



**HMA**

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**Mohammed Atif Siddique**

23<sup>rd</sup> October 2007

**Today at the High Court in Edinburgh Lord Carloway sentenced Mohammed Atif Siddique to eight years in prison after he was found guilty of a number of terrorism related offences.**

**On sentencing Lord Carloway made the following statement.**

“Terrorist activities, when they reach fruition, will almost certainly involve actions which are criminal at common law, notably murder and assault to severe injury. Attempts at and conspiracies to commit these crimes are themselves criminal. However, it is often difficult to discover and prove such conspiracies and even more difficult to do so at a point well before a terrorist act becomes imminent. The Terrorist Acts are designed by Parliament to stop, or at least reduce the risk of, terrorist outrages before that imminent stage is reached by creating a number of specific crimes, some of which you have been convicted of. These crimes enable a potential terrorist to be arrested, tried and ultimately convicted before actually committing whatever outrage he had in contemplation. These crimes are thus intended as protections for the public.

I have to sentence you on the basis of the verdict of the jury reached upon the evidence which was led in court during the trial. It is important to understand what the jury's conclusions on that evidence were. On charge (1) you have been convicted of having in your possession articles for a purpose connected with terrorism. The jury were given by me the alternative of convicting you either on charge (1) or the lesser charge of simply collecting material on charge (2). The jury convicted you of charge (1).

The articles which you had in your possession included a large number of files stored in a concealed location in your lap top computer which you had with you when about to board a flight to Pakistan on 5 April 2006. These files are in English and contain terrorist propaganda, partly emanating from Al Queda, glorifying terrorism (especially suicide bombings), designed to encourage people to commit such acts of terrorism and to promote the recruitment of English speakers, notably British nationals, to the cause of Jihad, which, in the context in which it appears in the documents, involves the perpetration of violence. Much of the material was translated, some recently, from the Arabic. At the time you were found to have it, on

the evidence at the trial, it was not readily available, at least in such a combination, on the internet. The quantity of it on your lap top is strongly suggestive of you having had close links, whether by the internet or otherwise, to people in the United Kingdom who promote Al Qaeda and associated terrorism.

The quantity and nature of this material is not consistent with the suggestion made in your defence during the trial and clearly rejected by the jury, that you had this material because of some general interest in the motives of terrorists. It should be made clear that in proceeding to sentence I too proceed upon the evidence and that evidence negatives any such suggestion.

In addition to the propaganda on the lap top, there were further files recovered from your home, notably from portable discs of one sort or another and from the desk top computer used by you. Most of the material recovered from the computer and some of the discs had been deleted. Given that it was about a week after you had been stopped by the police at the airport, but later released pending a detailed examination of the lap top (on which nothing incriminating had been found at the airport), it seems highly likely that you had taken the opportunity to delete items on the computer and discs in the interim period, but had failed to complete that task successfully.

One of the discs found contained a document in English calling upon young persons to join a jihad or holy war in order to achieve the restoration of an Islamic Caliphate in the Middle East. It contains detailed instructions and lessons on how this might be achieved. It details the qualifications required of someone in an organisation designed to achieve this end and sets out instructions on how to establish a base from which to launch operations, on the care necessary when communicating with others and when travelling, and on how to train, how to shoot and on the appropriate tactics to employ. There is specific instruction on weaponry and how to deal with interrogation at airports, including how to answer the specific question "why are you going to Pakistan". In addition there were documents in Arabic defining the enemy and containing extensive sections on military training, weaponry and the formation of terrorist cells.

It is clear from the evidence that you did not have this material because of some innocent curiosity. Indeed there was no evidence, other than the most passing of remarks during one of your interviews, that your downloading of this material was mere idle curiosity.

In analysing why you had this material, the members of the jury were entitled to have regard, not to suggestions made to but not accepted by witnesses, but to the evidence bearing on that issue. Notably, they were entitled first to accept the evidence of your fellow students at college, none of whom considered that you were carrying out research and several of whom said that you had not only expressed sympathy with the terrorist bombings carried out in the name of Al Qaeda but had specifically told them that you intended to become a terrorist in the form of a suicide bomber, and that one of your targets would be central Glasgow. You told them also that you were going to be trained in order to achieve status as a suicide bomber. The members of the jury accepted that evidence, hence your conviction on charge (3). They were also entitled to have regard to the fragments of chat room messages recovered and which were strongly suggestive of you having close connection also with those proposing clandestine terrorist operations and that you were planning something in that regard.

For example, in October 2005, when you had left home, you were being advised by the person with whom you were speaking to in the chat forum "make a strategic

return [home], a temporary one so that everyone thinks all is fine and well. The reason is we know what you desire to do for the sake of Allah". In November 2005 the discussion is that "we have to be undercover" and you are noted as stating "I need to do something...I want something".

