

# **Independent Review on Classification of Extreme Violence Used in Southport Attack on 29 July 2024**

13 March 2025

Jonathan Hall KC, Independent Reviewer of Terrorism Legislation

## **Executive Summary**

- The legal definition of terrorism is already wide and should not be changed any further.
- Lessons from counter-terrorism are relevant to managing the risk from individuals who plan to carry out extreme violence for its own sake or because of personal grievance.
- The government should consider a new offence, adapted from terrorism legislation, to deal with non-terrorist mass casualty attack-planning.

## 1. TERRORISING VIOLENCE

### Introduction

- 1.1. The Southport murders and attempted murders committed by Axel Rudakubana in July 2024, raise an important question about how extreme violence should be categorised.
- 1.2. In January 2025, the Prime Minister spoke of “violence clearly intended to terrorise”, to “extreme violence, seemingly for its own sake”, and about male loners, accessing violent material online, desperate for notoriety<sup>1</sup>.
- 1.3. I have been Independent Reviewer of Terrorism Legislation since 2019, and I can confirm from my own research, my frequent conversations with Senior Investigating Officers of Counter Terrorism Police, officials at the Home Office and in MI5, and from the annual arrest statistics, that the existence of the threat picture described by the Prime Minister is real.
- 1.4. Some of these individuals will go on to commit terrorist violence. But there are those, like Rudakubana, whose violence is extreme and repulsive but not considered terrorism under existing laws. Sentencing Rudakubana to 52 years imprisonment for acts of violence that caused shock and revulsion to the whole nation, the Judge said:

*“The prosecution have made it clear that these proceedings were not acts of terrorism within the meaning of the terrorism legislation, because there is no evidence that Rudakubana’s purpose was to advance a political, religious, racial or ideological cause. I must accept that conclusion.”*<sup>2</sup>
- 1.5. I have no reason to doubt the prosecution’s conclusion that these were not acts of terrorism applying the law as it is. Annex 2 contains 10 examples of other lone actor cases which involved use or threats of extreme violence sharing some features of the Southport case, but which were not prosecuted as terrorism.
- 1.6. The purpose of this review is to consider the definition of terrorism in light of Southport<sup>3</sup>. I have already considered the concept of ‘novel causes’ in some detail in an earlier report<sup>4</sup>.
- 1.7. For convenience, the terrorism definition is set out in full at Annex 4.

### Basic Points

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<sup>1</sup> Press release, ‘PM statement on the Southport public inquiry’ (21.1.25).

<sup>2</sup> Mr Justice Goose, sentencing remarks (23.1.25)

<sup>3</sup> On the commissioning of this report see Annex 3.

<sup>4</sup> See Annex 1.

1.8. There are some basic points of misconception that need to be addressed.

1.9. **Firstly**, all murders, whether terrorist or not, are prosecuted as murder. There is no separate offence of terrorist murder, only murder. The only legal terrorism question in Rudakubana's case was whether it should be increased for sentencing purposes<sup>5</sup>.

- In the event the Judge found that Rudakubana's culpability for the "extreme level of violence" was "equivalent in its seriousness to terrorist murders, whatever his purpose"<sup>6</sup>.

1.10. **Secondly**, terrorism is not a label for the most serious offending.

- Serial killings, or the crimes of child sex abuse gangs are very serious without being terrorism.
- Not even all offences against national security are prosecuted as terrorism; hence the need for an additional statute, the National Security Act 2023, to deal with State Threats by countries such as Russia, China and Iran.

1.11. **Thirdly**, the true purpose of the terrorism definition is to unlock special powers of early intervention based on years of counter-terrorist experience, initially in Northern Ireland and later throughout the UK, and to secure international assistance from allies and third countries because of a shared interest in countering terrorism.

- The first counter-terrorism laws were based on proscribing or banning militarised Republican and Loyalist terrorist groups. These laws were adapted and later supplemented to deal with the major threat of Islamist Terrorism (Al Qaeda, Al Muhajiroun, Islamic State) and the growing number of Extreme Right Wing Terrorist groups and individuals.
- Over time, investigative powers and special offences such as possession of terror manuals<sup>7</sup> have been supplemented by additional offences against preparatory and other precursor conduct, civil measures such as Terrorism Prevention and Investigation Measures, Temporary Exclusion Orders and police-led Serious Crime Prevention Orders; and wider terrorism-based duties have been established in Prevent<sup>8</sup>, the Online Safety Act 2023<sup>9</sup>, and Protect<sup>10</sup>.

