



JUDICIARY OF  
ENGLAND AND WALES

**CENTRAL CRIMINAL COURT**

**10 JUNE 2013**

**R**

**-v-**

**OMAR KHAN AND OTHERS**

**SENTENCING REMARKS OF HIS HONOUR JUDGE HILLIARD Q C.**

1. Each Defendant has pleaded guilty to an offence of engaging in conduct in preparation for committing an act of terrorism, contrary to section 5 of the Terrorism Act 2006. Terrorism in this case means the use of action involving serious violence against the person for the purpose of advancing a religious or ideological cause. Each of you planned an attack which was to take place on 30<sup>th</sup> June 2012. Your intended victims were those attending a rally of the English Defence League in Dewsbury town centre. Your motive was, to use your own words, “retaliation for your blasphemy of ALLAH and HIS Messenger Muhammad.” The means you chose were an improvised explosive device containing 359 nails and 93 ball bearings; 2 sawn-off

shotguns and 9 rounds of ammunition; 2 machetes, 2 swords and 6 knives. Efforts had been made to sharpen some of these last items. Your ages range between 22 and 28 years.

2. How was it that you became involved in a crime of this gravity? At least part of the answer to that question must lie in the tide of apparently freely available extremist material in which most of you had immersed yourselves. In my judgment, this aspect of the case has a continuing significance. It demonstrates, in the words of the prosecution, a close and committed interest in extreme Islamist ideology with an emphasis on jihad and violent retribution. The extent and degree of that commitment, as evidenced by the facts of this case, are such that in my judgment it will be a long time before you are truly free from it, assuming that that is your desire. I am satisfied from its nature that it extends well beyond a preoccupation with the EDL, although it was their profile which made them the object of your plans.
  
3. The material concerned was discovered in the course of a thorough and painstaking investigation by the police. The following examples are sufficient for present purposes. At your home, Omar Khan, in relation to digital material, police officers recovered 317 relevant files spread across an MP3 player and a number of CDs. 15 contained extreme ideological material. An audio lecture was to the effect that whoever insults the Prophet Mohammed should be killed.

4. On Jewel Uddin's mobile telephone were a number of files containing ideological material, including one where the speaker said that it was right to wage war against the unbeliever. The kind of war is illustrated by motivational chants which were also recovered and which were interspersed with the sounds of gunfire. You collected some basic component parts of a pipe bomb, having seen instructions in Inspire magazine, edition 1, online, but did not complete its manufacture.
  
5. 859 files recovered from Mohammed Hasseen's home address contained extreme ideological material including an invitation to young people to fight in the West or join their brothers in the fronts of jihad - Afghanistan, Iraq and Somalia. A digital copy of Inspire magazine contained the instructions I have referred to for making a pipe bomb. Video film showed a bomb factory, weapons being fired, improvised explosive devices being prepared and a man apparently putting on a suicide vest. You say that you were holding some of the devices which contained this material for other people. Your possession of Inspire magazine is reflected in Count 2 which charges an offence contrary to Section 58 (1) (b) of the Terrorism Act 2000 and to which you have pleaded Guilty.
  
6. At Mohammed Saud's home were 75 files containing extreme ideological material. This included video footage of the construction and detonation of

improvised explosive devices, and extracts of speech by a cleric with gunfire in the background. You told the author of your pre-sentence report that you had viewed Inspire magazine online.

7. Zohaib Ahmed was in possession of 203 files containing extreme material, including lectures to the effect that non - Muslims who refused to submit to Islam should be killed, and guidelines for a would-be terrorist as to how to plan and prepare an attack. A video file showed hooded figures placing a roadside IED.
8. In Anzal Hussain's home was a pamphlet entitled "In defence of the Prophet", the same title as was chosen for the document in which the Defendants intended to publicise the motivation behind events on the 30<sup>th</sup> June. A CD contained chants and the sound of automatic gunfire. You had a fraction of the material some others had. I am sure nonetheless that you were motivated by the same considerations as your co-accused. That is why you engaged in these preparations and allied yourself with others who were steeped in this material which extends, as I have said, far beyond a concern simply with the EDL.
9. Extreme material of this kind is not difficult either to obtain or to share. In this case, it can only have served to reinforce the defendants' resolve to behave in the hideous way that was planned.

