

R v Leo Walby sentencing remarks

Central Criminal Court

His Honour Judge Leonard KC

9 May 2025

1. Before moving on to my sentencing remarks, I make a deprivation order in respect of Exhibits JTM/1, JTM/2 JMT/9 JTM/21, JTM/35, JTM/38, JTM/39, & JTM/41.
2. On 2nd April 2025, at an adjourned Plea and Trial Preparation Hearing you Leo Walby pleaded guilty to six counts of disseminating a terrorist publication and one count of failure to comply with a Notice issued under s.49 of the Regulation of Investigatory Powers Act 2000. Your pleas were notified in advance of that hearing and you will receive a 25% reduction in your sentence on account of your pleas.
3. The facts of this case have been set out in detail by the prosecution in their opening note and in their opening in this court. I intend to summarise your offending without going into the same detail.
4. In short the police discovered in August 2024 that you operated a channel on the encrypted message application called Telegram. The Arabic display name translates to, 'Strangers/Brothers of those who obey Allah'. It was a public channel and had 256 subscribers. It was later set to private.
5. A number of recordings and videos were posted to this channel which demonstrated support for extreme Islamic views and included material which forms the subject matter of Counts 1 to 4 in respect of some of the material found. That material expounded ISIS ideology and encouraged Jihad, included videos of ISIS fighters in scenes of fighting and of killed American soldiers, on 11th July you sought donations to support Jihad together with a picture of a fighter, two requests were made by you for donations for 'Our sister from the camp 'al-Hol' being a reference to a camp in Syria where ISIS

fighters and families were held. You posted a propaganda video that declared that Sufis, Shia and Christians should all be executed and which declared that executions and beheadings are normal.

6. The material looked at individually and collectively constituted the clearest intention on your part to encourage others to support ISIS financially and militarily. You included a report which recited Islamic State's intention to continue the war against Shia's, 'in every place on earth'; another which extolled the virtue of those engaged in jihad describing it as the, 'pinnacle of Islam'.
7. On 20th August 2024 you began to use the seal of Mohammed and the IS flag as your logo on the channel. On 22nd August you posted a lengthy poem titled, 'A Message from a Mujahid Before His Departure' and which extolled the benefits of martyrdom in support of jihad, and fighting non-believers.
8. The police found a further account on TikTok named "@sstranger in Arabic text which had been created by you on 20th July 2024 and on which you had 1,507 followers. The capture included videos posted to the account between 12th and 23rd August 2024. By 4th September 2024 the account was no longer accessible. It is relevant that the email address associated with it included as part of the name "dawah" which translated means preaching, missionary work, propagation, call.
9. The TikTok account had 1,507 followers, had accumulated 10,800 likes from posts, and was followed by another 149 accounts. Its contents included videos supporting extreme Islamic views and which forms the subject matter of counts 5 and 6. By way of example in a videoed speech it was said that only true Martyrs fight for Allah's cause; another, against the background of videos of warfare proclaims that America's victory would be removing the Quran from the heart of Muslims and that Muslims will fight and trade their lives for paradise. You posted a video of a speech from Abdullah Yusuf Azaam, known as the father of global jihad and who had links with Osama Bin Laden, The speech included the following exhortation:

“...striking terror is an obligation in the book of Allah and Sunnah. Let the East and West know that we are terrorists and that we strike fear!
...striking terror is an obligation on the religion of Allah!”

10. There were videos of a suicide bomb being detonated and of Maher Meshaal, considered to be a martyr by ISIS supporters.
11. You were arrested on 4th October 2024 and your home in Swanley was searched. The police found, amongst other things, Laptops, desktops, and other electronic storage devices which you suggested were for repairs; a black hat with an Arabic logo which translates as ‘There is no God but Allah’, and notes you had made relating to the Islamic State.
12. When first interviewed you admitted that you had made the relevant posts on both sites because you had seen others doing it and wanted to join the trend. You understood posting this material could be illegal and that others might be encouraged by it. You said that you had been practising the Muslim faith for approximately one and a half years’.
13. Count 7 relates to a Notice given to you at interview requiring you to provide the username and password for an online storage account on your iPhone which you refused to do. An application was made to this court to require you to provide them within a stated time. Your solicitor later confirmed your instruction that the details would not be provided. In my judgment your refusal demonstrates a complete disregard for the rule of law and further causes me concern as to what you did not want the police to find on your phone.
14. You are 19 years old and were aged 18 to 19 at the time of these offences. You have previous convictions for offences of dishonesty, assault, arson, possession of a bladed article, causing intentional harassment, alarm, or distress which was racially aggravated because you called someone a “black nigger and a black cunt”. Whilst you have no previous convictions for a terrorism offence, these convictions are generally relevant when it comes to considering the appropriate sentence.

