

Direct Activities of a Terrorist Organisation

Section 102.2 (Cth) *Criminal Code*

102.2 Directing the activities of a terrorist organisation

(1) intentionally direct activities of a terrorist organisation knowing it is a terrorist organisation.

Maximum Penalty: 25 years.

(2) intentionally direct activities of a terrorist organisation 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.	BENBRIKA (48 at sentence) [2009] VSC 21 Bongiorno J (2010) 29 VR 593 (2010) 204 A Crim R 457 [2010] VSCA 281	s.102.2(1) Member of terrorist organisation: s.102.3(1) Possess thing connected with preparation for terrorist act: s.101.4(1) [15y]	VG	15y 7y 5y <u>Total:</u> 15y NPP 12y	AA 15y 5y Conviction quashed <u>Total:</u> 15y NPP 12y	Nil	(2004–2005) - Melbourne-based terrorist organisation - 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 terrorist act before shut down - organisation towards lower end of scale of seriousness: CCA [561]. Benbrika – founder and principal - moral culpability greater than co-offenders - objective seriousness in convincing prospective members to way of violent jihad and moral culpability at high end of scale of seriousness: CCA [561]-[562] Trained as aviation engineer – married with children
2.	AQUDSI (No.8) (50) [2023] NSWSC 355 Rothman J	s.102.2(1)	VG	15y NPP 11y 3m		7x giving money or goods to promote / support foreign hostile act	(2014) over four months directed activity of terrorist organisation in Sydney - initially established to assist people to travel to Syria to fight against government of Syria – subsequently various attacks discussed including attack on the Court targeting Australian Federal Police; attack on Garden Island Naval Base; attack on Mardi Gras; possible attack on Israeli Embassy and random attacks on members of public or “unbelievers” – no target chosen and planning incomplete Some prospects of rehabilitation

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

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