



MR JUSTICE WALL

IN THE CROWN COURT AT WOOLWICH

R -V- ANJEM CHOUDARY & KHALED HUSSEIN

SENTENCING REMARKS

1. Anjem Choudary and Khaled Hussein. You can both remain seated for the first part of these remarks.
2. I have to sentence both of you for your involvement in Al Muhajiroun, a proscribed terrorist organisation. In your case, Anjem Choudary, you have been convicted of directing it and encouraging support for it. You, Khaled Hussein, have been convicted of being a member of it.
3. Al Muhajiroun was established in the latter part of the last century by Omar Bakhri Mohammed and you, Anjem Choudary. In your evidence you described its objective as being to re-establish the community (by which you meant the Islamic community) in the way done by the prophet. It was, in truth, a radical organisation intent on spreading Sharia law to as much of the world as possible using violent means where necessary. You initially played a subsidiary role to that of Omar Bakhri Mohammed who was the political and spiritual leader. However, you became the leader in his stead after he was imprisoned in the Lebanon in 2014. You remained in the role of caretaker leader until about the time of your arrest in 2023 although I accept that you were unable to direct the organisation throughout your time in custody and

thereafter on licence following your conviction for a terrorist offence in 2016. As leader, you made important decisions for the organisation such as whether it should recognise the formation of the so-called Islamic State in the Middle East in 2014. In evidence you described the establishment of Islamic State as being the most significant event of your lifetime. You also provided guidance to the members of Al Muhajiroun and encouraged them to pursue the radical aims of the organisation.

4. I am sure, as must the jury have been, that Al Muhajiroun operated under a number names both before you became the caretaker leader and thereafter. You were clear in your message that the name under which the organisation operated was irrelevant to you. What mattered was that the aims of the organisation were pursued. Your repeated use of the phrase “style and means” was evidence of that view. Attempts were made through a series of public announcements to pretend that the organisation had disbanded in or about 2004. These messages were designed to protect you or the organisation generally and were at odds with the things being said by you and others in private which proved the continued existence of the organisation up until the time of your latest arrest. One of the names under which Al Muhajiroun operated was The Islamic Thinkers Society. This organisation originated as a small New York based group which you then used to spread your message to people in America. In approximately thirty lectures to them, you encouraged them to confrontational dawah and acts of violence. Your referencing the need to terrify the enemy with scud missiles and nuclear weapons was an obvious incitement to violence as were references made by you to striking people in the neck: a phrase also used by your associate Mohammed Izzardeen in your presence to describe the fate of non-believers. You thinly disguised these exhortations to violence as lessons in Islamic theology. Your true message would have been plain to anyone who heard you and knew of your history.
5. Khaled Hussein, you became a member of Al Muhajiroun in its guise as The Islamic Thinkers Society. Your Facebook messages reveal that you had become a member by December 2020 and remained one until your arrest in the summer of 2023. It was clear from the evidence at your trial that you knew that The Islamic Thinkers Society

was a veil behind which Al Muhajiroun operated and were proud of your connections with Al Muhajiroun. It is clear that you idolised your co-defendant and were taken in by his rhetoric. You lived in Canada which limited the ways in which you could involve yourself in the organisation's activities. For example, you were not able to attend meetings in person or do dawah on the streets of the Bronx. However, you did assist Anjem Choudary in a number of ways such as by helping him to set up websites in order that he could spread his message and by performing other organisational tasks for him such as distributing magazines. You were arrested when you flew into the United Kingdom last year to meet Anjem Choudary.

6. I will sentence you first, Anjem Choudary. I will pass concurrent sentences for the two offences you have committed. Count 1 will be the lead offence. I will factor in your conviction on count 3 when I fix the length of that sentence. I will then pass a shorter concurrent term for count 3.
7. There is no Sentencing Council definitive guideline or Court of Appeal sentencing guideline authority for the offence of directing a terrorist organisation. Therefore, I must assess culpability, harm and then the starting point for my sentence with reference to the maximum sentence for the offence (which is life imprisonment), the relevant aims of sentencing (in this case punishment, the protection of the public and the reduction of crime through deterrence) and the Sentencing Council General Guideline: Overarching Principles.
8. My starting point is that this is a very serious offence. That much is shown by the maximum sentence of life imprisonment available for those who commit it. Most terrorist related offences carry a lesser maximum term. It is an offence which can risk significant loss of life. Organisations such as yours normalise violence in pursuit of an ideological cause. Their existence gives individuals the courage to commit acts which otherwise they might not do. They drive wedges between people who otherwise could and would live together in peaceful co-existence.

