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1 ISSUE

1.1 In May the Council was informed of the changes made to Terrorism legislation by the Counter-Terrorism and Border Security Act 2019. The main changes that affect our guidelines include;

- a new subsection 1A to section 12 TACT 2000 (Proscribed Organisations – Support) to cover offenders who express supportive views for a proscribed organisation, reckless as to whether others will be encouraged to support it;
- two new subsections to section 58 TACT 2000 (Collection of Terrorist Information) – to cover those offenders who view/ stream terrorist information over the internet rather than download it;
- changes to sections 1 and 2 TACT 2006 (Encouragement of Terrorism) to refer to a ‘reasonable person’ rather than ‘some or all members of the public’;
- changes to bring more offences into scope for extended determinate sentences and sentences for offenders of particular concern; and
- an increase to the maximum sentences for s38B TACT 2000 Failure to Disclose Information About Acts of Terrorism (from five to ten years), s58 TACT 2000 Collection of Terrorist Information (from ten to 15 years) and ss1 and 2 TACT 2006 Encouragement of Terrorism (from seven to 15 years).

1.2 The Council is invited to consider amendments to the guidelines to reflect these legislative changes.

1.3 It is hoped that the Council might agree these changes this month and sign off the guidelines ready for consultation. If the guidelines are signed off a draft of the consultation will be prepared over the summer and circulated with an aim to publish it in September.

2 RECOMMENDATION

2.1 That the Council should:

- Agree the proposed changes to the culpability factors in the Support guideline (s12 TACT 00)
- Agree the proposed changes to the culpability factors in the Collection guideline (s58 TACT 00)
- Agree the proposed changes to the sentence levels in the Collection, Encouragement (ss1 and 2 TACT 06), and Failure to Disclose Information (s38B TACT 00) guidelines.

3 CONSIDERATION

- ***Amendments to section 12 Terrorism Act 2000***

3.1 The Counter-Terrorism and Border Security Act 2019 amended section 12 TACT 2000, introducing a new section 12A. The full section is set out below, with the new section in bold:

Section 12 TACT 2000 (Proscribed Organisations – Support)

(1) A person commits an offence if—

- (a) he invites support for a proscribed organisation, and
- (b) the support is not, or is not restricted to, the provision of money or other property (within the meaning of section 15).

(1A) A person commits an offence if the person—

- (a) expresses an opinion or belief that is supportive of a proscribed organisation, and**
- (b) in doing so is reckless as to whether a person to whom the expression is directed will be encouraged to support a proscribed organisation.**

(2) A person commits an offence if he arranges, manages or assists in arranging or managing a meeting which he knows is—

- (a) to support a proscribed organisation,
- (b) to further the activities of a proscribed organisation, or
- (c) to be addressed by a person who belongs or professes to belong to a proscribed organisation.

(3) A person commits an offence if he addresses a meeting and the purpose of his address is to encourage support for a proscribed organisation or to further its activities.

(4) Where a person is charged with an offence under subsection (2)(c) in respect of a private meeting it is a defence for him to prove that he had no reasonable cause to believe that the address mentioned in subsection (2)(c) would support a proscribed organisation or further its activities.

(5) In subsections (2) to (4)–

(a) “*meeting*” means a meeting of three or more persons, whether or not the public are admitted, and

(b) a meeting is private if the public are not admitted.

(6) A person guilty of an offence under this section shall be liable–

(a) on conviction on indictment, to imprisonment for a term not exceeding ten years, to a fine or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

3.2 Prior to the introduction of section 12(1A) a person was guilty of the offence only if they *directly* invited support for a proscribed organisation. Section 12(1A) has broadened the offence. It appears that the purpose of the new provision is to capture those offenders (such as Anjem Choudary) who avoid inviting support directly but instead garner support through methods of radicalisation such as through the use of rousing speeches, expressing their own support for a proscribed organisation and, through their charismatic, energetic performances inspire others to believe and support too.

3.3 Throughout the passage of the Bill there was considerable debate about whether such an amendment was appropriate or whether it strayed into the territory of freedom of expression. For some, such as Lord Anderson (a former independent reviewer of terrorism legislation), this issue is particularly heightened due to his concern that ...” *substantial numbers of proscribed organisations - 14 by the Home Office’s own admission, and no doubt more in Northern Ireland - are proscribed despite failing to satisfy the statutory condition for proscription, which is being concerned in terrorism.*”

3.4 Prior to the introduction of s12(1A), the section 12 offence concerned only intentional acts to gain support. Section 12(1A) involves an offence of recklessness.

3.5 The current guideline culpability factors are set out below:

A

- Offender in position of trust, authority or influence and abuses their position
- Persistent efforts to gain widespread or significant support for organisation
- Encourages activities intended to cause endangerment to life

B

- Arranged or played a significant part in the arrangement of a meeting/event aimed at gaining significant support for organisation
- Intended to gain widespread or significant support for organisation
- Encourages activities intended to cause widespread or serious damage to property, or economic interests or substantial impact upon civic infrastructure

C

- Lesser cases where characteristics for categories A or B are not present

3.6 The majority of the culpability factors involve intentional acts and therefore most s12(1A) cases would likely fall into culpability C. However, the top culpability factor in culpability A does not distinguish between an intentional or reckless act and so could apply to either s12(1) or s12(1A) offences.

3.7 For example, a university lecturer who directly invites his class to support a proscribed organisation would fall into the top culpability factor in category A; *offender in position of trust, authority or influence and abuses their position*. However, the same category would apply to a lecturer who gave a speech to his class which included comments that he agreed with and supported some of the less offensive beliefs or actions of a certain proscribed organisation (perhaps even an organisation that should not be proscribed).

Question 1: Does the Council consider that the top culpability factor in category A requires amendment to distinguish between intentional and reckless acts, perhaps moving reckless behaviour to culpability B?

- **Amendments to section 58 Terrorism Act 2000**

3.8 There are new subsections (1)(c), (1A) and (3A) to section 58 TACT 2000 (Collection of terrorist information) as seen below:

(1) A person commits an offence if—
 (a) he collects or makes a record of information of a kind likely to be useful to a person committing or preparing an act of terrorism, or
 (b) he possesses a document or record containing information of that kind or
(c) the person views, or otherwise accesses, by means of the internet a document or record containing information of that kind.

(1A) The cases in which a person collects or makes a record for the purposes of subsection (1)(a) include (but are not limited to) those in which the person does so by means of the internet (whether by downloading the record or

otherwise).

(2) In this section “record” includes a photographic or electronic record.

(3) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for his action or possession.

(3A) The cases in which a person has a reasonable excuse for the purposes of subsection (3) include (but are not limited to) those in which—
(a) at the time of the person’s action or possession the person did not know, and had no reason to believe, that the document or record in question contained, or was likely to contain, information of a kind likely to be useful to a person committing or preparing an act of terrorism, or
(b) the person’s action or possession was for the purposes of—
(i) carrying out work as a journalist, or
(ii) academic research.

3.9 The purpose of these amendments is to reflect changes in technology. When this legislation was first drafted offenders were more likely to collect physical documents or records and even if they obtained materials from the internet they would most likely have downloaded them. Now people more commonly view materials over the internet by streaming them, and it was felt that this should be reflected.

