

IN THE CENTRAL CRIMINAL COURT

THE QUEEN

-v-

ALI HARBI ALI

SENTENCING REMARKS

The Defendant, who is now aged 26, has been found guilty, on overwhelming evidence, of two grave crimes, namely:

Engaging in the preparation of terrorist acts in the period between 1 May 2019 and 28 September 2021– in that, with the intention of killing one or more Members of Parliament and thereby influencing the Government and advancing a religious or ideological cause, he engaged in reconnaissance of locations of targets to attack, including addresses of Members of Parliament and the Houses of Parliament, and also engaged in internet research in relation to targets to attack (Count 1); and the murder, at a constituency surgery held in Leigh-On-Sea on 15 October 2021, of the distinguished, long-serving, and much-loved and admired Member of Parliament Sir David Amess, who the Defendant stabbed many times with a large knife (Count 2).

I wish to express the sincere sympathy, and the condolences, of the court to the family, friends, staff, colleagues and constituents of Sir David for the enormity of their loss, and to express the court's sincere admiration for the brave and dignified way in which his family have dealt, in the face of their incalculable loss, with the ordeal of the trial - which was forced upon them by the Defendant's cowardly refusal to face up to his guilt.

Sir David was a man of the greatest substance. He had done nothing whatsoever to justify the attack upon him, let alone his murder. On the contrary, he had devoted 38 years of his life to the lawful service of the public, and was engaged in doing so when he was murdered. His loss is one of national significance.

Having presided over the trial, I am sure of the following facts:

1. In early 2014 the terrorist organisation ISIS (which had its origins in Iraq) aggressively expanded in Syria, occupying massive territories in the eastern provinces - using Raqqa as the location of its central military command for Syria, and announcing its 'Caliphate'.
2. In September 2014 Sir David Amess was one of 524 Members of Parliament who voted in favour of a motion, consequent on a request from the Government of Iraq for military support, for UK forces (who were part of an international coalition) to take part in bombing missions against ISIS in Iraq. (ISIS ultimately became known as Islamic state, which is how I will refer to it hereafter).
3. In December 2015 Sir David Amess was one of 397 Members of Parliament who voted in favour of a motion, consequent on a United Nations Security Council Resolution that Islamic State constituted an unprecedented threat to international peace and security, for UK forces (again as part of an international coalition) to take part, in accordance with the United Nations Charter, in airstrikes against Islamic State in Syria.
4. During the period from around 2014 to 2016 the Defendant, who is a Muslim, and was then aged 18 to 20, was radicalised over the internet – such that (as admitted by him) he variously became sympathetic to, ultimately believed in, ascribed to the ideals of, had allegiance to, agreed with the goals of, and was aligned to, Islamic State (which, in this country, is a proscribed terrorist organisation)
5. To begin with, the Defendant had a preference to carry out Jihad, on behalf of Islamic State, in Syria – though, as time passed, travel for that purpose became fraught with risk of arrest. Another option that the Defendant considered, as a result of listening to advice from the then Islamic State spokesman over the internet, was carrying out a domestic act of terrorism. As a result, in about 2016, the Defendant purchased a large knife for the purpose of having it available to use in the event that he decided to carry out a terrorist attack in this country. That was the knife that, five years later, the defendant carried around with him when conducting reconnaissance, and that he used to murder Sir David Amess.
6. In October 2017, following many casualties, Islamic State lost Raqqa and other areas of Syria. As a result, it issued an appeal to its sympathisers around the world to strike on their own, wherever they were, using the tactic known as lone wolf attacks - in order to maximise the fears of countries that were members of the coalition that they would see more attacks, such as those carried out in London and Paris. The call for lone wolf attacks continued over the years that followed. Indeed, the last one of relevance to this case was in July 2021, which was the month in which the Defendant began to take an interest in Sir David Amess.
7. Ultimately, as the Defendant said in interview, the exhortations to carry out a lone wolf attack resulted in him deciding to carry out his Jihad in this country. In the result, he started to consider options, including looking at previous attacks in this country and abroad. In the result, and in order to take revenge for what, from his perspective, had happened in Raqqa, he decided to target Members of Parliament who, in 2015, had voted for the motion to bomb Islamic State in Syria. As he put it in interview, Members of Parliament were accessible and numerous, and he wanted to influence the politicians.