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<sup>3</sup> Whether the offence has a "terrorist connection" under section 69 Sentencing Act 2020.

<sup>6</sup> Sentencing remarks, supra.

<sup>7</sup> Section 58 Terrorism Act 2000.

<sup>8</sup> Section 26, Counter-Terrorism and Security Act 2015.

<sup>9</sup> Which contains requirements to remove terrorism content as a form of priority illegal content: see section 59.

<sup>10</sup> Assuming the passage of the Terrorism (Protection of Premises) Bill ('Martyn's Law').

- The principle of terrorism legislation remains the same – if at all possible, to catch, deter, or incapacitate the attacker before he has acted, and to make future attackers less likely. Lord Carlile KC referred to terrorism legislation as “pragmatic problem solving in face of a threat”, and I would agree with this characterisation<sup>11</sup>.

1.12. **Fourthly**, the application of the terrorism definition in the real world depends, at the investigative stage, on:

- what the suspicions can be drawn from the available intelligence and evidence available to the police,

and at the fact-finding stage before a judge or jury, on:

- what can be proven beyond reasonable doubt.
- the evidence (not intelligence<sup>12</sup>) that can be secured, or reasonable inferences that can be drawn from, evidence of past criminal or dangerous behaviour; ideology; conduct in the period before the attack; public and private utterances which might bear upon the individual’s motive or intentions; associations; browsing history; potential impact of any mental illness, personality disorder, neurodivergence or other disability; family background; routines and habits; degree of planning; relationship to victim; relevance to the defendant of location; and positive evidence of any personal grievances.

1.13. Arguments about whether something is or is not terrorism miss the point if they fail to consider the material available to investigators and courts.

1.14. **Fifthly**, cold realism is needed in the face of any suggestion that it is possible to reverse-engineer from the atrocious online viewing of the Southport attacker to identify a point at which he could have been stopped from knowledge of his browsing history alone.

- Online rhetoric rarely reflects offline intentions.
- Many young people view and share terrible images of violence and sexual harm online, including terrorism content<sup>13</sup>, and make dreadful boasts about their intentions, but only the tiniest fraction of these will take real world steps to violence.
- There is no supercomputer or algorithm that can magically scan all online communications and tell who is an attacker and who is a fantasist.

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<sup>11</sup> ‘The Definition of Terrorism’, Cm 7052 (2007).

<sup>12</sup> Save where sensitive intelligence can be adduced as evidence in closed civil proceedings concerning TPIMs or TEOs.

<sup>13</sup> According to OFCOM’s 2021 report, ‘Online Nation’, 9% of social video platform users, many of which are children, had been exposed to ‘radicalisation or terrorism’ within the previous 3 months.

## Communicating with the Public

1.15. Whether an act is terrorism or not is not a technical or private matter, but a matter of deep interest to the public. Trust in institutions, and knowledge that where terrorism is encountered it is being addressed, demand that the police are open and honest with the public<sup>14</sup>.

1.16. The official, but not legally binding, view on the presence or possible presence of terrorism may be communicated to the public at various points:

- In the early post-attack period, where the police “declare” a terrorist attack, rule out a terrorist attack, or state that Counter Terrorism Police are supporting a local investigation but have not taken the lead.
- When a suspect is arrested under terrorism powers<sup>15</sup> or on suspicion of a terrorist offence.
- When a suspect is charged under the Terrorism Acts or charged with an offence which the Crown Prosecution Service will argue is connected to terrorism<sup>16</sup>.
- At trial or sentencing.
- In a post-attack review, inquest or public inquiry.
- As part of counter-terrorism statistics communicated by the Director General of MI5 in his threat update (for example, “Since March 2017, MI5 and the police have disrupted 43 late-stage attack plots”<sup>17</sup>).

