempted Murder on overwhelming evidence. This is a case of attempted multiple murder. I will now sentence you for this most serious offence. Please sit down.

The Facts

2. Shortly before 7 am on Friday 15th September 2017, you left your foster parent's home in Sunbury on foot carrying a heavy Lidl shopping bag and headed for Sunbury railway station. The Lidl bag must have looked innocuous enough to members of the public, including children, who passed you; but, in fact, its contents were extremely sinister and dangerous. It contained an improvised explosive device ("IED") which you had spent the previous hours, days and weeks, meticulously researching, refining and manufacturing in your bedroom at 47 Cavendish Road where you lived with your foster parents.
3. The IED contained 400 grams of the high explosive *Triacetone Triperoxide* ("TATP"). The explosive TATP (or "*Mother of Satan*" as it is sometimes known) has increasingly become the explosive of choice for terrorists. You packed the device with 2.2 kilograms of metal shrapnel comprising nails, screws, bolts, sockets, knives and screw-drivers. You had a home-made initiator in your pocket which you had manufactured out of a kitchen timer.
4. Your intention that morning was to kill as many members of the British public as possible by planting the IED on a busy commuter tube train and then make your escape to the Continent *via* Dover according to a pre-arranged plan.
5. You took the overground from Sunbury to Wimbledon and, on arrival, disappeared into the public toilets. There you set the timer for 15 minutes and placed it with the device inside the Lidl bag. You then boarded a District Line tube train at Wimbledon which left at 8:08 am heading towards Edgware. You positioned yourself by the rear right-hand door in Car 6 of the tube and placed the Lidl bag on the floor beside you. The CCTV shows that Car 6 began to fill up

with commuters at the intermediate stops of Wimbledon Park, Southfields and East Putney all heading to work in Central London. When the tube arrived at Putney Bridge station at 8:17 am you slipped out as more people boarded the carriage and made your way down the stairs and out of the station. You were wearing a beanie hat, a grey jumper and headphones and were making a conscious effort to behave casually and blend in to the crowd. You knew that approximately two minutes later your IED would go off killing (you hoped) dozens of people in the tube.

6. At 8:19:54 am your IED exploded in Car 6 of the District Line tube train shortly after it had arrived at the next stop, Parsons Green station. There were approximately 93 people in the carriage when the device went off. The IED created a large fireball which rolled along the ceiling of the carriage. Numerous passengers sustained burns to their faces, heads, hair, arms and legs and were showered with glass. People ran out in fear and panic, helping other victims as they went. A major incident was declared. A total of 23 passengers received burns injuries, some significant; and a total of 28 people who were on the tube or at Parsons Green station that day suffered crush injuries in the aftermath of the incident. Fortunately, no one was killed.
7. Those at the rear end of Car 6 that day were very fortunate. Things could easily have been so much worse. You made and planted a very significant explosive device. Given the amount of TATP (400 grams) used and the weight and variety of shrapnel packed around it (2.2 kg), had the device fully detonated as you designed and intended, it is inevitable that there would have been numerous fatalities and serious casualties, particularly amongst those in the closest proximity standing or sitting nearest to the IED. I am satisfied that it was your desire and intention to kill significant numbers of members of the public on that busy tube train that morning.
8. It is sheer luck that the main charge did not fully detonate. This was due, most likely, to the initiator moving out of place and not igniting the main charge. As a result, it triggered only a partial explosion, or what the Prosecution explosives expert, Dr Sarah Wilson (a Senior Forensic Case Officer at the Forensic Explosives Laboratory at the Defence Science and Technology Laboratory) called a violent 'deflagration' as opposed to a detonation of the main charge.
9. The immediate aftermath was marked by remarkable bravery by passengers caught up in this incident, in particular, a recently retired Met police officer and an ex-Army officer, both of whom had the presence of mind to approach the device as it continued to burn in order to assess its remaining danger and warn others and the authorities. The Met explosives team were quickly on the scene to neutralise it.
10. I am satisfied that you were determined to create as much death and carnage that day as possible. You had filled the Tupperware box you had selected with 300 grams of TATP, and when you found you had excess, you put the remaining 100 grams into a blue glass jar which you then placed on top of the Tupperware, in order to maximise the main charge. You stole knives from Mr and Mrs Jones' kitchen and went out shopping on 14th September to Asda and Aldi carefully selecting metal tools to buy which would provide the most effective, dangerous

and heaviest shrapnel. You targeted the District Line tube from Wimbledon at rush hour because you were familiar with it and knew it would be crowded with passengers. You cynically placed a pair of trousers over the top of the open bag to make it look innocuous and avoid the sort of suspicion that, *e.g.* a closed rucksack, might have engendered if abandoned on a tube. You made a viable timer and initiator.

