

Getting Funds To, From or For a Terrorist Organisation / Providing Support to a Terrorist Organisation

Sections 102.6 / 102.7 (Cth) Criminal Code

102.6 Getting funds to, from or for a terrorist organisation

(1) intentionally receive from, make available to or collect funds for, or on behalf of, a terrorist organisation knowing it is a terrorist organisation

Maximum Penalty: 25 years

(2) intentionally receive from, make available to or collect funds for, or on behalf of, a terrorist organisation reckless as to whether it is a terrorist organisation

Maximum Penalty: 15 years

102.7 Providing support to a terrorist organisation

(1) intentionally provide to a terrorist organisation support or resources that would help organisation engage in preparing, planning, assisting in or fostering the doing of a terrorist act knowing it is a terrorist organisation.

Maximum Penalty: 25 years

(2) intentionally provide to a terrorist organisation support or resources that would help organisation engage in preparing, planning, assisting in or fostering the doing of a terrorist act reckless as to whether it is a terrorist organisation.

Maximum Penalty: 15 years

	NAME (age if Known)	OFFENCES	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
1.	THOMAS (33) [2006] VSC 120 Cummins J	Receive funds from terrorist organisation: s.102.6(1) Possess false passport: s.9A(1)(e) (Cth) <i>Passports Act [2y]</i>	VG	5y 1y (concurrent)		Nil	Involvement with high level operatives of Al Qaeda - received funds (US \$3500) and airline ticket to Australia provided by high level operative of Al Qaeda - undertook paramilitary training at terrorist training camp of Al Qaeda in Pakistan – arrested at Pakistan airport. Intelligent – manipulative - supportive family - excellent prospects for rehabilitation.

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	NAME (age if Known)	OFFENCES	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
2.	ATIK (27) [2007] VSC 299 Bongiorno J	Provide resources to terrorist organisation: s.102.7(1) Membership of a terrorist organisation: s.102.3(1) [10y]	PG	5y 5y <u>Total:</u> 5y 6m NPP 4y 1m 14d		Driving, dishonesty	Follower of Benbrika - obtained goods and services by dishonest means, especially airline tickets, for group - not permitted to be involved in more clandestine discussions and activities - only a few relevant acts of assistance over relatively short period. Schizophrenic with very low intellectual functioning - psychological and psychiatric disabilities – less appropriate subject for general deterrence - contrition and remorse - assistance to authorities.
3.	JOUD (19-21 at offending; 24 at sentence) [2009] VSC 21 Bongiorno J (2010) 29 VR 593 (2010) 204 A Crim R 457 [2010] VSCA 281	Attempt make funds available to terrorist organisation: s.102.6(1) Provide resources to terrorist organisation: s.102.7(1) Membership of terrorist organisation: s.102.3(1) [10y] 2 x Possess thing connected with preparation for terrorist act: s.101.4(1) [15y]	VG	8y 8y 6y 6m 5y <u>Total:</u> 10y NPP 7y 6m	AA 5y 8y 4y 6m Convictions quashed <u>Total:</u> 8y NPP 6y	Nil	(2004–2005) - Melbourne-based terrorist organisation fostering or preparing doing of terrorist act in Australia or overseas, with intention of causing death or serious physical harm - proposed terrorist act alleged to be intentional detonation of one or more explosive or incendiary devices, or use of weapons - religious obligation to pursue violent jihad against non-believers - organisation never got to point of committing a terrorist act before it was shut down - organisation towards lower end of scale of seriousness: CCA [561]. Nature and gravity of membership of organisation significantly less than Benbrika - member of consultative committee but in thrall of Benbrika: CCA: [571]-[572] - objective gravity of offence of attempting to provide funds towards lower end of range: CCA [571] Youth - worked for father's construction company – supportive family and community. BENBRIKA, SAYADI, MERHI, A.RAAD, E.RAAD, HADDARA and KENT sentenced for s.102.3 offence A.RAAD, E.RAAD sentenced for s.102.6 offence SAYADI, A.RAAD sentenced for s.102.7 offence KENT sentenced for s.101.3 offence

