JUDICIARY OF
ENGLAND AND WALES

IN THE CENTRAL CRIMINAL COURT **T2017 7446**

REGINA

-v-

Naa'imur Zakariyah RAHMAN

SENTENCING REMARKS OF THE HON. MR JUSTICE HADDON-CAVE

Introduction

1. Naa'imur Zakariyah Rahman, on 18th July 2018, you were found guilty by the unanimous verdict of an Old Bailey jury of one count (Count 1) of *"engaging in conduct in preparation"* for terrorist acts contrary to s.5(1) (a) and (3) of the Terrorism Act 2006. The particulars of Count 1 are that, on or before 28th November 2017, with the intention of committing acts of terrorism, you engaged in conduct in preparation for giving effect to that intention, namely: (i) conducting a reconnaissance of the target location; (ii) recording a pledge of allegiance; (iii) purchasing a rucksack; (iv) delivering a rucksack and bag to be fitted with improvised explosive devices; and (v) collecting the rucksack and bag; with a view to committing attacks against persons in the United Kingdom.

2. On 4th July 2018 (Day 13 of the trial), you pleaded guilty to a count (Count 3) of engaging in preparatory acts with the intention of *"assisting others"* to commit acts of terrorism, contrary to s.5(1)(b) and (3) of the Terrorism Act 2006. I directed the jury to return a verdict of guilty. The particulars of Count 3 are that, on or before 28th November 2017, with the intention of assisting another to commit acts of terrorism, you engaged in conduct in preparation for giving effect to a co-defendant's intention, namely: by recording and sending to him a sponsorship video ("*tazkiyah*") in order for him to be accepted by the proscribed terrorist organisation, Islamic State or Daesh ("IS") which has been a proscribed terrorist group since 16th June 2014.

3. I will now sentence you for these offences. Sit down please.

The Facts

4. At about 3:00pm on Tuesday 28th November 2017, Rahman was arrested walking east along Crowthorne Road in North Kensington carrying a padlocked blue holdall bag containing (as he believed) a rucksack which had been fitted with a pressure cooker improvised explosive device, a puffa jacket which had been modified as an explosive suicide vest, a pepper spray device and a set of plastic gloves. I have no doubt that, despite his disavowal, he was absolutely intent on using these items to carry out an imminent terrorist attack on Downing Street which he hoped would lead to his infamy and martyrdom (*"shahada"*).

5. Rahman had been planning and preparing for this particular attack for some time. In mid-September 2017, Rahman began online contact with a number of people whom he believed were IS contacts. He used the encrypted self-destruct messaging services *"Telegram"* and *"Surespot"* (an open source secure messaging app that uses end-to-end encryption on Android or iOS). He was initially in contact with someone called 'Witness A' whom he believed was well placed to introduce him to IS contacts to help him achieve his aim of conducting a terrorist attack (*"dogma"* or *"amaliya"*) in London. 'Witness A' then introduced Rahman online to someone whom Rahman believed was an IS commander based in Syria called 'Abu Anis' or the 'Amir'.

6. Rahman made his intentions clear to 'Abu Anis' at the outset on 14th to 16th September 2017. He said: *"I want to do a suicide bomb on parliament"*; *"I want to attempt to kill Theresa may"; "I will bomb"; "All I need now is a sleeper cell to lay low for now"*. Rahman referred to the Parsons Green bomb attack on 15th September 2017 as *"the start"* and said: *"My objective is to take out my target"; "Nothing less that the death of the leaders of parliament"*. He explained that he had been planning *hijra* (migration) or *amaliya* (an operation) for two years since his uncle left the UK to join IS in Syria. He said that his uncle had trained him and sent bomb-making videos. He praised the Manchester bomber (*"the brother in Manchester did well"*), a reference to the suicide bombing attack on those attending the Ariana Grande concert at the Manchester Arena on 22nd May 2017, which killed 22 people and injured hundreds. He told 'Abu Anis' that he had studied the faith of *"dawla"* (IS). He said that he was contemplating wearing *"a vest"*, driving past Parliament when there is a meeting and *"pushing the button"* which would *"clear the entire block"* and *"…everyone inside, including the prime minister would be dead"*.