11. You wanted to save your own skin and were not prepared for *shahada* (martyrdom). On exiting Putney Bridge station, you set about executing a carefully thought-out escape plan which involved (i) surreptitiously destroying your SD card and disposing of your phone, (ii) taking a complex series of bus, tube and train journeys *via* Fulham, Earl's Court, Richmond, Clapham Junction, Brighton, Ashford to Dover, and (iii) wearing 4 tops and 3 bottoms so you could switch your clothes at least four times in 24 hours. You also had £2,300 pounds in cash with you and had deliberately wiped your Mac computer so your web-history could not be investigated.
12. You could not resist a glance out of the bus as it passed Parsons Green tube station to see the results of your handiwork. And the first thing you did after buying a new phone at Dover was to check the headline news. As Ms Alison Morgan for the Prosecution said, it must have come as a great disappointment to you to see that the IED which you had so carefully created had failed to operate correctly and the carnage which you had hoped to create had not occurred.
13. You were arrested at 7:52 am on the morning of Saturday 16th September 2018 waiting for the Dover Ferry as a result of the good old-fashioned police work and alertness of officers at Dover who recognised you from the circulated image and approached you and questioned you. It is telling that as soon as they arrested you, you started shaking, praying and complaining that your rucksack should not be placed on the ground because it had the *Qur'an* in it. You are clearly very religious.
14. You were not averse to using others to cover your tracks, *e.g.* having the hydrogen peroxide delivered to the address of a friend, Mr Mahmood, and then telling the police at Dover you were meeting another friend, Mr Farroukh, both of whom were entirely innocent.

Victim impact

15. A significant number of victims and individuals who were on board the train that day gave evidence at the trial. The severe distress of some of them of having to relive these events was plain to see. A number of poignant and eloquent victim impact statements were read out in Court this morning. These demonstrate that the experiences of that terrible event on 15th September 2017 have been life-changing for many and caused significant psychological damage. I am grateful for these statements.

The Defendant

Age

16. You entered the United Kingdom illegally in the Autumn of 2015 via Calais. You claimed to be 16 years old and to have been born on 1st June 1999. Pursuant to section 164 of the Powers of Criminal Courts (Sentencing) Act 2000, the Court is entitled to make a determination as to your real age based on the 'available evidence'. I note that your tutor at college thought you were physically and mentally older than you claimed to be. I am satisfied that that you lied about your date of birth on arrival in order to glean the special privileges accorded to children entering the UK. I am satisfied that you are older than 18, but sentence you on the basis that you are no older than 21 years old.

Motivation

17. I am satisfied that you were driven and motivated by four things: a mind-set of ISIS extremism, a deep-seated hatred of this country, a desire for revenge against Britain and America whom you blamed for your father's death in Iraq and anger at the continued bombing of Iraq by Western Coalition forces.
18. You told the Home Office in your asylum interview in January 2016 that you had spent three months in an ISIS training camp, being taught how to kill and being religiously indoctrinated with ISIS dogma. In the witness box, however, you sought to suggest that this was just a story you made up. I am satisfied, however, that it was true, and you had spent time at an ISIS training camp and you arrived in this country with that background. You told others about your experiences with ISIS. A week after the Home Office interview, a member of staff at the Barnado's home where you were being looked after saw you watching an ISIS video on your phone. You were subsequently seen listening to violent songs (*nasheed*) with words such as "*We are coming to slaughter you in your own home...*". Similar *nasheed* were found deleted on your USB. You were seen by your teacher at Brooklands College receiving a *WhatsApp* message reading "*IS has accepted your donation*". You subsequently told her you were "*very angry*" at the British who were responsible for your father's death that it was your "*duty to hate Britain*". You subsequently texted her complaining "*But your country continues to bomb my people on a daily basis*". I am satisfied that by "*duty*" you meant at the time a *religious duty (wajib)* to hate Western states or governments, like Britain.

Double life

19. Following your arrival in the United Kingdom in 2015, you were content to lead a double life for almost two years. You presented as a very polite, well-behaved and exceptionally bright model student, grateful for the opportunities that were being given to you. You cynically exploited to the full the generosity and naivety of the system and those looking after and helping you. Meanwhile, you harboured dark thoughts.