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	NAME (age if Known)	OFFENCES	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
4.	<p>SAYADI (29 at sentence) [2009] VSC 21 Bongiorno J</p> <p>(2010) 29 VR 593 (2010) 204 A Crim R 457 [2010] VSCA 281</p>	<p>Provide resources to terrorist organisation: s.102.7(1)</p> <p>Membership of terrorist organisation: s.102.3(1) [10y]</p>	VG	<p>8y</p> <p>6y 6m</p> <p><u>Total:</u> 8y NPP 6y</p>	<p>AA 7y</p> <p>4y 6m</p> <p><u>Total:</u> 7y NPP 5y 3m</p>	Minor - not relevant.	<p>(2004–2005) - Melbourne-based terrorist organisation fostering or preparing doing of terrorist act in Australia or overseas, with intention of causing death or serious physical harm - proposed terrorist act alleged to be intentional detonation of one or more explosive or incendiary devices, or use of weapons - religious obligation to pursue violent jihad against non-believers - organisation never got to point of committing a terrorist act before it was shut down - organisation towards lower end of scale of seriousness: CCA [561].</p> <p>One of 'elders' of organisation, but involvement less than Benbrika and Joud: CCA [580].</p> <p>Various periods of employment – supportive family and community.</p> <p>BENBRIKA, JOUD, MERHI, A.RAAD, E.RAAD, HADDARA and KENT sentenced for s.102.3 offence JOUD, A.RAAD, E.RAAD sentenced for s.102.6 offence JOUD, A.RAAD sentenced for s.102.7 offence KENT sentenced for s.101.3 offence</p>

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	NAME (age if Known)	OFFENCES	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
5.	<p>A. RAAD (25 at sentence) [2009] VSC 21 Bongiorno J</p> <p>(2010) 29 VR 593 (2010) 204 A Crim R 457 [2010] VSCA 281</p>	<p>Attempt make funds available to terrorist organisation: s.102.6(1)</p> <p>Provide resources to terrorist organisation: s.102.7(1)</p> <p>Membership of terrorist organisation: s.102.3(1) [10y]</p>	VG	<p>8y</p> <p>8y</p> <p>6y 6m</p> <p><u>Total:</u> 10y NPP 7y 6m</p>	<p>AA 5y</p> <p>8y</p> <p>4y 6m</p> <p><u>Total:</u> 8y NPP 6y</p>	Nil	<p>(2004–2005) - Melbourne-based terrorist organisation fostering or preparing doing of terrorist act in Australia or overseas, with intention of causing death or serious physical harm - proposed terrorist act alleged to be intentional detonation of one or more explosive or incendiary devices, or use of weapons - religious obligation to pursue violent jihad against non-believers - organisation never got to point of committing a terrorist act before it was shut down - organisation towards lower end of scale of seriousness: CCA [561].</p> <p>Treasurer - important member of organisation - objective seriousness and moral culpability of count 1 same as Joud: CCA: [590], [596] - objective gravity of count 3 more towards lower end of range: CCA: [598].</p> <p>Married with child – supportive family and community – various periods employment.</p> <p>BENBRIKA, JOUD, SAYADI, MERHI, E.RAAD, HADDARA and KENT sentenced for s.102.3 offence JOUD, E.RAAD sentenced for s.102.6 offence JOUD, SAYADI sentenced for s.102.7 offence KENT sentenced for s.101.3 offence</p>

