



# Courts and Tribunals Judiciary

**R. v. MATTHEW KING**

## **SENTENCING REMARKS**

1. On 20<sup>th</sup> January this year, you pleaded guilty to an offence alleging the preparation of terrorist acts, and I must now sentence you.
2. The span of conduct covered by the indictment is a six month period between 22<sup>nd</sup> December 2021 and 17<sup>th</sup> May 2022. In that time you accept you engaged in conduct in preparation for giving effect to your intention either to commit acts of terrorism yourself, or to assist another to commit acts of terrorism.
3. By your guilty plea you accept that you actively desired to travel from the UK to an area of Syria controlled by ISIS to participate in ISIS activities. That would have involved you using serious violence yourself, or endangering the lives of others. Also, by the plea you accept an intention to commit an act of serious violence against the person, or endangering the life of a person here in the UK, specifically either a member of the armed forces or a police officer.
4. In the written basis of plea, it is said that you would only have carried out a terrorist activity here if your plans to travel to Syria and join ISIS were frustrated. The prosecution does not accept that part of the basis of plea. Both the prosecution and the defence agree that this aspect of the basis of plea does not make any difference to sentence in this case as, on any view, you accept you had an intention to commit both terrorist acts and that you made preparations towards the commission of both types of terrorist acts.
5. From what has emerged from the police investigation it is clear that you are someone who developed an entrenched Islamist extremist mind-set, extreme anti-western views and that you intended to commit terrorist acts both in the UK and overseas.
6. At secondary school you are someone who dabbled in drugs and where your behaviour became more aggressive. You were expelled from school and attended an educational unit in Basildon. Your behaviour deteriorated and it was noted that you would often return home



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stoned and argue with your mother. You moved to other educational units and finally left education aged 16 without any qualifications.

7. In 2020, in a conversation between you and your mother, you spoke about finding faith. As you said you would like to visit a mosque your mother took you to one in Chelmsford. You also watched videos about Islam on YouTube. This appeared, at first, to have a positive impact on you. Over time you started to wear more traditional Islamic clothing, you ordered Islamic books and a prayer mat. You were eating only Halal food and were learning Arabic.
8. By May 2021, you were attending the Bin Baz Mosque in Stratford. Your family noted your behaviour had become more extreme. They also noted that you were having conversations online with a girl. You told your mother she was a doctor or a trainee doctor. You said you wanted to go to Syria with her in order to help people. Some videos you showed your mother were of concern to her. They showed motivational chanting and people engaged in heated debate at Speakers' Corner. When your mother commented about these having a negative influence on you, you denied it.
9. You became a member of two local community online groups using the name 'Mahdi Abdulhaadi'. One group, 'The Southend Brothers' had 25 to 30 members and the other, 'Southend Shurah' 6 members.
10. Your mother was concerned at some of the online material you were viewing as to her, it was promoting hatred. When challenged, you denied it and claimed you were watching videos to inform yourself about the history of Islam. You also said you did not believe in terrorism. Your mother, very correctly, made contact with 'PREVENT'.
11. In December 2021, you registered as a customer of the 'Knife Warehouse'. Although you signed up for their regular newsletters, you did not place any orders. However, soon afterwards, in January 2022, you carried out searches on the internet for '*Isis knife tactical training*' and '*Isis knife tactical training video*'. I note that the last login to the Knife Warehouse site was 3<sup>rd</sup> January 2022. In March 2022, you made notes on your phone about detonating homemade bombs. Later in March 2022, you recorded a video at Stratford train station on your mobile. The video shows the back of a uniformed police officer. In other videos you appear to be noting the location of CCTV cameras. Two days later, you bought a pair of 'Kombat Specs Ops Glasses'(military style glasses) and military style combat gloves. In April 2022, you used your phone to record yourself walking near the barracks of the 7<sup>th</sup>



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Rifles Regiment with a Nasheed promoting violent rhetoric overlaid in the recording. The rhetoric speaks of killing with rage and hate.