20. Those dark thoughts lay dormant for periods, particularly as you began to achieve academic success at Brooklands College, culminating in you being awarded a prize in July 2017 as ‘student of the year’. In a remarkable act of cynicism you used your prize money from the College, a £20 Amazon voucher, to purchase the first ingredient for the IED. One can only imagine the sense of betrayal felt by all those at Barnado’s and Brooklands College whom you duped.
21. I sentence you on the basis that you did not start actively planning this attack until about a month before 15th September 2017, *i.e.* in mid-August 2017 when the evidence shows you began researching the ingredients for TATP on the Web..

Terrorist case

22. At the Preliminary Hearing, in accordance with normal procedures, I formally determined and declared that the offences charged in this case had a “*terrorist connection*” for the purposes of the Criminal Procedure and Investigations Act 1996. I am required by section 30 of the Counter Terrorism Act 2008 to make such a determination in the context of sentencing an offender. For the above reasons, I am satisfied, having heard the evidence at the trial, that the offence of Attempted Murder of which you have been convicted was an act of “*terrorism*” on your part by the use of explosives aimed at advancing a “*political, religious, ideological or racial cause*”.

Sentencing Council Guidelines

Sentencing Council’s Guidelines for Terrorist Offences not yet in force

23. The Sentencing Council’s Definitive Guidelines on Terrorism Offences do not come into force until 27th April 2018. Accordingly, the guidance in the leading case of *R v. Kahar* [2016] EWCA Crim 568 (see below) continues to be applicable (see *R v. Abdallah* [2016] EWCA Crim 1868 at [3]).

Sentencing Council’s Guidelines for Attempt Murder

24. The Sentencing Council’s Definitive Guidelines for Attempted Murder are not directly applicable because of the gravity of terrorist offences (see *Kahar*, *infra*). This is because the references to starting points under the Attempted Murder Definitive Guidelines might erroneously be thought to require halving the notional determinate sentence of a discretionary life sentence, even in the context of a terrorist case.

Guidance in *R v Kahar* [2016] EWCA Crim 568

25. I am satisfied that this is a case to which the guidance in the leading case of *R v. Kahar* [2016] EWCA Crim 568 is applicable, given the attempt at multiple murder of members of the public with an explosive device and the clear terrorist context and motivation of this offence.

26. In *Kahar (supra)*, the five-judge Court of Appeal gave guidance in relation to the sentences that should be imposed under section 5 of the Terrorism Act 2005 (preparing acts of terrorism). At paragraph 15, Lord Thomas of Cymgiedd, the Lord Chief Justice, identified the following general principles as relevant to sentencing for offences under section 5:
- “i) Conduct threatening democratic government and the security of the state has a seriousness all of its own.
 - ii) The purpose of sentence in s.5 cases is to punish, deter and incapacitate (albeit that care must be taken to ensure that the sentence is not disproportionate to the facts of the particular offence) and, save possibly at the very bottom end of the scale, rehabilitation is unlikely to play a part.
 - iii) In accordance with s.143(1) of the CJA 2003, the sentencer must consider the offender's culpability (which, in most cases, will be extremely high), and any harm which the offence caused, was intended to cause, or might foreseeably have caused.
 - iv) The starting point is the sentence that would have been imposed if the intended act(s) had been carried out – with the offence generally being more serious the closer the offender was to the completion of the intended act(s).
 - v) When relevant, it is necessary to distinguish between a primary intention to endanger life and a primary intention to cause serious damage to property – with the most serious offences generally being those involving an intended threat to human life.”
27. The Court of Appeal in *Kahar (supra)* considered that the range of conduct covered by section 5 was broad, such that it was appropriate to divide it into six levels of criminality. Those levels were differentiated by (a) the culpability of the offender by reference to his proximity to carrying out the intended act(s) measured by reference to a wide range of circumstances including commitment to carry out the intended act(s), and (b) the harm caused measured in terms of the impact of the intended act(s) including not only the direct impact on the on immediate victims, but also the wider intended impact on the public in general if the act had been successful.