9. There are a number of factors which lead me to conclude that your behaviour was of the highest culpability. Your involvement in this terrorist organisation was planned and deliberate. You were a founder member of Al Muhajiroun. You willingly took over its management from Omar Bakhri Mohammed knowing that it had already been proscribed as a terrorist organisation by the Home Secretary. By the time you did so, you had been a member of the organisation for approximately 15 years including the period between 2010 and 2014 when the organisation had been proscribed. I am sure that once you took over the management of Al Muhajiroun, you played the leading role within it. You did so for an extended period of time.
10. I am equally certain that this is a case where the harm caused by your actions was of the most serious. The jury were only permitted to convict you if they were certain that Al Muhajiroun was actively engaged in terrorism while you were directing it and that you were aware of that fact. I am sure from the Agreed Facts presented to the jury at trial that Mohammed Ishtiaq Alamgir, Sajid Idris, Mohammed Hamzah Heyder Khan and Rajib Khan committed terrorist-related crimes while you were directing Al Muhajiroun. Alamgir made speeches encouraging support for Islamic State; Sajid Idris was involved in distributing terrorist publications; Heyder Khan made plans to travel to the Middle East to join Islamic State; and Rajib Khan encouraged support for Islamic State. It is noteworthy that one of those men, Muhammad Hamzah Heyder Khan, sent you a message on 7 May 2022 indicating that you were his inspiration. I can safely infer that these people acted as they did because they were members of the organisation you were directing. You knew and intended that members of your organisation would carry out acts such as they committed whether or not you were personally involved in planning any of their individual crimes. It is clear, for example, that you encouraged Hijrah to Islamic State once it had been established.
11. I have also concluded that Siddartha Dhar (whom you described in evidence as being a friend of yours) was a member of Al Muhajiroun and, as a member of the organisation you ran, travelled to the Middle East where, before his death, he was involved in beheading people in the name of Islamic State.

12. Your actions in swearing an oath of allegiance to Islamic State on behalf of Al Muhajiroun was itself a terrorist act.
13. The full extent of your role cannot accurately be determined because of the secrecy which surrounded it. Your constant boast that nobody had ever before been convicted of being a member of Al Muhajiroun is a sign of how difficult it is for the authorities to get evidence of the extent of your activity as a group. However, you were able to report back to Omar Bakhri Mohammed following his release, giving him full updates on those who had travelled to Islamic State and had died there as, in your view, martyrs. The basic position is that you founded Al Muhajiroun which then acted as a terrorist organisation. You knew this when you took it over after Omar Bakhri Mohammed was imprisoned and ran it in that knowledge. It is impossible to say which particular terrorist acts you knew of or offered specific encouragement to before they were committed but you ran an organisation which was determined to support and encourage those who carried out such activities.
14. Taken together, your actions while directing Al Muhajiroun ran the risk of causing or contributing to the deaths of very many people.
15. In addition, by running an organisation such as Al Muhajiroun, you contributed in a significant way to the fear of terrorist attack by radical Islamic organisations which then existed in this country and abroad. You also helped to undermine the attempts of many good people to foster bonds between Muslims and people of other faiths and none who then lived in the United Kingdom.
16. Based on these assessments of harm and culpability I have concluded that the proper starting point for sentence in your case is twenty-five years.
17. I have considered my starting point against the Sentencing Council definitive guidelines for the offences most closely related to this; those for preparation of a terrorist act contrary to s5 Terrorism Act 2006, and membership of a proscribed

organisation contrary to s11 Terrorism Act 2000. Neither offence is directly analogous to that under consideration and I refer to these guidelines simply to ensure that the starting point I have reached is not out of kilter with the overall sentencing scheme for terrorist offences. The s5 offence is an offence which carries a maximum of life imprisonment but is concerned with the preparation of particular acts of terrorism rather than with exercising control over a terrorist organisation. The equivalence is in the fact that each offence is aimed at someone who has a role in organising terrorism. In terms of culpability and potential harm it is, in my judgement, the closest offence to that under consideration. The s11 offence is very significantly less serious than the offence charged in this case as it carries a maximum term of 14 years' imprisonment, and criminalises the **membership** of a **proscribed organisation** (as opposed to **directing an organisation involved in terrorism**). The starting point for setting the minimum term for a s5 offence in which a defendant played a leading role in an act or acts of terrorism which risked multiple deaths is 35 years. The starting point for a s11 offence where a defendant played a leading role in a proscribed organisation is 10 years' imprisonment. Having considered these guidelines, I remain of the view that the starting point I have reached of 25 years is appropriate. It reflects the fact that you, Anjem Choudary, were front and centre in running a terrorist organisation but cannot be shown to have planned any particular act of terrorism. Your actions were designed to encourage and support those who were intent on carrying out such acts.