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	NAME (age if Known)	OFFENCES	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
6.	<p>E. RAAD (26 at sentence) [2009] VSC 21 Bongiorno J</p> <p>(2010) 29 VR 593 (2010) 204 A Crim R 457 [2010] VSCA 281</p>	<p>Attempt make funds available to terrorist organisation: s.102.6(1)</p> <p>Membership of terrorist organisation: s.102.3(1) [10y]</p>	VG	<p>6y</p> <p>6y</p> <p><u>Total:</u> 7y 6m NPP 5y 9m</p>	<p>AA 4y</p> <p>4y</p> <p><u>Total:</u> 6y NPP 4y 6m</p>	Nil	<p>(2004–2005) - Melbourne-based terrorist organisation fostering or preparing doing of terrorist act in Australia or overseas, with intention of causing death or serious physical harm - proposed terrorist act alleged to be intentional detonation of one or more explosive or incendiary devices, or use of weapons - religious obligation to pursue violent jihad against non-believers - organisation never got to point of committing a terrorist act before it was shut down - organisation towards lower end of scale of seriousness: CCA [561].</p> <p>Participation in activities and involvement in attempt to provide funds to organisation less than A.Raad: CCA: [604].</p> <p>Electrician apprenticeship – married with children – supportive family and community.</p> <p>BENBRIKA, JOUD, SAYADI, MERHI, A.RAAD, HADDARA and KENT sentenced for s.102.3 offence JOUD, A.RAAD, sentenced for s.102.6 offence JOUD, SAYADI, A.RAAD sentenced for s.102.7 offence KENT sentenced for s.101.3 offence</p>
7.	<p>ATAI (No.2) (19-20) [2018] NSWSC 1797 Johnson J</p> <p>[2020] NSWCCA 302</p>	<p>Aid and abet s.101.1 [life]</p> <p>Intentionally collecting funds for terrorist organisation: s 102.6(1)</p> <p>Intentionally collecting funds for terrorist organisation: s 102.6(1)</p> <p>Sched: Being a member of terrorist organisation</p>	PG (10%)	<p>30y</p> <p>9y</p> <p>10y 6m</p> <p><u>Total:</u> 39y NPP 28y 6m</p>	AD	nil	<p>Actively involved with Alou in planning terrorist inspired fatal shooting by 15y male of police employee outside police station – lesser role than Alou but still trusted participant – high end of scale of seriousness - assisted shooter's sister leave Australia and join Islamic State – prepared to provide further funds to Islamic State through undercover agent – Islamic State worst type of terrorist organisation</p> <p>Born in Afghanistan - deeply radicalised – withdrew expressions of remorse – difficult custodial conditions – some family and community support</p>

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	NAME (age if Known)	OFFENCES	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
8.	ZAHAB [2019] NSWSC 629 Bellew J [2021] NSWCCA 7	Provide support or resources to terrorist organisation: s.102.7(1) Fail comply with order under s.3LA(2) (Cth) <i>Crimes Act</i>	PG (25%)	9y NPP 6y 9m 3m <u>Total:</u> 9y 1m NPP 6y 10m	AD	minor firearms and drug related offences	Over two years, researched and developed "Laser Warning Receiver", "Rockets" and a "Rocket Guidance Method", to assist Islamic State in military conflicts overseas - sophisticated offending - failed to comply with demand by police to provide passwords to devices on which he had stored encrypted data. Guarded about prospects of rehabilitation - otherwise generally good character
9.	AZARI (20) [2021] NSWCCA 199 Co-offender: AL-TALEBI	Attempt make funds available to terrorist organisation: s.102.6(1) Do act in preparation for terrorist act: s.101.6 <i>[Life]</i> Sched: 2 x s.102.6(1)	PG (25%) VG	8y 12y <u>Total:</u> 18y NPP 13y 6m	AD	nil	Attempted to make US\$9000 available to Islamic State – schedule offences involved transferring total of US\$6000 to Pakistan for Islamic State – telephone conversation with senior Australian Islamic State member in Syria planning terrorist acts in Australia – no actual agreement to commit terrorist act and no further planning – in direct contact with Islamic State acting as intermediary with radicalised groups in Australia – offences below mid-range Born in Afghanistan – delay – still holds some extremist views – good character On appeal: no disparity – no error in relation to schedule offences
10.	AL-TALEBI (24) [2021] NSWCCA 199 Co-offender: AZARI	2 x Attempt to provide support or resources to terrorist organisation: s.102.7(1) Attempt make funds available to terrorist organisation: s.102.6(1)		10y (each) 10y <u>Total:</u> 12y NPP 9y	AD	Nil	Involved in attempt to transfer money to Pakistan to sponsor travel of fighters to Syria – money raised by group - \$6000 transferred over two days – subsequent attempt to transfer \$9000US not carried out – handed money to co-offender and intermediary Strongly held Islamic beliefs – no remorse – prospects of rehabilitation poor – born in Iraq – prior good character On appeal: no disparity – sentence not excessive

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