10. The evidence reveals that preparatory steps were taken for at least 8 weeks. At any time, any one of you could have thought better of it, but it is a measure of your commitment that none of you did so. Mohammed Saud says that the plans were only revealed to him on 3<sup>rd</sup> June. Even so, there was ample opportunity to relent if he had wanted to.
  
11. On 3<sup>rd</sup> May 2012, Zohaib Ahmed viewed the website of a company which stocked a brand of firework which was adapted to make the viable IED which was taken to Dewsbury. I am sure that this was an incident in the preparations which were to lead to Dewsbury on 30<sup>th</sup> June. On 11<sup>th</sup> June 2012, your computer searched under the term “ Fireworks”. I draw the same inference. No other has been suggested.
  
12. Later in May, Omar Khan applied for financial loans. In a notepad at his address was written “Next month get a loan and then do Act ASAP.” In general terms, money was of course needed to finance the preparations and for the aftermath of these events if the Defendants escaped capture. You did not intend to martyr yourselves.
  
13. Mohammed Hasseen also tried to obtain loans.

14. Jewel Uddin had in his possession a document which gave advice on making fraudulent loan applications.
  
15. On 1<sup>st</sup> June 2012, the Renault Laguna which was used to transport the weapons on 30<sup>th</sup> June was purchased by a man calling himself Mohammed Habibullah but giving Mohammed Hasseen's telephone number. The vehicle was then registered in a false name and insured on two occasions. First, on 9<sup>th</sup> June 2012 for 24 hours. On 9<sup>th</sup> June an EDL rally was held in Rochdale. Whether any of you did in fact travel to Rochdale on that day is not known but I am sure that the group did at least contemplate going there for reconnaissance purposes. The vehicle was also insured on 29<sup>th</sup> June for a short period. Mohammed Hasseen accepts that he paid for the insurance on each occasion using Mohammed Saud's details . The certificate for 9<sup>th</sup> June was found at Jewel Uddin's home address. For the second period of insurance , the contact e-mail address provided was the same one as Mohammed Hasseen had used in applying for a loan on the 29<sup>th</sup> May. On 29<sup>th</sup> June, one numeral in the registration number was inputted incorrectly with the result that the Renault Laguna was not in fact insured. As sometimes happens, such a small mistake was to lead to the defendants' detection. The other vehicle involved on 30<sup>th</sup> June, a Rover 25, was purchased on 29<sup>th</sup> June by Mohammed Hasseen. Omar Khan and Jewel Uddin were seen in the vehicle minutes after its purchase .

16. On the 12<sup>th</sup> June, Jewel Uddin and Mohammed Hasseen had travelled to Dewsbury. The visit was for the purpose of reconnaissance in advance of the 30<sup>th</sup> June EDL rally.
  
17. The computer found at Zohaib Ahmed's address conducted internet searches for the EDL, Rochdale and Dewsbury on 11<sup>th</sup> June. YouTube videos showing the EDL Rochdale demonstration on 9<sup>th</sup> June were viewed on 11<sup>th</sup> June on the same computer. On the 11<sup>th</sup> June Mohammed Hasseen also viewed web pages relating to the EDL. The computer found at Mohammed Saud's home had been used on 30<sup>th</sup> June in searches for the EDL, Dewsbury Town Hall and for success in battle and jihad . The evidence demonstrates that the 5 who went to Dewsbury were all at the address at the time.
  
18. Khan and Uddin accept making the viable IED. This was a very significant responsibility. On the 25<sup>th</sup> June, they bought pairs of gloves and a set of knives which were recovered in due course from the boot of the Renault Laguna.
  