7. 'Abu Anis' introduced Rahman online to two other IS contacts, 'Abu Waleed', responsible for security, and a person called 'Shaq' to help him to obtain weapons and materials to carry out his plans. Over the next two months, Rahman made numerous online contacts with 'Abu Waleed' and 'Shaq' and subsequently met each of them in person at various locations in London. During these contacts and encounters, Rahman refined his plans.

8. On 1st November 2017, Rahman told Shaq that he was desperate for *shahada* (martyrdom) and *"if you can put a belt on me, I'd actually want to do that"*. He started training for the attack by running with a weighted pack.

9. Rahman sought assurance that those he was talking to were not 'spies' and demanded proof in the form of contact from someone who had known his uncle in Syria. On 10th November 2017, he received such assurance.

10. On 18th November 2017, Rahman carried out a careful reconnaissance in person of Whitehall and Downing Street.

11. On 21st November 2017, Rahman purchased a rucksack from Argos in Finchley and on the same day gave the rucksack and a puffa jacket to 'Shaq' to be fitted with explosive devices.

12. On 28th November 2017, Rahman attended a rendezvous with 'Shaq' in his car parked in Crowthorne Road. 'Shaq' gave him the holdall and showed him its contents and how and when to activate explosive devices in the rucksack and puffa jacket. He was told that the amount of explosives in the rucksack pressure cooker bomb were similar to that used by the Manchester suicide bomber. He was told that he would have to get a knife for himself but was shown the pepper spray. He was asked *"You ready for it now, yeah?"* and he said *"Yeah. Do you know? Now I've seen everything it feels good."* Rahman spoke of clearing a few debts and said *"then after that I'm good to go."* He said he would carry out his intentions *"…by the end of the weekend … by the end of the week, basically."* He then got out of the car, taking the locked holdall with all of the items in it and walked away from the vehicle. He was then promptly arrested as I have described.

13. Unbeknown to Rahman, the devices were inert and simply made to look real and 'Abu Anis', 'Abu Waleed' and 'Shaq' were law enforcement operatives ("LEOs") all working for the security services.

The Defendant

14. Naa'imur Rahman was born on 23rd July 1997 and is now aged 21. He was brought up in the West Midlands. He was aged 20 at the time of his arrest.

Application of the Definitive Guideline

15. The *Sentencing Council's Definitive Guideline for Terrorism Offences* ("the Guideline") applies to all terrorist offences falling to be sentenced on or after 27th April 2018, regardless of the date of the index offence. The Guideline supercedes the guidance in *R v. Kahar* [2016] EWCA Crim 568.

16. I am grateful to Mr Mark Heywood QC and Mr Pawson-Pounds, and Mr Bajwa QC and Mr Sharma for their detailed submissions on behalf of the Crown and the Defence respectively.

Step One: Determining the offence category

Count 1

Categorisation

17. In my judgment, Rahman's offending in relation to Count 1 was the most serious in terms of both culpability and harm intended and clearly falls to be categorised as a Category 1 offence.

18. This is a Culpability 'A' case (*"Acting alone, or in a leading role, in terrorist activity where preparations were complete or were so close to completion that, but for apprehension, the activity was very likely to be carried out"*) as the Crown contend and not a Culpability 'B' or 'C' case as the Defence contend:

(1) Whilst Rahman was not *"acting alone"* (*i.e.* he believed that others were helping him), nevertheless in my view, he was acting in a *"leading role"*. It was Rahman himself who conceived of the plan to attack Downing Street, refined it and over a period of 2½ months determinedly went about garnering the advice, assistance and equipment from IS contacts he thought he needed to carry it out. He was blissfully unaware that his IS contacts were, in fact, LEOs. The LEOs gave him such advice and material assistance that he asked for and he looked up to them; but at no stage did they suggest to him what to do or what operation (*"amaliya"*) he ought to carry out. Indeed, they were careful, at all material times, always to ask him what his plans were and regularly to ask him whether he was really prepared to go through with it. He readily volunteered and discussed the details of his plans with them and, after some vacillation (*e.g.* mentioned the idea of taking time out to learn the *Qur'an* in Malaysia in order to up his level of *"imam"* (faith) before the attack), ultimately he determined to go ahead once he had his hands on the devices.