1.17. Whilst “declaring” a terrorist attack or not is more complicated in cases of lone attackers, there are good reasons for the police maintaining this communicative practice in all cases of actual or potential terrorism: to **acknowledge** the severity of what has happened; to **reassure** the public that protective measures are being taken against further attacks in the immediate future<sup>18</sup>; and to **demonstrate** that the police intend to get to the truth about the attack.

1.18. In some cases, terrorism will be unambiguous, for example where the attacker has posted a jihadi suicide video online.

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<sup>14</sup> The ruling party in Spain is held to have suffered badly in a general election when it misattributed the 2004 Madrid Train Bombings to Basque terrorists (ETA, rather than the true Islamist terrorist perpetrators); see Gordon, P., ‘Madrid Bombings and US Policy’, evidence to Senate Committee on Foreign Relations (31.3.04).

<sup>15</sup> Section 41 Terrorism Act 2000.

<sup>16</sup> Section 69 Sentencing Code.

<sup>17</sup> Threat update, 8.10.24.

<sup>18</sup> There may be operational reasons for not spelling these out, but they could include extra barriers or patrols, or swift action to arrest linked attackers.

1.19. In other cases, it will be immediately clear to professional investigators that an attack has been done for purely personal motives, however dreadful<sup>19</sup>. Saying that it is not being treated as terrorism (or some such formula) makes good sense to do so, to assuage public fear of further indiscriminate attacks by other individuals motivated by the same cause.

1.20. In unclear cases, especially if the attacker has been killed or makes no comment in police interview, police may be dependent on the outcome of searches of electronic devices.

- This can take some time particularly with encryption. Counter Terrorism Police may be involved (although not the lead force<sup>20</sup>), but it may simply be too early to say whether terrorism is a factor.
- A clear and honest explanation to the public would go something like this: “Because of the nature of the attack Counter Terrorism Police are involved in this investigation alongside the local force. Investigators are keeping an open mind, but there is insufficient evidence at the moment to state why the attack was carried out and whether terrorism was involved.”
- Expressions such as “this is not being treated as terrorism” may be accurate in the sense that Counter Terrorism Police are not the lead force but can be misleading as it may suggest that terrorism has already been ruled out.

1.21. There is probably a further category where strictly speaking an act of violence qualifies as terrorism, but the police do not consider that it warrants a counter-terrorism response. In his 2007 review of the definition of terrorism, Lord Carlile KC referred to actions by “a lone, violent and eccentric campaigner against the use of electricity”<sup>21</sup>. If such an individual used or threatened serious violence it might, depending on the nature of the violence used, be dealt with exclusively by a local force and prosecuted using the ordinary criminal law<sup>22</sup>. I think there is sense in this approach; treating every violent eccentric as a potential terrorist would skew the threat level and divert resources.

1.22. Ultimately, the process of “declaring” involves a combination of legal definition and a sense of proportion. But because of the real or imagined possibility of the police using terrorism in a selective or political way, these are decisions for which the police are ultimately accountable, and they should be properly recorded at the time.

1.23. There is a separate and equally important consideration about what can or cannot be said because of contempt of court.

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<sup>19</sup> For example, the recent case of Nicholas Prospect who shot and killed his mother and two siblings (February 2025).

<sup>20</sup> In the jargon, CT Police would not have “primacy”.

<sup>21</sup> Cm.7052, at para 15.

<sup>22</sup> Lord Carlile recommended that “Idiosyncratic terrorism imitators should generally be dealt with under non-terrorism criminal law”, *ibid*.

1.24. In the digital era, if the police do not take the lead in providing clear, accurate and sober details about an attack like Southport, others will. Social media is a source of news for many people<sup>23</sup> and near-silence in the face of horrific events of major public interest is no longer an option.

1.25. Following Southport, the disinformation generated on social media, combined with widespread allegations of a ‘cover-up’, risked far more prejudice to any trial than the placement of undisputed facts about the attacker in the public domain. Whether or not the Contempt of Court Act 1981 needs reform, the nature of prejudice in the digital age needs to be understood.

### **Realism about Content Moderation**

1.26. Even before the change of Administration in the United State of America, there was reason to be clear-sighted about the limits of the Online Safety Act 2023.