8. The first Member of Parliament to be targeted by the Defendant was Michael Gove. By May 2019 the Defendant had discovered Mr Gove's then home address, and had drawn up written options for a murderous attack upon him. Thereafter, during the pandemic, and until March 2021, the Defendant's activities were limited to some researches on the internet in relation to Mr Gove, four other Members of Parliament, and a member of the House of Lords.
9. Thereafter, in the period from 9 March 2021 until 5 July 2021 the Defendant carried out reconnaissance in the area of Mr Gove's address on eight occasions – ultimately giving up on the idea of attacking him there, because he had divorced and moved away. However, that did not stop the Defendant from conducting further research on Mr Gove from as time passed.
10. As he admitted in interview, the Defendant then decided to start looking at the Houses of Parliament, and trying to spot where Members of Parliament came out and what they were doing. By this time, the Defendant had decided to start to carry out attacks here and to use the knife (to which I have already referred) to kill. Thus, as already touched on, he carried it in his shoulder bag during subsequent reconnaissance expeditions.
11. In the period between 15 July 2021 and 22 September 2021 the defendant carried out reconnaissance in the area of the Houses of Parliament on eight occasions, the last of which involved walking by three times. During that period he also researched Members of Parliament on the internet, including Mr Gove, and (for the first time) Sir David Amess (on 19 & 22 July 2021) together with Mike Freer (on 16 September 2021). Indeed, on 17 September 2021, which was between his 6th and 7th expeditions to the area of the Houses of Parliament, the Defendant carried out reconnaissance in the vicinity of Mr Freer's constituency premises in Finchley.
12. Ultimately, the Defendant realised that, because of previous attacks, the police at the Houses of Parliament were heavily armed, such that an attack there would be difficult. So he decided to make another plan and, after some further research in relation to Mr Freer and first research in relation to Stephen Timms MP (who had been stabbed during one of his constituency surgeries), he decided to attack a Member of Parliament at a constituency surgery.
13. By 25 September 2021 the Defendant had drafted a Note, linked to a film about Raqqa, explaining that he was acting in revenge. By 27 September (after finding a Twitter message about Sir David Amess's constituency surgeries, which contained his email address) the Defendant had settled on Sir David as his target.
14. In the period between 27 and 30 September 2021 the Defendant was in email contact with Rebecca Hayton, a member of Sir David's staff and, by pretending to be a new constituent and by giving a false address, had arranged to attend Sir David's constituency surgery at Belfairs Methodist Church in Leigh-On-Sea at noon on Friday 15 October.
15. In the days leading up to that appointment the Defendant conducted further internet research in relation to Sir David, including as to his connections with the Jewish community which, in the Defendant's view, provided a further reason to kill him. The day before the appointment the Defendant researched previous terrorist stabbings in Reading and London.

16. On 15 October 2015 the Defendant travelled by public transport and on foot to the Church. He was carrying his shoulder bag with the knife in it. His plan was to stab Sir David to death, then to wait at the scene for armed police to arrive, and then to martyr himself by attacking them and, he hoped, being shot dead by them in the process.
17. The Defendant was greeted by Sir David's Constituency Assistant Julie Cushion, and was then taken through by Rebecca Hayton to the small office that Sir David was using. Sir David and Rebecca Hayton sat on one side of a desk, and the Defendant sat on the other side. The Defendant had his principal phone out and, after about five minutes, and unbeknown to Sir David and Miss Hayton, used it to send a WhatsApp message of the 25 September Note (to which I have already referred), and the link to the film about Raqqa, to members of his family. Then, and without warning, the Defendant produced the knife and began to stab Sir David multiple times, aiming (in accordance with Islamic State training videos that he had viewed) for the main blood vessels in the body. Sir David, who was unarmed, fought bravely, and hard, against the attack, but was overwhelmed by the defendant, who was much younger and larger, and who murdered him by inflicting multiple deep stab wounds to the chest.
18. In the meanwhile Rebecca Hayton had managed to escape from the office and to alert Julie Cushion, who rang the police from outside. Two constituents, Darren King, and Yvonne Eaves, who had an appointment at 12.15, also arrived outside. They went in to see if they could help Sir David. The Defendant was on the phone to his family who were hysterical, but was still holding the knife and refused any access to Sir David – telling Mr King that he wanted to kill Sir David and every MP who had voted for the bombing of Syria, and that he wanted to be shot and to be a hero.
19. The first police officers to arrive at the scene were PCs Scott and Curtis. They were in plain clothes, and were armed only with their batons and PAVA spray. They entered the church. The Defendant charged at them, and they retreated a little, but then bravely stood their ground. Eventually, because of his sister's ongoing hysterics on the phone, the Defendant dropped the knife and the two officers arrested him. On being taken outside the Defendant was smug and self-satisfied about what he had done.
20. On reception at the police station the Defendant said that the crime was terror based and also referred to religion. In interview he admitted that he was acting in revenge, and that he wanted to influence politicians.
21. This was a murder carried out in revenge for Islamic State's losses in Syria. It owed nothing to any humanitarian considerations. As with the offence in Count 1, it was done with the intention of influencing the Government and of thereby advancing a religious or ideological cause – namely that of Islamic State. The Defendant has no remorse or shame for what he has done – quite the reverse.