3.10 The current guideline culpability factors are:

A	<ul style="list-style-type: none">• Offender collected, made a record of, or was in possession of information for use in a specific terrorist act
B	<ul style="list-style-type: none">• Offender collected, made a record of, or was in possession of information likely to be useful to a person committing or preparing an act of terrorism and the offender had terrorist connections or motivations• Offender repeatedly accessed extremist material (where not falling within A)
C	<ul style="list-style-type: none">• Offender collected, made a record of, or was in possession of information likely to be useful to a person committing or preparing an act of terrorism but had no terrorist connections or motivations

3.11 Changes could be made to the above culpability factors to include the phrase ‘or viewed over the internet’. For example, ‘Offender collected, made a record of, was in possession of, or viewed over the internet information for use in a specific terrorist act’.

3.12 The requirement within culpability factors A and B that the offender must either be ‘using the material for use in a specific terrorist act’, or have had ‘terrorist connections or motivations’ would seem to protect against a very high sentence being received by a simply curious person who could now, in theory, be captured by the legislation simply by clicking onto a terrorist article.

3.13 The only factor that may be of concern is the second factor in culpability B 'Offender repeatedly accessed extremist material (where not falling within A)'. This may mean that a curious person with no terrorist motivations who clicks on a terrorist article a couple of times could receive a very high sentence (especially so once the sentencing table is amended to reflect the higher statutory maximum).

3.14 The original amendment made to the legislation by the Counter-Terrorism and Border Security Bill provided that a person commits the offence if they accessed such material on three or more different occasions. The Home Secretary said during the second reading in the House of Commons:

The objective is to allow for the fact that it is quite possible for someone to accidentally come across such a video, be curious and watch it one time and perhaps a second time. I am not pretending that there is something magical about the number three. This is an attempt to capture repeated viewing, which may suggest that the intent is not innocent. Of course, should the Bill become an Act of Parliament and someone is prosecuted under this law, that decision would be made by the police, based on evidence and working with the Crown Prosecution Service. As with other criminal offences of this type, the CPS would use its judgment to decide whether it is in the public interest to prosecute.

3.15 There was significant criticism of this provision; many queried the number three, others questioned whether the three occasions needed to be close in time, or could they be separated by several years. Many questioned the provision in its entirety because it would likely capture non- terrorists:

Rachel Robinson, of Liberty,

"Blurring the boundary between thought and action by locking people up simply for exploring ideas undermines the foundations of our criminal justice system. Terrorists' primary goal is to undermine our freedom. With proposals like this, the government risks giving them exactly what they want."

3.16 In response to the criticism changes were made to the amendment so it no longer referred to three occasions, but the Act still provides for a streaming offence (as set out above). However, a new section was introduced (section 3A- which can also be seen above) to deal with concerns that journalists or academics who legitimately view terrorist material could be caught out. The defence does not, however, protect a whole host of other parties who choose to look at such material simply out of curiosity.

3.17 The issues raised during debate are similar to the ones we might have with regard to the factor 'Offender repeatedly accessed extremist material (where not falling within A)'.

Given the issues raised might the Council consider removing this factor altogether? The factor now simply provides for the new offence but would place any offender caught by it into culpability B whether they have terrorist motivations or not. Without this factor a simply curious person who has had the misfortune to be prosecuted would fall into category C; one with a terrorist interest or motivation would fall into category B, and one accessing the material to use it in a terrorist action would fall into A. This seems to be the most appropriate distribution.

Question 2: Does the Council want to remove the factor 'Offender repeatedly accessed extremist material (where not falling within A) from the guideline?

- ***Amendments to section 1 and 2 Terrorism Act 2006***

3.18 There are changes to the wording of sections 1 and 2 of TACT 2006 (encouragement of terrorism) to include references to a 'reasonable person' rather than 'some or all members of the public'.

Original Section 1(1) TACT 2006

This section applies to a statement that is likely to be understood by some or all of the members of the public to whom it is published as a direct or indirect encouragement or other inducement to them to the commission, preparation or instigation of acts of terrorism or Convention offences.

3.19 The requirement that the statement must be 'likely to be understood' by some or all members of the public as an encouragement or inducement to them to commission, prepare or instigate an act of terrorism, meant that the encouragement offence would not be made out if the statement was directed at children or vulnerable adults who do not understand the statement to be an encouragement to engage in acts of terrorism. In order to correct that, the section has been amended:

New Section 1(1) TACT 2006

(1) This section applies to a statement that is likely to be understood by a reasonable person as a direct or indirect encouragement or other inducement to some or all of the members of the public to whom it is published to the commission, preparation or instigation of acts of terrorism or Convention offences.

3.20 The factors in the guideline do not require amendment to provide for this change.

- ***Amendments to bring more offences into scope for extended determinate sentences and sentences for offenders of particular concern.***

3.21 The new legislation also brings further offences in scope for extended determinate sentences and sentences for offenders of particular concern. Ruth brought these changes to the attention of the Council in May and proposed changes to the wording at the front of the affected guidelines to make it clear that these provisions apply from 12 April 2019 (the date that the amendments came into force). No further changes are needed.

- ***An increase to the maximum sentences***

3.22 The government provided the following rationale for increasing the statutory maximum for the Collection of Terrorist Information (section 58 TACT 00) and Encouragement (sections 1 and 2 TACT 06) offences. The failure to disclose information offence (s38B TACT) is discussed separately:

The maximum penalties for a number of terrorism offences were established in the Terrorism Acts of 2000 and 2006. The terrorist threat has since changed, with individuals engaging in such conduct now likely to pose an increased risk of moving quickly on to attack planning, given the rapid trajectory of radicalisation now being observed. Increased maximum penalties better reflect the increased risk and the seriousness of these offences.

3.23 The Joint Committee on Human Rights, in their scrutiny of the legislation, made the following recommendation:

In our view, the increase in sentences does not appear to be supported by evidence to suggest why it is justified or proportionate. We recommend that the Home Office provide further evidence (if they have such evidence) as to why they consider the current maximum sentences to be insufficient and how this increase is necessary and proportionate. We are particularly concerned that a sentence of 15 years could be imposed for a precursor offence of viewing terrorist material online three times or more. This would put viewing material online (without intent to cause harm) on the same level of culpability as possession of an article (e.g. materials for bomb-making) for terrorist purposes. As such, we recommend that clause 6(2) [the clause introducing the increases to statutory maximum across four offences] be deleted.

3.24 The Government provided the following response:

It is important to remember that for all four offences [sections 58 and 58A of the 2000 Act, and sections 1 and 2 of the Terrorism Act 2006], 15 years' imprisonment will be the maximum penalty provided by clause 6, and a sentence of that length will only be appropriate in cases of the utmost seriousness. In the normal way, it will be for the sentencing judge to determine the appropriate sentence to be imposed, taking into account the circumstances of each individual case, in line with applicable sentencing guidelines.

Since Parliament set the current maximum penalties for the offences at sections 58 and 58A of the 2000 Act, and sections 1 and 2 of the Terrorism Act 2006, the threat landscape has changed significantly. In the modern digital age, individuals who view or disseminate terrorist

material, or who encourage terrorism, pose an increased risk of quickly moving to attack planning themselves or of radicalising others to do so. We have seen an increase in low sophistication terrorist plots which are inspired rather than directed, and in attack operatives who are self-radicalised and self-trained without necessarily having had significant direct contact with terrorist organisations. The division between preliminary terrorist activity and attack planning is increasingly blurred, and the move from the type of activity covered by these offences to planning or launching an attack can happen quickly and unpredictably, with little or no warning, particularly in the case of spontaneous or volatile individuals. An increased maximum penalty does not mean that we consider every case is going to be of equivalent seriousness.

If the police and intelligence agencies are going to keep the public safe they need the powers to effectively disrupt terrorists involved in this type of activity at an earlier stage, before the risk of them carrying out an attack has progressed. The increased maximum penalties will properly reflect the seriousness of these offences and the risk arising from this activity, and will help to protect our communities.

