



JUDICIARY OF
ENGLAND AND WALES

IN THE CROWN COURT AT WOOLWICH
INDICTMENT NO: T20127446

THE QUEEN

-V-

1. ZAHID IQBAL

2. MOHAMMED SHARFARAZ AHMED

3. UMAR ARSHAD

4. SYED FARHAN HUSSAIN

SENTENCING REMARKS OF MR JUSTICE WILKIE

Introduction

1. On 1st March 2013 at a Plea and Case Management Hearing (PCMH) each of the four defendants, Zahid Iqbal, Mohammed Sharfaraz Ahmed, Umar Arshad and Syed Farhan Hussain, pleaded guilty to Count 1 of a 14 count indictment. Count 1 charged each of them with engaging in conduct in preparation for acts of terrorism contrary to Section 5(1) of the Terrorism Act 2006. The particulars of the offence were that :

“On divers days between 1st January 2011 and 25th April 2012 (each of the defendants) with the intention of committing acts of terrorism or assisting others to commit such acts, engaged in conduct in preparation for giving effect to that intention, namely

- (i) facilitating, planning and encouraging travel overseas
- (ii) organising, encouraging and participating in physical training
- (iii) purchasing survival equipment
- (iv) downloading, researching and discussing electronic files containing practical instruction for a terrorist attack
- (v) discussing methods materials and targets for a terrorist attack including firearms and improvised explosive devices
- (vi) collecting and supplying funds for terrorist purposes overseas

contrary to Section 5(1) of the Terrorism Act 2006.”

2. The remaining 13 counts on the indictment charge the individual defendants with possession of information contrary to Section 58(1)(b) of the Terrorism Act 2000. Iqbal faced 2 such counts, Ahmed faced 3, Arshad faced 4 and Hussain faced 4. Each of these 13 counts were said to have been committed on 2 September 2011, a date when the defendants' home premises were searched but on which date none of them were arrested; their arrests not occurring until 24th April 2012.

3. The facts comprising counts 2-14 have been subsumed within the Prosecution's opening in respect of count 1 and my sentence in respect of count 1 takes full account of the facts underpinning counts 2-14, notwithstanding the fact that no formal plea of guilty has been entered in respect of any of them. In those circumstances, those counts will lie on the file on the usual terms.

4. The pleas of guilty were entered following applications by each of the defendants for a **Goodyear** indication which I heard on 1st March 2013. Those applications were supported by the prosecution which indicated that, in its view, this was an appropriate case for a **Goodyear** indication to be given. In the event I did not give a full **Goodyear** indication but I did indicate the approach I would take, as a matter of principle, to sentencing the individual defendants. I also indicated the areas upon which I would require further information and upon which I should be addressed both by the prosecution and the defence when considering sentence. As an aid to that process I have received pre-sentence reports on Iqbal and Ahmed; neither of the other defendants requested a pre-sentence report.

5. Each of the pleas of guilty was entered on the basis of a written basis of plea which have not been contested by the Crown, but the Crown reserved its right to open the case fully which it has. I will return to those written bases of plea in due course.

6. In addition to the length of the sentences, I have to address the following specific issues. In relation to Iqbal and Ahmed I have to consider the question of dangerousness, as well as the appropriate form of sentence in the event that I were to conclude that either of them was dangerous in the statutory sense. The Crown, on 1st March, did not seek to persuade me that this was a case which, in the event of a finding of dangerousness, would call for a life sentence. As the law is presently constructed, therefore, if I were to find either of them dangerous, I would have to consider whether to impose a determinate sentence or an extended sentence. In the cases of Arshad and Hussain, having heard argument, I concluded, for reasons I will give in due course, that in neither case was dangerousness established and, accordingly, in their cases, I will be passing determinate sentences.

7. I also have to consider the question of the appropriate discount for a plea of guilty entered at the PCMH on 1 March 2013 having regard to the definitive guideline issued by the Sentencing Guidelines Council in July 2007, and a recent guideline case, **Caley and others [2012] EWCA Crim 2821**.

The Prosecution Case summarised.

8. The defendants, at the time covered by the indictment, were like minded individuals each living in Luton. Individual defendants interacted with certain of the others in circumstances which amounted to the commission of the Section 5 offence. Their admitted terrorist activities had a number of facets reflected in the particulars of the offence. Each of them was of previous good character.

Facilitating, planning and encouraging travel overseas

9. Iqbal had a contact in Pakistan who was thought to have contact with insurgents on the border with Afghanistan. He was used as a contact for the purpose of assisting Iqbal in placing Ahmed for terrorist training. Iqbal was repeatedly in contact with that person by phone. He arranged with that contact for Ahmed to travel to Pakistan for the purposes of obtaining terrorist training. Though, to some extent, sceptical whether Ahmed would be accepted for training in Pakistan at that time, Iqbal nonetheless discussed it with Ahmed and provided him with advice on how he might successfully travel to Pakistan for that purpose and to make contact with Iqbal's contact in Pakistan in such a way as to avoid detection by the authorities.

10. That plan was carried into effect; Ahmed travelled to Pakistan on 9th March 2011 booked to return on the 25 March but in fact returned, earlier than expected, on the 15th March 2011.

11. Arshad provided assistance to Ahmed in his preparations for that trip by providing Pakistani sim cards, one of which Ahmed used to be in touch with Iqbal and Arshad whilst in Pakistan. Arshad also coached him with a cover story and provided verbal encouragement. Arshad was aware that Ahmed was carrying money for the purposes of terrorism and gave him £100 for that purpose. He told him to be brave and to go and not return. Both Iqbal and Arshad had telephone communication with Ahmed whilst he was in Pakistan.

12. Iqbal and Ahmed discussed the practicalities of Ahmed's travel to Pakistan for terrorist purposes in detail, in particular, how to ensure that his travel for that purpose could be successfully achieved without drawing attention of the security services or even his family. Iqbal also discussed with his Pakistani contact the arrangements for Ahmed's travel to Pakistan and his reception in Pakistan for the purposes of terrorist training.

13. The level of detail of these discussions included what Ahmed should wear and pack for his trip and what telephone numbers they would use during the period he was in Pakistan. Iqbal also provided Ahmed with £850 to be passed on for use for terrorist purposes.

14. The foreshortening of the trip was said by Ahmed to be due to his lack of facility in Pashtu and Arabic as well as the enhanced security situation in that part of Pakistan.

