



JUDICIARY OF
ENGLAND AND WALES

**Sentencing remarks of His Honour Judge Anthony Russell QC, Recorder of
Preston**

R v Craig Allan Slee

Preston Crown Court

18th January 2013

You are 42 years of age and are to be sentenced by this court for 4 offences of disseminating a terrorist publication to which you had initially pleaded “Not Guilty”, but 3 weeks before the case was to be tried you changed your pleas to “Guilty”. You are also to be sentenced for one offence of possession of a prohibited weapon in the form of a CS Gas Spray to which you pleaded guilty at the Plea and Case Management Hearing.

The offences of disseminating a terrorist publication are contrary to Section 2 of the Terrorism Act 2006. The first three counts relate to video clips which you posted as links from a Facebook account which you set up in the name of Hashim X Shakur. The fourth count relates to a text document entitled “Communiqué from Al Qaida in the Islamic Maghreb: to our Fellow Muslims in Tunisia” also posted on the Facebook account.

You set up the Facebook account in March 2011. On the account holder page was a picture of you with a scarf to mask your face. No privacy settings were applied, with the result that the material posted on it was accessible to anyone with an Internet connection and a Facebook account. This means that you posted the material in such a way that millions of people could gain access to it.

Count 1 concerns a video entitled “The Execution of American Soldier Nick Berg”. This video records the beheading of Nick Berg an American who was captured during the Iraq conflict. The execution was carried out by Al Zarqawi a senior Al-Qaida figure in Iraq, who is believed to have been responsible for numerous acts of terrorism including bombings and beheadings. The video also contains footage of the beheading of an unknown man who is referred to as the “slaughtering of one of the spies who inform about the explosive devices south of Mosul”. This is followed by footage of the beheading of an Iraqi Army major, referred to as an Iraqi Army criminal.

Count 2 concerns a video which depicts men in Islamic dress armed with machine guns attacking vehicles by firing on them. There are references to fighting the Americans and targeting vehicles of Jews and Christians who are referred to as enemies who invaded Afghanistan unjustly. There are numerous references to Jihad. This video footage is clearly intended to glorify terrorism and encourage people to engage in terrorism.

Count 3 contains similar references and shows armed Mujahideen firing weapons including mortars in terrorist attacks and firing at a helicopter. It shows the assembling of an explosive device. There are several references to martyrdom, destroying Jews and Christians. This is clearly another promotional video glorifying terrorist acts and encouraging others to join.

Finally Count 4 concerns the document entitled "Communiqué from Al Qaida in the Islamic Maghreb: to our Fellow Muslims in Tunisia". This refers to the rebellion in Tunisia as a jihad and suggests that an apostate regime remains in power, that the rebels should remain prepared and not lay down their weapons until the true religion and Islamic Law are reinstated. Americans and French people are referred to as "Crusaders". Again this document is clearly encouraging people to help the cause of Islam.

It has been necessary for me to watch these video clips. The content, particularly that of Count 1, is horrific and disgusting. It beggars belief that anyone can have an interest in such material which reveals a shocking and barbaric depravity and complete absence of any degree of humanity. There is no doubt that this and the other videos have been created in order to encourage people to rally to the terrorist cause, however difficult it is to comprehend that such material would have that result except for the most perverted of minds. This material is intended to glorify acts of terrorism and encourage recruits and I am satisfied that that was your object in disseminating it.

In my judgement this is a very serious case of its kind. I have considered the case of Regina v Abdul Rahman and Bilal Mohammed [2008] EWCA Crim 1465 in which the Court of Appeal Criminal Division presided over by the then Lord Chief Justice, Lord Phillips of Worth Matravers, gave some guidance as to the approach to sentencing for this type of offence.

Whether the defendant intended dissemination of the material or was merely reckless is a factor to be taken into account. The investigation revealed that you have also linked up with other apparently Jihadist Facebook accounts. There are numerous anti-Israel and anti-American items on your computer. Analysis of the computer revealed searches by you showing your interest in extreme Islamist issues and violence. I am quite satisfied that the evidence establishes a deliberate intention on your part to disseminate the material – this is not a case of recklessness.

The Court of Appeal stated that sentences for this kind of offence may take into account deterrence and I consider that in the circumstances of this case that is appropriate.

The nature of the material is clearly significant – this is material which shows extreme violence and which is intended to glorify acts of terrorism. The quantity of material disseminated is also important – there are 4 counts and some of the items are extensive. It must also be significant that the manner in which this material was disseminated by you was such, by using a very accessible social networking site, that you intended it to be widely available.

The maximum sentence for these offences is 7 years imprisonment. It is appropriate for the sentences to be concurrent.

The offence of possession of a prohibited weapon is an offence of a different nature. The CS gas canister was labelled "Self Defender" and contained CS gas. It was in working order, capable of discharging gas. The maximum sentence for this offence is 10 years imprisonment. Given the nature of this weapon a relatively short sentence of imprisonment would be appropriate and it would be appropriate to order it to run consecutively. However the court must also take into account the totality of the sentence.

I have considered with care both the pre-sentence report and the psychiatric report. It seems likely that your extensive drug abuse, referred to in the psychiatric report and as revealed in your previous convictions, has had some influence on your behaviour, but there is no indication of any serious mental illness or personality disorder which justifies any approach to this case other than to impose a sentence of imprisonment.

In mitigation it has been submitted that I should take account of the fact that there was no intention on your part to commit an act of terrorism, and that you did not have the means to do so. However the gravamen of this offence is the dissemination of material which might encourage others to do so. It has also been submitted that your interest in Islam and the extreme form of it may have been instilled in you by others, but as has been rightly conceded this is a circular argument because your conduct may well have had the same effect on others. It is appropriate to note that the material you disseminated was gathered from other sites.

It has been submitted that your case is on all fours with the case of Regina v Mohammed Gul [2012] EWCA Crim 280 in which sentences of 5 years after a trial were upheld. Although the material in Counts 2, 3 and 4 appears to be very similar to that in Gul the terrible videos of beheading did not feature in that case, and in my judgment that means that this case is a more serious one than Gul.

Your pleas of guilty to Counts 1 to 4 were entered at a relatively late stage in the proceedings a few weeks before the case was to be tried. I shall give some credit for the pleas in accordance with the Guidelines.

Had you been convicted of the Terrorism Act offences in Counts 1 to 4 after a trial the sentence would have been one of 6 years imprisonment. I shall reduce that to 5 years imprisonment to give credit for your pleas of guilty. That will be five years imprisonment on each of Counts 1 to 4 concurrent.

For the offence of possession of a prohibited weapon, Count 5, there will be a sentence of 8 months imprisonment, which will be a concurrent sentence to take account of totality.

That means that the overall sentence is one of 5 years imprisonment. I direct that any days served on remand will count towards that sentence.

The computer and CS gas canister seized will be forfeited for destruction.

By virtue of the sentences imposed you are now subject to the notification requirements of the Counter Terrorism Act 2008 – as I understand the provisions you will be subject to those requirements for a period of 15 years.