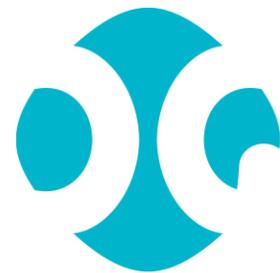


Defending Terrorism Cases Webinar

Thursday 19th May 2022



DGLLEGAL
Services for Lawyers

Presenters



Mary Prior QC | Barrister | The 36 Group

Mary is a criminal QC with especial expertise in questioning and representation of the most vulnerable members of society, with a particular focus on those on the autism spectrum, with ADHD and with personality disorders.

Mary is often instructed in homicide, especially involving the death of a child or spouse, serious sexual offences, child sexual exploitation and organised crime groups involving firearms and drugs.

Key Fact

Whether you obtain this case as:

- Duty Solicitor or
- Own Client

The key is not to panic.

No Experience?

- Terrorism offences are set out in statute.
- The interview process is the same.
- The trial is the same – some differences in early hearings
- The issues for the jury are often simple
- The prosecution team is larger and they have significant resources.
- It will require time and energy.

Can I do it?

- Spoken to many Solicitors
- Many conducted a case as their first
- Lots of them were successful
- Their tips are set out in this document

What Is Terrorism?

- Dates from the French Revolution - 1795
- The unlawful use of violence and intimidation, especially against civilians, in the pursuit of political aims.” OED
- No internationally recognised definition. No convention.

Statutory Definition

Defined Terrorism Act 2000

The use or threat of one or more of the actions listed below, and where they are designed to influence the government, or an international governmental organisation or to intimidate the public. The use or threat must also be for the purpose of advancing a political, religious, racial or ideological cause.

Definition

Serious violence against a person;

- serious damage to property;
- endangering a person's life (other than that of the person committing the action);
- creating a serious risk to the health or safety of the public or a section of the public; and

Definition

action designed to seriously interfere with or seriously to disrupt an electronic system.

- The use or threat of action, as set out above, which involves the use of firearms or explosives is terrorism regardless of whether or not the action is designed to influence the government or an international governmental organisation or to intimidate the public or a section of the public.
- Action includes action outside the United Kingdom.

Terrorism Act 2006

Divides Offences into:

- Encouragement S1-2
- Preparation and training S5-8
- Making and possessing devices or materials S9-12

Other Offences

Explosive Substances Act 1883

- Attempt to cause an explosion
- Causing an explosion likely to cause danger to life or property

Additional Powers

- Detention periods S23-25
- Searches 26-30
- Other investigatory powers 31-33

Who Is A Terrorist?

- Since March 2017 counter terrorism police and the intelligence services have stopped 32 plots claiming to cause mass casualties in the UK.
- Of those 18 were Islamist related and 12 were triggered by extreme right wing ideology. The last 2 were linked to left, anarchist or single issue terrorism (LAST)
- Last to succeed was Darren Osborne who drove a van into crowd outside Finsbury Park Mosque.
- Radicalised himself in a month.

Right Wing Ideology

- 9/20 children arrested in the last year for terrorism were linked to extreme rightwing ideology.
- 41% of suspects in 2021 right wing ideology
- A terrorist can become a leader/politician/revered

Who Is A Terrorist?

- Michael Collins 1922
- Menachim Begin 1976
- Anwar Sadat 1976
- Nelson Mandela 1994
- Yasser Arafat 1996

Why Do People Become Terrorists?

- Perceived injustice
- Need for identity
- Need to belong somewhere
- Need for a family
- History of Childhood trauma

How Are They Recruited?

- Internet
- Social Media
- Gaming
- Prison
- Concentrated in areas where people are deprived and dissatisfied

What Happens Next?

- Aware they are “oppressed”
- The oppression is social – can be avoided
- Realise they can act against the oppression
- Realise self help by violence is the only cure
- (Hacker 1983)

Why?