15. Iqbal himself planned to travel to Pakistan for terrorist purposes. He discussed it with Ahmed. He had close to £10,000 to give to the insurgents. They discussed the logistics of his travelling with his family. They discussed the physical and weapons training in the mountains which he would hope to receive and they spoke of him taking some £1,000 to give to the terrorists. They discussed how best he might assist the terrorist cause in conjunction with those in Pakistan. Arrangements had been made for him to travel to Pakistan on 4th September and for his wife and child to travel there as well.

16. Ahmed and Iqbal also discussed the possibility of Hussain travelling in the cause of Jihad. Ahmed discussed several times with Hussain the desirability of his travelling abroad for terrorist training and, thereafter, participation in fighting though the discussions never got beyond the aspirational stage. However Ahmed was encouraging of Hussain's aspiration to travel and obtain military training. On an

occasion in June 2011 Ahmed and Iqbal discussed facilitating Hussain's travel overseas. Hussain was believed to have some £15,000 available to contribute to the terrorist cause overseas and was awaiting a call to leave home.

17. Thereafter Ahmed and Hussain continued to discuss Hussain's going to Pakistan or the Yemen for training purposes though, again, not beyond the aspirational stage.

Physical training

18. Ahmed, on numerous occasions, attended a gym for training and went on trips to mountainous regions with a view to becoming physically fit for purposes connected with terrorism. Snowdon was favoured as it bore most resemblance to the mountainous regions of Pakistan. He was instrumental in encouraging and transporting others to undertake such outdoor military style physical training. Ahmed went to Snowdonia shortly before he left for Pakistan in March and on a number of occasions throughout April and July. Arshad was with Ahmed on some of these trips and Hussain was with him on one of them.

19. Iqbal claimed to have joined a gym in March 2011 and he and Ahmed discussed training for military purposes, so too did Ahmed and Hussain.

20. When Arshad's home address was searched he had a typed list of items to take on a trip and had received parcels from companies providing outdoor equipment.

Discussing electronic files containing practical instructions and guidance for terrorist attacks

21. Each of the defendants had access to and did access many documents espousing violent jihad as an essential part of the obligation of a fundamental Islamist. Included in those documents which each of them downloaded was a publication known as Inspire, a periodical magazine produced by Al Qaeda from 2010. This is a magazine one of whose purposes is to inspire fundamentalist Islamists to undertake activities, including terrorist activities, in their own countries and, in certain articles, provides practical instruction and guidance. This constituted, and was recognised by Iqbal and Ahmed as constituting, a change of direction enabling people such as themselves to take terrorist action in their home country without the need to travel abroad and attend training camps before embarking on domestic terrorist activities..

22. Iqbal and Ahmed were in discussions on two recorded occasions, taking direction from Inspire, in relation to assembling and deploying one or more improvised explosive devices. They discussed a particular article describing assembling an IED from readily available items and ingredients. They spoke of modifying what was described in the article with a view to attacking a potential target, a Territorial Army centre in Luton. Those discussions occurred in April and May 2011. The evidence available to the prosecution is that the device described in that Inspire article is viable, though with the modifications discussed it would not be. This was a detailed and serious discussion even though it did not get beyond that stage.

23. On 2nd September 2011, when each of their homes was raided and searched, the items covered by counts 2-14 were found, for the most part downloaded onto various computers at their home addresses. The nature of the publications,

particularly the Inspire magazines, illustrate the degree to which each of them exposed themselves to fundamentalist beliefs, including the desirability of advancing those beliefs by terrorist activities, including home grown terrorist activities as advocated by Inspire.

Discussing procurement of firearms.

24. During February 2011 Iqbal was discussing acquiring firearms and ammunition, in veiled terms on the phone, and, on the 21st February, he met a third party at which meeting they discussed more explicitly the procurement of a firearm with ammunition and referred in those conversations to articles in Inspire.

25. In April 2011 Ahmed had a conversation about acquisition of firearms and ammunition with 2 other people in his car.

26. In addition, in May 2011, Ahmed was discussing the possibility of obtaining firearms in conversation with Hussain. Ahmed was minded to buy a gun and Hussain was putting forward possible sources of which he was aware. These discussions preceded a meeting on the 25th May 2011 between Ahmed and two other males in his car in which the purchase of a firearm was discussed, as well as ammunition and associated equipment.

27. There is no evidence that any of these expressed intentions ever got beyond the discussion stage but they were serious conversations about possible courses of action.

Collecting and Supplying funds

28. On 2nd September 2011, £13,400 was seized from Iqbal's home address. The prosecution say, and it is not disputed, that this cash was to be used in whole or in part for purposes connected with terrorism.

29. On the same date £2,500 in cash was found in Ahmed's bedroom; the prosecution say that based on the probe material, this was money which had been collected by him for the purposes of contributing to terrorist funds. This is disputed by Ahmed. In light of his acceptance that he had taken just under £1000 to Pakistan to fund terrorism I do not have to resolve this issue at this stage.

30. From the probe material the prosecution say that Arshad was engaged in sending money to Pakistan for use for terrorist purposes and that Hussain intended to collect funds to provide for terrorist purposes. He hoped it would give him credibility in his aspiration to travel abroad for terrorist training.

31. The prosecution also point out that many different mobile phones were found at their addresses showing significant contact between each of them and certain of the others. In particular, Iqbal used a particular phone to contact his contact in Pakistan and to contact Ahmed when he was there and the phone used by Ahmed in Pakistan to contact that person and to contact Iqbal and Arshad was the sim card provided by Arshad. Iqbal had Cyberscrub software which is a security device enabling data to be deleted from a computer and reducing the possibility of its being recovered

The Defendants

32. Each of the defendants is of previous good character. Iqbal was 29 years old, now 31 and has a wife and family. Ahmed is 25 years old of previous good character, he is now married. He lived at home with his family. Arshad is 24 years old, he too lived at home. He is married with a young child. Hussain is 21 years old and lived at home.

33. Although the homes of each of the defendants was searched in their presence on the 2nd September 2011 none of them was arrested on that date. They were arrested on the 24th April 2012 on which occasion their homes were searched again.

34. At Iqbal's home, further relevant material was recovered on 24 April, including "39 ways to support Jihad" which had been downloaded since September 2011. There were concealed Press cuttings relating to drone attacks in Waziristan. Additional mobile phones were seized, the number for one of which was stored in one of Ahmed's phones. In addition, a DVD for an Arab language course, a rucksack, the contents of which included a GPS Navigator, torches and a compass were seized on that occasion.

35. When Ahmed's home was searched again on 24th April, on his computer was found a complete set of Inspire magazines, including the latest which commemorated the 10th anniversary of the 9/11 attacks. All of these had been downloaded since the searches in September 2011. In addition, from another car not searched before, additional survival equipment, including a head torch, and maps of Snowdonia, was recovered.