(2) Rahman's preparations were for all practical purposes *"complete"* and the launch of his attack was imminent. Rahman had (i) provided a rucksack and a jacket to be fitted with explosive devices; (ii) taken delivery of the same, along with detailed instructions as to how to detonate the devices; (iii) made and recorded a pledge of allegiance (*"baya"*) to IS; (iv) made a reconnaissance of Downing Street and the surrounding area (both in person and online) and discussed and refined his plan of attack accordingly; and (v) told 'Shaq' whom he believed to be his IS fixer that he was *"good to go"* as soon as he had cleared some (unspecified) debts and that he would conduct the attack, *"…by the end of the weekend…by the end of the week basically"*.

(3) I am satisfied so that I am sure that, at no relevant stage did Rahman intend to withdraw from his operation, and that when he stepped out of Shaq's car on 28th November 2017 carrying the blue holdall containing his rucksack and jacket fitted with explosive devices, he was fully committed and determined to carry out his carefully planned attack on Downing Street imminently, *i.e.* within days. I reject his account in evidence (as I believe the jury also must have done) that he intended to throw the devices away in the woods and had no intention to act. Rahman's remarks immediately after his arrest must be seen in context and in the light of his subsequent admission in the police station that *"I was planning to die"*.

(4) I am satisfied that, but for his arrest, Rahman would have carried out the attack as discussed with 'Shaq' and others and was very close to so doing.

19. This is a 'Category 1' harm case (*"multiple deaths risked and very likely to be caused"*):

(1) The plan as explained by Rahman to 'Shaq' involved three stages: (i) the blowing up of the security gates of Downing Street; (ii) then killing or disabling of the police officers posted at the security gates at the Whitehall end of Downing Street by explosion or knife wounds (or incapacitating them with pepper spray); and then (iii) entering No. 10 Downing Street itself and making a determined attack with a knife and explosives on those inside, with the ultimate target being the Prime Minister herself.

(2) I am sure that, at all material times, Rahman believed the devices to be real and capable of the most serious harm: (i) he was told and believed that the rucksack bomb would be capable of causing casualties on a scale comparable to those caused at the Manchester Arena bombing, to police officers, bystanders and tourists in and around the entrance to Downing Street; (ii) he was told and believed that the suicide vest within his jacket would be capable of creating a lethal area of 10 metres to his front, with some degree of lethality to his rear; and (iii) both devices were expertly constructed to be indistinguishable from the real thing.

(3) In light of the capabilities of the improvised explosive devices as asserted by 'Shaq' and accepted without demur by Rahman, any attack on Downing Street would have been very likely to have caused multiple deaths. It was a viable operation.

Defence argument

20. Mr Bajwa QC submitted that there was little or no risk of what he called 'actual' harm and accordingly this was a Category 3 case. He relied upon the wording in the Guideline that: *"Harm is assessed based on the type of harm risked and the likelihood of that harm being caused"* and *"When considering the likelihood of harm, the court should consider the viability of any plan."* He submitted that the Guideline is directed only to the actual risk and likelihood of the contemplated or intended harm being realised; and, in the present case, notwithstanding Rahman's beliefs and plans at the time, there was no actual likelihood of any harm being caused and the plan was not viable given (i) his only accomplices were LEOs, (ii) the provision to the defendant of a dummy explosive device in his jacket and rucksack and (iii) the security precautions taken throughout the investigation, in particular on the day of the defendant's arrest; and, accordingly, there was no risk to the public from the conduct of Rahman in relation to Count 1. He submitted that this case falls within harm category 3 on the basis that it fits the description of: *"Any death risked but not very likely to be caused"* or *"Any other cases"*.