- NO EASY ANSWER
- MANY IDEAS AND RESEARCH
- OFTEN CRITICAL EVENT FOLLOWED BY THE PROCESSES ABOVE
- DEVELOPS INTO VIOLENCE WHEN THE PSYCHOLOGICAL BARRIER TO USING VIOLENCE IS REMOVED OR REDUCED

Are Terrorists Mentally Ill?

- Serious mental illness is rare
- Not a major factor in understanding or predicting terrorist behaviour
- Corrado (1981) Silke (1998) Ruby (2002)
- The outstanding common characteristic is their normality
- This includes suicide attackers

How Are They Recruited?

- Social media – largest recruiter last 5 years
- Use likes on Twitter and Facebook
- Leads to membership of online communities
- Password protected groups
- Gaming – playing violent games
- In prison
- At events

Grooming

- Newcomers and potential recruits are researched
- A mentor is provided to give them what they need, a friend, partner, sounding board, gaming friend
- This gives hours of opportunity to chat
- Leaves no trace
- Manipulation and exploitation

Grooming

- The ideology is not discussed for some time
- Conversion can be within a few weeks or take years
- Personal messages are sent
- Shared music is sent
- Leaving is not easy

Grooming

- Groomers will alienate from the family.
- Two brothers carried out Boston Marathon
- One highly talented and skilled
- Other a drug user
- Neither had been practising until elder brother's fall from grace.
- Oliver Bell – math's student at Cambridge planned to kill jews and homosexuals

Cult

- It's like a cult
- 2/3 of new cult members have no mental health difficulties
- 1/3 have mild depression
- Cults provide friendship, safety and certainty

Preparation

- Full investigation of telephone and social media
- Check purchasing history
- Ensure messages which assist are included
- Consider grooming behaviour
- Research the particular group and their recruitment techniques
- Late on they will serve an expert report

Experts

- Expert is likely to be a researcher
- Take care to understand what a researcher is
- Read their papers and consider matters which help you
- Instruct your own if necessary

Other Experts

- Psychological trauma can follow arrest and interview
- Period of isolation from new family
- Instruct expert in psychology and psychiatry
- Consider stage at which to do so

Client

- Will only trust the family
- May have received advice as to what to do if arrested from recruiter
- Time and patience required
- Gain trust
- Instructions can change
- Further radicalisation can occur in prison

Reverse Psychology

- Can be patronised
- Small group of “experts” in this field
- Small group of judges
- All know each other
- Plain from the outset you are knew
- Beware of “advice”

Things To Look Out For

- Check translation and translators if necessary
- Check and double check accuracy of charts and SOE
- Beware of accepting that PTR is first day of trial if work outstanding
- Engage with DMD
- Ensure systems in place for protection of material
- Be prepared for backlash from the press

My Example

- Defendent 14
- In 2021 13 year old charged and convicted of terrorism offences
- 17/5/2022 13 year old charged with terrorism offences

BBC News 9/10/2020

The youngest person to be tried for a terrorism offence on UK soil has been found not guilty.

The teenager, from Eastleigh, Hampshire, was accused of planning a jihad-inspired terrorist act after becoming "radicalised" by online material.

However his lawyers said he designed and detonated bottle bombs at home while "pretending" to plan harm.

The 15-year-old sobbed when the verdict was delivered at Leicester Crown Court.

BBC News 9/10/2020

Outside the court, police urged parents to be vigilant about young people's online activities during the coronavirus period.

Det Ch Supt Kath Barnes, head of Counter Terrorism Policing South East, said social isolation "amplifies the effect of harmful material".

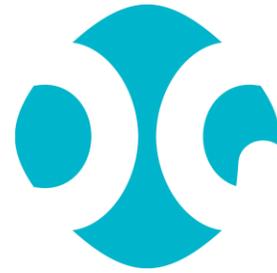
Sentences

- Guidelines laid down by the sentencing council
- <https://www.sentencingcouncil.org.uk/offences/crown-court/item/preparation-of-terrorist-acts/>

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