The jury were well entitled to the view on the evidence that you were planning to play some part in an act of terrorism (perhaps as a suicide bomber) and that you had the material in your possession for that purpose, either for your own encouragement and assistance or to encourage or assist others.

In relation to charges (4) and (5), these are again contraventions of the Terrorist Acts. Once more it is important to note exactly what the jury considered you were guilty of and the evidence led in court as proof of guilt. On charge (4) you were convicted of providing instruction or training in the making or use of firearms and explosives by means of the Internet. That is precisely what you were doing in setting up the web site "Al Battar". This site, named after a martyr, carries the quotation placed there by you:

*"And at what time on earth was Jihad more needed than it is now when the enemies of Islam have surrounded our land like wolves, taking from there what they wish...if not the time for Jihad, O Sons of Adam, when? We need the Jihad, the Jihad does not need us".*

That sets the tone for its purpose. On two pages it contains links to two magazines, the first being Mu'askar Al Battar or "The Camp of the Sword that Cuts", the Sword that Cuts (Al-Battar) being the nickname of the martyr. The magazines have a number of regular features on weapons, survival, religion and Jihad. They contain items intended to train the reader and to encourage him to go to a place with a group of friends and for them all to train in terms of the guidance. The training includes light weapons and physical fitness. The magazine says it is issued by the military committee of Al Qaeda to spread military education among young men. Reference is made to lessons on how to interrogate and resist interrogation, on assassinations, on rumours and propaganda. The fact that the magazines are in Arabic may mean that their circulation is limited to those speaking Arabic or having access to some-one who does, but that limitation is of little ultimate significance so far as the charge is concerned.

The second magazine is called "Sawt al-jihad", meaning "The Voice of Jihad" It is also in Arabic. The various editions contain material on "Preparing for Jihad", including detailed materials on the composition and manufacture of explosives. It has information on operations in markets – such as where to conceal explosive packages – and operations on buses and bus stops. In one editorial there is a call upon the young men to follow the example of the martyrs who targeted western oil companies and to join the jihad.

It does not appear to be disputed that you did set up this website and it clear that you knew what the content of the magazines was. The defence put forward on your behalf seems to have been simply that this material could be obtained elsewhere. Maybe that is correct, but the only purpose in setting up a website containing links to this material could have been to provide others with instruction or training material in the making and use of firearms and explosives.

Charge (5) is in respect of one day only, since it was only on 13 April 2006, when you were arrested, that the Terrorist Act of that year came into force. This Act includes the offence of distributing or circulating terrorist publications with the

intention of encouraging or inducing or assisting in acts of terrorism. Given that you were providing internet access to what are admittedly terrorist publications, it is difficult to see what else was intended other than the encouragement etc of terrorism.

These are all serious charges. However, with the exception of one day (13 April 2006), all of your activity was conducted when the maximum sentence on charge (1) was ten years imprisonment. It would be unfair, and probably contrary to the prohibition on retrospective laws in article 7 of the European Convention on Human Rights, were I to proceed on the basis of an increase in sentence which came into force on the morning of your arrest. That is so even if I should perhaps not ignore the fact that Parliament now consider that maximum to have been inadequate. I must proceed on the basis that that maximum, set by Parliament, would only be applicable to the most serious of contraventions, such as the possession of items more directly capable of causing explosions or other terrorist outrages, and for cases where the person convicted has a serious criminal record. Any sentence I impose on you on that charge must be tempered accordingly.

In particular you are a young man with no previous criminal record. Indeed, you are of previous good character. I am prepared to accept that you may have been highly impressionable and vulnerable to the teachings of others. However, that in itself is perhaps a two edged sword.

I also take into account the fact that your conviction and sentence is likely to have a substantial effect upon your immediate and extended family, who appear to be well liked and respected in the community in which you were brought up.

Finally on charge (1), and indeed the other charges, I take into account that you have had these charges hanging over you for a very long time indeed having been arrested on 13 April 2006, kept in custody and not brought to trial for over a year, I note that the delay appears to have been caused by repeated applications by the defence for continuations to allow further defence preparation. Nevertheless, this court does not regard this period as acceptable in a modern judicial system. Whatever the cause, the strain on you and your family in having the charges unresolved for such a period must have been considerable.

In proceeding to sentence, I must also bear in mind that it is agreed by the Crown and the defence that an extended sentence is not available for these offences, although in any event such a period was not recommended having regard to probable future surveillance and other matters.

The sentence on charge (1) will be one of six years imprisonment.

Charge (3) I regard as essentially evidential in nature and bound up with charge (1). I will impose a sentence of six months on that charge concurrent with the sentence on charge (1).

Charges (4) and (5) are of a different nature and on each of these I will impose concurrent sentences of two years and one year respectively but these sentences will be consecutive to those on charge (1).

The practical effect will thus be that you are sentenced to eight years imprisonment. The sentences on charges (1) and (3) are back dated to the time of your arrest on the 13 April 2006".