36. Arshad's home was further searched on the 24th April 2012 as was Hussain's. In neither of their houses was anything found upon which the prosecution rely in respect of this indictment.

The written bases of plea and mitigation

Zahid Iqbal

37. Iqbal accepts he is an Islamist who sympathised with the insurgency in Afghanistan. He knew his contact, but not well. He believed him to have contacts with insurgents in the border area of Pakistan/Afghanistan. He lost contact with him after Ahmed's return in March 2011. He relies on the decision of the police not to arrest him between September and April as reflecting their view of his lack of imminent dangerousness.

38. His terrorist intent was generalised, ill formed and never settled. His discussions were embryonic. Although he contemplated the possibility of committing an act of terrorism in the UK, he did not form a specific intent to do so. He was most likely to have travelled abroad.

39. He assisted Ahmed to travel to Pakistan in March 2011. He discussed methods of avoiding detection. He put him in touch with his contact in Pakistan by providing a contact number and arranging by telephone for them to meet in Pakistan. He was unclear whether his contact would be able to use Ahmed and thought it was likely he would not and would be sent home. He played no role in planning or organising his travel arrangements.

40. He accepts downloading, researching and discussing electronic files containing practical instructions for terrorist attacks.

41. He accepts discussing methods, materials and targets for a terrorist attack including the possibility of constructing an improvised explosive device (IED). He accepts he made enquiries with a friend from London about the feasibility of purchasing a firearm, but that contact discouraged him and he ceased the enquiry. He had no plans about what to do with a gun if he had managed to obtain one and never did acquire a firearm. He last discussed it on the 21st February 2011. He did consider the possibility of constructing an IED and looked at and discussed the method described in Inspire, but he did not pursue it beyond consideration. No materials were obtained. He accepts that his intention was to travel to Pakistan in early September with his wife and child. He accepts he gave £850 to Ahmed to pass on to his Pakistani contact and that he had saved and collected approximately £10,000 by September 2011 which he intended to take to Pakistan. His Counsel in oral argument on 1 March 2013 conceded that to some extent that was to be used for terrorist purposes.

42. By way of mitigation, he is now 31, of previous good character is married with 2 young children and was employed prior to his arrest. He has been in custody since 24th April 2012. It is said in mitigation, and accepted by the crown, that there is no evidence of further contemplation of terrorist action in the UK or abroad since the 2nd September 2011, though I must consider this assertion, and its impact on the issue of dangerousness, in the light of what was found at his home on 24 April 2012 and what it may show about the continuation of the mindset which informed the activities to which he has pleaded guilty. He says there is no distinction to be drawn between his role and that of Ahmed. He did not know Hussain and had never met him, nor did he have any telephone or internet contact with him. He only briefly met Arshad on one or two occasions and had no telephone or internet contact with him.

43. The pre sentence report records him as claiming that, even before the September police raid, he was having misgivings about his activities. However it also states that it is difficult to believe the picture he paints of a naïve person unaware that his activities were illegal given the amount of equipment including cyberscub software, and numerous mobile phones in different names.

44. In mitigation his counsel argued that this was a case about conversations he had had which never remotely came to fruition and that the extent to which there was action on his part was limited. At no stage, in respect of discussions about activity in the UK, was there any plan and nothing which caused the authorities to intervene because they believed a terrorist act was imminent, such as occurred in the case of Chowdhury and others to which I will return.

Mohammed Ahmed

45. He is of previous good character and is now married. He accepts that, between the 1st January and 2nd September 2011, he sought to travel to Pakistan for military training and sought to achieve physical fitness and to acquire outdoor survival equipment to take with him to Pakistan. He travelled to Pakistan but was rejected for training and returned within 4 days. He provided under £1,000 to those purporting to offer training; those funds to be deployed for a terrorist purpose overseas. On his return he maintained an aspiration to travel to Pakistan for training but was unsuccessful. He sought to travel to other countries to learn Arabic, again he was unsuccessful.

46. On 12th May he discussed obtaining firearms. That was a highly speculative discussion. On the 25th May he had another discussion about sourcing a firearm. The context is said to have been an escalation of violence between Muslim groups in Luton. Thereafter he neither obtained nor attempted to obtain a firearm.

47. On 22nd April 2011 he discussed the possibility of engaging in a terrorist action in the UK. That was in the context of having read Inspire. It was speculative and no plans were formed and he did not form a specific intent to do so. His focus between January and September 2011 was to seek to travel abroad, to learn Arabic and to reach a facility in Pakistan which would provide him with military training.

48. He also accepts that he encouraged Hussain to travel to Pakistan in general terms. He was involved in the organisation of, and participated in, mountain walks and physical exercise with others, one of the purposes of which was to prepare himself for the rigours of a training camp. He purchased survival equipment for use in Pakistan as well as for exercising in the UK. He downloaded and read Inspire, principally to access the ideological content, but made no attempt to construct the IED depicted in the magazine. He accepts that he discussed firearms and an IED in the way already described. He also received funds from others and provided funds to those whom he believed were engaged in terrorist activities overseas.

49. He says that in the period following the 2nd September there is no evidence that he pursued any ambition to leave the UK for training, a contention with which the prosecution does not take issue. He married a woman chosen by his family and says that he withdrew from the conduct the subject of the indictment. He remained at home with his family caring for his father, who is physically unwell, his mother and his older brother, who suffer from mental illness. He too relies on the fact that he was at large between September 2011 and April 2012 as reflecting the authorities' view of his imminent dangerousness.

50. The pre sentence report expresses the view that in his conversations with others he exaggerated the extent of his experiences in Pakistan, and what he was willing to undertake to boost his image with his peers.

51. He claims that, after the raid in September, he was distancing himself from radical Islamist ideology though he accepts that he bought a new computer and downloaded an Islamist torrent. He too presents a picture of someone who was naïve about what he could and could not legally read. As in the case of Iqbal, I must consider what the outcome of the search on 24th April evidences about the continuation or otherwise of the mindset which informed his offending.

52. His counsel has emphasised that his basis of plea reflects the evidence that, as far as terrorism in the UK is concerned, none of his discussions came to anything and could not properly be described as attack planning. He relies on a letter of support from his elder sister who describes him as being sorry about how his actions have affected his family and that he has moved on from his involvement with terrorism. He also relies on the assessment of the authors of the pre sentence report that "he has naturally disengaged from radical Islamist ideology independently. There does not appear to be any current attachment to violent jihad or desire to be involved with further extreme preachers' or views" and that this reflects a reduction in risk.