19. Mohammed Saud obtained the machetes and swords. Anzal Hussain obtained the sawn-off shotguns, a particularly serious addition to the collection.

20. On 30<sup>th</sup> June, the 5 Defendants who travelled from Birmingham to Dewsbury discarded their mobile telephones to avoid their movements being tracked . The Renault Laguna and the Rover 25 travelled in convoy to Dewsbury. They were seen in the town centre at 4:16 pm.
  
21. In due course when the Renault was examined, there was a CD in the CD player entitled "The dust will never settle." Jewel Uddin's fingerprints were on it. It included a lecture exhorting murderous retribution against those perceived to have insulted the Prophet Mohammed. Other CDs in the vehicle contained equally extreme material.
  
22. At 4:25 pm. on 30<sup>th</sup> June, the Rover was seen at the railway station car park. That was the assembly point for the demonstration as advertised by the EDL on their website. In fact, it had ended earlier than anticipated and the crowd had dispersed by about 2:30 pm. Providentially, the Defendants had arrived too late to put their plan into effect. There is, however, no reason to suppose that a further attempt would not have been made at some time in the future had the defendants not been apprehended. I regard it as inconceivable that your resolve would have evaporated.
  
23. After visits to a mosque and a fish and chip shop, the two vehicles returned towards Birmingham. Shortly after 6 pm., the Renault was stopped by police. The occupants were Omar Khan and Jewel Uddin. The vehicle was showing



as uninsured on the police national computer. At first, Khan gave his name as Mohammed Habibullah, the name which had been used to purchase the vehicle. Later he did give his true name but the police decided to impound the vehicle. Khan and Uddin bought train tickets to Birmingham. Khan was seen to have large bundles of cash. The Rover arrived back in Birmingham later the same evening.

24. The impounded Renault was searched the next day. In the boot was found the weaponry I have already described. In addition, there were 10 copies of the document entitled "Operation: In defence of the Prophet Muhammad." Zohaib Ahmed wrote this document. It was printed at Mohammed Hasseen's address. One paragraph was addressed to the, and I quote, "EDL (English Drunkards League): O Enemies of ALLAH! We have heard and seen you openly insulting the final messenger of ALLAH ... You should know that for every action there is a reaction. Today is a day of retaliation (especially) for your blasphemy of ALLAH and HIS Messenger Muhammad ... we love death more than you love life. The penalty for blasphemy (of ALLAH and HIS Messenger Muhammad) is death ... what we did today was a direct retaliation of your insulting of the Prophet Muhammad ... and also in retaliation of your crusade against Islam/Muslims on a global scale. It is of the greatest honour for us to do what we did and we call upon the Muslim Youth to rise up and defend the honour of ALLAH and HIS Messenger."

25. Had you managed to put your plan into effect, I am sure that that is how you all viewed it at the time and how you would have sought to publicise it. The extravagant language reflects your misguided views. When you were arrested in early July 2012, each of you made no comment when interviewed. Subsequently, in defence statements submitted in February 2013, you were to claim that what you did amounted to lawful preparation for action in reasonable self-defence or defence of others and Not Guilty pleas were entered on 22<sup>nd</sup> February 2013. More recently, you have accepted by your pleas of Guilty that that cannot be the case. Those pleas of Guilty were entered on the 30<sup>th</sup> April 2013.
26. The principal and only viable IED consisted of a cardboard firework tube with a cone. It contained the explosive content of at least 2 fireworks and significantly, 359 nails and 93 ball bearings. An expert concluded that if the fuse had been lit, and the device had exploded, hot shrapnel would have been projected at high velocity. The expert could only think of one reason for the addition of the nails and ball bearings, namely to increase the likelihood of serious injury being caused. No other has been suggested. Whatever the reason for abandoning the preparations for a pipe bomb, its substitute was a horrible weapon. There was no question, the expert concluded, but that if the device had been ignited an explosion would have occurred. The effective range was anticipated to be in the order of perhaps a few tens of metres, maybe less. If initiated in a crowded, confined space, serious, possibly fatal,

injuries were to be expected. I accept the impossibility of predicting its precise point of explosion with accuracy but that only underlines the indiscriminate nature of such a device.