21. I reject Mr Bajwa QC's submissions and his narrow construction of the Guideline. His reference to "actual" risk represents a gloss on the Guideline. The fact that Rahman was supplied by 'Shaq' with dummy improvised explosive devices and pepper spray which were inert is irrelevant to the legal analysis of the level of 'harm'. It is the harm *intended* by the offender that is relevant, *i.e.* the level of harm that the defendant intended to cause judged from his perspective as to what he knew or believed at the time. If Mr Bajwa QC's narrow construction is correct, it would logically disentitle the courts from imposing appropriate sentences in cases where covert operations by the security services interdict terrorist operations before harm was caused (which, by definition, is every s.5 case). This cannot be correct and, in my view, was plainly not the intention of the authors of the Guideline. Mr Bajwa QC refined his submission in oral argument and put the point more in terms of mitigation (which I deal with below).

Count 3

Categorisation

22. In my judgment, Rahman's offending in relation to Count 3 falls to be categorised as a Category 3 offence within the Guideline.

23. Count 3 is a Culpability 'C' offence (*"Acts of significant assistance or encouragement of other(s) (where not falling within A or B)"*):

    (1) Rahman played a key role in encouraging Imran to make *"hij"* or *"hijra"*, that is travel to join IS. It is fair to note, however, that their relationship was, to some extent, symbiotic and they gave mutual encouragement and assistance to each other.

    (2) Rahman admitted in his evidence-in-chief and believed that Imran intended to travel to join IS in Libya, in all likelihood to fight. He intended that his provision of a *tazkiyah* (sponsorship video) for Imran would facilitate this aspiration by vouching for his character. Rahman believed that his *tazkiyah* would carry weight by virtue of his sound IS pedigree. The pedigree was based upon the activities of his deceased uncle in Syria and the anticipated effect, and notoriety, of his intended suicide attack on 10 Downing Street.

24. Count 3 is a Harm 'Category 3' case (*"Any other cases"*):

    (1) It is clear that if Imran had intended to travel to fight for IS and been successful in this aspiration, his activities are likely to have risked causing multiple deaths. The *modus operandi* of IS including a pronounced disregard for the lives of those deemed opponents of the Caliphate are notorious. Accordingly, it follows that it is likely that the *tazkiyah* provided by Rahman could be said to have had a material effect in allowing Imran to become an IS fighter.

    (2) However, I take into account that the causal link between the provision of the *tazkiyah* by Rahman and the possible activities by Imran as an IS fighter is contingent upon conduct by others other than Rahman. As such, the Crown rightly does not submit that the conduct in Count 3 should be placed within Categories 1 or 2.

Step Two: Starting point and category range

Count 1

Life imprisonment for Category 1 offence

25. For a Category 1 offence, the Guideline provides a starting point of imprisonment for life with a minimum term of 35 years' custody, with a sentencing range of imprisonment for life with a minimum term of 30-40 years' custody.

Aggravating features

26. In my view, the following features referred to in the Guideline are present and aggravate Rahman's offending in relation to Count 1:

    (1) *"Recent and/or repeated possession or accessing of extremist material"*: Rahman visited websites and chatrooms of people interested in terrorist suicide operations, watched IS videos, read articles in the IS magazine *Dabiq* and read speeches of al-Baghdadi and al-Adnani. The fact that Rahman may have been more careful about his online activities in the weeks before his arrest because of concern that he was being watched does not detract from the gravamen of this point.

(2) *"Communication with other extremists"*: Rahman admitted communicating regularly with his uncle Musa who had joined IS in Syria and numerous other extremists online, and facilitating the transfer of money to his uncle in Syria (who was eventually killed by a drone in June 2017). Thereafter, Rahman communicated with his co-defendant Imran and the LEOs 'Abu Anis', 'Abu Waleed' and 'Shaq' who, at all material times, he believed to be extremists.

(3) *"Deliberate use of encrypted communications or similar technologies to facilitate the commission of the offence and/or avoid or impeded detection"*: Rahman used social media platforms with encryption capabilities (*Telegram* and *SureSpot*), multiple mobile phones and carried out the wholesale deletion of much of his mobile phone and social media intercourse.