Umar Arshad

53. He became aware that Ahmed intended to travel to Pakistan for military training only shortly before his departure. He was aware that Ahmed had gone to Pakistan and had come back shortly afterwards. He provided Ahmed with limited practical assistance, the provision of sim cards and advice about preparation of a cover story and how to blend in when in Pakistan. The sim cards were left over from his trip to Pakistan the previous year for his marriage. That assistance was limited to the 8th and 9th March.

54. He participated in physical training and undertook a number of trips with Ahmed and others to Snowdonia and elsewhere. He had no intention of travelling to Pakistan. He downloaded a number of electronic editions of Inspire principally for their ideological content but accepts that some editions contained information likely to be useful for a person preparing an act of terrorism. He was aware in general terms of the nature of their contents. He provided £100 to Ahmed before Ahmed's trip to Pakistan; those funds were to be passed on to others to be deployed for terrorist purposes overseas. He never engaged in discussions about the construction or deployment of an IED in the UK or about the procurement of firearms.

55. He is a man of previous good character with a young family. His brother Raja Imran Shehzad has written a letter in support of his younger brother in which he has described the impact of his actions upon the rest of his family and his remorse for having brought this upon them. His counsel has relied on the fact that some of his actions are concentrated on a few days, immediately before March 9th, and in mid August when the files were downloaded on to his computer. He also suggests that when he went on the training sessions it was with his friend Ahmed and in support of Ahmed's terrorist ambitions rather evidencing any intention of his to train to be a terrorist.

Syed Hussain

56. He accepts that between mid- May and early July 2011 he discussed with Ahmed, and was encouraged by him, in general terms, to travel to Pakistan for training. He expressed a desire to travel for this purpose but did not make any plans to do so. He accepts that on the 14th July 2011 he went on a walking trip to Snowdonia with Ahmed and others. One of the purposes was preparation for training in Pakistan.

57. He accepts that he downloaded electronic editions of Inspire to access their ideological content but he was aware that they also included information likely to be useful to a person committing or preparing an act of terrorism. He did not have any discussions about IEDs nor was he aware that others had engaged in such discussion. He accepts that on the 12th and 25th May he had discussions with Ahmed about sourcing a firearm but he never obtained or attempted to obtain a firearm and never formed a specific intent to commit an act of terrorism. Although he intended to provide funds to others which he believed would be sent to those engaged in terrorism in Pakistan, he did not in fact do so.

58. His counsel relies on a letter of support from his father which describes the family's shock at his son's activities and the hardships and upset he has caused for which his son has repeatedly expressed his remorse. As a family they will support him through the sentence which he must serve. His counsel draws attention to the doubts and fears he expressed even when expressing a desire to travel to obtain terrorist

training. His offer to source a firearm for Ahmed was not acted on nor was his accepted intention to provide funds to support terrorism abroad.

Discount for plea of guilty at the PCMH

59. The history of these proceedings is not straightforward. Each of the defendants was arrested on the 24th April 2011 and interviewed on a number of occasions between then and the 29th April. Iqbal, Ahmed and Arshad made no comment at all throughout those interviews; Hussain largely made no comment but confirmed he was shown in surveillance photographs and denied having seen a USB stick seized from his address.

60. There was a preliminary hearing at Chelmsford Crown Court on the 11th May 2012. Mr Justice Fulford, on the 31st May 2012, allowed Ahmed to change his solicitors and, thereafter, his representation by counsel and solicitors has remained the same.

61. Iqbal has been represented throughout by the same leading and junior counsel and by the same solicitors. On 3/4th October 2012 an application was made by him to change his solicitors but that was refused.

62. Arshad and Hussain applied on the 3/4th October 2012 to change both counsel and solicitors. By that date there had been 88 visits by solicitors, 600 hours of preparation had been conducted. Arshad had had 3 consultations with leading counsel and Hussain had had 1 consultation. Counsel had provided written advices. The suggestion that a transfer was sought was first raised with the court on the 20th September 2012. Mr Justice Fulford refused that application.

63. Following that refusal the PCMH was adjourned to be fixed before the trial Judge before the end of November 2012, however, both Arshad and Hussain maintained their position of dissatisfaction with their legal representatives and little, if any, preparation took place involving those legal representatives until on the 14th December 2012 I granted a transfer to different solicitors, who had also been representing Ahmed since the end of May 2011. This transfer was carried into effect shortly afterwards on 19 December.

64. On 18th January 2013 there was a further hearing at which it was ordered that the PCMH, including arraignment, would take place on the 1st March. The trial had, since an early stage, been fixed to start on the 10th April.

65. The basis of plea for Iqbal was drafted on or about the 24th February 2013, that of Ahmed on or about the 27th February 2013, that of Arshad on or about the 26th February 2013, and that of Hussain on or about the 28th February 2013. However, there were, formal discussions between the defence teams and the prosecution which began on or about 29 January 2013.

66. The definitive guideline of the Sentencing Guidelines Council indicates that a reduction in sentence of about one third is to be accorded to defendants who indicate their plea of guilty at the "first reasonable opportunity". Thereafter the reduction in discount diminishes. A plea of guilty at the door of the court will normally be likely to attract a discount of the order of one tenth. In the case of *Caley*, the CACD considered, amongst other things, the question whether the first reasonable opportunity generally arises at arraignment, which normally takes place at the PCMH, or at an earlier stage. In that case the court expressed the view in paragraph 18:

“All this leads us to the clear conclusion that, absent particular considerations individual to the case, the first reasonable opportunity for the defendant to indicate (not necessarily enter) his plea of guilty, if that is his mind, is not the PCMH, ... The first reasonable opportunity is normally either at the Magistrates' Court or immediately on arrival in the Crown Court – whether at a preliminary hearing or by way of a locally-approved system for indicating plea through his solicitors.”

67. In Caley the court was concerned to distinguish between (i) the first reasonable opportunity for the defendant to indicate his guilt and (ii) the opportunity for his lawyers to assess the strength of the case against him and to advise him on it (see paragraph 14). Subject to special cases, for example where the defendant might not know whether he is guilty or not of a particular offence and needs advice and/or the sight of the evidence in order to decide, the court concluded that, generally speaking, the defendant did not require advice from his lawyers on the strength of the evidence against him in order for him to know whether he was guilty or not. He only required such advice in order to assess the prospects of conviction or acquittal, which is a different matter. The court said...

