



JUDICIARY OF
ENGLAND AND WALES

**Sentencing remarks of
The Honourable Mr Justice Sweeney**

The Queen

v

Safiyya Amira Shaikh

In the Central Criminal Court

3 July 2020

Safiyya Shaikh, you are now 37 years old

In February of this year you pleaded guilty, at the first opportunity, to two offences, both of which were committed in the near two month period between 19 August 2019 and 10 October 2019, as follows:

Count 1

Engaging in conduct in preparation for giving effect to an intention to commit acts of terrorism, in that you: made contact with a person you believed to be able to assist in preparing explosives; researched methods and decided on a plan to carry out a terrorist act; travelled to central London and stayed at a hotel in order to conduct reconnaissance; selected the hotel as a target for an explosive device; attended St Paul's Cathedral to scope it – for security and for the best place to plant a second explosive device; met a person and supplied her with two bags, with the intention and belief that explosive devices would be fitted into the two bags; and prepared the words of a pledge of allegiance to Daesh, also known as Islamic State.

Count 2

Dissemination of terrorist publications, in that you provided a service to others that enabled them to obtain, read, listen to or look at terrorist publications via 'Telegram', intending an effect of your conduct to be a direct or indirect encouragement, or other inducement, or to constitute the provision of assistance, to the commission, preparation or instigation of acts of terrorism.

The prosecution have opened the facts in detail. It is accepted that, to any extent that it is necessary to do so, I can resolve any disputed aspects on the papers.

For present purposes it suffices to record that you were born and brought up in this country and had a difficult childhood and early adult life.

You converted to Islam in your mid 20's and ultimately changed your name. By 2016 you were listening to radical preachers and had stopped attending mosques to avoid being reported for your extreme views. That same year you were nevertheless reported to the Prevent / Channel network, but you denied that you were an extremist.

By August 2019, you had become a leading operator of media channels or groups in support of Islamic State using Telegram (which is an encrypted app). In particular, with the help of a number of 'administrators', you ran a channel called "GreenB1rds" which, as demonstrated on the prosecution Timeline, disseminated substantial quantities of terrorist propaganda (including material created by Islamic State media), extremist material (including violent executions carried out by Islamic State), and material encouraging others to carry out acts of terrorism (including specific instructions as to how, and where, to carry out terrorist attacks). You created some of the material yourself, and instructed others with the necessary skills to create other aspects of it. The channels were run with a high degree of secrecy and technical application – including storing the content in back-ups, recreating the channels under different names whenever Telegram shut them down, keeping a 'banned list' of those suspected of being spies, creating a fake persona of yourself as a man, using fake emails, and (being acutely aware that the police might intervene) regularly deleting online chat. You also used the messaging app Threema (which can be used anonymously) for other communications. There is evidence that "GreenB1rds" sphere of influence was not limited to this country.

On 18 August 2019 you were prevented from flying to Amsterdam to visit a fellow extremist and your passport was seized. Thereafter, whilst continuing to operate the media channels, you became determined to carry out terrorist acts of your own in this country. To that end, on 20 August 2019, via Threema, you contacted a man who you believed to be a terrorist operations expert, but who was, in fact, an Under Cover Operative ("UCO"). Having considered the records of your contacts with him, I am sure that (contrary to the submissions initially advanced on your behalf) all the significant aspects of your plans originated from you, not from him, and that he conducted himself appropriately throughout.

During that initial contact you explained that, four years previously, you had tried to travel abroad to join the Caliphate but had been prevented from doing so; that recently you had also been stopped from travelling to the Netherlands; that you had decided that you could take better revenge in this country for what the kuffar had done; but that you were not yet clear on what you wanted to do, save that killing one person was not enough and you wanted to do something big.

Over the days that followed, you explained how, from 2015 onwards, you had been radicalised; the need for security in relation to the use of phones; that at Christmas or Easter, when it was full, you wanted to attack the church in London where they did royal weddings, first placing a bomb and then shooting people until you were killed - killing as many people as possible in the process. You also pledged allegiance to the Leader of Islamic State, and said that going to paradise was your goal.