12. In April 2022, you made a derogatory comment about Imran Khan, the former Pakistani Prime Minister. Your comment drew condemnation from 'The Southend Brothers'. You then uploaded a video of a still image of a male holding a knife with another Nasheed playing in Arabic. As a result, you were reported to the Mosque Committee at the Essex Jamme Mosque and they decided you were no longer welcome and that you would be asked to leave if you attended in the future. You were noted by one of those at the Mosque to be talking, and on one occasion, joking about jihad and war.
13. It was noted that your 'WhatsApp' status was changed to "*Kill the Non-Muslims, wherever you see them.*" Members of the various Mosques you attended warned you about your behaviour.
14. On 25<sup>th</sup> April 2022, you searched the internet for 'Usman Khan' and 'Karim Butt' along with the 'London Bridge attack' – links to those involved in the terror attacks on London Bridge and Borough Market in 2017 and at Fishmongers' Hall in 2019.
15. In May 2022, on a number of occasions you were seen dressed in an army jacket or bomber jacket. You were expressing views about how to deal with non-believers. Also that month you recorded yourself reciting words in Arabic referring to jihad, and there are images of you with captions on the difference between suicide and martyrdom and with a black flag. There is a video you recorded at Stratford railway station of a police officer in uniform who appears unaware of you. On that video you can be heard to say: "*There is another one over there as well.*" Also in May you were in conversation on line with Miss A. Amongst messages passing between the two of you are comments about taking part in violent jihad in Syria. You write: "*When I arrive to the land of martyrs ..... my goal is to die. On the battlefield. While trying to kill kuffar .... If you can encourage me to do that then Alhamdulillah.*" And "*I just wann die a martyr.*" Miss A responded supportively. There were further exchanges between the two of you and you made the comment: "*Let's race for it. Inshaa allah*"
16. On the same day as these exchanges you searched on the internet for 'Manchester bomber', 'terror attack' and 'Streatham attack'. The following day, you searched for 'Salman Abedi' on the internet. That same day you recorded footage of yourself close to Stratford



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Magistrates' Court and four uniformed officers by the Court building. You later posted an image of the officers on Snapchat with the caption "*Target Acquired*".

17. A few days later you searched the internet for '*Jihadi husband and wife*'. Various chat threads discussed arrested terrorist offenders and likely sentences. Also on other days in May there were on-going chats between you and Miss A. There are references to seeing you in the news, waging war, and training for jihad. Miss A is encouraging in her responses. In one message you write: "*Tbh I just want to get my hands on an American marine .... Or a British marine.*" Miss A also responds with encouragement to that and in graphic terms. You also sent her an audio message in which you include how you would get two marines in a room and get them to rape each other. There are references to shooting them in the head and eventually beheading them. The chat between the two of you continues about violence and mutilating people.
18. On 17<sup>th</sup> May, having attended the Mosque, there is footage taken by you of being close to and by the gates of the barracks of the 7<sup>th</sup> Rifles Regiment. Your actions that evening appear to be reconnaissance. Later that evening, you make a google search on your mobile for '*Jihadi Jack*' and '*Jihadi John*'. In the early hours of the next day you carried out more internet searches for *Saman Abedi* and also on '*7/11*'.
19. The police forced entry to your home that morning 18<sup>th</sup> May 2022, and you were detained and arrested. When arrested you made a number of comments about your faith. Your phone, laptop and various items were seized including a black flag, a leaflet on the dangers of ISIS, a notebook with notes in both English and Arabic on religious and philosophical views.
20. You were taken to Basildon Police Station. Whilst there you showed interest in the tactical vest worn by a police officer and asked if they were bullet proof. You made a number of other concerning statements.
21. When re-arrested following a preliminary review of your phone on 19<sup>th</sup> May 2022, you observed: "*I don't believe in the UK law, the only law I believe in is the law of Allah.*" When interviewed you gave a prepared statement saying that you had converted from Christianity to Islam and that you developed an interest in Islam by watching YouTube videos. You admitted posting the Status Update video in April 2022 (this was the uploading of a still image of a male holding a knife with a Nasheed playing in Arabic), but you said the purpose was not to encourage anyone to destroy others. You referred to "Kufr" in Islam as a



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metaphor to destroy disbelievers. You wrote that the battle is not about an actual battlefield, but rather a battle against the soul not to sin. You also said that jihad can be translated to mean striving against the wrongful desires of the soul, against the devil, against hypocrites and disbelievers. The person holding the knife in the video is portrayed as a soldier. You challenged some of the assertions in the statements of the police officers in relation to comments it was claimed you made on arrest and then made ‘no comment’ responses to all other questions.