“Moreover, even though a defendant may need advice on which charge he ought to plead guilty to, there is often no reason why uncertainty about this should inhibit him from admitting, if it is true, what acts he did. If he does so, normally the public benefits to which we have referred will flow ...” (para 14).

68. In Caley, the Court of Appeal emphasised that there was an element of residual flexibility where the Judge may treat an individual case individually. One example given was an exceptionally long and complex trial where the possibility was left open that, in some cases, considerable benefits may well ensue from a plea of guilty, even at a late stage. However, the court issued cautionary words, that such an approach should not become routine as the incentive to focus on plea at an early stage would be lost and often there is no real obstacle, even in complex case, to a defendant, who admits his guilt, doing so at an early stage. (see paragraph 28)

69. In the present case it is argued that the defendants should receive full discount or, at least, more than 25% discount for their pleas of guilty at the PCMH. It is said, in the cases of Arshad and Hussain, that the late change in representation means that the 1st March was the first reasonable opportunity for them to indicate a plea of guilty. It is also argued on their behalf, as well as by Iqbal and Ahmed, that it was important for the precise basis of plea of all of them to be formulated before the first reasonable opportunity to indicate a plea of guilty could be said to have arisen for any of them or, alternatively, that the complex factual and evidential basis of the prosecution case means that this is a case where considerable benefits may well ensue from a plea of guilty at the PCMH resulting in a trial, scheduled for 3 months, being completed in 3 days.

70. In my judgment, none of these defendants pleaded guilty or indicated an intention to plead guilty at the first reasonable opportunity. In each case, as they have now admitted, they well knew what they had done and did not need any sophisticated legal advice to inform them that what they had done amounted to the Section 5 offence. In the case of Iqbal he well knew that he had arranged, through his contact, for Ahmed to travel to Pakistan for terrorist training and had advised him in respect of that venture. He had discussed with Ahmed constructing and deploying an IED with a specific target in mind. He had discussed acquiring a firearm and ammunition and had planned to go to Pakistan for terrorist purposes and to contribute money for

that purpose He has had the benefit of continuous legal advice from solicitors and counsel from the outset, a matter of some 10 months or so before his plea of guilty.

71. In the case of Ahmed, he knew he had travelled abroad for the purpose of obtaining terrorist training and continued to harbour that ambition and undertook fitness training for that purpose. He knew he had discussed the IED with Iqbal and a firearm and ammunition with Hussain and others and had provided finance for terrorism. He has had continuity of legal representation, both counsel and solicitors, since the end of May, some 9 months before his plea of guilty at the PCMH.

72. For each of Iqbal and Ahmed there was an opportunity to plead guilty or indicate an intention to plead guilty on 26th September 2012, when the first PCMH was scheduled to take place, and on the 18th January 2013 even if, at that stage, the precise terms of the basis of plea had not been finalised or agreed with the prosecution.

73. In the case of Arshad he knew he had provided sim cards for use by Ahmed when in Pakistan for terrorist training and had given him advice and had encouraged him to go and not return. He had undertaken physical and military style training for the purpose of making himself fit for terrorist activity. Hussain, knew he had offered to source a firearm to Ahmed, a person whom he knew was an aspiring terrorist. He knew they had discussed, on a number of occasions, his ambition to travel abroad for terrorist training and he had gone for military style training on one occasion with him. They each had the benefit of representation by counsel and solicitors, at least until the 20th September when, for the first time, the question of a change of solicitor was canvassed. As I have indicated, a very substantial amount of work had been undertaken by their then solicitors and they had the benefit of one or more consultations with leading counsel. Furthermore, from the 19th December 2012, they had the benefit of representation by the same solicitors as had been representing Ahmed from the end of May. Against that background, in my judgment, it is not realistic to suggest that the 1st March was the first reasonable opportunity for a plea of guilty to be either entered or indicated.

74. Furthermore, although the evidence is multifaceted and substantial, the question whether they were guilty, or not guilty, of the Section 5 offence, given what they knew they had done, was by no means complex or difficult nor is this one of those cases where, in my judgment, a wholly exceptional course should be taken of giving more than the standard discount for a plea of guilty at the PCMH which had been postponed until a date just over a month before the trial date.

75. Accordingly, I will give each of the defendants a discount of 25% from the sentence which would have been passed had the count to which he has pleaded guilty been contested and a conviction resulted.

Dangerousness/Extended Sentence

76. Section 226(A) of the Criminal Justice Act 2003 applies where a person is convicted of a specified offence (of which the offence to which these defendants have pleaded guilty is one) and where the court considers there is a significant risk to members of the public of serious harm occasioned by the commission of the offender of further specified offences, and, (3) the relevant condition (Condition B) is satisfied.- that if the court were to impose an extended sentence of imprisonment, the term that it would specify as the appropriate custodial term would be at least 4 years. In those circumstances (4) the court may impose an extended sentence of imprisonment on the offender.

77. An extended sentence is a sentence which is equal to the aggregate of the appropriate custodial term and a further period (the extension period) for which the offender is to be subject to a licence. In a case of a specified violent offence, of which this is one, the extension period must not exceed 5 years.

78. The test of dangerousness thus established, which has to be assessed in accordance with the requirements of Section 229 of the 2003 Act, is unchanged by the recent changes to the sentencing regime for dangerous offenders. In particular, the guidance given by the Court of Appeal in *Lang [2006] 1WLR 2509* applies thus “ the risk identified must be significant which is a higher threshold than mere possibility of an occurrence and can be taken to mean “noteworthy, of considerable amount ... or importance” The court must take into account the nature and circumstances of the current offence, the offender’s history of offending or its absence and all other relevant information.

79. If the criterion for dangerousness is met, the court has a discretion whether or not to pass an extended sentence. One of the factors, it is submitted by the defendants, which is to be taken into account in exercising that discretion is the recent change in the regime providing for the eligibility of parole and release prior to the expiration of the custodial element of an extended sentence. This is now provided for by Section 246A of the 2003 Act. The effect of that section is that the offender is not eligible for release until he has served at least two thirds of the appropriate custodial term (known as the requisite custodial period). Only at that point must the Secretary of State refer the offender’s case to the Parole Board. The duty of the Secretary of State to release the offender on licence does not arise unless or until the Parole Board has directed the offender’s release. The Parole Board must not give such a direction unless it is satisfied that it is no longer necessary for the protection of the public that the offender should be confined. Absent such a direction, the offender is not entitled to be released until the full appropriate custodial sentence has been served.

80. This provision contrasts with the position where a determinate sentence is passed. The offender is then entitled to be released on licence upon serving half of the determinate sentence and is subject to licence for the remainder of the determinate term.