27. In the boot were also the component parts of a pipe bomb along the lines of instructions contained within the magazine Inspire, edition 1. It was Jewel Uddin who began to construct such an item in this case. Zohaib Ahmed had also been in possession of a digital copy of Inspire 1 in July 2011. This had formed the subject of one of a number of charges he faced of possessing information likely to have been useful to a person preparing or committing an act of terrorism. On 22<sup>nd</sup> June 2012, he had been released on bail by the magistrates court when his case was sent to the Crown Court .
28. Inspire 1 contains a shocking mixture of extreme ideological material and practical instruction, including how to make an explosive device. It emphasises the importance of including shrapnel and says that the device should be placed in a crowded area.
29. Although in less than perfect condition, both shotguns were in working order and the ammunition was suitable for use in them. One of the shotguns required lubrication to function when it was examined 7 months or so later. I am sure that you would not have bought it or taken it with you unless the cocking mechanism was then in working order or you would have replaced it.

30. Fingerprint evidence connects each Defendant with the contents of the Renault. In particular, Khan can be connected with tape on the viable IED; Hasseen with the plastic bag in which it was wrapped, on one of the swords and on copies of the leaflet "Operation: In defence of the Prophet."
31. Mohammed Hasseen was with Omar Khan when Khan telephoned to ask about recovering property from the car on 3<sup>rd</sup> July.
32. I ordered pre-sentence reports in the case of each Defendant to assist me with the question of the future risk which each of you may pose. Each of you is presently assessed as posing a high level of risk to the general public. As it happens, the reports also provided an indication which had never been given before of the roles which each of you played. But in addition, in a case such as this, reports provide a Judge with direct access to what a Defendant is saying about their attitude to what they have done. And it is right to record that each of you does not now seek to justify what you did and expresses remorse for it – that is very important.
33. There were indications of a failure by some of you, even at the stage when the reports were prepared, to acknowledge the full extent of what you intended, claiming instead that you intended only to instil fear or to cause minor harm. I must of course examine what you said for the purposes of the

pre-sentence reports with care. I cannot always take it at face value as this example demonstrates. But that stance has not been maintained during this sentencing hearing. I sentence you in accordance with the earlier written basis of plea that your intention was to engage in a violent confrontation with those attending the EDL rally and to use the weapons and the IED to cause serious injuries, and that you anticipated that some victims may have died. That must follow from the nature of the dreadful collection of material with which you were armed. Each of you accepted in your defence statements that you were aware of what was being taken to Dewsbury.

34. Consistent with the random nature of a terrorist attack of this kind, those at risk were not in fact confined to people who had chosen to attend the EDL rally but would have included police officers who were watching over it and any other members of the public who happened to be in the area for different reasons at the time. You did of course come close to putting your plan into effect.
35. This offence is further aggravated by the duration and extent of the planning which went into it and by your adherence to the extreme ideology which prompted it. I do not regard the totality of the preparations in this case as being amateurish. They were wide-ranging and determined.

36. Apart from the immediate consequences and the terror you would have caused, an attack of this kind risks starting a spiral of tit-for-tat violence- the very action and reaction that you spoke of. That is a particularly serious aspect of this case. That simply cannot be a feature of life in a society where the overwhelming majority choose to live in peace and harmony with their fellow men and women, whether they share the same religious beliefs or not. I have seen, read and heard material about the EDL and about what you and others felt about them and their activities. As a matter of generality, unlawful violence of any kind , and foul and inflammatory insults of a racial nature or directed towards a particular religious group deserve at the least unequivocal condemnation, whoever or whatever the source. I acknowledge the unrest and enormous distress such behaviour gives rise to. But as a response, more unlawful violence is not on the list of options.
37. Had the prosecution advanced their case upon the basis that your intention was to kill and if you fell to be sentenced on that basis, then in my judgment a life sentence would have come to the fore. Even now, I have given anxious consideration as to whether it is the right course to take. In the event, by a narrow margin, I can deal with you in another way. But the fact that you all anticipated that fatalities could result makes this a very serious case and is a significant matter when assessing the danger that each of you poses in the future.