22. The police returned to your address on 25<sup>th</sup> May 2022, and conducted a further search. They found the Kombat Spec Ops Glasses, a camouflage baseball cap and combat jacket, training shoes, a black rucksack containing a black balaclava and notebook with notes in Arabic on how to gain more Twitter followers, and the tactical gloves.
23. Whilst in police detention, an officer overheard part of a conversation you had with your mother when you spoke about needing to start training if you go to prison. *“I’m going to find someone in prison to train me. I need to start to eat more protein. I need to start training offensive and defensive. When I get out I am going to be offensive, I’m going to be a machine. I don’t care, in my eyes I haven’t done anything wrong. I’m not guilty, but I might plead guilty because I will get 30% off my sentence. Allah says he will punish the oppressors. Everywhere will be Sharia law one day. When I get out they will be controlling me, they probably won’t let me have a driving licence because I’ll probably run people over.”*
24. During exercise in the yard a few days later you made comments whilst engaging with officers saying that you wanted to learn tactical training from an uncle at the Mosque and also: *“if you know what you are doing with a knife, it doesn’t matter if you are small.”* In relation to martyrdom it was noted that you said: *“people should be martyrs again and die for what they believe in”* and that the tactical training you wished to take part in would *“have to be taken out of the country in a camp.”*

## Sentencing Guidelines

25. The maximum sentence for a s.5 offence is one of life imprisonment, or in your case custody for life. For an offence committed on or after 29<sup>th</sup> June 2021, sentencing involves consideration of the application of the ‘dangerousness’ provisions and a number of other statutory provisions introduced including those in the Counter-Terrorism and Sentencing Act 2021 [the ‘2021 Act’] and the Police, Crime, Sentencing and Courts Act 2022. The 2021 Act



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introduced ‘Serious Terrorism Sentences’. An offence under s.5 of the Terrorism Act 2006 is a ‘serious terrorism offence’ listed in Schedule 17A of the Sentencing Act 2020. This offence was committed after 29<sup>th</sup> June 2021, and you were over 18 at the time the offence was committed. The first key question then is this: is the court of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by you of further serious terrorism offences or others specified offences? That is the same test, with an important addition, as for dangerousness.

26. I also have in mind the provisions of s.274 of the Sentencing Act 2020 on a required sentence of custody for life for an offence carrying a life sentence.
27. I have helpful sentencing notes from both the prosecution and the defence. I also have a second note from the prosecution specifically on the issue of dangerousness and a responses submitted on your behalf. I have a detailed pre-sentence report [PSR] dated 28<sup>th</sup> March 2023, from an experienced probation officer. I am grateful to the author for their detailed analysis and assessment of the issues in this case. Since the last hearing I have also been provided with further documents.
28. I have statements from DC Alwareeth setting out relevant information about you and what appears to be your current attitude or mindset whilst you have been in custody. The officer has reviewed prison intelligence where you have made violent threats to kill, behead and ‘chop-up’ staff, have their loved ones followed home and beheaded, behead an Imam and another prisoner. Some reports date back to last autumn and some are very recent and post-date the preparation of the PSR. Initially on your behalf it was submitted that the statement of the officer should be disregarded on the basis that it is unsubstantiated, equivocal and unproven bad character evidence. I made clear I did not agree with that assessment. It is material that is very significant in terms of the risks that have to be assessed. Whilst I accepted the weight to be attached to the contents has to be considered, it cannot be ignored.
29. Following the last hearing on 12<sup>th</sup> May, DC Alwareeth sent a further request to HMP Wandsworth in relation to any intelligence relevant to you so it could be disclosed and considered. This further request also sought confirmation as to any adjudication and/or disciplinary action taken against you. I note only one instance of formal adjudication with a verdict ‘not to proceed’. In terms of disciplinary action I note a number of negative disciplinary actions have been entered by prison staff spanning a period from June 2022 through to 8<sup>th</sup> May 2023. The further statements set out other material relevant to the issue



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of dangerousness and future risk. Attached to the statement is a schedule with all the intelligence material set out that spans some 69 pages. I repeat the observation I set out above that this material needs to be viewed and considered in terms of future risks.

30. Included in the PSR are observations about the interaction with Prevent from November 2020 onwards, and the lack of engagement. I note also the observations in the report about you saying you have changed your attitudes and beliefs and how this is at odds with the material from the prison. An extract of this material is set out on page 7 of the PSR.
31. The author of the PSR also sets out a list of risk factors in relation to the assessment on dangerousness. The assessment in the report of the level of danger is 'very high' and allowing for all various features of the case the author concludes the section of the report on "Assessment of the Risk of Serious Harm" with the observation: *"Having considered all the information above, the Court may well determine that the criteria for dangerousness has been met."*
32. The prosecution submit that you are someone who intended to inflict serious violence on, or to endanger the lives of, other people, both in the UK and abroad. That intention was not merely transitory but one you had settled on during a period of around six months as you set about preparing to commit those acts. They also submit that your time in custody following arrest and charge has not led to any reduction in the risk you pose to others. If anything, they submit that this Court should be concerned that you are someone who does one thing when in the company of other prisoners (seeks out those who share his extremist views), but then say you have been doing the opposite when in conversation with professionals (that you have turned your back on extremism). Their submission is that this duplicity only serves to heighten the risk you pose to others.
33. On your behalf it is submitted that that you are on the path to deradicalisation. It is accepted that your progress may be imperfect and as yet incomplete, that you have taken significant steps forward. It is now accepted that the dangerousness test is met. It is submitted that any risks you pose can be managed by the imposition of a sentence under s.265 of the Sentencing Act 2020 or a sentence for an offender of particular concern. If that is not accepted by this Court, then it is submitted that an extended sentence with a limited period of extension would suffice as you will be subject to onerous conditions on any licence.



