

IN THE CENTRAL CRIMINAL COURT

R

v

TPD

**SENTENCING REMARKS**

HHJ REBECCA TROWLER KC

2.10.25

**Anonymity**

1. On the 27<sup>th</sup> November 2023 the High Court made an order granting anonymity to this Defendant, prohibiting the publication of anything that would tend to identify him as being subject to a TPIM notice, or would identify the address or locality where he resides, or would tend to identify his parents or siblings, and directing that for the purposes of those proceedings he be identified only as “TPD”. On 14 March 2025, in these criminal proceedings, Cheema-Grubb J ordered that the Defendant’s name be withheld from the public and he should be known and referred to in these proceedings as “TPD”. The reason for that Order was that without it the order of the High Court would be frustrated and rendered of no effect, and the administration of justice would thereby be seriously affected. The Order of Cheema-Grubb J remains in force.

**Sentencing Comments**

2. TPD you may remain seated until I say otherwise. My sentencing comments will take some time to deliver. Later today I will provide them to your lawyers in writing so that you and they may fully understand the reasons for the sentences that I will shortly pass.
3. You have pleaded guilty to four offences of contravening a Terrorism Prevention and Investigation Measures Notice, contrary to s. 23 of the Terrorism, Prevention and Investigation Measures Act 2011.

4. I must now sentence you for these offences
5. The background to these offences is that on 28 June 2019 you were sentenced to 6 years' detention in a young offenders' institution, comprising of a custodial term of 5 years and an extended licence, having been convicted of offences committed in 2016 to 2017, namely: two offences of preparation of terrorist acts, you having purchased a large hunting knife with intent to commit a robbery to finance terrorism by travelling abroad, and having assisted another person to travel to Libya to fight for IS; four offences of distributing or circulating a terrorist publication, you having sent via Telegram an execution clip from an IS publication and images of a similar nature; one offence of collecting information useful to a person engaged in terrorism, you having been in possession of a video issued by the IS media team, containing attack demonstrations and a section on how to make a bomb. The sentencing judge found that you intended the material distributed to encourage terrorism, rather than being merely reckless.
6. On 1 December 2023, on expiry of that custodial sentence, you were served with a TPIM Notice and the full schedule of measures was read to you. They were read to you again in November 2024 when the TPIM Notice was renewed. That Notice prohibited you from meeting any person (save for limited exceptions) without providing the Home Office with two days' notice of the person and the intended time and location of the meeting, unless the meeting is by chance, in which case you were required not to prolong it and to end it as soon as possible.
7. In 2024 you were served with breach notices for failing to attend appointments with your practical mentor on time, for attending a job interview and another premises without notice to the Home Office. These alleged breaches were not prosecuted, and I do not treat these instances as proved, but I note that the importance of compliance was emphasised to you on those occasions.

8. In January and February 2025, you met with two men, O and H, who are Syrian nationals seeking asylum in UK since September 2024. They have each since been arrested on suspicion of supporting a proscribed organisation, namely IS. Media depicting Islamist militancy was retrieved from their mobile phones.
9. On the first occasion, 3<sup>rd</sup> January, you were in company of O for 28 minutes. You walked together from the local Islamic Centre, past your home address, past the hotel where O was living, entered a Café and stood in the queue talking with him, before ordering him a drink. Whilst in the queue O showed something on his phone to you. You then walked back to nearby the location of the hotel where you then parted company.
10. On 31<sup>st</sup> January you were in the company of O for 10 minutes, walking from the Islamic Centre, past your home address and to nearby the hotel where O was living. During that period you were again in conversation.
11. On 9 February, you were in company of H for a total of 28 minutes, walking from the Islamic Centre together to nearby the hotel where he also lived, where you stood talking for around 10 minutes, during which time H showed you something on his phone. There is also evidence that on 9th February you gave your phone number to H who stored it in his phone and made an outgoing call to your phone, thereby giving you his number.
12. Finally, on 15<sup>th</sup> February you left the Islamic Centre with both O and H at 13:34, accompanied them to the hotel with a fourth male for part of the way, then sat down in the bar area of the hotel with O and H for about 19 minutes, before leaving at around 14:12. Having viewed the CCTV myself, I accept that O and H encouraged you to go into the hotel with words and gestures, however you would have known very well that this was to be a contravention of the Notice.

13. These meetings breached the Association Measures of the TPIM Notice. You had not notified the Home Office in advance and, in any event, the encounters were not ended as soon as possible.
14. Later on 15<sup>th</sup> February, you emailed your Home Office contact requesting that two people be added to the approved list of persons you were permitted to meet, stating that they tended to gravitate towards you when attending your local mosque.
15. Neither the Sentencing Council, nor the Court of Appeal, have issued guidelines for the offence of contravening a TPIM Notice. In those circumstances, as part of the sentencing exercise, I have considered an analogous guideline, namely the Sentencing Council's Guideline in relation to breach of a Criminal Behaviour Order which, like the offence of breaching a TPIM Notice, carries a maximum sentence of 5 years imprisonment. In doing so, I keep in mind not only the features of both offences which are similar, but also differences between the two.
16. I am satisfied so that I am sure that these contraventions were deliberate. The 4<sup>th</sup> contravention on 15<sup>th</sup> February was also serious, you having entered and socialised in the hotel. Having regard to the culpability factors identified in the CBO breach Guideline, this would for those factors alone be a culpability B case. However, you contravened the TPIM Notice on four occasions over a period of several weeks and, for that reason, your offending may properly be described as persistent and falls squarely into culpability Category A.
17. These contraventions did not in fact lead to any actual harm. However, that is not the only consideration in relation to harm. I must also consider the risk of harm created by your offending. In all the circumstances of this case, including the risks inherent in the contravention of a TPIM Notice which is designed to prevent terrorism (unlike a Criminal Behavior Order), taken together with the fact that O and H between them had access to media depicting Islamist militancy, in my view these contraventions gave

rise to a risk of serious criminal behavior. That being the case, your offending would fall into harm Category 1 of the CBO Guideline, leading to a starting point for sentencing of 2 years imprisonment. I adopt a starting point of 2 years in your case.