3.25 Having read through the debates it is not clear whether the will of parliament was that all sentences should attract a higher sentence, or whether there should be an increase just to the most serious cases. It seems that the Government's aim is to disrupt terrorists earlier on, before a major terrorist incident occurs. This would tend to suggest that the aim is to disrupt offenders by prosecuting them for less serious offences for which they receive more significant sentences than they would have previously.

3.26 It must, however, be remembered that the Council expressed a similar rationale in drafting the guidelines that were published last year. The consultation stated:

[Kahar] has worked effectively for sentencing preparation cases up until now, but the changing nature of offending requires that the guidance be reconsidered, and that a comprehensive package of guidelines be produced to cover a wider number of offences.

The Council considered the sentences as set out in the guideline case Kahar alongside the details of recent cases, and agreed that sentencing practice should be increased for these offences. In Kahar the lowest level offence will fall into Level 6 which has a sentencing range of 21 months to 5 years, whereas the lowest sentence range within the proposed guideline is 3 years to 6 years. The cases that will fall into the lower categories of the new guideline are ones where preparations might not be as well developed or an offender may be offering a small amount of assistance to others.

The Council determined that, when considering these actions in the current climate, where a terrorist act can be planned in a very short time, using readily available items as weapons, combined with online extremist material on websites which normalise terrorist activity, and creates a climate where acts of terrorism can be committed by many rather than a few highly-organised individuals, these offences are more serious than they have previously

been perceived. The Council believes that its proposals take account of the need to punish, incapacitate and deter.

3.27 Whilst the comments relate primarily to preparation offences (s5 TACT 06), the same considerations about the changing nature of offending was applied to the other guidelines, ensuring that significant sentences were available for lower level offending.

3.28 The Council may, therefore, wish to be cautious about further increasing sentences across all levels of the guidelines to reflect the increased statutory maxima. The issue now might be to increase sentences only for the top levels of seriousness were there was no room to increase prior to the change to the statutory maxima.

s58 TACT 2000 Collection of Terrorist Information (from ten to 15 years)

3.29 The current guideline can be seen here: <https://www.sentencingcouncil.org.uk/wp-content/uploads/Terrorism-offences-definitive-guideline-Web.pdf>

3.30 Prior to the public consultation of this guideline the Government announced its proposal to increase the statutory maximum for this offence from ten to 15 years. For that reason, at consultation, the Council included a second sentencing table with higher sentences in it to seek people’s views. At that time the guideline looked quite different to how it ended up at publication, and had just two levels of culpability. The higher sentences table looked like this:

	A	B	C
1	Starting point* 10 years’ custody Category range 8-14 years custody	Starting point* 7 years’ custody Category range 5-9 years custody	Starting point 4 years’ custody Category range 2 -6 years custody
2	Starting point* 6 years’ custody Category range 4-8 years custody	Starting point 4 years’ custody Category range 2-6 years custody	Starting point 2 years custody Category range 1-3 years custody

3.31 The changes made above represented an increase across the board. Not many of the consultees commented on the second sentencing table but a couple agreed, including

the CPS and Attorney General’s Office. The London Criminal Courts Solicitors Association was the only respondent to provide any detailed feedback and they commented that an increase across the board does not necessarily reflect the will of parliament and that we should have awaited the debate to see what the intention was.

3.32 Over the last ten years there have been 20 offenders sentenced for this offence.¹ Three received a suspended sentence and 17 received an immediate custodial sentence. The mean average custodial sentence length (ACSL) was 3.7 years, after any reduction for guilty plea. The maximum sentence, received by two offenders, was seven years.

3.33 At **Annex A** there are some descriptions of cases taken from transcripts. In the pre-guideline cases 4 of the 6 cases sentenced would have received a higher sentence had the guideline been published and followed. From statistics it is too soon to say whether our guideline has had an inflationary effect as there are too few cases, but the transcripts suggest that is a possibility.

3.34 It is therefore proposed that the Council take a more nuanced approach to reflect the increased statutory maximum, and instead of increasing sentences across the board, focus on the most serious offending:

	A	B	C
1	Starting point* 10 years’ custody Category range 8 - 14 years custody	Starting point* 7 years’ custody Category range 5-9 years custody	Starting point* 3 years’ custody Category range 1-5 years custody
2	Starting point* 7 years’ custody Category range 5-9 years custody	Starting point 4 years’ custody Category range 3 - 5 years custody	Starting point 1 year 6 months custody Category range 6 months - 3 years custody
3	Starting point 5 years’ custody Category range 3-6 years custody	Starting point 3 years’ custody Category range 2 - 5 years custody	Starting point 1 years’ custody Category range High level community order – 2 years custody

*indicates a change to the sentence

¹ All statistics include adult offenders only, and only the principal offence for which the offender was sentenced.

3.35 As this offence now carries a statutory maximum of 15 years, comparisons could be made with the section 57 offence of Possession for Terrorist Purposes which also has a statutory maximum of 15 years. However, the Possession offence is arguably more serious than the Collection offence. Very few Possession cases are prosecuted as, for the most part, section 5 TACT 06 is more commonly used. The Possession offence is committed where a person possesses an article in circumstances which give rise to a reasonable suspicion that his possession is for a purpose connected with the commission, preparation or instigation of an act of terrorism.

3.36 Given the different and more serious nature of the Possession offence it is not proposed that the Council simply replicate that sentencing table into this offence. However, the proposed sentences above would ensure that offending of a similar level of seriousness is met by similar sentences.

3.37 **Annex B** includes a table setting out the current and proposed sentences for the Collection (section 58 tact 00) and Encouragement (ss1 and 2 TACT 06) offences alongside the existing sentences for Possession (s57 TACT 00), as all three of these offences now have the same statutory maximum sentence of 15 years.

Question 3: Does the Council agree with the changes made to the sentencing table for the Collection (section 58 TACT 00) offence?

ss1 and 2 TACT 2006 Encouragement of Terrorism (from seven to 15 years)

3.38 The current guideline can be seen here: <https://www.sentencingcouncil.org.uk/wp-content/uploads/Terrorism-offences-definitive-guideline-Web.pdf>

3.39 Over the last ten years there have been 57 offenders sentenced for this offence. Four received a suspended sentence and 52 received an immediate custodial sentence². The mean ACSL was 2.9 years, after any reduction for guilty plea. The maximum sentence, received by one offender was six years. 12 offenders received a sentence of four and a half to six years.

3.40 Sentencing data is available up to December 2018, by which point the guideline had been in force for 8 months. During this time the mean ACSL was 3 years 6 months and the median length was 3 years 11 months. In the 8 months immediately prior to the guideline coming into force the mean ACSL was 3 years 2 months, and the median was 3 years. The data indicates that sentences have increased following the guideline's introduction, however this finding should be treated with caution due to the very low volumes.

² One offender received a non-custodial sentence

3.41 At **Annex A** there are some descriptions of cases taken from transcripts. In the pre-guideline cases 4 of the 8 cases sentenced would have received a higher sentence had the guideline been published and followed.