Level 1

28. There is no doubt, and no dispute, that this case falls within the highest level, *Level 1*, described by the Court of Appeal in *Kahar (supra)* as follows:

“Level 1

29. The highest level in our view is where the offender has taken steps which amount to attempted multiple murder, or something not far short of it, or to a conspiracy to commit multiple murder if it is likely to lead to an attempt that is likely to succeed – but no physical

harm has been caused. Given the particular gravity of terrorist offences, the Definitive Guideline issued by the Sentencing Guidelines Council in relation to attempted murder is not directly applicable. We would include within this level cases which, if charged under s.5, would have included the circumstances in *Ibrahim & others* [2008] EWCA Crim 880 (Conspiracy to murder - the 21/7 plot in which four bombs were detonated on the London Underground but failed to explode, and life sentences with minimum terms of 40 years, imposed after trial, were upheld on appeal); *Abdullah Ahmed Ali & others* [2011] 2 Cr App R 22 (Conspiracy to murder by causing explosions on transatlantic airliners - where life sentences with minimum terms of between 32 and 40 years were imposed after trial and the sole appeal against sentence was dismissed); and *Barot* (conspiracy to murder, where the minimum term which this court imposed, after a plea attracting 10% discount, was 30 years). For such an offence a sentence of life imprisonment with a minimum term of 30 to 40 years or more is appropriate.”

29. It should be noted that *Ibrahim & others* [2008] EWCA Crim 880 and *Abdullah Ahmed Ali & others* [2011] 2 Cr App R 22 involved multiple conspirators, most of whom were aged in their 20s. The current case, however, involves an actual explosion which caused actual injury to significant numbers of members of the public.

Other statements of principle

30. As regards ‘*dangerousness*’, the Court of Appeal in *Kahar* (*supra*), said that, in deciding whether an offender is dangerous, the extent and depth of their radicalisation/extremism and the likelihood of its continuance will, obviously, be very important factors and whether an offender who is in the grip of idealistic extremism is likely to pose a serious risk for an indefinite period (at [28]).
31. As regards ‘*aggravating factors*’, the Court of Appeal in *Kahar* (*supra*), identified the following factors relevant to this case which a sentencing Court will likely need to consider (at [19]):
- The degree of planning, research, complexity and sophistication involved, together with the extent of the offender’s commitment to carry out the act(s) of terrorism;
 - The period of time involved;
 - The depth and extent of radicalisation of the offender (which is also relevant to dangerousness).
32. As regards ‘*mitigating factors*’, the Court of Appeal in *Kahar* (*supra*), said this (at [23]):

“23. As to mitigation generally, and in addition to mitigating factors of general application, the particular vulnerability of the offender and, if particularly vulnerable, the extent to which they were

groomed, and any voluntary disengagement, may be amongst the factors to be considered. That said, the extent to which, if at all, any such factors do mitigate sentence will be highly fact sensitive.”

Discretionary life sentence

33. Section 225 of the Criminal Justice Act 2003 permits the court to pass a discretionary life sentence in appropriate cases. It provides:

“225.—Life sentence for serious offences

- (1) *This section applies where—*
 - (a) *a person aged 18 or over is convicted of a serious offence committed after the commencement of this section, and*
 - (b) *the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by him of further specified offences.*
- (2) *If—*
 - (a) *the offence is one in respect of which the offender would apart from this section be liable to imprisonment for life, and*
 - (b) *the court considers that the seriousness of the offence, or of the offence and one or more offences associated with it, is such as to justify the imposition of a sentence of imprisonment for life, the court must impose a sentence of imprisonment for life.*
- (5) *An offence, the sentence for which is imposed under this section, is not to be regarded as an offence, the sentence for which is fixed by law.”*

Application of s. 225 and the principles in *Kahar* to this case

Dangerousness

34. For the reasons set out in detail above, you are clearly “*dangerous*” within the meaning of the 2003 Act. There is no doubt that you are a very dangerous and devious individual. You quietly went about planning and executing this terrorist bomb attack with ruthless determination and almost military efficiency, whilst pretending to be a model asylum-seeker.

Discretionary Life Sentence

35. I am satisfied the conditions for imposing a discretionary life sentence under section 225 of the 2003 Act are met in this case because:

- (1) You are at least 18 years old;

- (2) There is a significant risk to members of the public of serious harm occasioned by the commission by you of further specified “*serious offences*”;
 - (3) Attempted Murder carries a maximum sentence of life imprisonment and is a “*serious offence*” for the purposes of the “*dangerousness*” provisions of the Criminal Justice Act 2003;
 - (4) The gravity of the offence is such as to justify the imposition of a sentence of custody for life.
36. I also have well in mind the fact that a discretionary life sentence is a sentence of ‘last resort’ as emphasised in *R v. Burinskas* [2014] 2 Cr App R (S) 45. However, a life sentence is the only sentence which would provide the level of public protection required in this case (*c.f. R v. Saunders* [2014] 1 Cr App R (S) 258).
37. When passing a sentence of detention for life, the Court must decide the *Minimum Term* to be served before you can be considered for release on licence. In deciding what minimum term is appropriate the Court must take into account the overall gravity of the offending and the aggravating and mitigating features of the case to which I now turn.