15. I have considered the Sentencing Council's Definitive Guidelines for disseminating terrorist publications. The Crown charged your offending as being reckless behaviour and therefore your offending falls into Culpability B because you were reckless as whether others would be encouraged or assisted in terrorist activity, and disseminated the publications to a large or targeted audience. Looking at the nature of the material overall it places you at the top of Culpability B.
16. In respect of Harm, the Crown submits this case falls within category 2 on the basis that the relevant publications 'provides non-specific content encouraging support for terrorist activity endangering life'. It could be argued that the material goes beyond that and could fall into Category 1, but I will give you the benefit of the doubt in that regard. The starting point for a single offence is 4 years' imprisonment, with the category range being 3-5 years'. Here I have to deal with multiple offences and the use of two separate sites.
17. I find the following aggravating factors:
 - (a) Your previous convictions although they were committed in 2020 and 2022 when you were very young;;
 - (b) The deliberate use of encrypted communications on Telegram to facilitate the commission of the offence and/or avoid or impede detection albeit that this is commonplace.
 - (c) The significant volume of terrorist publications published or disseminated. This factor will be taken into account when I consider the appropriate sentence for the multiple counts you face which in themselves are only examples of the content of both sites.
 - (d) You used two social media platforms to reach a wider audience, the TikTok account having been banned due to its content. When you were also banned from Telegram you created a new account to which you directed others. Your use of these social media platforms was

persistent despite the implicit warnings from the sites that you had used;

(e) You attempted to disguise your identity to prevent detection by the use of pseudonyms which is also common;

18. I have considered your mitigation. The most relevant factor is your age. I have considered the Sentencing Council's Overarching Guidelines for Children and Young Persons even though you were over 18 at the time but because it is well understood that male maturity may not be fully developed until their 20's. However your offending does not show the sort of naivete which is associated with youth offending. You changed your religion to follow the Muslim faith, and what you did to post the material was carefully and intelligently planned. I will make some small reduction on account of age and a reduction to reflect that you will on any view be serving a long sentence at a young age.
19. Turning to your failure to comply with the RIPA Notice, I consider this to be a serious offence in itself and one which must attract a consecutive sentence. It was a deliberate decision on your part when you knew you were being investigated for terrorism offences and I can only conclude that you knew that there was material on the iPhone which would further incriminate you especially where there is evidence of a mega storage account being on your phone to which the police have been denied access. In my judgment the appropriate sentence having considered the nature of your offending and your previous convictions for this offence would be one of 18 months before considering mitigating factors including your age, and before considering totality.
20. In considering the appropriate sentence I have had regard to. R. v. Cutler & Others [2011] EWCA Crim 2781 and R. v. Padellec [2012] EWCA Crim 1956.
21. Looking at your general mitigation I take into account

- (a) You expressed regret from the moment you were interviewed. I have to consider that against the fact that you did not disclose the PIN number of your phone; regret should have led to absolute transparency in what you had done;
 - (b) You had voluntarily ceased your activities prior to your arrest which only lasted a month;
 - (c) You left school at 13 because of your bad behaviour and that led to your rash of offending;
 - (d) You ceased your offending when you converted to Islam because it was a peaceful religion. It is hard to explain how you became sucked in to the extremism, but you did. It is even harder to understand why you went on to disseminate the material which you viewed;
 - (e) You have been assessed as having mild autism;
22. I have considered whether the dangerousness provisions apply to you but I have decided that they do not.
23. The Court must impose a required special custodial sentence for certain offenders of particular concern, pursuant to s.265 of the Sentencing Act 2020.
24. if the statutory surcharge applies, then the appropriate order may be drawn up.
25. The offences are so serious that only a custodial sentence can be justified and the least possible sentence I can impose having regard to the aggravating and mitigating factors of the case which I have set out together with everything that your counsel has said on your behalf is as follows:-
26. On count 7 you will serve 12 months' in custody. You will serve half of this sentence before you are released, and when you are released you will remain

on licence for the rest of the sentence, and at risk of being recalled to prison should you breach the terms of your licence or offend again.

27. Consecutively to that sentence and when that sentence is completed, on Counts 1-6 you will serve a total sentence of 4½ years' concurrent on each of those counts, that is a custodial term of 3½ years' and an extended licence term of 12 months.
28. You will serve two-thirds of your custodial term of 3½ years' in custody before your case is referred to the Parole Board for consideration of whether and on what terms it is safe for you to be released. You may be released at the direction of the Parole Board at some point not later than the end of the custodial term. You will then serve the remainder of the custodial term (if any) and an additional 12 months in the community on conditional licence and subject to supervision. You must abide by the conditions of your release, or you will be liable to serve the remainder of the sentence in custody.
29. The days which you have spent on remand in custody will automatically count towards your sentence.