3.42 The proposed changes can be seen below:

	A	B	C
1	Starting point* 10 years' custody Category range 8 - 14 years custody	Starting point* 7 years' custody Category range 5-9 years custody	Starting point 3 years' custody Category range 2-4 years custody
2	Starting point* 7 years' custody Category range 5-9 years custody	Starting point* 4 years' custody Category range 3-5 years custody	Starting point 2 years' custody Category range 1-3 years custody
3	Starting point* 4 years' custody Category range 3-5 years custody	Starting point 2 years' custody Category range 1-3 years custody	Starting point 1 years' custody Category range High level community order – 2years custody

*indicates a change to the sentence

Question 4: Does the Council agree with the changes made to the sentencing table for the Encouragement (section 1 and 2 TACT 06) offences?

s38B TACT 2000 Failure to Disclose Information About Acts of Terrorism (from five to ten years)

3.43 The current guideline can be seen here: <https://www.sentencingcouncil.org.uk/wp-content/uploads/Terrorism-offences-definitive-guideline-Web.pdf>.

3.44 The government did not originally propose an increase to the sentences for these offences however Max Hill QC, as the then independent reviewer of terrorism legislation, gave oral evidence during the Public Bill Committee stage and commented that the maximum penalty for this offence was too low and should be increased. The Government agreed and thus the statutory maximum has now been increased.

3.45 Between 2008 – 2018 there were ten offenders sentenced for this offence³. One offender received a suspended sentence and nine received an immediate custodial sentence. The mean ACSL was 2.8 years, however three offenders (a third of those receiving custody) received the statutory maximum of five years.

3.46 Whilst there are few offenders sentenced for these offences it is clear that the courts are, in certain circumstances, willing to go to the statutory maximum which is quite unusual and evidences the need to increase the statutory maximum for these offences.

3.47 The offence under s38B can be committed in one of two ways:

38B Information about acts of terrorism

(1) This section applies where a person has information which he knows or believes might be of material assistance—
 (a) in preventing the commission by another person of an act of terrorism, or
 (b) in securing the apprehension, prosecution or conviction of another person, in the United Kingdom, for an offence involving the commission, preparation or instigation of an act of terrorism.

3.48 Looking at some cases (**annex A**), the offenders who receive the highest sentences are those guilty of the section 38B (1a) offence, i.e. where the offender had information before the incident that could have prevented it. These cases would most likely fall into A1 of the current guideline. In several of the cases the offenders receive final sentences that are significantly higher than the statutory maximum of 5 years because more than one charge was brought and consecutive sentences were imposed. This indicates that Judges consider the gravity of the overall offending merits a much more significant sentence.

3.49 It is proposed that the sentencing table is amended as follows:

	A	B	C
1	Starting point* 7 years' custody Category range 6-9 years custody	Starting point* 5 years' custody Category range 4-6 years custody	Starting point 2 years' custody Category range 6 months - 3 years custody
2	Starting point* 4 years' custody Category range 3-5 years custody	Starting point 2 years' custody Category range 6 months - 3 years custody	Starting point 1 year 6 months custody Category range High level community order – 2years custody

³ This only includes cases where this was the principal offence.

*indicates a change to the sentence

3.50 The changes proposed only relate to the upper levels. There are no examples in the transcripts of the lowest type of offending but under the current guideline it would involve a person having information of low significance, or having information of some significance about a terrorist act not endangering life or causing widespread damage. Currently the starting points for these cases are 2 years or 1 year 6 months which seem adequate.

3.51 The biggest proposed increase is to the sentence starting point and range in A1 as this involves a case where the information known was very significant (it could have prevented an act of terrorism) and relates to a terrorist activity endangering life. B1 has also been increased, this would involve a case where the information could be of some significance and relates to activity endangering life. Finally, an increase to A2 is recommended. An A2 case involves one where the information is very significant but does not relate to loss of life or widespread damage etc.

Question 5: Does the Council agree with the proposed increases to the sentences for the offence of failing to disclose information?

Question 6: Does the Council agree to sign off these guidelines?

4 IMPACT

4.1 The changes made to the guidelines to reflect the increased statutory maxima for the Collection, Encouragement and Failure to Disclose Information offences will inevitably result in an increase in sentencing practice. The Analysis and Research team will be completing work on a resource assessment after this Council meeting and, if these guidelines are signed off today, the resource assessment will be circulated to Council members in due course, before the consultation is published.

5 RISKS

5.1 There are risks associated with the assessment of the impact of these guidelines. Most terrorist offences are low volume which makes assessing current sentencing practice difficult.

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Annex A – Case Summaries

Collection (Section 58 TACT 00)

PRE- GUIDELINE			
Name	Description	Actual Sentence	Predicted guideline starting point
Mohammed REHMAN Feb 2017	Serving prisoner for a previous s5 TACT offence. Found to be in possession of a handwritten document detailing instructions on how to make HMTD (explosives). The offender's s5 case had involved planning to use explosive devices somewhere in London	3 years (pleaded guilty- without reduction would have been 4.5 years)	B2 *
Jade CAMPBELL Apr 2017	Young female offender pleads guilty to falsely obtaining a passport and being in possession of the first edition of Inspire (includes articles such as 'how to build a bomb in the home of your mom'). Has clear terrorist connections and motivations; the year before her husband left the country to travel to Syria	12 months but Judge said starting point was 16 months	B2*
Roger SMITH January 2017	Convicted after trial of 2 possession of explosive substance offences and 1 s58 offence- namely possession of the anarchist handbook. The offender claims to be preparing to defend himself against an Islamist uprising. He has in his possession a quantity of black powder and chemicals. He has no immediate plans for their use but would use them should the need arise. The anarchist handbook contains instructions useful for a terrorist attack.	Explosive offensive 5 years and 2 years concurrent. Collection of terrorist information: 2 years concurrent	B2*
Nathan SAUNDERS May 2017	5 counts of possession of Daesh publications. One includes the article: 'Just Terror Tactics: Choosing the right weapon'. It focuses on the knife as a weapon of choice for carrying out lone-wolf attacks, which it calls 'a just terror operation'. Count two, includes an article entitled 'Just Terror Tactics'. The article gives advice on how to plan a vehicle attack using a truck to drive at large crowds of people in order to kill and maim them. count three, contains an article entitled 'Just Terror Tactics – knife attacks' and provides advice on how knife attacks can be carried out with the greatest effect in terms of technique and choice of weapons, and where and when such attacks should be conducted.	3.5 years on each concurrent	B2*

Annex A – Case Summaries

	<p>Count four, contains instructions on how to make Molotov cocktails and napalm bombs. The instructions provide sufficient information to make viable devices, as well as identifying targets to be attacked, including places of worship of non-Muslims. Count five relates to possession of the anarchists' cookbook.</p> <p>The offender had terrorist motivations.</p>		
<p>Hussein YUSEF September 2017</p>	<p>Offender shared on Facebook a post stating 'all praise to Allah alone date 700 US army pigs completely hacked'. He added his own words, 'God be praised'. The material contained the names and addresses of the United States armed forces. It was said that the offender knew very well that his audience contained a number of people who, if not disposed to carry out attacks themselves, were in touch with those who were.</p>	<p>7.5 years</p>	<p>B1/2</p>
<p>Mohamed AWAN December 2017</p>	<p>3 counts; 2 x s58 and 1 x s5.</p> <p>The possession of information offences related to a guidebook which explains how to become a sleeper cell. The second was a half hour instructional video depicting techniques for garrotting, beheading and other instructions for kidnapping, firing weapons et cetera.</p> <p>The s5 offence related to conduct in researching, planning and sourcing materials with a view to the commission of some unspecified act of terrorism. The allegation related to a great deal of extremist material found on the offender's USB, mobile phone and laptop and material of a more practical nature such as instructional videos on the making of a folding ring knife, a matchbox fuse igniter and a booby-trap wire. Finally, the offender had ordered, amongst other things, a large number of ball bearings, which had been specifically identified in 'How to Survive in the West' as suitable for use as shrapnel in the bomb-making process.</p>	<p>For the s5 offence an extended sentence of 13 years' imprisonment.</p> <p>S58 offences: 4 years on each count, concurrent with one another and concurrent with the first count.</p>	<p>B2</p>