The sentence on Count 2 is fixed by law, namely life imprisonment. The maximum sentence available on Count 1 is life imprisonment.

In relation to Count 2, I have to decide whether to set a minimum term before the completion of which the Defendant cannot even be considered for release on parole, or whether, by not fixing a minimum term, to impose a whole life sentence – which would mean, in all likelihood, that the Defendant will die in prison.

I must first identify the correct starting point.

For the purposes of this case, Paragraph 2 of Schedule 21 to the Sentencing Act 2020 provides that the appropriate starting point is a whole life order if the court considers that the seriousness of the offence (or of the combination of the offence and another offence(s) associated with it) is exceptionally high, and the offender was over the age of 21 when the offence was committed. The Schedule makes clear that a murder done (as in this case) for the purpose of advancing a religious or ideological cause will normally be an offence of exceptionally high seriousness.

The Defendant was aged 25 at the time of the murder. Against the background of my findings of fact, and whether the murder is viewed in isolation or in combination with the offence in Count 1, I have no doubt at all that the correct starting point is a whole life order.

I must then go on to weigh the aggravating and mitigating features.

The criteria in section 69 of the 2020 Act, as amended, are met – in particular that the murder was committed for the purposes of terrorism. Thus I must treat that fact as an aggravating feature, and state in court that the offence is so aggravated – which I do. However, as the Prosecution recognise, that factor has already been taken into account in deciding on the starting point, and double counting must be avoided.

The additional aggravating factors are that:

- (1) There was a significant degree of planning and premeditation.
- (2) The use of a knife that had been taken to the scene.
- (3) The fact that Sir David was providing a public service or performing a public duty.
- (4) The fact that the offence was committed as an act of revenge upon an elected representative, motivated by how that representative had voted in Parliament.
- (5) The fact that the Defendant prevented members of the public from trying to help Sir David (albeit that it is accepted that, to an extent, that is a manifestation of the Defendant's intent to kill and, again, double counting must be avoided).

The only potential mitigating feature is the Defendant's lack of previous convictions and cautions. However, given his unlawful activities over a substantial period of time in relation to Count 1 and the gravity of the murder, that is a feature of very little weight.

Each case that falls within the whole life starting point must be carefully considered on its own facts. I have so considered this case.

It is a matter of judicial discretion as to whether a whole life order is made.

This was a murder that struck at the heart of our democracy. Given my findings of fact, the fact that the most significant aggravating features of the murder greatly outweigh the single mitigating feature, and whether the murder is viewed in isolation or in combination with offence in Count 1, I have no doubt whatsoever that this is an exceptional case in which the element of just punishment requires the imposition of whole life order, such that the Defendant must be kept in prison for the rest of his life.

I agree with the Prosecution that, applying the relevant Guideline, the offence in Count 1 is appropriately placed in Category 2A, and thus attracts a starting point of life imprisonment with a minimum term of 25 years.

The aggravating features are that the targets of the intended attacks were Members of Parliament, and the repeated possession of terrorist material. The single mitigating feature is the absence of previous convictions or cautions. Again, the aggravating features significantly outweigh the mitigating feature.

In the result, the sentence that I propose to impose on Count 1 is a concurrent term of life imprisonment with a minimum term of 30 years.

Ali Ali, the sentence that I impose on you on Count 2 is one of life imprisonment, with a whole life order. On Count 1, the sentence is life imprisonment with a minimum term of 30 years concurrent.

I also make a Forfeiture Order, under the terms of section 23A of the Terrorism Act 2000, in relation to the items specified by the Prosecution, which include the knife.

Further, under Part 4 of the Counter-Terrorism Act 2008, you will be subject to the Terrorism Notification Requirements for a period of 30 years.

Finally, I make a Statutory Surcharge Order in the relevant sum.

Sweeney J

13 April 2022