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34. As I have set out, the sentencing hearing was adjourned part-heard so as to allow more time for those who represent you to consider the prison intelligence material and so that they could address the possibility of a discretionary life sentence to meet the concerns of the risks going forward.
35. I have a letter from your mother dated 13<sup>th</sup> April 2023. She sets out her support for you and her assessment of your progress. She also makes clear that your father and your sisters will support you whilst in custody and when you are released. She sets out her assessment that your views have changed in your period in custody through your engagement with an ideological mentor and taking time to think and reflect. She also sets out the regret you have expressed to her for your actions.
36. The supplementary note for sentence submitted on your behalf sets out extracts from a number of decisions of the Court of Appeal on the approach to discretionary life sentences as well as addressing issues around age and maturity. Future risk is the key issue in this case and the real concern as to when, if at all, any risk will really reduce or cease. I have very much in mind your age and maturity, that young people mature at different stages, but that has to be put into the mix alongside the observations of others and the views you appear to be expressing to some. Assessing risks is a very different task in terrorism cases to other types of cases involving violence.
37. In my judgement the threshold as set out in s.268B(d) and for dangerousness is clearly passed. In my judgement you are someone where there is a significant risk to members of the public of serious harm occasioned by the commission by you of further terrorism offences or other specified offences.
38. S.268B(e) refers to the imposition of a sentence of custody for life and s.268B(f) to the risk of multiple deaths condition. Further provisions relevant to that condition are set out in subsection (3). Both the prosecution and defence agree that under the current guideline, based on the levels of preparation here, your culpability would come within category C. With harm, it is also agreed the case falls within category 3. I agree with the assessments of both the prosecution and your counsel as to the stage your preparations had got to, and that it is safer to place harm into category 3 than the higher category 2. I note that it would have been much easier for you to attack a police officer in the street that it would be for you to join ISIS in Syria and so of the two terrorist acts you intended to carry out, the former was more likely than the latter on the evidence as set out. For such a case, the start point for sentence





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would be one of 8 years' custody with a range of sentence of between 6 and 10 years' custody.

39. The prosecution has identified a number of aggravating factors. They submit that here the offending was motivated by hostility towards non-believers; you were in possession of extremist material; you were in contact with others who were also extremists – particularly, Miss A; you used a number of aliases to conceal your true identity; you intended to commit acts of terrorism against soldiers and or police officers; and you failed to respond to warnings about your conduct, in particular from your family and others in the mosques. Whilst some of these factors are accepted by Mr Zahir, he makes observations as to the applicability of others. As a general point, I agree with Mr Zahir that I need to make sure that to the extent that these are matters that go to the initial categorisation, I do not 'double' count.
40. In terms of mitigating factors, you are of previous good character and are now 19. You will be 20 on 3<sup>rd</sup> October this year. At the time of the offending, you were 18. Looking at the impact of the aggravating and mitigating features I have identified, the start point would, in my judgement, be one of 9 years' custody. It is important to stress that the guidelines also require the Court to consider appropriate minimum terms, serious terrorism offences and exceptional circumstances (should they apply) as well as the impact of a finding of dangerousness as part of the sentencing procedure.
41. Having reflected on all the facts of the offence I do not find that the multiple deaths condition is met in this case and so the passing of a serious terrorism sentence is not required. All are agreed that in the circumstances where the dangerous test has been found to be met, the options open to this Court are a discretionary life sentence, an extended sentence or a special sentence for an offender of particular concern. In relation to the option of a discretionary life sentence, I adjourned sentence on 12<sup>th</sup> May 2023, so as to allow your counsel and solicitor to consider any other material there may be that might shed any more light on your conduct and mindset whilst in custody. They have had that opportunity and today made further submissions on your behalf in relation to that issue.
42. With regard to the type of sentences that have to be considered, I note what is set out in paragraph 22 of the judgment of the then Lord Chief Justice in the case of *R. v. Burinskas & Others* [(Attorney General's Reference (No.27 of 2013)) [2014] EWCA Crim 334] in relation to discretionary life sentences. I need to consider the seriousness of the offence and any previous convictions – here there are none. Perhaps most significantly in this case, I need to