Annex A – Case Summaries

POST GUIDELINE			
Name	Description	Actual Sentence	Actual starting point
Christopher PARTINGTON December 2018	<p>6 offences under s58 and 1 firearms offence.</p> <p>The s58 offences related to a document; “How to make black powder and other explosives”. The second item was a file entitled “FM5-31 booby trap”, a document describing how charges and materials intended innocently for use in demolition can be employed to make explosive booby trap devices.</p> <p>The third item, entitled “Poor man’s James Bond, volume 1”, contained information on DIY explosives, related electronics, automatic weapons, unarmed combat and the use of poisons. The 4th item entitled “Poor man’s James Bond, volume 4”, a document covering techniques of warfare including explosives, booby traps, ballistics and survival techniques. The 5th item “Improvised munitions handbook”, a reference book concerning IEDs and other weapons, timing devices and an altimeter switch which could be used to detonate a device in an aircraft in flight. The 6th item “Amateur pyrotechnics by Dan Williams”, a document which included instructions on the application of black powder.</p> <p>The firearms offence related to the possession of two live or unfired shotgun cartridges.</p> <p>In addition, the offender had a great number of IRA related documents. He had expressed to the probation service his support for the IRA, apparent hatred of the British Government and the Crown.</p>	4 years on each s58 offence to run concurrently. 2months for the firearms offence (concurrent)	B2
Jack COULSON July 2018	<p>19-year-old defendant pleads guilty (just before trial) to 1 x s58. The book in the offender’s possession (‘Big Book of Mischief’) provides sufficient detail to assist in the preparation and use of component parts necessary to form an IED. There are practical tips on how to acquire the materials, a list of suppliers is provided and a list of chemicals available to buy. It</p>	Five and a half years’ (before reduction for guilty plea)	B1

Annex A – Case Summaries

PRE- GUIDELINE			
	<p>also advises that orders should be placed for large quantities of a few unrelated chemicals at each of several companies and that separate addresses should be used for each order. This book clearly contains instructions for specific terrorist activity, endangering life and harm is very likely to be caused. Those reading this material are unlikely to be discouraged by warnings as to illegality, etc.</p> <p>The offender came to the attention of the police after posting on a social media site of images of him wearing a camouflage jacket with a German flag alongside an exploding mosque with the words “It’s time to enact retribution upon the Muslim filth”. There were other images of a racist nature and the pictures included a Nazi swastika.</p>		

Encouragement (Sections 1 & 2 TACT 06)

Name	Description	Actual Sentence	Predicted guideline starting point
Mijanul HAQUE December 2017	Convicted of three counts. The first related to material circulated to friends clearly intended to encourage them to commit or prepare or instigate similar acts within this country. The material included messages such as assassination is allowed in Islam; killing somebody who insults Mohammad is a religious duty; anybody who insults Mohammad is Kafir. The message	Three and a half years (counts one and five concurrent), reduced to three years due to the age of the offences. Two years on count four (concurrent)	A2*

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	<p>the offender was conveying was that the activities of the terrorists in Paris were justified and should be emanated.</p> <p>Count five related to the offender sending a 38-minute video to another WhatsApp group of friends which clearly sought to glorify the acts of ISIS. In his comments the offender defended the killing of a police officer in Paris as being justified because the officer was enforcing the laws of the Kafir and was implementing democracy which the offender denounced as being a sin. Count four relates to recklessly distributing the live link video entitled 'Blood of Jihad 2'.</p> <p>The volume and content of the material disseminated was small and the immediate target audience was also small.</p>		
<p>Farhana AHMED November 2017</p>	<p>Opened a FaceBook account in a false name. In the two months that followed the offender published statements which were direct and indirect encouragement to others to commit acts of terrorism. (Count 1). Counts two, three and four concern dissemination of terrorist publications. The offender circulated terrorist publications on a Facebook page which attracted a large number of followers. The posts were made within a closed Facebook group known as Power Strangers. As part of that group the offender overtly extolled the aims of the so-called Islamic State. It is clear that at the time she shared the group's ideology and aims, which were all published in the name of terrorism.</p>	<p>For all counts 3 years (concurrent). Reduced due to guilty plea and significant mitigation to a two year sentence suspended for two years.</p>	<p>B2</p>
<p>Zameer GHUMRA October 2017</p>	<p>The defendant showed to a child aged 8 ISIS propaganda videos of beheadings. It was part of a determined effort to indoctrinate and to radicalise the child, and to turn this small boy, into a terrorist. The jury was sure that Zameer Ghumra showed to the child a recording of an Islamic State beheading and that it was his intention to encourage the child to commit an act of terrorism within the foreseeable future, once he was old enough to do so. The defendant created a Twitter account for the boy. It was set up to follow hate preachers such as Abu Baraa and Anjem Choudrey. The defendant spoke of taking the boy to Syria. He taught him how to punch and kick, and to throw a knife.</p>	<p>6 years</p>	<p>A1</p>

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<p>Saer SHAKER September 2017</p>	<p>Two Counts; count 1, related to a posting on Facebook of a three-and-a-half-minute video with the headline “Who are the Sahawat?” This was reference to a body opposed to the Islamic State. The video depicted images of these opposition leaders; also images of individuals who have been murdered or beheaded. The video contained moving-footage depicting the execution, by shooting, of a number of Iraqi officers. The last piece of footage was both graphic and shocking. When captured by the authorities, the video had been viewed 92 times and had been “liked” on three occasions.</p> <p>Count 2 related to a posting on Facebook of a still image from a video film entitled “Nights of Bureaucracy”. This was a 38-minute video containing propaganda in support of the ISIS cause. In particular, it extolled the asserted virtues of those involved in suicide bombing attacks. Following the posting, the offender engaged in an online dialogue with an audience which evidently approved of his message.</p> <p>His social media accounts, interrogated by investigating officers, contained clear evidence of approval of extremist activity.</p>	<p>3 years on each (concurrent)</p>	<p>A2*</p>
<p>Taha HUSSEIN September 2017</p>	<p>Seven offences of disseminating terrorist publications.</p> <p>Count one posted the link to a post which called for the destruction of the tyrants and the disbelievers, tyrants being Muslim states who are not governing according to Sharia law.</p> <p>Count two relates to a communication celebrating the fighters of so-called Islamic State.</p> <p>Count three was a lecture attempting to justify the killings in Paris by reference to Islamic law.</p> <p>Counts four and five contain information likely to be of use to those contemplating fighting in Syria. The publication gives specific advise to would-be fighters, amongst other things, on how to prepare, how to get past airport security, how to conceal their intention from their parents and how to behave when they arrive in Syria. Chapter eight contains advice to those who could not go to Syria. The advice includes to wait a few months and try again; steal from the Kufar, kill local Kufar in their own</p>	<p>Six years’ (counts 4 and 5), 4 years on the remaining counts – all concurrent</p>	<p>A2</p>