81. It is urged upon me, having regard to the more onerous release provisions which now operate in respect of extended sentences, that I should not impose such a sentence even were I to be of the view that the dangerousness condition has been satisfied. There is no guidance of which I am aware on whether this is a material factor to be taken into account in the exercise my discretion in this respect, but I can see its force and I will do so. However, I do not accede to the invitation to consider whether an IPP would have been appropriate under the old regime. The new regime replaces it and its provisions should be applied in their own right and not parasitic on a regime which no longer exists

Arshad and Hussain

82. I have already indicated my view in respect of each of these two defendants that, having regard to the extent of their participation in the preparatory acts, and having regard to the absence of any evidence, between September 2011 and April 2012, of any involvement in terrorist related activities or a continuation of the mindset which led to their committing these offences, I am unable now to be

satisfied that either of them presents a significant risk to members of the public of serious harm occasioned by the commission of further specified offences.

83. In my judgment, on the prosecution case, Hussain was quite a distance removed from doing anything which could properly be described as, or adjacent to an act of terrorism. He participated in a series of discussions, particularly with Ahmed, during which he was encouraged to, and expressed the desire to, travel to Pakistan for training and he did, on one occasion, go to Snowdonia to engage in appropriate training. He had exposed himself to a violent fundamentalist Islamist ideology and he was engaged in conversation with Ahmed about sourcing a firearm. By the time of the initial intervention by the security services and the police in September 2011, he had not done anything practical to advance any of these suggestions. He had not even got round to providing funds for the support of terrorism abroad..

84. Furthermore, once his house had been searched in September 2011, there is no evidence that he engaged in any terrorist related activity or discussions and there was nothing found at his address which indicated any continuation of the mindset which had informed the course of conduct in which he had been engaged prior to that search.

85. For those reasons, in my judgment, it would be wrong to conclude that the requirement of dangerousness, as of now, is satisfied in his case and accordingly I will pass a determinate sentence.

86. In the case of Arshad, his involvement with Ahmed's journey to Pakistan was more direct, though it did not involve Arshad being directly involved in acts of terrorism. He supplied Ahmed with sim cards to use when Ahmed went to Pakistan and there was telephone contact between them when Ahmed was in Pakistan. Furthermore, he and Ahmed discussed, and Arshad gave advice about, the preparation of a cover story and how to blend in when in Pakistan and he was strong in his support for Ahmed in going to Pakistan and he urged him to be brave and not return. He too underwent forms of physical training in the UK, on a number of occasions, but there is no evidence that this resulted in any active steps on his part to make plans to travel to Pakistan, or elsewhere abroad, for the purposes of training. He too exposed himself to literature supporting the use of terrorism to advance a fundamentalist Islamist agenda. He supplied money, £100, for Ahmed to take to Pakistan for terrorist purposes overseas. However, he was not engaged in any discussions about assembling or deploying IEDs, nor about sourcing or obtaining firearms, and there is no evidence that, after the search conducted at his home on the 2nd September 2011, he engaged in any similar activity, or maintained that mindset, before his arrest on 24th April 2012.

87. Accordingly, in my judgment, it would be wrong to conclude that, as of now, the dangerousness conditions are satisfied in respect of Arshad. I will therefore pass a determinate sentence in his case.

Iqbal

88. In my judgment, Iqbal's involvement is of a different order to that of Arshad and Hussain. He is significantly older than they are. He was instrumentally involved in facilitating and arranging for Ahmed to go to Pakistan with a view to obtaining terrorist training, carrying with him a significant sum of money to be passed on for use in terrorist activity overseas. He it was who had and who utilised the contact which enabled Ahmed to go to Pakistan for that purpose. He arranged it through telephone conversations with that contact and, in effect, Iqbal got his contact to agree

that Ahmed should go to see him. He and Ahmed had detailed conversations about how Ahmed was to make his journey in a way which would keep its true purpose from the security services and Ahmed's family and, whilst Ahmed was away, Iqbal was in telephone communication with him.

89. When Ahmed's visit proved unsuccessful, Iqbal and Ahmed discussed making arrangements for Iqbal to travel to Pakistan for similar purposes. Not only was to take a large sum of money to give to the insurgents but he had in mind to stay there, even after his family may have returned to the UK, to discuss with the insurgents whatever they might wish him to do. Arrangements for this were well in hand when the searches occurred on 2nd September 2011. In addition, there was discussion with Ahmed about Ahmed's preparing himself to be accepted for such training in Pakistan by learning languages such as Arabic which would enable Ahmed to fit in better.

90. Iqbal and Ahmed had purposive conversations about engaging in terrorist activities in this country involving the assembly of one or more IEDs deployment against a specific potential local target. I am in no doubt that these discussions were serious even though, by the time of the search on September 2011, there is no evidence that any practical steps had been taken to carry it into effect.

91. Iqbal also discussed obtaining a firearm and ammunition which, even in the context of responding to the English Defence League, was sufficiently serious that it resulted in a meeting with a third party on the 21st February at which those matters were further discussed. There is no evidence that these discussions had proceeded by the time the authorities intervened. Iqbal was aware of, and discussed the change of direction which the "Inspire" magazine intended to achieve - to nurture home grown terrorist activity not requiring training abroad and, when his house was searched in September 2011, there was a substantial amount of cash ready to be taken to Pakistan to be deployed, at least part of it, for terrorist purposes.

92. Despite the search on 2nd September 2011, on 24th April there was evidence that he continued to have the same views as had informed his earlier activity. He had downloaded, since September 2011, "39 ways to support Jihad". He had concealed press cuttings relating to drone attacks in Waziristan. He had mobile phones, one of which evidenced a continuing connection with Ahmed. Also found were items capable of use in terrorist related activities or training for it such as torches, a rucksack with GPS navigator and compass. I have been told by counsel that these are innocently possessed in connection with his work as a lorry driver and to enable him to pray facing Mecca. In addition there was found a DVD said by him to be an Arabic Koranic language course which relates to his religious observances. Whatever may be the truth of that, I regard the downloading of the 39 ways, as significant .

93. The author of the pre sentence report has interpreted this as supporting a view that Iqbal is naïve and susceptible to the views and influence of others. I agree that it evidences a degree of naivety about the extent to which he would continue to be under surveillance. But it does support an assessment that, despite his protestations to the contrary, his mindset had not changed.