18. There are aggravating features to your offending. Highly relevant is your previous conviction for a terrorist offence coupled with the fact that you committed this offence while subject to a Counter Terrorism Notification Order following your release from prison. That earlier offence was one of encouraging support for Islamic State. You did that by swearing an oath of allegiance to Islamic State and delivering two lectures encouraging others to support ISIS, a terrorist organisation. I am mindful that part of the evidence against you at this trial was the oath of allegiance you swore. The relevance to this trial being that you signed it (or authorised it being signed) as the caretaker leader of Al Muhajiroun. It was thus evidence both that you directed Al Muhajiroun and that you took the important decision on behalf of that

organisation to support Islamic State. Despite the fact that you have served a sentence of imprisonment in relation to the support you gave to ISIS and Islamic State, I still regard it as appropriate to treat this conviction as an aggravating feature to your current offending - especially as you went back to your role as the director of Al Muhajiroun after release from that sentence. Your other previous convictions for dishonesty relating to an insurance document and for failing to give the required notice in advance of a public procession, pale into insignificance when viewed against your current conduct. They will not effect the length of your sentence.

19. A further aggravating factor is that you sought to groom young people into your way of thinking and into joining the organisation. That is clear from the descriptions of some of the people whom you addressed in your on-line meetings, and the meeting you arranged between a 16 year old boy, yourself and your son in the United Kingdom. You also tried to arrange for a 19 year old Bengali youth to join The Islamic Thinkers Society in New York. I do not conclude that you only targeted young people but you were prepared to encourage young men into radical activity and did so when you must have known that the appropriate course was to refuse to indoctrinate people of their ages.
20. Finally, as I have previously indicated, your sentence must reflect the other count of which you were convicted by the jury. I make only a modest upwards adjustment for this as it is closely related to your other activities as a director of Al Muihajiroun.
21. There is no mitigation which needs to be reflected in your sentence.
22. The aggravating features of the offence cause me to make an upwards adjustment to the starting point of 25 years to 28 years.
23. This being a specified offence, I must next consider whether you are a dangerous offender. I have no doubt that you are. I watched you give evidence for about a week. You are an intelligent man and a persuasive speaker to those who are open to the messages of hate which you spread. You are a man of great determination who

has continued to pursue your aims despite your previous conviction for a terrorist offence and subsequent imprisonment. You have no doubt as to the rectitude of your views. Your views are entrenched and abhorrent to most right-thinking people. It was chilling to hear as part of the evidence at trial your denial of the holocaust, and your joking about the 9/11 attacks which remarks I am sure were designed to signify approval for what happened that day in New York. I do not sentence you for holding those views but the fact that you genuinely hold such extreme views coupled with your history of unlawful behaviour is an indication of the danger you pose into the future. I am sure that you will continue to preach your message of hate and division when or if you are given the opportunity to do so in the future. You are not someone who can be diverted from that course by any form of intervention. You pose a significant risk of causing serious harm to members of the public into the future by committing further specified offences such as this.

24. I note that you were found by Mr Justice Holroyde (who sentenced you for your previous terrorist offence) to fulfil the criteria for being labelled a dangerous offender at that time. The statute then in force did not permit him to act on that finding. I am not so constrained. Having found you to be dangerous, I have concluded that I must pass on you a sentence of life imprisonment. The offences you have committed, your previous conviction and my assessment of the degree of danger you pose indefinitely into the future means that no other form of sentence, such as a determinate sentence of imprisonment or an extended sentence, would be adequate to protect the public and ensure their safety. The danger you pose is in your organisational skills and your skills as an orator rather than as a man who uses violence personally. I cannot foresee a time when you will cease to be dangerous in that way.

25. I next must set the minimum term you must serve before you can be considered for parole. I must base that on the determinate sentence I would have passed had that been the appropriate form of sentence in your case. You would have served the whole of any determinate sentence without the opportunity for release on parole. Therefore, the only deduction I need to make from the notional determinate

sentence to arrive at the proper minimum term is one for the number of days you have already spent in custody which would have been deducted from any determinate sentence but will not be deducted from the minimum term I set.

26. Anjem Choudary, stand up.

27. The sentence I pass on you on count 1 is life imprisonment with a minimum term to serve of 28 years less the time you have already served which has been calculated at 372 days. That results in a minimum term of 26 years 358 days.

28. You and the public must be aware that this is not a sentence of 28 years; it is a life sentence. You must serve every day of the minimum term I have set before you can even apply for parole. By that time you will be over 85 years old. If you then apply for parole, it will be for the parole board to decide whether you are safe to release back into the community. I cannot envisage them reaching such a decision without the most cogent evidence of a change of mindset by you. If they never form the view that you can safely be released, you will remain in prison for the rest of your life.