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	<p>land. It states: ‘The best of all people to kill are those who work with the government, the politicians, those who have worked in the army, the police officers or anyone else who has any links or ties to the government. You do not need to know much. The kitchen knife is sufficient to send the Kufar to the hereafter, even a petrol bomb is an easy tool one can make and use without the need for research online.’</p> <p>Count five was a document in similar terms.</p> <p>Count six was a video justifying the attack on Charlie Hebdo and count seven was a link that enabled the reader to open and read Dabiq, which was the magazine containing ISIS propaganda.</p> <p>The offender clearly intended to encourage others to engage in terrorist activity.</p>		
<p>Mehdi BIRA September 2017</p>	<p>Two offences of distributing a terrorist publication relating to section 2 of the Terrorism Act 2006. two videos were posted on his Facebook account on separate days. The defendant also researched and downloaded issues of Dabiq, a terrorist publication. ‘I come to the conclusion that it is appropriate to sentence you on the basis of recklessness, rather than intention’.</p>	<p>12 months custody on each concurrent.</p>	<p>B2*</p>
<p>Sabbir MIAH June 2017</p>	<p>Counts 1-3 relate to the dissemination of three separate films on Facebook which had some 500 followers. The Judge commented that ‘one at least is gruesome’.</p> <p>The offender maintained that the comments and postings were either conceived by him or were copies of quotes from the Koran, and the postings were sent to him by friends via a WhatsApp chat group, whose details he would not provide.</p> <p>The offender had an Internet-enabled mobile phone in his possession, in contravention of a bail condition. It was found that he was in flagrant breach of the condition of bail because he disseminated two more videos, via Instagram. And that is the conduct reflected in counts four to five.</p> <p>At the time the offender disseminated a terrorist publication, he was reckless as to whether his conduct would have the effect of directly or</p>	<p>Counts 1-3 - Two and a half years’ imprisonment on each concurrent.</p> <p>Counts 4-5: Three years’ imprisonment, (concurrent but consecutive to the sentences on counts 1-3).</p> <p>Five and a half years total</p>	<p>B2</p>

Annex A – Case Summaries

	indirectly encouraging, or other inducement to the commission preparation or instigation of acts of terrorism’		
Ashvin GOHILL May 2017	<p>Two counts of dissemination of terrorist publication. The offender used his Facebook and twitter account to distribute material that could have influenced one of its recipients to act in a way that could have had catastrophic consequences.</p> <p>Count one concerns the Facebook account. On 27 December 2015 he posted a summary of a speech by Abu Bakr al-Baghdadi, the leader of Islamic State. The speech entitled ‘So wait, indeed we, along with you are waiting’. The content of the speech is aimed at Muslims and states that those fighting in Syria are doing so out of obedience to Allah. It goes on to say that from its creation, 10 years ago, the Islamic State is the pillar of the fight against the enemies of Allah and urges those who are fighting on behalf of Daesh, to crush all absolute apostates. It goes on, ‘come to the rescue of your brothers in Sham, Iraq, Egypt, Libya and Turkistan. The material posted, ends with ‘Oh mujahidin, stay firm, you have in front of you, two options, victory or martyrdom. No honour for us if we do not live under Allah’s laws. Read the Quran a lot, repent from your sins, be aware of oppression and obey your messengers. Be patient, for victory comes after patience.’</p> <p>Of particular concern, are the passages that state that every muslim is obliged to carry out Allah’s commands and participate in jihad and those who obey will receive salvation in the name of Allah, but those who disobey will be destroyed and incur Allah’s wrath. Secondly, that every muslim is obliged to engage in war, to defend the religion of Allah and support the oppressed men, women and children. It is an obligation on all Muslims to participate, and if they do not, Allah will punish them and that there are only two good ends to fighters, victory or martyrdom. The speech tells fighters not to fear death and to obey their commanders.</p>	2 years (reduced to 18 months due to guilty plea)	B2*

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	<p>There are references to religious texts throughout the speech which are used to justify the speaker’s views. This post was liked 30 times and was shared by 15 followers. This shows the impact that your post had on others.</p> <p>Count two: the offender published a link on his twitter account to a YouTube video- an hour and ninety minutes long. It encourages and justifies extreme violence and the murder of those who commit blasphemy against Allah. The words are persuasive, the voice and the delivery, seductive. ‘Whoever insults the prophet must be killed regardless of who they are and historic texts and stories are used to justify such actions.’</p> <p>Sentenced on a basis of plea that when he disseminated both of these terrorist publications he was acting recklessly and had no specific intent to encourage the commission, preparation or instigation of act of terrorism.</p>		
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POST GUIDELINE			
Name	Description	Actual Sentence	Actual starting point
Nourdeen ABDULLAH June 2018	4 Counts. Count one related to three videos posted to a YouTube account taking the form of a question and answer session created with Anwar Al-Alaki, using extracts from his speeches to answer questions posed by the offender. They referred to ways to support jihad, providing physical and financial support to ‘our brothers in Afghanistan’. There was a statement that fighting is a duty on all Muslims to free the Muslim lands of occupiers and that the defamation of the prophet will be met by the sword. The most popular of the videos was viewed 1,698 times before its capture by the police.	3 years for count 2, 20 months on all other counts concurrent	A3 for count 2, B3 for the other counts

Annex A – Case Summaries

	<p>Count two concerns communications via WhatsApp between late-2016 and early 2017, with an acquaintance who had travelled to Syria to become involved in fighting. It is plain that he was sympathetic to the group called Islamic State. The videos sent included men covered in dust after an attack, reference to a good death is the ultimate success and one video featuring a mass execution. On 8 January he sent a voice message that the State was the people answering Allah’s cause.</p> <p>Counts three and four, in effect subsidiary counts because they relate to the same piece of video, or extracts from the same video footage referred to in count 1, but posted in other ways.</p>		
<p>Mohammed KILJI June 2018</p>	<p>Convicted of eight counts of sending links to Islamic State propaganda videos by social media so as to encourage support for their terrorist atrocities. The videos glorify terrorism and applaud the brutal and barbaric behaviour for which Islamic State have become infamous. They show, in gruesome and graphic detail, executions by shooting and beheading and celebrate the death and destruction caused by suicide bombers driving vehicle-borne improvised explosive devices.</p> <p>Count eight was a link to a video entitled, ‘We will surely guide them in our way’. It showed vehicle-borne improvised explosive devices being prepared and focused on two particular suicide bombers, one of whom uses scripture to endorse his acts and encourages others to do the same after him.</p> <p>There are further images from the attack on Brussels’ Airport, the Boston Marathon, and the very recently conducted Westminster Bridge attack. The narrator says, ‘Those who cannot get to the Caliphate to fight, you live in the land of Kufr and can strike them in their heartlands’. And the narrator encourages attacks by lone wolves.</p> <p>This video also includes an Islamic State instruction on the best type of truck to use, on having a slightly raised chassis and bumper, being heavy in weight, with a double-wheeled rear axle, and the targets in which to drive it, so as to achieve maximum carnage when driven into pedestrians in a terrorist attack.</p>	<p>6 years (reduced to 5 due to his young age) for count 8, 4.5 years’ on counts one to four, (concurrent), for counts 5-7 concurrent</p>	<p>A1 (for count 8), A2 and C2 for the others</p>

Annex A – Case Summaries

Failure to Disclose Information (section 38B TACT 00)