On 31 August 2019 you identified St Paul's Cathedral as the place that you would like to target – saying that you wanted a lot of people to die, that it was the best opportunity of your life, and that once you had the money you would visit the

Cathedral in order to check out the security arrangements – making clear that you had always wanted to do big things and that your plan was to kill as many as possible and to destroy the Cathedral in the process. The following day you indicated that you wanted to carry out the attack at Christmas, and began to contemplate putting a bomb in the hotel where you were going to stay prior to the attack.

Further evidence of your general mindset at that time is provided, for example, by the fact that on 5 September 2019 you posted an image of a tube train on “GreenB1rds”, together with an article encouraging others to kill crusaders - whether by explosive device, bullet, knife, car, boot or fist, or by contaminating food with poison. Equally, on 7 September 2019, you posted a document entitled “Warning for those who wish to do Jihad” which encouraged lone wolf attacks under the headings “Selecting a target”, “Preoperational Surveillance”, “More Surveillance”, “Operational Planning”, and “Operation”. During those days you also told the UCO how much you wanted to carry out your attack, that you had been inspired by the terrorist attack in Sri Lanka (which involved many deaths), but that you were going to put your attack back to Easter to allow you to worship more and to give you time to train others to take over your role on the “GreenB1rds” channel, and that you hoped to get more lone wolves in the UK and the USA – so that they could continue things after you had gone.

In the evening of 7 September 2019 (which was a Saturday) you travelled from your home in West London to the City where you stayed at the Great St Helen’s Street Hotel. The next morning you went to St Paul’s Cathedral where you took photographs and video footage of the layout and the security arrangements - later saying to the UCO that you would like to put the bomb under the dome, that it would be easy, that you wanted to do something in both the hotel and the cathedral, and then to run and kill people everywhere until you were shot down. You posted an image of yourself wearing a black and red bandana and describing yourself as a ‘Soldier of Allah’. Thereafter on 9 September 2019, you posted a video on “GreenB1rds” about how to make a suicide belt and videos promoting ISIS attacks against the West. On 11 September 2019 you posted posters celebrating the 9/11 attacks. The following day you praised another’s oath of allegiance to Islamic State, and expressed a desire to make a similar video whilst wearing the black and red bandana.

By 12 September 2019 your thoughts were turning to remote control detonation, and then to how the bomb would be carried into the Cathedral (with you preferring a bag and an explosive vest that could be detonated after the bag bomb), the possibility of also using a firearm, and your wish to use another bag bomb to kill some more people at the hotel. You also contemplated visiting the Cathedral at Christmas to check the security then.

On 14 September 2019 the UCO introduced the idea of you meeting his wife (in fact another UCO) to give her the bags that you wanted to use (so that bombs could be prepared for them) and so that the wife could take your measurements to ensure that your explosive vest would fit. In the following days you continued to post extreme images and to encourage others to carry out attacks.

On 17 September 2019, you posted part of the first draft of your oath of allegiance to the leader of the Islamic State – sending a full draft to the UCO the following day (and later posting it on “GreenB1rds”) and checking with him that nothing would be left of your body after a very big explosion (to ensure that no part of you would be subject to a Christian burial).

On 21 September you posted various issues of the Islamic State publication ‘Inspire’ and instructions entitled “Advanced Techniques for Making Explosives and Time Delay bombs”.

On 22 September 2019 you duly met the female UCO, saying that it made you happy that the plan was finally starting. You duly handed over the two bags, and gave your measurements – saying that you would send the measurements again closer to Easter because your weight was up and down. You explained how you had first become involved in “GreenB1rds” and how you had been involved for four years and had 20 administrators working with you. A further meeting was arranged for the second week in October. In the interim you continued to post extremist material, and also a message in which you indicated that you were by then running a total of 8 channels.

On 10 October 2019 you sent a message to the male UCO cancelling the meeting with his “wife”, and you were arrested later that day.