1.27. The question of how to induce foreign-based tech companies to remove material is a political as much as a legal one; whether to remove violent but true ‘news’ items is a genuinely difficult matter from the perspective of free speech; and the technical difficulties of removal or blocking should not be doubted in a world of encryption, private virtual spaces, user-generated content, and the presence of individuals who actively seek out violent material online.

1.28. It is strongly illustrative of the coming difficulties that Axel Rudakubana had viewed the video of the stabbing of Archbishop Mar Mari Emmanuel in New South Wales in April 2024 on X/Twitter, shortly before he left home to carry out his attack. Last year, Australia’s e-Safety Commissioner failed to stop it being viewable in Australia<sup>24</sup>.

1.29. Time will tell whether the Online Safety Act will be a panacea for the presence of online terrorist content, or simply online gore<sup>25</sup>. I suspect not, and it may be that debate will turn to market solutions based on client-side scanning, restrictions for children, and platforms that prevent anonymity.

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<sup>23</sup> Reuters Institute, Digital News Report 2024.

<sup>24</sup> BBC News, ‘X refused to take down video viewed by Southport killer’ (24.1.25). Although geo-blocked in Australia it could be viewed using a VPN which masks the user’s IP address and therefore location.

<sup>25</sup> On criminalising terrorism propaganda under terrorism legislation, much of which amounts to ‘gore’, see Terrorism Acts 2019 at 7.61 et seq. Following Cobban and Borders v Director of Public Prosecutions [2024] EWHC 1908 (Admin), upholding the convictions of former police officers for consensual sharing of grossly offensive material in a WhatsApp group containing the rapist and murderer Wayne Couzens, it is an offence to send much of this material.

## 2. DEFINITION OF TERRORISM

2.1. The definition of terrorism, set out in full at Annex 4, contains three limbs:

- **Limb 1:** There must be a use or threat of “action” that hits a certain threshold of seriousness. An action must involve serious violence against a person, serious damage to property, endangerment to another person’s life, a serious risk to the health or safety of the public or be designed seriously to interfere with or disrupt an electronic system.
- **Limb 2:** the use or threat must occur on a wider scale than the personal. It must be “designed to influence the government or an international organisation or to intimidate the public or a section of the public”. There is however no lower limit to “section of the public”, and an unanswered question over whether any intimidated group of victims is sufficient to qualify.
- **Limb 3:** the use or threat must pursue a specified objective, being “made for the purpose of advancing a political, religious, racial or ideological cause”.

2.2. In crude summary, the first limb filters out conduct falling below a certain level of seriousness (serious violence, serious damage to property etc.); the second limb relates to impact on the political or public realm<sup>26</sup>; and the third limb requires grander purposes without which the definition could apply to extortion rackets and football hooliganism.

2.3. Nowhere in the definition is there a reference to “terrorising”. Terrorism can obviously be committed without terrorising, and for some types of terrorism (for example, attacks on electronic systems) the effect would rarely be terrorising, however harmful to national security. In other words, “terrorising” is not a useful touchstone for determining whether something is terrorism.

2.4. Although there are important questions about the first and second limbs<sup>27</sup>, the third limb here is crucial since this is the limb which could not be proven in Rudakubana’s case.

2.5. Of course, where it can be shown that the defendant’s violence was “designed to influence the government or an international

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<sup>26</sup> Walker, C., *Anti-Terrorism Legislation* (Blackstones, 3rd ed) at para 1.32: ‘terrorism violence should be an attack on the collective’. But note that it does not have to be attack on people who might count as emanations of the state, such as police, military, judiciary.

<sup>27</sup> As to the first limb, whether it should include serious damage to property, and if so, should it be limited to damage that threatens life, or excludes certain types of protest activity. On the second limb, whether section 1(3) should be retained; the precise meaning of “designed”; whether “influence” of government is strong enough; how large a “section of the public” needs to be.

organisation”<sup>28</sup> then it is a short step to concluding that he had the purpose of advancing a political, religious, racial or ideological cause.

2.6. The cases of difficulty tend to arise where the violence is designed “to intimidate the public or a section of the public”<sup>29</sup>, because intimidation can be done for many reasons other than advancing a cause.