Aggravating factors

38. The following aggravating factors are present in this case (as outlined above):
- (1) There was significant planning and sophistication involved in this case;
 - (2) There was detailed planning and preparation by you over the period of approximately one month;
 - (3) You were motivated by significant hatred and animosity towards this country, accessed extremist materials and displayed an extremist mind-set.
39. The following additional aggravating features (beyond the intention to commit the terrorist-inspired offence of multiple murder itself by use of an explosive device) are also present in this case (as outlined above):
- (1) Exposing others to risk of suspicion and arrest, *i.e.* Mr Mahmood and Mr Farrouk;
 - (2) The sophisticated attempts to conceal or dispose of evidence, *i.e.* wiping your computer, destroying the SD card and mobile phone.

Mitigating factors

40. There are only two mitigating factors:
- (1) Your age – as stated above, I sentence you on the basis that you are not more than 21 years old.

- (2) You have no previous convictions or cautions in the UK – but, as rightly accepted by your Counsel, Mr Moloney QC, this can have little significance in the context of an offence of this seriousness.
41. I also bear in mind that you were the subject of indoctrination and incubation by ISIS; but you are (as you were at pains to tell the Jury) a highly intelligent young man – and you chose to give vent to your mind-set and hatred, notwithstanding you were shown every kindness from the moment you arrived in this country.

Defence submission

42. Mr Moloney QC does not rely on any specific diagnosis of you in mitigation but submitted that evidence that you were experiencing what he called ‘mental difficulties’ in the weeks leading up to the offence and earlier should be taken into account. He relies upon the fact that you were an in-patient in hospital in Epsom for two days in May 2016 and referred to the Mental Health Service presenting with post-traumatic symptoms and depression; and in the spring and summer of 2017, your college tutor said she thought you were getting more and more depressed; in the summer of 2017 you scrawled ‘bored, bored, bored’ on the back of his bedroom door which concerned his foster parents. Realistically, Mr Moloney QC does not seek to rely upon the reports of Dr Green, a psychologist.
43. I take these matters into account by way of background; however, as Ms Morgan for the Prosecution points out, there is no evidence that you suffered from a ‘mental illness or disability’ at the time of planning and committing this offence to the extent that it provides any meaningful mitigation for the offence.

Minimum term

Meaning of minimum term

44. I turn to consider the question of the “*minimum term*” in the context of a Life Sentence. It is important that you and the general public, should understand what a “*minimum term*” means in practice. Where the Court specifies a minimum term, you cannot be released until that full minimum term has expired. But even then you will not automatically be released. You will not be released unless and until the Parole Board are satisfied that it is safe to release you into the community. That time may never come. Even if you are released on licence, that is not the end of your sentence. You will remain subject to the conditions of your licence for the rest of your life. If you reoffend, the Secretary of State has the power to order that you be returned to prison to continue to serve your life sentence until it is thought safe to release you again.

Sentence

45. Ahmed Hassan, stand up please.
46. In my judgment, taking all the above considerations and aggravating and mitigating factors which I have outlined into account, the appropriate minimum term is 34 years with no discount for time spent in custody.
47. So, Ahmed Hassan, for the offence of **Attempted Murder** of which you have been convicted, I sentence you to Life imprisonment **with a minimum term of 34 years**.

Final remarks

48. Finally, Ahmed Hassan, let me say this to you. You will have plenty of time to study the *Qur'an* in prison in the years to come. You should understand that the *Qur'an* is a book of peace; *Islam* is a religion of peace. The *Qur'an* and *Islam* forbid anything extreme, including extremism in religion. *Islam* forbids breaking the 'law of the land' where one is living or is a guest. *Islam* forbids terrorism (*hiraba*). The *Qur'an* and the *Sunna* provide that the crime of perpetrating terror to "*cause corruption in the land*" is one of the most severe crimes in *Islam*.¹ So it is in the law of the United Kingdom. You have, therefore, received the most severe of sentences under the law of this land. You have violated the *Qur'an* and *Islam* by your actions, as well as the law of all civilized people. It is to be hoped that you will come to realise this one day. Please go with the officers.

The Honourable Mr Justice Haddon-Cave
23rd March 2018

¹ *Shakeel Begg v. BBC* [2016] EWHC 2688 [87]-[131]