You were interviewed on a number of occasions. Prior to the revelation to you of the roles of the UCOs, you asserted that you were not well in your head, that you had kept on having doubts but had not known how to stop, and that you did not know whether you would have gone through with the attacks, the plans for which were in the early stages of development. You sought to deflect blame onto the male UCO. You also sought, falsely, to minimise your involvement with “Greenb1rds”. You were somewhat more truthful after the revelation of the roles of the UCOs, including accepting that the targets were your choice., and that you were responsible for everything in relation to “GreenB1rds”, and also ran a number of other channels. However, you still claimed that your failure to attend the second meeting with the female UCO was because you were “getting doubts”.

There is a Sentencing Council Guideline in relation to each of the offences. The offence in Count 1 carries a maximum sentence of life imprisonment. The offence in Count 2 carries a maximum sentence of 15 years’ imprisonment.

I have also considered the character references put forward on your behalf, a psychiatric report from Dr Ajaz, and a Pre-Sentence Report.

I propose to pass a sentence on Count 1 which (with totality in mind) reflects both offences, and thus to impose a concurrent sentence on Count 2.

The first issue in relation to Count 1 is as to the correct categorisation of the offence. During submissions last week there was a considerable difference between the parties. The prosecution submitted that yours was a Category B1 offence (with a

starting point of life imprisonment and a minimum term of 25 years’ imprisonment). Whereas, it was submitted on your behalf, by reliance on your claim in interview (repeated to Dr Ajaz and to the author of the Pre-Sentence

report) that you had had doubts, that that was why you had not attended the second meeting with the UCO, and that you would not have gone through with any attack, and that it was thus a Category C2 offence (with a starting point of 15 years' imprisonment).

The submissions were reported in the media, which you saw when you were returned to the prison where you are being held. Thereafter you telephoned one of your character witnesses, clearly knowing that the call would be recorded and brought to the attention of the prosecution. During the call you indicated that, contrary to the argument that had been advanced on your behalf in mitigation, which was based on what you asserted to the police in interview, you were in fact going to go through with it, you were not getting cold feet, and you were not having doubts. You had not turned up to meet the female UCO because you had been smoking drugs, and had not woken up in time, had sent a message and had gone back to sleep, and would have re-arranged the meeting. In interview, you said, you had made excuses and lied.

The call was brought to the attention of the prosecution, and thus to the attention of your lawyers and the Court. In the result I heard further submissions yesterday afternoon. In contrast to what had gone before, the content of the call was adopted on your behalf as being the truth, I was invited on your behalf to sentence on the basis that you had had no doubts and that (but for the intervention of the authorities) would ultimately have gone through with the planned attacks, and thus (it was further submitted on your behalf) the appropriate categorisation was B2 (with a starting point of life imprisonment and a minimum term of 15 years).

I underline that the Court must be alert, particularly in terrorism cases, to its process being abused by defendants who seek to aggrandise their role or crime, and thus the reporting in the media in relation to it, for their own perverse purposes and/or the perverse purposes of the cause they seek to espouse.

However, in your case, I had already reached the sure conclusion, on all the original evidence, that your claim of doubts to the police and others was a lie, that your intention had been, and remained throughout, strong, and that the correct categorisation of the offence in Count 1 was B2 – given that it involved (as to culpability) you acting in a leading role in terrorist activity where preparations were advanced and, but for apprehension, the activity was likely to have been carried out; and (as to harm) multiple deaths were risked but (because of the nature of the involvement of the authorities and their consequent ability to prevent you from doing anything) were not very likely to be caused. Thus, as already touched on, the starting point is one of life imprisonment and a minimum term of 15 years. It is, however, clear that that minimum term represents half of an appropriate notional term of 30 years' imprisonment, and that I must still consider whether or not you are a dangerous offender.

