

REX V. DZHAMILYA TIMAEVA

SENTENCING REMARKS

1. On 17<sup>th</sup> December 2024, you were convicted of a single offence of possessing a document or record for terrorist purposes, under the provisions in s.58 of the Terrorism Act 2000. You were acquitted of other matters you faced, and in respect of one offence where the jury were unable to reach a verdict, after review, the prosecution does not seek a retrial and so you must now be sentenced for that single offence.
2. The item you are to be sentenced for is a video found in your possession in October 2022. The video has the title: '*Incite the Believers*'. It is a video that was on your 'phone through the Telegram app you then had, and regularly used.
3. You are now aged 20, and were 17 at the date of the offence. You were born in Kazakhstan and came to the UK with your parents and brothers in 2013. As you said in the course of giving evidence, your parents have a strong and keen Chechen heritage and you have strong feelings about what has been done to the country of your parents birth and the impact on them of what they witnessed whilst they were there. In 2019, you and your family were granted refugee status and having lived in Cardiff after arrival in the UK in 2013, the family moved to Windsor.
4. You came to the attention of the police following a report to Thames Valley Police of a social media post in 2021. That related to anti-Semitic posts on social media and was dealt with by way of a community resolution disposal and you were entered into the 'Channel' program for those thought to be susceptible to radicalisation.
5. On 24<sup>th</sup> October 2022, when you were on your way to Turkey to visit family, you were stopped at Heathrow Airport. Devices in your possession were seized before you were allowed to continue to Turkey. The seized items were then reviewed. One of the items found was the video '*Incite the Believers*'. It is an ISIS or pro-ISIS propaganda film that uses computer graphics and live-streamed images to seek to inspire terrorist acts using fire: burning buildings, forests and land. It says such acts are less sophisticated than the use of

guns or explosives, easier to execute and potentially more effective at killing and damaging Western society. Parts of the video suggest potential targets, methods and concealment tactics for setting fires. The film runs for just over 4 minutes. It ends with the ISIS flag raised and with the flags of other nations in tatters behind.

6. In the course of the police interview after arrest, the video was played. You claimed it was the first time you had seen it. Voice notes found on your 'phone somewhat contradict that statement. I note too, the volume of similar material on your phone was presented in the trial on the topic of 'mindset'.
7. In the defence statement you provided you accepted downloading the video file, but said you had not watched beyond the first 11 seconds. At trial when cross-examined and the first 11 seconds played, not only was the title of the video clear but also the obvious tenor of the video can be seen from that 11 second extract alone. From the verdict of the jury it is clear they rejected the account you gave as to not knowing the contents of the video.
8. I note your age then, and that there are no previous convictions, cautions or warnings recorded against you. I have the assistance of an extremely detailed and helpful pre-sentence report dated 6<sup>th</sup> March 2025, as well as two references provided to me immediately after the hearing in January.
9. In mitigation, Mr Butler invites the Court to meet this case exceptionally by means of a conditional discharge. He has set out some compelling points in support of that headline submission drawing on the contents of the pre-sentence report, details about you, the impact on you of this case, and the steps you have taken since the case first came to light to address things going forward. If not persuaded to deal with the case that way, he suggests a Community Order would be appropriate.

#### Sentencing Guidelines.

10. Turning first to the offence specific guidelines, and considering culpability, this is a case within category C. On harm, it seems to me that when the content of the video is considered it comes within category 1. The message portrayed by the video is to give a clear list of commonly available methods of causing death and injury. The text encourages the viewer to find them and to use them against non-believers. The call to action presented in the video is one likely to result in harm or death. I do not agree with the submission made on your behalf

that this video was not instruction for specific terrorist activity endangering death and that it only contained very basic information.

11. On the guidelines, cases within C for culpability and category 1 for harm, have a start point for an adult offender of a sentence of 3 years custody and a range of sentence of between 1 and 5 years' custody. In terms of the range and where this case comes, it would likely result in a sentence just beyond the lowest part of the range of sentence – a sentence in the order of 15 months custody.
12. In light of your age, I must also have regard to, and apply the guidelines on Sentencing Children and Young People, as well as the current Imposition of Community and Custodial Sentences guidelines. In relation to the first of those guidelines, and your age and maturity at the time and the impact on culpability, there should be some reduction from the range of sentence I have set out. In my judgment a start point of 8 months custody. I have read with care the decision of the Court of Appeal in ZA [2023] EWCA Crim 596, and the approach to sentencing children and young people. In my judgment, as I observed to Mr Bulter in the course of his submissions, whichever approach one takes to considering the start point here, I would end at the same position in terms of sentence.
13. The Imposition guidelines require me to consider whether, even if the custody threshold is passed, which in my judgment it is, is it inevitable that a custodial sentence actually be passed.
14. The pre-sentence report I have mentioned indicates a clear acceptance of the impact of the case on you as well as an understanding on your part of the risk of material such as the video here, falling into the wrong hands. I note the loss of employment as a dental nurse following your conviction, as well as acknowledging the likely impact on you as an intelligent young person seeking alternative employment. I am pleased to hear that you have found employment and that you have a place for further study going forwards. The author of the report also notes positive changes to your lifestyle and thinking. Here, taking all I know about you and the facts of the case, I am of the clear view that an immediate custodial sentence is not required, nor is a suspended sentence order and I propose to impose a Community Order.
15. I am of the view that this offence is clearly serious enough to require such an order and there will be a Community Order for 24 months with a number of requirements. Firstly, there will be an unpaid work requirement of 120 hours to be completed within 12 months. Secondly, a

prohibited activity requirement for the next 24 months. What that requirement means is that for that period of time (24 months) you must not delete the usage history on any internet-enabled device used unless authorised by, and in the presence of, your supervising officer. You must also allow any such items to be inspected, upon request and such inspection may include removal of the device for inspection and installation of monitoring software. For the duration of the order (24 months) you must keep in touch with the responsible officer and act in accordance with any instruction you are given as to unpaid work or the prohibited activity requirement. If you fail to complete the unpaid work or to do it properly, or fail to cooperate with supervision, or the prohibited activity requirement, you will be in breach of the order: that means you will be brought back to the Crown Court and may be given further requirements, fined or even resented for this offence; and that could result in the imposition of custody.

16. If the statutory surcharge applies, then the appropriate order may be drawn up. I will also order the deprivation of the phone where the video was found, as well as the ‘Little Muwahideen’ booklets [Items AMC/1, 7 and 10].

Recorder of London  
His Honour Judge Mark Lucraft KC,  
Central Criminal Court  
Old Bailey, London EC4M 7EH  
March 7<sup>th</sup> 2025.