PRE- GUIDELINE			
Name	Description	Actual Sentence	Predicted guideline starting point
Siraj ALI November 2018	<p>Ali failed to disclose information about the attempted detonation of a suicide bomb by Yassin Omar on an underground train near Warren Street station and by Muktar Ibrahim on the number 26 bus. Ali was convicted of two offences of failure to disclose information that he had prior to the intended bombings, two offences of failing to disclose information after the intended bombings, and one offence of assisting Ibrahim, namely by removing and disposing of incriminating property.</p> <p>Ali was a good friend of Omar and both were very good friends of Ibrahim. Ali allowed Omar and Ibrahim to stay at his flat when the concentrating process necessary to build the bombs had rendered Omar's flat uninhabitable. Found in Ali's flat was a notepad bearing Ibrahim's fingerprints, with calculations relating to detonators, as well as a note detailing the steps to 'martyrdom', a list of bomb making equipment and business cards from two different suppliers of hydrogen peroxide, the essential ingredient in the men's explosives.</p>	Total of 9 years: 5 years for each of the two prior knowledge offence (concurrent); 4 years for each of the two post event offences (consecutive to the first offences but concurrently to each other) and 2 years for assisting an offender (concurrent). (After trial)	A1
Ismail ABDURAHMAN November 2018	<p>Convicted of one charge of assisting Osman (who attempted to detonate a suicide bomb at Shepherd's Bush), and four charges of failing to disclose information after the event, relating to all the bombers.</p> <p>The offender met Osman at Clapham Junction station on 23/7/05 and took him to his home where Osman stayed for a couple of days. He also collected Abdul Sherif's passport and a video camera that had been used by the bombers to record suicide messages and gave them both to Osman.</p>	Total of 8 years: 4 years for assisting an offender and 4 years for failing to provide information (on each concurrent, but consecutive to the assisting an offender conviction). (After trial)	B1
Abdul SHERIF November 2008	<p>Brother of Osman, convicted of one count of assisting him, and one count of failing to disclose information after the bombings. Provided a passport to his brother which assisted him to escape to Italy. The prosecution demonstrated</p>	Total of 6 years and 9 months: 6 years 9 months for assisting an offender and 4 years for failing to disclose information	B1

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	that Sherif had relevant knowledge about the terrorist offences due to the numerous phone calls and attempted calls between him and Osman.	after the event (concurrent). (After trial)	
Wahbi MOHAMED November 2008	<p>Convicted of four counts of offences concerning prior knowledge relating to each of the 4 bombers. Convicted on two counts of assisting an offender, one relating to Osman and the second relating to his brother, Ramzi Mohamed (who had attempted to detonate a bomb on an underground train near Oval). Convicted of one count of failing to provide information post event.</p> <p>The Crown’s case was that he was present at the same address as the bombers on the morning of the 21st July as the bombers prepared to set off. He took away the video camera used by them to make their suicide videos and handed the camera to Abdurahman to give to Osman after the bombings. Also after the bombings he provided his brother with a mobile phone, SIM card, charger and food whilst he was in hiding. There was also evidence of considerable telephone contact between him and his brother and with Osman before the bombings.</p>	Total 17 years: 5 years for each of the prior knowledge offences (concurrent), 2 years for one offence of assisting an offender, 5 years for another offence of assisting an offender and 5 years for failing to give information post event. (After trial)	A1
Muhedin ALI November 2018	Convicted of one count of assisting an offender which related to Osman and two counts of failing to disclose information after the bombings, relating to Osman and Ramzi Mohamed. The offender was a close friend of Osman’s. He received Ramzi Mohammed’s suicide note. In the hours and days after the bombings he was involved in a number of telephone calls with Ramzi Mohamed and Osman’s wife. He also offered Osman the opportunity to stay in his flat- which formed the basis of the count of assisting an offender.	Total 7 years: 2 years for assisting an offender and 5 years for failure to give information post event. After trial	B1
Yashiemebet GIRMA May 2009	Convicted in June 2008 of failing to disclose information that might have prevented an act of terrorism by her husband, Hussain Osman, namely the attempted detonation of a suicide bomb at Shepherd’s Bush Underground station. She was also convicted of assisting him, namely by collecting him from Wandsworth and, with her brother, driving him to the house of their sister in Brighton; providing him with a SIM card; removing evidence from his flat in London and withdrawing cash for him. She was also convicted of failing to disclose information after the attacks.	Total 11 years 9 months: 6 years 9 months for assisting an offender and 2x 5 years for failing to disclose information after the attacks. (After trial).	B1

Annex A – Case Summaries

POST GUIDELINE			
Name	Description	Actual Sentence	Actual starting point
Khwala BARGHOUTH June 2018	The offender had befriended another woman, Rizlaine Boular, who was a supporter of ISIS and had developed a plan to carry out a knife attack on members of the public in London, even becoming a martyr herself if that proved necessary. Boular had told Barghouth of her plans and they had met on a number of occasions, on one occasion Boular practised getting the knife out of her rucksack and stabbing, using Barghouth as a pretend victim.	Starting point of four years , reduced by a third for the guilty plea and adjustments for aggravating and mitigating features.	A1

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Annex B Sentence Comparison

S58 Collection (increased from 10 to 15 yrs)		S1&2 Encouragement (increased from 7 to 15 yrs)		S57 Possession for terrorist purposes	
<p>A: • Offender collected, made a record of, or was in possession of information for use in a specific terrorist act</p>	<p>A1: Proposed 10 years' (8-14 years')</p>	<p>A: • Possession of article(s) indicates that offender's preparations for terrorist activity are complete or almost complete</p> <ul style="list-style-type: none"> • Offender is a significant participant in the commission, preparation or instigation of an act of terrorism 	<p>A1: Proposed 10 years' (8-14 years')</p>	<p>A: • Offender in position of trust, authority or influence and abuses their position to encourage others</p> <ul style="list-style-type: none"> • Intended to encourage others to engage in any form of terrorist activity • Intended to provide assistance to others to engage in terrorist activity 	<p>A1: Current 12 years' (9-14 years')</p>
<p>1: • Material provides instruction for specific terrorist activity endangering life and harm is very likely to be caused</p>	<p>Current 7 years' (5-9 years')</p>	<p>1: • Article(s) had potential to facilitate an offence endangering life and harm is very likely to be caused</p>	<p>Current 5 years' (4 – 6 years')</p>	<p>1: • Evidence that others have acted on or been assisted by the encouragement to carry out activities endangering life</p> <ul style="list-style-type: none"> • Statement or publication provides instruction for specific terrorist activity endangering life 	
<p>A: • Offender collected, made a record of, or was in possession of information for use in a specific terrorist act</p>	<p>A2: Proposed 7 years' (5-9 years')</p>	<p>A: • Possession of article(s) indicates that offender's preparations for terrorist activity are complete or almost complete</p> <ul style="list-style-type: none"> • Offender is a significant participant in the commission, preparation or instigation of an act of terrorism 	<p>A2: Proposed 7 years' (5-9 years')</p>	<p>A: • Offender in position of trust, authority or influence and abuses their position to encourage others</p> <ul style="list-style-type: none"> • Intended to encourage others to engage in any form of terrorist activity • Intended to provide assistance to others to engage in terrorist activity 	<p>A2: Current 8 years' (7-9 years')</p>
<p>2: • Material provides instruction for specific terrorist activity endangering life but harm is not very likely to be caused</p> <ul style="list-style-type: none"> • Material provides instruction for specific terrorist activity intended to cause widespread or serious damage to property, 	<p>Current 6 years' (4 – 8 years')</p>	<p>2: • Article(s) had potential to facilitate an offence endangering life but harm is not very likely to be caused</p> <ul style="list-style-type: none"> • Article(s) had potential to facilitate an offence causing widespread or serious damage to property, or economic interest or substantial impact upon civic infrastructure 	<p>Current 4 years' (3 – 5 years')</p>	<p>2: • Evidence that others have acted on or been assisted by the encouragement to carryout activities not endangering life</p> <ul style="list-style-type: none"> • Statement or publication provides non-specific content encouraging support for terrorist activity endangering life 	