Thus, starting with a notional determinate term of 30 years, I must next consider the balance of aggravating and mitigating factors. There are four aggravating factors – recent and repeated possession or accessing of extremist material; communication with other extremists; use of encrypted communications; and encouraging others. The mitigating factors are your lack of relevant convictions, your general background, and the fact that you have mental health issues and

vulnerabilities. However, given the evidence as a whole, and notwithstanding Dr Ajaz's view, I am sure that those did not substantially reduce your responsibility. I have also considered your daughter's Article 8 rights but, sadly, given the gravity of the offence, they are of little weight. In the result, in my view, the aggravating factors significantly outweigh the mitigating factors (which are, in any event, of little weight when set against the gravity of the offending). However, in order to avoid double counting with the offence in Count 2, to which the aggravating factors equally apply, I am not going to increase the notional determinate term on Count 1 by that route.

It is next necessary to consider the offence in Count 2. Although it forms the background to the offence in Count 1, and shares aggravating factors with it, it is clearly a separate and grave offence in its own right, such as to justify (subject to totality) a significant additional term. In my view it is plainly a Category A1 offence in that, at the least of it, it involved (as to culpability) an intention to encourage others to engage in terrorist activity, and to provide assistance to others to engage in terrorist activity; and (as to harm) it provided instruction for specific terrorist activity endangering life.

Under the relevant Guideline that attracts a starting point of 5 years' custody. However, given that the maximum sentence that applies to you is more than double the maximum contemplated in the Guideline, I am satisfied that it is in the interests of justice not to follow the Guideline in relation to that starting point. Rather, the starting point will be one of 10 years' custody.

There are a number of aggravating factors – communication with known extremists, deliberate use of encrypted communications, use of multiple social media platforms, significant volume of terrorist publications published, and attempting to disguise your identity. As to mitigating factors, I have again taken into account your lack of relevant convictions, your general background and the fact that you have mental health issues and vulnerabilities. However, as before, given the evidence as a whole, and notwithstanding Dr Ajaz's view, I am sure that they did not substantially reduce your responsibility. I have also considered your daughter's Article 8 rights but, sadly, given the gravity of the offence, that is of little weight. In the result, in my view the aggravating factors significantly outweigh the mitigating factors (such as they are). In the result, the notional sentence after trial on Count 2 is one of 12 years' imprisonment.

I add that to the notional determinate term on Count 1, making a total notional determinate term of 42 years' imprisonment.

In accordance with the Guideline in relation to Count 1, I must next consider reduction for guilty plea which, given that you indicated your pleas in the Magistrates' Court, must be a reduction of one third – thus reducing the notional determinate term on Count 1 to one of 28 years' imprisonment.

Next, I must consider whether you are a dangerous offender. In my view it is self-evident that you are, and I am fortified in that view by the conclusion of the author of the Pre-Sentence Report.

I must next consider, by the application of the criteria identified in *Attorney-General's Reference (No.27 of 2013) R v Burinskas* [2014] 2 Cr App R (S) 45 whether a sentence of life imprisonment is required. In my view, again self-evidently, it is – not least because it is impossible to predict whether you will be safe at the end of a determinate sentence – whether an extended sentence or a special sentence under the provisions of s.236A of the Criminal Justice Act 2003.

I must halve the notional determinate sentence from 28 to 14 years to reach, subject to totality, the appropriate minimum term.

As to totality, and against the background of the deliberately modest increase that I have made for the considerable aggravating features, I am satisfied that the total sentence is just and proportionate to your overall offending behaviour.

In the result, on Count 1, I sentence you to life imprisonment with a minimum term of 14 years' imprisonment. The 260 days that you have spent on remand are to count towards the service of that sentence. If the number of days proves to be wrong, it may be corrected administratively. At the end of the minimum term it will be for the Parole Board to decide if and when you are safe to be released.

On Count 2, I sentence you to a concurrent special sentence comprised of 8 years' imprisonment and one year on licence.

You will be subject to the Counter-Terrorism Notification Requirements for 30 years. I make a forfeiture order in the terms sought in relation to the property identified in the prosecution schedule, and a Victim Surcharge Order must be drawn up.

Sweeney J
3 July 2020