94. The assessment in the pre sentence report is that "*The National Offender Management Service assessment tool indicate(sic) Mr Iqbal to be at low risk of reoffending. However, given the seriousness of the offences, he is assessed as being of high risk of harm to the wider public*". This is not expressed in the terms of the statutory test. Taking it in the round, however, in my judgment, it is capable of supporting an assessment that Iqbal does satisfy the dangerousness criterion

95. In my judgment, the nature, persistence and the extent of his involvement in a series of different types of possible terrorist activity described above coupled with the evidence that he continued after September 2011 with the mindset which informed those actions satisfies me that he continues to be a person who poses a significant risk to members of the public of serious harm occasioned by the commission by him of further specified offences. I do, therefore find him to be dangerous.

Ahmed

96. As with Iqbal, his involvement in, or espousal of, potential terrorist activities is both direct, repeated, persistent and maintained. He travelled to Pakistan with a view to obtaining terrorist training and passed on a significant sum of money for use in terrorist purposes. When that proved unsuccessful, because, he said, of his lack of Arabic and the circumstances on the ground, he did not give up that ambition but continued to conduct his physical training programme, both in the gym and in remote areas where military style training was undertaken. He also continued to seek to travel to various other countries in order to learn Arabic, with a view to making himself more acceptable as a potential terrorist trainee.

97. In addition, he was involved in significant discussions, using an article in the Inspire magazine, about assembling and deploying one or more IEDs and to do so in respect of a specific identified local target. On more than one occasion he had discussions about the acquisition of firearms, both with other individuals in his car, and involving Hussain. In all of this he was informed by and influenced by the material which he downloaded and accessed, notably Inspire magazine. He too was, by his admission, a collector of funds to be sent abroad for the purposes of funding terrorism. he took just under a £1000 when he went to Pakistan and he discussed fundraising with Hussain, whom he sought to influence and did influence in his ambition to travel abroad for terrorist training. He was also involved in organising military style training both in the gym and outdoors in remote parts of the country.

98. He downloaded Inspire magazine after the search of 2nd September, in October, and did not thereafter delete. Nor did he divest himself of a quantity survival equipment and maps of Snowdonia he had previously accumulated which had not been found in the September search. These actions are not consistent with the claim that, after the 2nd September, he withdrew from such conduct and focussed himself on his private life. It is said, on his behalf, that it reflects a slow but determined move away from a terrorist supporting ideology.

99. As with Iqbal, whilst what was found on 24 April 2012 may be said to evidence a naivety about his position after the September search, it supports the view that his mindset had not changed. In the pre sentence report, part of the dangerousness assessment is couched in virtually identical terms to Iqbal. However it also describes the disengagement from radical Islamist ideology to which I have already referred. This is based on what he has said to the authors of the report in interviews lasting 5 hours.

100. Although his is younger than Iqbal, I do not regard that as a significant factor in assessing Ahmed's dangerousness nor in comparing their culpability. In Ahmed's case, having regard to the nature, intensity and persistence of his preparatory activities prior to the 2nd September and having regard to the evidence of his continuing in the same mindset thereafter and until the second search on 24 April 2012, I am satisfied that, as of that date, he was a person who posed a significant risk to members of the public of serious harm occasioned by the commission of further

specified offences. Whilst I have regard to the assessment of the authors of the pre sentence report and their expertise in such matters, I am of the view that the effect of the material up to the 24th April is not overborne by subsequent assertions by him of a change of heart since his remand into custody to the extent necessary to avoid my coming to the conclusion that he still satisfies the dangerousness condition..

101. In each of their cases, having concluded that they satisfy the dangerousness condition, I have to consider whether to exercise my discretion to impose an extended sentence. I have regard to the fact that the imposition of an extended sentence has consequences, not just for the extended period during which they would be on licence, having been released, but also on the date when they are released, and that this is potentially a significant consequence. It will result in them serving in prison two thirds of the custodial element and may result in them serving double the time that they would serve were they subject of a determinate sentence from which they would have to be released after serving one half of the sentence. I also have regard to the onerous nature to the licence conditions to which they would be subject for the balance of a determinate sentence and to the terrorism notification requirements to which they will, in any event, be subject for many years

102. In my judgment, however, in each of their cases, their persistent commitment to terrorist activity, in a number of different ways, over a significant period of time and, in each case, their willingness to take practical steps to obtain terrorist training abroad, marks them out as particularly dangerous. This, coupled with the fact that, after their houses had been searched, and they were obviously under serious suspicion, they nonetheless continued to access material consistent with the mindset which informed their previous preparatory activities, persuades me that they continue to be “dangerous” to such a degree that I should exercise my discretion to pass an extended sentence. It is, in my judgment, appropriate for the public to be protected by requiring a direction from the Parole Board that they be released, before they are released prior to the expiration of the custodial term. That direction will be given, or not, in the light of the circumstances which exist after they have served two thirds of the appropriate custodial sentence and only on the basis that the Parole Board is satisfied that it is no longer necessary for the protection of the public that the offender should be confined. Accordingly, I will impose on Iqbal and Ahmed an extended sentence.

The length of sentences

103. I have regard to all personal mitigation though it has little impact in a case such as this. I been reminded of a number of relevant authorities and I have considered all of them. I have considered the case of ***Iqbal [2010] EWCA Crim 3215*** and ***F [2007] EWCA Crim 243*** in which the fact that the main thrust of the terrorist related to activities abroad rather than within the UK is said not to be a relevant factor in determining the seriousness of the offending.

104. I have also had regard to the sentencing authorities, at appellate and first instance level, of cases under Section 5 of the Terrorism Act 2006 to which I have been referred. It is well recognised that Section 5 covers a wide range of activities and sentencing is very fact specific. At one end of the spectrum there is the case of ***Qureshi (AG Ref 7/2008) [2008 EWCA Crim 1053]***, at the other end is ***Rajib Karim [2012] 1CR App R(S) 85***. I have also had regard to the sentences passed by myself in the case of ***Chowdhury and Ors*** and the judgment of the CACD on the appeals by certain of offenders in that case which was handed down this week (***Usman Khan and others[2013] EWCA Crim 468***) I note, particularly, that, although the imposition of an IPP for some of those offenders has been overturned,

the underlying determinate sentence levels for these who pleaded guilty to the Section 5 offence have all been upheld.

105. At the hearing on the 1st March I expressed the view that, in terms of seriousness, I viewed these offences as being at a lower level of seriousness to ***Chowdhury and ors***, and I have not changed that view. It is urged on me that these cases are significantly less serious than the activities the subject of ***Chowdhury***.