29. For count 3 I pass on you a concurrent sentence of 7 years imprisonment. That is a sentence based on the starting point of 6 years for an offence falling into category A3 of the relevant Sentencing Council definitive guideline uplifted by one year for the aggravating features I have already identified. It is category A culpability because of the intentional nature of the offending coupled with its persistence, and category 3 harm because there is no evidence of violent action being undertaken by anyone who listened to the lectures which lie at the heart of that offence.

30. I make a deprivation order in respect of exhibit MAR/1 which is the mobile telephone taken from you after your arrest.

31. It is not part of the sentence but I must tell you that you will be subject to the notification requirements imposed by the Counter Terrorism Act 2008 for 30 years. You are subject to those requirement already and know full well what that entails.

32. You can take him down.

33. I turn next to you, Khaled Hussein. There is a Sentencing Council definitive guideline for your offending. You fall into category B of that guideline because you were not a prominent member of the organisation which would have led me to place you into category A but you were actively providing support to Anjem Choudary and disseminating information to others such as the undercover police officers. You were involved for over two years. The starting point in your case is one of 7 years' imprisonment. I reduce that to 6 years because your activities were limited in scope.

34. There are no aggravating features to your offending save that you refused to provide the police with the PIN to your electrical equipment after your arrest. That device has never been investigated by the police because they still cannot access it.

35. There are mitigating factors. You are a man without previous convictions or police cautions here or in Canada. I have also read the testimonials provided by your mother, your siblings and your former work colleague all of whom highlight positive aspects to your character. I am sure that you were in awe of Anjem Choudary and became involved in this offence partly because of his influence over you. However, I am equally sure that you knew full well what you were getting involved in and were anxious to become ever more deeply involved in it. I have regard to the fact that the organisation of which you became a part was not proscribed in Canada, where you lived. However, it is clear from the evidence at trial that you were aware of the nature of the organisation of which you became a part and its status in the United Kingdom which made it difficult for those such as Anjem Choudary to participate openly in its activities. There is some evidence of your naivety and lack of maturity but as you did not answer police questions or go into the witness box during your trial, I have little evidence of its extent and can therefore attach little weight to this as a mitigating factor. The evidence is limited to the terms of a conversation between you and your mother in which it is clear that you were somewhat unworldly when faced with the practical difficulties of travelling to London by air on your own. I

also note the witness statement of Mary Palencia, who does not appear to have any medical qualifications, but who, along with your mother, thinks that you have ADHD. I have no medical evidence to support that contention or to explain to me the effect, if any, this might have had on your offending. I note that you had sufficient guile to be acting as you were without apparently arousing the suspicions of others who knew you well such as your mother and your work colleague, Mary Palencia. And that you had the presence of mind to travel to London with a burner phone rather than your usual mobile device, and to make plans to behave as a normal tourist would so as to cover up the true purpose of your visit which was to meet Anjem Choudary. I also bear in mind that you will have to serve this sentence in this country rather than your native Canada and that the distance from home, friends and family is likely to make this sentence more onerous for you to serve than might be the case for others.

36. Taking these factors into account I have concluded that the proper sentence in your case on count 4 is one of 5 years' imprisonment. I do not find you to be dangerous and therefore do not pass on you an extended sentence of imprisonment. However, you are to be regarded as an offender of particular concern within the meaning of s278 Sentencing Act 2020. I must therefore pass on you a special custodial sentence. This means that I must extend the period when you will be on licence after your release from custody by one year.

37. Khaled Hussein, stand up.

38. The sentence on you is one of 6 years comprising a custodial sentence of 5 years with a one year extension to your licence period. The effect of this is that you will serve a minimum of two thirds of your 5 year custodial sentence. After that, the Parole Board will decide whether you can safely be released on licence. If they do not release you at an earlier stage, you will be released as of right once you have served the whole of the custodial element of your sentence – that is, after you have served the full five years I impose today. Once you are released you will be on licence until the whole of the sentence (that is six years) has expired.

39. I make a deprivation order in respect of exhibits MRG/1 and MRG/9 which are the electronic devices seized from you after your arrest.

40. Although it does not form part of the sentence, I must tell you that the notification requirements imposed by the Counter Terrorism Act 2008 will apply to you for 15 years. Those requirements will be explained to you fully in due course.

41. You can take him down.

NOTES:

(1) The sentence on count 3 will attract a one year extension period to the licence on release (unless, as here, the defendant remains in custody at that time).

(2) Count 2 was an alternative count to count 1 so a not guilty verdict is entered on it.