(4) *"Indoctrinated or encouraged others"*: It is clear from the evidence at the trial that, in their numerous encrypted communications and their meetings, Rahman encouraged Imran on his path to *hijra*.

(5) *"Preparation with a view to engaging in combat with UK armed forces"*: Rahman intended to attack and if possible kill the armed officers in Downing Street;

(6) *"Failure to respond to warnings"*: Rahman deliberately misled officers seeking to assist him on the Channel programme and disengaged from it.

(7) *Mindset:* Rahman has an entrenched, long-established and unshakeable belief in IS, its perverted ideology and its terrorist aims and actions. This is a significant factor to be taken into account over and above the threshold question implicit in the statutory definition of terrorism (*"done for the purpose of advancing a political, religious, ideological or racial cause"*).

Mitigating factors

27. I take full account of everything that has been ably submitted by Mr Bajwa QC and Mr Sharma in their submissions for the Defence on behalf of Rahman. In my view, the following factors reduce the seriousness of the offending or reflect personal mitigation in relation to Count 1 and to some extent Count 3:

(1) *Age/maturity*: First, the defendant was 20 years old at the relevant time. Moreover, he gave the impression when giving evidence of being somewhat unworldly and immature for his age (and made some wild suggestions as to the manner of carrying out an attack including *e.g.* using hot air balloons in space). I bear in mind the *Children and Young People Definitive Guideline* which offers some assistance on the proper approach to the issue of a person's developing maturity (see especially para. 1.5) and the words of Lord Burnett LCJ in *R v Clarke* [2018] EWCA Crim 185 at [5], re-emphasised in *R v. Hobbs* [2018] EWCA Crim 1003 at [30]: "Reaching the age of 18 has many legal consequences, but it does not present a cliff edge for the purposes of sentencing.".

(2) *Character:* Second, the defendant has no previous convictions.

(3) *The defendant's vulnerability:* Third, I accept that Rahman was vulnerable at the relevant time for a number of reasons: (i) the baleful influence of his uncle Musa for two and a half years, between early 2015 and mid-2017, who encouraged him to adopt a violent and extremist mindset; (ii) the baleful example set by his other two uncles who were

convicted in August 2016 of sending £10,000 to his uncle Musa; (iii) the grief he experienced following the death of his uncle Musa in June 2017; (iv) his arrest in August 2017 for an unrelated matter, and the panic that caused; and (v) a somewhat difficult and disrupted childhood, being homeless, estranged from his family and living on a meagre income during the material time.

(4) *The defendant's psychological state:* Fourth, Dr Alison Conning, a Consultant Clinical Psychologist, has provided a report dated 15th August 2018 in which she gives her opinion that: (i) it is highly likely that at the time of the offences the defendant was bereaved and suffering from depression; (ii) it is likely that at the time of the offences the defendant lacked self-confidence and self-esteem because of the abusive treatment he had received at the hands of his mother's boyfriend over several years, and because he was homeless and unemployed; (iii) there are indications that the defendant is highly compliant. A general tendency towards compliance may make some persons particularly susceptible to exploitation by another; (iv) there are indications that at the current time the defendant is suffering from severe symptoms of depression and mild symptoms of anxiety.

(5) *Vacillation:* Fifth, I take some account of the submission that Rahman, at some stages, vacillated or sought to delay matters; but, as Mr Bajwa QC realistically concedes, this point has little force in light of the Pre-Sentence Report (see below).

28. I reject Mr Bajwa QC's submission that the involvement by the LEOs amounts to a mitigating factor. The case of *R v Chapman* (1989) 11 Cr. App. R. (S.) 222 is distinguishable: in that case, an offender was persuaded by police posing as criminals to commit an offence of a kind which he would not otherwise have committed. At all material times, the LEOs were scrupulously careful not to overstep the mark. The present case is not a case of entrapment or inducement to terrorism in any sense, as Mr Bajwa QC himself rightly accepts.

29. I do not accept Mr Bajwa QC's further refined submission that Rahman was "led into conduct which he had previously only thought or talked about but had not engaged in". As stated above, and I repeat, the LEOs were scrupulous in this case at every stage. At all material times, Rahman was both the instigator and author of his own course of conduct.