#### **“Made for the purpose of”**

2.7. Being a terrorist does not rule out having multiple reasons for acting. An Islamic State terrorist may seek a Caliphate through violence, with a clear purpose of advancing a religious or political cause, but his decision to carry out a particular terrorist attack may also be due to reasons of revenge, renown, or simply the desire to simply provoke reaction from a detested enemy<sup>30</sup>.

2.8. I am not aware of any legal authority on this topic, but as a matter of general principle and common sense the terrorist purpose does not have to be the only, or even the dominant, purpose to qualify. It would be sufficient if it is “substantial”<sup>31</sup>. The alternative would result in absurd outcomes: “Yes, it is true I detonated the bomb, but it was only partially to change government policy. It was mainly for the thrill of it”.

2.9. In referring to the third limb I will avoid referring to “motive”. Fighters for the proscribed terrorist organisation the Wagner Group will likely have enlisted for financial motives but their purpose in carrying out Wagner Group activities will have been to advance Russia’s political cause<sup>32</sup>. I propose to stick to the words used in the legislation (Annex 4).

#### **“Advancing a...cause”**

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<sup>28</sup> For these purposes I understand “designed” to mean intended. The need for some mental element is strongly suggested by the Court of Appeal’s approach to the word “designed” in relation to “electronic systems” in the first limb: see *R (Miranda) v Secretary of State for the Home Department* [2016] EWCA Civ 6 at para 54. Interpreting “designed” in the sense of “capable of” is more difficult since many causes advanced by terrorists are hopeless and will never influence the government.

<sup>29</sup> Incidentally, it is hard to interpret intimidation as limited to functional coercion on the targeted population (“agree with me, or I will do that again”) because terrorists have many methods. For example, a terrorist might intimidate a minority racial section of the public for the purpose of encouraging the majority to see them as weak and deserving of ultimate destruction. They are not asking the minority part to do anything at all.

<sup>30</sup> The three reasons identified by Richardson, L., ‘What Terrorists Want’ (Random House, 2007). De Graaf, B., ‘The Radical Redemption Model’ (Oxford, 2025) suggests a further reason. For a case of revenge, see Annex 2, Example 5, Ben Moynihan.

<sup>31</sup> In the legal sense, non-trivial.

<sup>32</sup> Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2023, SI 2023/1003, Explanatory Memorandum. In *R v F* [2007] EWCA Crim 243, para 27, the Court of Appeal held that terrorism is terrorism, whatever the motives of the perpetrators (in the context of ‘just cause’ terrorism).

2.10. Again, there is no authority on this aspect of the third limb, but as a matter of ordinary language the requirement for a cause to be *advanced* means:

- Some knock-on effect is intended. There is a difference between merely having an ideology and seeking to advance that ideology in some way.
- The cause must predate the terrorist action: the action itself cannot be the cause and the end sought must be different from the means employed. This excludes violence that is genuinely for its own sake.
- There are many ways of advancing a cause such as: attracting publicity; transforming the attitude of the target population; getting the state to “show its true colours”; preparing the ground for a final confrontation between believers and non-believers; hastening the collapse of what is perceived to be an illegitimate society; causing people to open their eyes about the truth of reality (“red-pilling”)<sup>33</sup>.

**“A political, religious, racial or ideological cause”**

2.11. These overlapping types do not include the purely personal. “Social cause” was excluded from the Terrorism Act definition because this was too close to ordinary crime where there was no intent to disrupt or undermine the democratic process<sup>34</sup>.

2.12. If a person’s cause although dressed up in political or religious or ideological or racial language could only affect that person, was not transferable or adoptable by others, and incapable of affecting public affairs, it would be better categorised as a self-regarding belief or notion<sup>35</sup>.

2.13. That said, a consequence of the internet is that fringe causes are more readily communicable, and even fringe causes may find a receptive audience and fellow adherents online, so it may be less easy to dismiss them as personal matters that could never gain wider traction.

2.14. Subject to these considerations there is no limit to the type of religion, politics, ideology etc that may underpin a cause<sup>36</sup>. The individual does not have to be an expert in his chosen cause, and there is no required level of coherence or depth; a cause need not contain a fully worked-out blueprint for an ideal future. Novel causes arise all the

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<sup>33</sup> See Terrorism Acts in 2019 at 2.58-2.59.