Annex B Sentence Comparison

or economic interest or substantial impact upon civic infrastructure				<ul style="list-style-type: none"> Statement or publication provides instruction for specific terrorist activity not endangering life 	
A: <ul style="list-style-type: none"> Offender collected, made a record of, or was in possession of information for use in a specific terrorist act 	A3: Proposed 5 years' (3 – 6 years')	A: <ul style="list-style-type: none"> Possession of article(s) indicates that offender's preparations for terrorist activity are complete or almost complete Offender is a significant participant in the commission, preparation or instigation of an act of terrorism 	A3: Proposed 4 years' (3-5 years')	A: <ul style="list-style-type: none"> Offender in position of trust, authority or influence and abuses their position to encourage others Intended to encourage others to engage in any form of terrorist activity Intended to provide assistance to others to engage in terrorist activity 	A3: Current 6 years' (4-7 years')
3: <ul style="list-style-type: none"> All other cases 	Current 5 years' (3 – 6 years')	3: <ul style="list-style-type: none"> All other cases 	Current 3 years' (2-4 years')	3: <ul style="list-style-type: none"> Statement or publication provides non-specific content encouraging support for terrorist activity not endangering life Other cases where characteristics for categories 1 or 2 are not present 	
B: <ul style="list-style-type: none"> Offender collected, made a record of, or was in possession of information likely to be useful to a person committing or preparing an act of terrorism and the offender had terrorist connections or motivations Offender repeatedly accessed extremist material (where not falling within A) 	B1: Proposed 7 years' (5-9 years') Current 5 years' (3 – 6 years')	B: <ul style="list-style-type: none"> Cases falling between A and C 	B1: Proposed 7 years' (5-9 years') Current 4 years' (3-5 years')	B: <ul style="list-style-type: none"> Reckless as to whether others would be encouraged or assisted to engage in terrorist activity and published statement/disseminated publication widely to a large or targeted audience (if via social media this can include both open or closed groups) 	B1: Current 7 years' (6-9 years')
1: <ul style="list-style-type: none"> Material provides instruction for specific terrorist activity endangering life and harm is very likely to be caused 		1: <ul style="list-style-type: none"> Article(s) had potential to facilitate an offence endangering life and harm is very likely to be caused 		1: <ul style="list-style-type: none"> Evidence that others have acted on or been assisted by the encouragement to carry out activities endangering life Statement or publication provides instruction for specific terrorist activity endangering life 	

Annex B Sentence Comparison

<p>B: • Offender collected, made a record of, or was in possession of information likely to be useful to a person committing or preparing an act of terrorism and the offender had terrorist connections or motivations</p> <ul style="list-style-type: none"> • Offender repeatedly accessed extremist material (where not falling within A) 	<p>B2: Proposed 4 years' (3-5 years')</p>	<p>B: • Cases falling between A and C</p>	<p>B2: Proposed 4 years' (3-5 years')</p>	<p>B: • Reckless as to whether others would be encouraged or assisted to engage in terrorist activity and published statement/disseminated publication widely to a large or targeted audience (if via social media this can include both open or closed groups)</p>	<p>B2: Current 6 years' (4-7 years')</p>
<p>2: • Material provides instruction for specific terrorist activity endangering life but harm is not very likely to be caused</p> <ul style="list-style-type: none"> • Material provides instruction for specific terrorist activity intended to cause widespread or serious damage to property, or economic interest or substantial impact upon civic infrastructure 	<p>Current 4 years' (3-5 years')</p>	<p>2: • Article(s) had potential to facilitate an offence endangering life but harm is not very likely to be caused</p> <ul style="list-style-type: none"> • Article(s) had potential to facilitate an offence causing widespread or serious damage to property, or economic interest or substantial impact upon civic infrastructure 	<p>Current 3 years' (2-4 years')</p>	<p>2: • Evidence that others have acted on or been assisted by the encouragement to carry out activities not endangering life</p> <ul style="list-style-type: none"> • Statement or publication provides non-specific content encouraging support for terrorist activity endangering life • Statement or publication provides instruction for specific terrorist activity not endangering life 	
<p>B: • Offender collected, made a record of, or was in possession of information likely to be useful to a person committing or preparing an act of terrorism and the offender had terrorist connections or motivations</p> <ul style="list-style-type: none"> • Offender repeatedly accessed extremist material (where not falling within A) 	<p>B3: Proposed 3 years' (2-5 years')</p>	<p>B: • Cases falling between A and C</p>	<p>B3: Proposed 2 years' (1-3 years')</p>	<p>B: • Reckless as to whether others would be encouraged or assisted to engage in terrorist activity and published statement/disseminated publication widely to a large or targeted audience (if via social media this can include both open or closed groups)</p>	<p>B3: Current 4 years' (2-5 years')</p>

Annex B Sentence Comparison

3: • All other cases	Current 3 years' (2-5 years')	3: • All other cases	Current 2 years' (1-3 years')	3: • Statement or publication provides non-specific content encouraging support for terrorist activity not endangering life • Other cases where characteristics for categories 1 or 2 are not present	
C: • Offender collected, made a record of, or was in possession of information likely to be useful to a person committing or preparing an act of terrorism but had no terrorist connections or motivations	C1: Proposed 3 years' (1-5 years')	C: • Possession of article(s) indicates that offender has engaged in limited preparation toward terrorist activity • Offender is of limited assistance or encouragement to others who are preparing for terrorist activity	C1: Proposed 3 years' (2-4 years')	C: • Other cases where characteristics for categories A or B are not present	C1: Current 4 years' (3-6 years')
1: • Material provides instruction for specific terrorist activity endangering life and harm is very likely to be caused		1: • Article(s) had potential to facilitate an offence endangering life and harm is very likely to be caused		Current 3 years' (2-4 years')	
C: • Offender collected, made a record of, or was in possession of information likely to be useful to a person committing or preparing an act of terrorism but had no terrorist connections or motivations	C2: Proposed 1 year 6 mths (6mth - 3 years')	C: • Possession of article(s) indicates that offender has engaged in limited preparation toward terrorist activity • Offender is of limited assistance or encouragement to others who are preparing for terrorist activity	C2: Proposed 2 years' (1-3 years')	C: • Other cases where characteristics for categories A or B are not present	C2: Current 3 years' (2-4 years')
2: • Material provides instruction for specific terrorist activity endangering life but harm is not very likely to be caused • Material provides instruction for specific terrorist activity		2: • Article(s) had potential to facilitate an offence endangering life but harm is not very likely to be caused • Article(s) had potential to facilitate an offence causing widespread or serious damage to property, or economic		Current 2 years' (1-3 years')	

Annex B Sentence Comparison

intended to cause widespread or serious damage to property, or economic interest or substantial impact upon civic infrastructure	(6mth - 3 years')	interest or substantial impact upon civic infrastructure		support for terrorist activity endangering life • Statement or publication provides instruction for specific terrorist activity not endangering life	
C: • Offender collected, made a record of, or was in possession of information likely to be useful to a person committing or preparing an act of terrorism but had no terrorist connections or motivations	C3: Proposed 1 year (High CO – 2 years)	C: • Possession of article(s) indicates that offender has engaged in limited preparation toward terrorist activity • Offender is of limited assistance or encouragement to others who are preparing for terrorist activity	C3: Proposed 1 year (High CO – 2 years)	C: • Other cases where characteristics for categories A or B are not present	C3: Current 2 years' (1-3 years')
3: • All other cases	Current 1 year (High CO – 2 years)	3: • All other cases	Current 1 year (High CO – 2 years)	3: • Statement or publication provides non-specific content encouraging support for terrorist activity not endangering life • Other cases where characteristics for categories 1 or 2 are not present	

Annex B Sentence Comparison

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