Count 3

Starting point and range for Category 3 offence

30. For a Category 3 offence, the Guideline provides a starting point of 8 years' custody, within a sentencing range of 6-10 years' custody.

Aggravating features

31. In my view, the following feature referred to in the Guideline is present and aggravates Rahman's offending in relation to Count 3:

(1) *"Deliberate use of encrypted communications or similar technologies to facilitate the commission of the offence and/or avoid or impeded detection"*: Rahman deleted the *tazkiyah* video from his phone and no trace of it, or the surrounding communications, could be found within his electronic media.

Mitigating factors

32. Some of same mitigating factors apply to Count 3 as they do to Count 1.

Step Three: Reduction for assistance to Crown

33. Not applicable.

Step Four: Reduction for guilty pleas

34. In my judgment, Rahman's plea to Count 3 should attract no credit, coming as it did on Day 13 of the trial (4th July 2018) after the completion of the Crown's case and following his stark admissions in examination-in-chief the previous day that: (i) he had recorded the *tazkiyah*; (ii) he intended it for, and sent it to, his co-Defendant Imran; and (iii) he did so in the belief that Imran may have intended to travel to Libya to fight for IS and with the intention that this *tazkiyah* would assist him in doing so.

Step Five: Dangerousness

35. An offence contrary to section 5 of the 2006 Act is a "serious specified offence" within Chapter 5 of Part 12 of the Criminal Justice Act 2003 (sentences for dangerous offenders): see sections 224, 225(2), 226A and Schedule 15 to the 2003 Act. The Court must consider whether there is a significant risk of serious harm from future specified offences committed by Rahman. The Court must take into account all such information as is available to it about the nature and circumstances of the offence, section 229(2)(a) of the 2003 Act. 'Serious harm' means death or personal injury, whether physical or psychological: section 229(2)(aa)-(c) of the 2003 Act. The risk does not need to be based on the instant offence.

36. 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 (see generally paragraphs [19], [23] and [28]).

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

'Dangerousness'

38. I direct myself in accordance with s. 229 of the 2003 Act and In *R v Wilkinson & Ors* [2009] EWCA Crim 1925 and *R v Cardwell* [2013] 2 Cr.App.R. (S.) 43.

39. I have carefully read the helpful and striking Pre-Sentence Report prepared by Mr Timothy Hope-Wynne of the National Probation Service dated 29th August 2018. It is worth quoting the author's views and conclusions in some detail:

"4. Assessment of the Risk of Serious Harm

…

1. He was serious in his mindset and was fully willing to surrender his life in the hope and expectation of going to his maker in the pursuit of Jihad.
2. His radicalisation was entrenched and well established and gave the internal self-permissions to kill and maim others.
3. He was also politically motivated to attack those in Government.
4. This motivation was consequent to his view that foreign policy towards those in Syria, was wrong in principal, as innocent civilians were being killed.
5. Members of his own family had been killed or assumed dead, and the rancour he feels about this is, and will remain, very deep seated.
6. His relationship issues with his mother remain unclear at present but certainly in my view because of the difficulties between them as a result of her issuing an ultimatum to him, they contribute to his imminent risk level.
7. He is a clever and cunning young man who possess [sic] the patience, capacity and wherewithal to operate underneath the radar to dreadful effect.
8. He gave me no indication of remorse, indeed he said that he would have carried out the attack if he had been able.

…"

"…I am of the opinion that the legal test for dangerousness has been made out. I say this mostly because his radical views have been formed over several years and are informed by his uncle, whom he described as being more like a father than his own father but who at the critical time was radicalising his nephew and entreating him to acts of violence. It will take some considerable time before a proper understanding is reached as to how dangerous he is…"

"5. Conclusion

The Court will need no reminding of its powers in this case. In drawing the conclusions I have formed in this case it has been important for me to understand that he had been formulating his radical views over a number of years. The plans themselves of what he hoped to do were extremely detailed.

Whilst this young man is in custody he will no doubt be required to go through many hours of work to become de radicalised and to recognise the other factors that have made him the person he has now become. This process will no doubt involve him in painful reflection. He also hopes to take a degree in Economics and remain a practising Muslim.