106. I have also been referred to the cases of ***Walid Ali, Mohamed Shakil and Sadeer Saleem (2009), Hassan Tabbakh (2008), Ian and Nicky Davison (2010) and Abdulla Ahmed Ali and others [2011 EWCA Crim 1260***, in the last, particularly concerning Nabeel Hussain. I have had regard to them all bearing in mind the wide range of activities encompassed in the section 5 offence and the absence of any guideline cases or other definitive guidance.

107. I consider that Iqbal and Ahmed are in their different ways the most serious of these offenders and I do not distinguish between them in terms of length of sentence as, in my judgment, in their different ways, their culpability is equal. Iqbal not only actively facilitated, through his contact, the travelling by Ahmed to Pakistan for terrorist training, but he had virtually completed the practical arrangements for himself to go to Pakistan for a similar purpose, taking with him a very significant sum of money for use, at least as to part, for supporting terrorist activity abroad. In addition he had seriously discussed with Ahmed the assembling and deployment of an IED with a specific target in mind and had discussed with others the acquisition of a firearm and ammunition.

108. Ahmed, travelled to Pakistan for training and took funds to support terrorism abroad. He persisted in his wish to do so, envisaging obtaining the necessary language skills by travelling, if need be, to obtain them. He was actively involved in undertaking and encouraging and organising relevant training in the UK for himself and others, including Arshad and Hussain. He joined with Iqbal in serious discussions about assembling and deploying one or more IEDs possibly targeting a territorial army base, taking a steer from the change of direction envisaged in Inspire magazine. He investigated obtaining a firearm and ammunition.

109. In the case of ***Chowdhury and ors*** there were two focuses of activity; first, the establishment of a terrorist training camp abroad and recruitment of trainees to attend it, coupled with consideration of the commission of terrorist acts at home second the active discussion of the construction of an IED, based on the article in Inspire, with a view to such a device being exploded in the London Stock Exchange. The starting point for the determinate sentences in respect of these two elements, for persons of full age with no previous convictions who were at the heart of those aspects of the case were, respectively, 20 and 18 years.

110. In my judgment and having regard to that case and the others to which I have referred, the appropriate custodial sentence for Iqbal and Ahmed after a fight would have been 15 years. Giving each a 25% discount for his plea of guilty, the appropriate custodial sentence is one of 11 years 3 months. The extension period for which Iqbal and Ahmed will be subject to licence beyond the expiration of the appropriate custodial term of 11 years and 3 months will be 5 years. Thus, I pass on Iqbal and Ahmed an extended sentence totalling 16 years and 3 months, of which 11 years and 3 months will be the appropriate custodial term and 5 years will be the extension period.

111. In the case of Arshad, his offending is at lower level than that of either Iqbal or Ahmed. He is not, however, someone who falls to be sentenced at the level for which was thought to be appropriate in *Qureshi*. He is no “Walter Mitty” character but was a serious minded person who actively participated in assisting and encouraging Ahmed to go to Pakistan for terrorist training, by providing him with a sim card, supplying him with advice and support and giving money to support terrorism abroad. Thereafter, he was sufficiently serious in his commitment to undertake, repeatedly, training in mountainous and other terrain in preparation for terrorism. He too exposed himself to the influence of Inspire and other texts of radical Islamist ideology. In my judgment, the appropriate sentence upon him after a trial would have been one of 9 years imprisonment. He too is entitled to a 25% discount. The sentence I pass on him is one of 6 years 9 months. He will be released on licence after he has served one half of that term less the number of days he has been remanded in custody for this offence. That is a matter which will be determined administratively. Once released, and for the balance of the 6 years and 9 months, he will be subject to licence and liable to be recalled at any time during that period if he is in breach of his licence.

112. In the case of Hussain, in my judgment his offending is less serious than that of Arshad. He is also younger than the rest. He discussed a variety of types of terrorist activity and expressed a willingness and ambition to travel for training, to provide funding for terrorist purposes and to source a firearm for Ahmed, but it never got beyond that, save for one attendance on a trip organised by Ahmed for military style training in a remote country area. He too accessed the literature advocating a violent fundamentalist Islamist ideology over a period of months before the search of 2 September. The extent and range of his offending makes it serious, though not, in the context, as serious as that of the others. In my judgment the appropriate sentence for him after a trial would have been one of 7 years imprisonment. Giving him a 25% discount for a plea of guilty, the sentence I pass on him is one of 5 years 3 months. He too will be released after serving one half of that term less the number of days he has been remanded in custody for this offence. That will be calculated as an administrative act. Thereafter he will, for the remainder of the term, be subject to licence and liable to recall to prison if he were to break the terms of that licence.

Consequential matters

113. In respect of each of these offenders, Part 4 of the Terrorism Act 2008 applies so that each of them will be subject to a notification requirement pursuant to Section 40 (1) of that Act. By virtue of Section 47 of that Act, they will each be required to provide detailed information to the police and, by Section 48, to notify any change to this information. Any breach of these requirements is itself a criminal offence. In the case of Iqbal and Ahmed, who have been sentenced to sentences of 10 years imprisonment or more, the notification requirements remain in force for 30 years. In the case of Arshad and Hussain the notification requirements remain in force for 15 years.

114. In addition I will make a deprivation order pursuant to s143 of the Powers of the Criminal Courts (Sentencing) Act 2000 in respect of the items on the schedule produced to me save for (i) item AJP/39 where no such order is now sought and (ii) in respect of items AJP/5, AJP/37, SMR/26, 42, 43 and 44, and DMC/13 and 14 where I will adjourn consideration to be determined by me on the basis of written submissions. I will invite the parties to indicate a timetable for such submissions to be made.

SUMMARY

1. ZAHID IQBAL An extended sentence of 16 years 3 months comprising a custodial element of 11 years 3 months and an extended licence period of 5 years. Terrorism Act notification requirement for 30 years

2. MOHAMMED SHARFARAZ AHMED. An extended sentence of 16 years 3 months comprising a custodial element of 11 years 3 months and an extended licence period of 5 years. Terrorism Act notification requirement for 30 years

3. UMAR ARSHAD. A sentence of imprisonment of 6 years 9 months. Terrorism Act notification requirement for 15 years

4. SYED FARHAN HUSSAIN. A sentence of imprisonment of 5 years 3 months. Terrorism Act notification requirement for 15 years

5 Deprivation order pursuant to s143 of the Powers of the Criminal Courts (Sentencing) Act 2000 in respect of the items on the schedule attached to the order save for: (i) item AJP/39 where no such order is sought. (ii) In respect of items AJP/5, AJP/37, SMR/26,42,43 and 44, and DMC/13 and 14 where consideration of the application is adjourned to be determined on the basis of written submissions.