

**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.	<b>ALOU (No.4)</b> (18) <a href="#">[2018] NSWSC 221</a> Johnson J  <a href="#">[2019] NSWCCA 231</a>	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.	<b>ATAI (No.2)</b> (19-20) <a href="#">[2018] NSWSC 1797</a> Johnson J  <a href="#">[2020] NSWCCA 302</a>	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  <u>Total:</u> 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

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3.	<b>KHAN (No.11)</b> (22) <a href="#">[2019] NSWSC 594</a> Bellew J  <a href="#">[2022] NSWCCA 47</a>	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.	<b>SHOMA</b> (24) <a href="#">[2019] VSA 367</a> Taylor J  <b>SHOMA (No.2)</b> (28) <a href="#">[2021] VSC 797</a> Jane Dixon J	s.101.1  s.101.1 s.102.3: membership of terrorist organisation	PG  PG	42y NPP 31y 6m  (pre guilty plea discount: 46y NPP 36y)  12y  2y (concurrent)  <u>Total:</u> 48y 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  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

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5.	<b>CHAARANI</b> (26)	Attempt s.101.1 s.101.1	VG	8y  18y  <u>Total:</u> 22y NPP 17y	Conviction AD	insignificant	<p>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 Each offender had become radicalised</p> <p>CHAARANI and MOHAMED sentenced for s.101.6 offence four months later – partially accumulated to these sentences: see table for s.101.6 offences</p> <p>2022 appeal: MOHAMED successful appeal against totality of sentence after partial accumulation of subsequent sentence for s.101.6 offence – individual sentences unchanged - total sentence reduced from 38y NPP 28y 6m to 32y NPP 24y</p>
	<b>MOHAMED</b> (24)	Attempt s.101.1 s.101.1	VG	8y  18y  <u>Total:</u> 22y NPP 17y	Sentence AA (see facts)	limited	
	<b>MOUKHAIBER</b> (28)	s.101.1	VG	16y NPP 12y		some significant entries	
	<a href="#">[2019] VSC 498</a> Tinney J  <a href="#">[2020] VSCA 88</a>  (Mohamed sentence appeal) <a href="#">[2022] VSCA 136</a>						

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