38. In the case of each of you, I take account of your age. You are all young men. There is an age span of 6 years but I cannot discern any difference in maturity between you. Khan and Uddin have no previous convictions at all . Hasseen, Saud and Hussein have nothing recorded against them that would prevent me giving them the same credit. I do so. Although you, Zohaib Ahmed, now have convictions in September 2012 for possessing material likely to be of use to someone preparing or committing acts of terrorism, on the facts of this case I do not regard that as a basis for making a distinction between you and your co-accused. Certain it is that in the course of preparations for this intended attack, others had had access to material of the same kind. It is, however, plainly an aggravating feature in your case that you were on bail when you committed this offence. I regard it as another indication of your commitment and determination. Unlike the others, some of the time you have spent in custody awaiting sentence will not count towards it because you have been serving a sentence for the earlier offences. I accept Mr Munyard's submission that aside from that, the sentence in your case should not be longer than in the case of any co-accused by virtue of the convictions alone.

39. As to your respective involvement, save in the case of Mohammed Hasseen, no defendant has sought to make any distinction. I have considered the matter for myself. As a matter of commonsense, not everyone can be involved in every act of preparation. Each of you was involved in the

preparations to a significant degree. In your pre-sentence reports, each of you described your role and said that the idea and enthusiasm for the offence was equally shared. Although you, Mohammed Hasseen , did not travel on the mission to Dewsbury, your fingerprints are quite literally all over significant items. In your case, I have read a letter from your wife who is the mother of your 3 young children. You attended a wedding on 30 June. But I am sure that it also suited your purposes to stay behind so as to be certain that one member of this group would not be captured at the scene and so that in due course you could assist any other or others who escaped. Given your interest in matters of an extreme kind and the overall extent of your involvement, no other conclusion is possible. I reach it without regard to the contents of your pre-sentence report. Nonetheless, I accept the submission of Mr Friedman QC that some distinction is appropriate. The prosecution do not dissent from that. Your hand would not have been on any of the weapons at the time when they were intended to be used. Aside from that, after very careful consideration of everything that I have read and heard, I assess Mohammed Saud and Anzal Hussain as having been to a degree less involved in the preparations than the others who went to Dewsbury. I shall make an allowance for that.

40. I take account of all the points that have been helpfully and persuasively made in mitigation. In particular, I bear in mind of course that by good fortune alone this attack did not in fact take place.



41. I have read carefully a file of documents which speak about each of you. They include a letter from Mr Khan's father, a letter from Mr Uddin's brother, the letter from Mr Hasseen's wife, evidence of kindnesses done by Mr Saud, of difficulties Mr Ahmed has which served to isolate him to some extent , and of the help Mr Hussain gave his mother in difficult circumstances. I have read a psychological report for Mr Khan. Although he has moderate learning difficulties, I have to record that he was able to take part in constructing a viable IED. You all have family members who will suffer continuing distress because of what you have brought upon yourselves . Others would have suffered if you had succeeded in your plans. As to the potential for better influences to bear upon you, the fact is that you chose to ignore them and were able to keep hidden from them what you were planning.

