Engage in Terrorist Act

Section 101.1 (Cth) *Criminal Code*

101.1 Engage in terrorist act

Maximum Penalty: Life

	NAME (age if Known)	OFFENCES	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
1.	**ALOU (No.4)** (18) [2018] NSWSC 221 Johnson J [2019] NSWCCA 231	Aid and abet s.101.1	PG (15%)	44y NPP 33y	AD	record including firearms and robbery	Supplied firearm to 15y youth who shot dead police employee as he left work – knew gun would be used to kill – intensely involved in several weeks of planning - key person who played a lead role in criminal enterprise – culpability close to principal – very high level of gravity Radicalised himself and radicalised 15y shooter – high security incarceration – no remorse - no evidence of prospects of de-radicalisation
2.	**ATAI (No.2)** (19-20) [2018] NSWSC 1797 Johnson J [2020] NSWCCA 302	Aid and abet s.101.1 Intentionally collecting funds for terrorist organisation: s 102.6(1) *[25y]* Intentionally collecting funds for terrorist organisation: s 102.6(1) *[25y]* Sched: Being a member of terrorist organisation	PG (10%)	30y 9y 10y 6m Total: 39y NPP 28y 6m	AD	nil	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 Born in Afghanistan - deeply radicalised – withdrew expressions of remorse – difficult custodial conditions – some family and community support

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (age if Known)	OFFENCES	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
3.	**KHAN (No.11)** (22) [2019] NSWSC 594 Bellew J [2022] NSWCCA 47	s.101.1	VG	36y NPP 27y	AD	minor	Repeatedly stabbed male stranger walking past offender's house mid-afternoon – pursued victim to nearby garage – violent, ferocious and inhuman attack - intent to kill - prior to offence viewed extremist footage on internet – planned offence over significant period - targeted victim because of t-shirt Mental illness making custodial conditions more onerous – some evidence of rehabilitation Sentence stern but not manifestly excessive
4.	**SHOMA** (24) [2019] VSA 367 Taylor J	s.101.1	PG	42y NPP 31y 6m (pre guilty plea discount: 46y NPP 36y)		Nil	Entered Australia on student visa with sole intention of committing terrorist act – moved to home of victim when host family expressed concern for safety – stabbed male in neck sleeping with 5y child – breach of trust and sanctity of home – presence of child – significant research and planning including bringing knife into country – acted in response to general direction of IS to kill Australians - while single victim made offence less grave still extremely serious Female - born in Bangladesh – radicalised over several years - no remorse – prospects of rehabilitation poor
	SHOMA (No.2) (28) [2021] VSC 797 Jane Dixon J	s.101.1 s.102.3: membership of terrorist organisation	PG	12y 2y (concurrent) <u>Total</u>: 48y NPP 36y			After 12m moved to less restrictive custodial conditions – within weeks attacked prisoner with garden shears left in laundry area – intent to kill although actual injury restricted to laceration to thumb – chose Canadian prisoner for publicity – 8 months planning - use of weapon – offence serious – membership of organisation based on self-expressed allegiance to IS – low to mid-range Proud of offences – prospects of rehabilitation even poorer but not non-existent

	NAME (age if Known)	OFFENCES	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
	CHAARANI (26)	Attempt s.101.1 s.101.1	VG	8y 18y <u>Total</u>: 22y NPP 17y	Conviction AD Sentence AD	insignificant	First two offenders attempted to destroy mosque in residential area by breaking in and setting alight flag in prayer room in early hours of morning – fire self-extinguished – recruited third offender and two weeks later successfully set mosque alight causing significant destruction – offence less serious than acts intended to take life – mid range – first two offenders of equal culpability – third offender lesser role
	MOHAMED (24)	Attempt s.101.1 s.101.1	VG	8y 18y <u>Total</u>: 22y NPP 17y	Sentence AD	limited	Each offender had become radicalised CHAARANI and MOHAMED sentenced for s.101.6 offence four months later – partially accumulated to these sentences: see table for s.101.6 offences
5.	**MOUKHAIBER** (28) [2019] VSC 498 Tinney J (conviction appeal) [2020] VSCA 88 (Mohamed sentence appeal) [2023] VSCA 177 (Chaarani sentence appeal) [2023] VSCA 275	s.101.1	VG	16y NPP 12y		some significant entries	

Last updated: Apr 2023

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.