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consider the level of danger to the public posed by you and whether there is a reliable estimate of the length of time you will remain a danger, and the available alternative sentences. It is important to note that since the decision in *Burkinskas*, Parliament has passed further legislation with regard to terrorist offenders as I have set out. It is also important to note the particular and unique questions that can arise with the assessment of future risks of those involved in terrorism.

43. In mitigation Mr Zahir submits in relation to the offending itself, that regard has to be had to the levels of preparation in this case and that they were not far advanced and the risk of death was very remote. On the second limb and the potential commission of an act of terrorism here, he submits the steps or acts taken were limited in scope, of limited utility and the prospect of an act of terrorism again remote. In relation to the mindset material and the on-line relationship again it is submitted that it shows a lack of maturity along with a degree of bravado in a young man. He properly relies on the fact of your chronological age and the level of maturity and that you are someone who has a very supportive family.
44. In relation to the prison records he submits that there are positive reports of changes. He submits that when detained you were an extremist. He invites caution as to frustration on your part not being seen as part of any extremism. He submits that some of the reports show your candour and willingness to openly discuss matters with prison staff. He observes that you are now an enhanced prisoner. Three periods are set out by Mr Zahir that he submits show the prison records and materials in a different light. In the course of this hearing Mr Zahir took the Court through the three periods. As I observed in the course of his submissions, it is helpful to have the full intelligence material in a case such as this where future risk is the key issue. Mr Zahir submits that the prison material supports the passing of an extended sentence rather than a life sentence. He concedes, and properly so, that you are not someone free from extremism nor that you are not dangerous. He submits the threshold for a discretionary life sentence is not passed.
45. In my judgement the prison material presents a very mixed picture. There is some material that supports the stance adopted by Mr Zahir and which is to your credit as to openness and candour, however, there is other material that pointing in the opposite direction and is of considerable concern.



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46. Having reflected on all the matters that have been set out and summarised in these remarks, and in particular on the level of danger to the public you pose and whether there is any reliable estimate of the length of time you will remain a danger, I am of the view that there must be a discretionary life sentence in this case and that is the sentence I will impose upon you. There will be a sentence of custody for life. The risks around you, albeit as a young man, are clear and concerning. The way in which you say some things to professionals and yet say the contrary to others means that there is no clear picture of when those risks may abate. That position supports the decision on dangerousness to custody for life.
47. You have pleaded guilty, and your plea warrants a reduction in the sentence that would otherwise be passed. Having reflected on the submissions made this morning, the appropriate reduction is in the region of one third.
48. Having considered what would otherwise be the appropriate categorisation of this case and the impact of the aggravating and mitigating features including age and maturity, the appropriate sentence and minimum term would be one of 9 years' custody. Allowing for your plea, a minimum term of 6 years'. As there is now no early release for terrorist offenders, the minimum term is the same as what is termed the determinate term. The days on remand, which I am told number 367 days, will count towards that sentence and so the sentence of the Court is one of custody for life with a minimum term of 6 years' less 367 days. What that means is that before you will first be considered for parole there will be a period of 6 years less 367 days. If the information which I have been provided as to the days on remand proves to be inaccurate then the prosecution or defence must notify the court so that the case can be relisted to correct the calculation as soon as possible and in any event within 56 days.
49. When it comes to the minimum term that you will serve, I make plain that I am not ordering that you are to be released at the end of it. Whether you will be released or not at that stage or at any later stage will be a matter for the Parole Board to consider. Only when the minimum term has been served can the Parole Board decide whether it is safe to release you or not. If the Board does release you, then you will remain on licence and liable to recall for the rest of your life.
50. If the statutory surcharge applies to your case, then the appropriate orders can be drawn up. I order the forfeiture under s.23 of the Terrorism Act 2000 of four items: RJB/1 a mobile



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phone, RJB/2, a laptop, RJB/23, tactical combat gloves and RJB/20 tactical combat goggles.

You will be subject to notification requirements as set out in the Counter Terrorism Act 2008.

The Recorder of London

His Honour Judge Mark Lucraft QC

Central Criminal Court.

London EC4M 7EH

2<sup>nd</sup> June 2023