42. My attention has been drawn to a number of decisions of the Court of Appeal and to sentences passed in other cases at first instance. In Martin [1999] 1 Cr App R (S) 497, the Court of Appeal reiterated the significance of the distinction between cases where an explosive device was intended to cause injury to the person rather than damage to property. The Court said that the bracket for offences which involved causing or planning terrorist explosions was wider in each direction than 20 – 35 years. In Barot [2007] EWCA Crim 1119 and Jalil [2008] EWCA Crim 2910, the Court of Appeal referred to the fact that terrorist offences have become graver in recent times. Of course,

aside from the IED, any group which possessed only the remainder of the weapons in this case with criminal intent would commit a very serious offence. In the final analysis, the sentences I pass must be determined by the particular facts of this case. Inevitably, they must include an element which is designed to deter others from behaving in the same way.

43. I am sure that what motivated each of you to commit this offence must have run very deep indeed. It would have to have done so before anyone could even contemplate committing it, leave alone engage in the preparations you did and then actually set off to carry it out. In my judgment, it would be unrealistic to suppose that detection and prosecution by themselves would be sufficient to bring about a lasting change of heart. The obvious risk of those things was not sufficient to deter you as you prepared for your attack. I take account of what is said in the reports about your intentions for the future but it seems to me that that will be much harder to achieve than to say, even taking account in each case of your age and of change which can take place with the passage of time.

44. My attention has been drawn very properly to the extent of the stringent notification requirements and licence conditions to which you will be subject on release from custody. I have considered them very carefully. However, in my judgment the combination of those requirements and a substantial determinate sentence is not sufficient to provide the necessary protection of

the public which I must do my best to achieve in addition to punishing you for this offence. I am sure that the extra burdens provided for by Parliament in an extended sentence of imprisonment are required in the case of each Defendant, looked at individually. This is so as to provide the degree of protection which the law-abiding community looks to the courts for in the face of criminality of this gravity, motivated by ideology, in this day and age. Each of you has been convicted for the purposes of section 226A of the Criminal Justice Act 2003 of a specified offence and I consider for the reasons I have given that there is a significant risk to members of the public of serious harm occasioned by the commission by each of you of further specified offences.

45. Accordingly, there will be a custodial term and a further period for which you will be subject to a licence. The appropriate custodial term is the one that would be imposed apart from Section 226A of the Criminal Justice Act 2003. The extension period will be for a period of such length as I consider necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by each of you of further specified offences. In fixing the custodial term, I give you credit in accordance with the guideline for reduction in sentence for a guilty plea. Although the pleas of guilty were entered on re-arraignment and after a trial date had been set, it is right to acknowledge that you have avoided the need for a trial of at least some weeks, and I assess the credit in all the circumstances at one-quarter. I

do not regard the issues and practicalities in this case as ever having been such that you can sensibly be said to have indicated an intention or a willingness to plead guilty at the first reasonable opportunity. Even an admission to participation in the underlying preparations was some months in coming.

46. Of the sentence I pass on Count 1, you will serve two-thirds of the custodial element before your case will be referred to the Parole Board for them to consider release . Whenever you are released, you will be subject to a licence until the expiry of the extension period I impose.

47. On Count 2, the sentence upon Mohammed Hasseen is one of 2 years' imprisonment to run concurrently with the sentence upon Count 1. This case demonstrates graphically the potential consequences of possessing material of this kind, and I have to look at the offence in its context.

48. In respect of Count 1, I assess the figure before credit for plea as being a custodial term of 26 years' imprisonment for Omar Khan, Jewel Uddin and Zohaib Ahmed, and of 25 years for Mohammed Hasseen , Mohammed Saud and Anzal Hussain. After credit for pleas of guilty, the sentence in the case of Omar Khan, Jewel Uddin and Zohaib Ahmed is an extended sentence of imprisonment of 24 and a half years , of which the custodial part will be for 19 and a half years with an extension period of 5 years. In the case of

Mohammed Hasseen, Mohammed Saud and Anzal Hussain, the sentence is an extended sentence of imprisonment of 23 years and 9 months , of which the custodial part will be for 18 years and 9 months with an extension period of 5 years. I have already dealt with forfeiture and notification requirements.