He inhabits, in my view, a very rare centre position of offenders in this category. That is, willing, inspired and religiously driven to mass carnage. It will I think take many years to unravel and fully understand his motives and the nuances behind his then mindset, and for him to become de radicalised. It maybe that this position is never reached and that the longer he is incarcerated the more bitter he could become. He potentially therefore remains a danger to those he could target again possibly at the centre of our democratic governance."

40. The Report is striking for two reasons. First, because it carefully records Rahman admitting the full elements of the Count 1 offence and stating in terms that he would have carried out the attack if he had been able to (in stark contrast to his evidence at the 5 week trial). Second, because it reinforces very much the view that I have formed that Rahman is a very dangerous individual and it is difficult to predict when, if ever, he will become deradicalised and no longer a danger to society.

41. I bear in mind, as Mr Bajwa QC rightly submits I should, Rahman's personal circumstances and mitigation and the fact that he will, in any event, serve a lengthy custodial sentence of imprisonment. However, I have firmly concluded that Rahman is *"dangerous"* within the meaning of the 2003 Act, in particular because of his long-standing and entrenched extremist mindset (see above) and the deeply concerning nature of his offending in this case: he planned and made detailed preparations for a major terrorist attack at the heart of executive government in this country and targeted the Prime Minister (Count 1).

Discretionary life sentence

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

    (1) Rahman is at least 18 years old;

    (2) There is a significant risk to members of the public of serious harm occasioned by the commission by him of further specified "serious offences";

    (3) Section 5 of the Terrorism Act 2006 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(s) is such as to justify the imposition of a sentence of custody for life (see above generally).

43. 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, in my view, 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).

Minimum term for life sentence

Factors relevant to minimum term

44. When passing a sentence of imprisonment for life, the Court must decide the Minimum Term to be served before a defendant can be considered for release on licence. In deciding what minimum term is appropriate in relation to Count 1, the Court must take into account The Sentencing Council Guideline, the overall gravity of the offending and the aggravating and mitigating features of the case (see above).

Meaning of minimum term

45. It is important that Mr Rahman and the general public should understand what a "minimum term" means in practice in the context of a life sentence. Where the Court specifies a minimum term, an offender cannot be released until that full minimum term has expired. But even then an offender will not automatically be released. They will not be released unless

and until the Parole Board are satisfied that it is safe to release them into the community. That time may never come. Even if an offender is released on licence, that is not the end of his sentence. The offender will remain subject to the conditions of their licence for the rest of their life. If they reoffend, the Secretary of State has the power to order that the offender be returned to prison to continue to serve their life sentence until it is thought safe to release them again.

Sentence

46. Naa'imur Zakariyah Rahman, stand up please.

47. In my judgment, taking all the above considerations and aggravating and mitigating factors which I have outlined into account, the appropriate minimum term in respect of the life sentence which I am about to impose is **30** years with no discount for time spent in custody.

48. So, Mr Rahman, for the main offence of Preparation of Terrorist Acts under **Count 1** of which you have been convicted by a unanimous jury of the Old Bailey, I sentence you to **Life imprisonment with a minimum term of 30 years**.

49. In addition, I impose a determinate sentence in respect of **Count 3** of **6 years imprisonment** to run concurrently to the minimum term.

Ancillary Orders

50. I exercise the Court's powers under section 23A of the Terrorism Act 2000 to order forfeiture of your property listed in schedule prepared by DC Olley.

51. Pursuant to section 41 of the Counter Terrorism Act 2008, I order that you be made subject to a notification period of 30 years.

Final remarks

52. Finally, Naa'imur Zakariyah Rahman, let me say the same to you as I have said to other similar offenders who have come before this Court recently. 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 upholds the sanctity of life. 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 (c.f. *Shakeel Begg v. BBC* [2016] EWHC 2688 [87]-[131]). So it is in the law of the United Kingdom. You have, therefore, received a severe sentence 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.

MR JUSTICE HADDON-CAVE
31st August 2018