18. I note that in addition to the previous offences I have already mentioned, while serving the sentence imposed in 2019 you committed an offence of assault occasioning actual bodily harm for which you were sentenced to 20 weeks' imprisonment to run consecutively to your existing sentence.

19. Both the fact of all your previous convictions and the fact that you were effectively warned following the previous alleged breaches, emphasising the importance of compliance, makes this current offending more serious. The aggravation provided by the latter is though in my view limited by reason of the fact that you did take steps to notify the Home Office of your association with O and A on 15<sup>th</sup> February, albeit far too late.

20. You are now 26 years old. I am urged to reduce your sentence to reflect the simple fact your age. I reject that submission. Whilst you are a relatively young man, you are squarely in adulthood, beyond the age at which the Courts will discount a sentence for age alone.

21. I am also urged to reduce your sentence by reason of the simple fact that the Measures imposed by the TPIM Notice generally were highly restrictive. There is no question that this is so, but in my view this cannot by itself amount to mitigation of the offences because substantial restrictions result from many if not all TPIM Notices.

22. However, I must and I do have regard to such mitigation as there is in your case.

23. I have read and take account of the report of psychologist Dr Robert Halsey, the report of Professor Robert Gleave, the witness statement of Imam Shafi and the witness statement of your sister.

24. Firstly, there is evidence before the Court that you have demonstrated to your theological and ideological mentor that you have made very considerable and apparently authentic progress in moving away from extremist ideology.
25. Secondly, I have regard to the fact that these offences were committed during a very difficult period in your life, namely following your father's informal diagnosis of pancreatic cancer in October 2024 and confirmation on 28<sup>th</sup> November that his cancer was incurable. I accept that this affected you to a considerable degree, as did the fact that, due to the TPIM Notice, you were unable to see him and other members of your family during that period as often as or for as long as you wished to.
26. In that regard, Dr Halsey is of the opinion that you were suffering from some depression and anxiety which may have reduced your capacity to think clearly, make rational choices and exercise proper judgement and that you may not have offended if you had not been so affected.
27. I have had regard to the Overarching Guideline for Sentencing Offenders with Mental Disorders, Developmental Disorders or Neurological Impairments in light of the expert evidence before the Court. The guideline provides that culpability may be reduced by reason of a disorder only if there is sufficient connection between the offender's disorder and the offending behaviour. Having considered this with care, I take the view that there may be some, albeit limited, connection in the way described by Dr H.
28. I also have regard to the fact that you were unable to attend your father's funeral, albeit that you attended his body on the morning of the funeral, and you are currently diagnosed with a mixed depressive and anxiety disorder and some symptoms of PTSD.

29. Balancing the aggravating and mitigating factors in your case, in my view the starting point of 2 years falls to be adjusted downwards to 20 months before credit for your guilty pleas.

30. I give you 25% credit for your guilty pleas. Although you initially pleaded not guilty at the PTPH on 6<sup>th</sup> June 2025, you changed your pleas to Guilty the same day, enabling the proceedings to move forward towards sentencing from that day forward.

31. Notwithstanding the mitigation in your case and your guilty pleas, the seriousness of these offences comfortably crosses the custody threshold and no sentence other than a custodial sentence would be appropriate. The sentences I pass are the shortest commensurate with the seriousness of the offences. The sentences will be concurrent. This is because in determining the appropriate length of the sentences I have already taken account of the persistent nature of the offending.

### *Sentences*

32. Please stand up. In relation to each offence, I impose 15 months imprisonment, concurrent. That makes a total of 15 months imprisonment. As these offences fall within s.278 of the SA 2020, I am required by that section to impose on you a special custodial sentence for offenders of particular concern which will combine the custodial period I have referred to and an extended licence period of one year. This means that I impose a custodial term of 15 months together with further licence period of 1 year. The effect of this is that you will serve two-thirds of your total custodial term in custody (10 months) 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. Whatever view the Parole Board takes, you will be entitled to release as of right no later than the end of the custodial term of 15 months. At whatever point you are released you will then serve the remainder of the custodial term (if any) and the additional licence period in the community on licence and subject to supervision. You must abide by the

conditions of your release, or you will be liable to serve the full sentence in custody.

33. In light of the nature of these offences and the sentence I have passed the automatic terrorism notification requirements will apply and the relevant notification period will automatically be 10 years.

34. I also make a Serious Crime Prevention Order pursuant to s. 19 of the Serious Crime Act 2007 in the terms set out in the draft Order before the Court, for a duration of 3 years. I make that Order being satisfied that there are reasonable grounds to believe that the Order would protect the public by preventing, restricting or disrupting involvement by you in serious crime, and that the Order, its terms and duration, are both necessary and proportionate. In reaching that view I have taken into account that in May 2025 the TPIM Notice was revoked and the measures under that Notice are no longer in place. If and when the Secretary of State considers reinstating the TPIM Notice, consideration would inevitably also be given to the terms of the Order I make today.

35. The victim surcharge applies and the relevant order should be drawn up

36. Please take D downstairs.