<sup>34</sup> Terrorism Acts in 2019 at 2.46.

<sup>35</sup> E.g. Annex 2, Example 1, Danyal Hussein.

<sup>36</sup> The previous definition in the Northern Ireland temporary Terrorism Acts was too restrictive, not least because it failed to include single issue or religious terrorism: Lord Carlile KC, ‘The Definition of Terrorism’ Cm 7052(2007).

time and can be prosecuted as terrorism (e.g. incel<sup>37</sup>, environmentalism<sup>38</sup>, anti-Covid<sup>39</sup>). In the online era, investigators and prosecutors, possibly with the assistance of expert witnesses, must be alert to novel causes, and not write off something as merely personal because it has never previously been encountered<sup>40</sup>.

2.15. In principle a cause may be private and belonging to one individual only<sup>41</sup>. Whilst the existence of a cause might be doubted if never previously communicated, a terrorist could have strategic reasons for communicating his cause only after an attack.

2.16. The terrorism definition tolerates a degree of uncertainty:

- So long as it satisfies the definition of one of political, religious, racial or ideological, it does not matter that fact-finders might disagree about **its characterisation**: for example, it would not matter if a juror was firmly of the view that an Islamist extremist cause was properly characterised as political rather than religious.
- Where there is evidence that demonstrates that an attacker was seeking to advance **one or other cause**, but it is not clear which, under general principles of criminal law it is sufficient to prove that one or other qualifying cause was being advanced<sup>42</sup>. As far as I am aware from speaking to police and prosecutors this point has not been tested in the courts. But otherwise, a defendant could ask to be acquitted merely because the prosecution could not prove whether he was a jihadi or a neo-Nazi even though they could show that he was pursuing one or other cause at the time of his attack.

2.17. The law permits the drawing of conclusions or inferences<sup>43</sup>, so there may be cases where it is **possible to infer** the existence and nature of an individual's cause from all the surrounding evidence, as long as it is not speculation.

2.18. This is exactly what happened in the sentencing of the 2018 Palace of Westminster Attacker, Salih Khater. Having observed that there was no clear evidence why Khater drove at members of the public and police officers outside Parliament, the Judge said:

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<sup>37</sup> R v Gabriel Friel (Edinburgh High Court, sentencing 12.1.21); see further, Terrorism Acts in 2019 at 2.28.

<sup>38</sup> Guardian, “‘Eco-terrorist’ who planted bomb in Edinburgh park jailed” (16.2.22).

<sup>39</sup> BBC News, ‘Covid: Anti-vaccine conspiracy theorists guilty of 5G mast plot’ (1.6.23). The Dutch intelligence service, the AIVD, have published a paper on their website, “Anti-institutional extremism in the Netherlands”.

<sup>40</sup> The online era has also vindicated the decision to stick with the compendious political, religious, racial or ideological in the face of suggestions that ‘political cause’ is sufficient.

<sup>41</sup> Such as the Unabomber, Ted Kaczynski, active 1978-1996.

<sup>42</sup> K (Robert) [2008] EWCA Crim 1923.

<sup>43</sup> See Crown Court Compendium vol 1 at para 10-4.

*“You deliberately targeted people and police officers around the Houses of Parliament; you specifically came to London for that purpose. You replicated the acts of others who undoubtedly have acted with terrorist motives. You deliberately copied those others. You drove into pedestrians and cyclists immediately in the area of Westminster. You then drove at the officers on duty at a security barrier guarding Parliament. There is no evidence that you did not understand what you were doing and the consequences of your actions. There is no evidence of any other motivation. The primary facts lead to the proper conclusion that, even acting alone, you acted for a terrorist purpose. All the evidence is consistent with that conclusion.”<sup>44</sup>*

- 2.19. It will be noted that the Judge did not find it necessary to identify precisely which cause was being advanced.

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<sup>44</sup> Sentencing remarks of McGowan J. (Central Criminal Court, 14.10.19), para 13.

### 3. APPLICATION OF THE THIRD LIMB

- 3.1. Determining whether a person's actions were done for the purpose of advancing a political, religious, racial or ideological cause is a question of fact which in turn is a question of evidence.
- 3.2. Sometimes it is not straightforward, for example where there is no suicide video, no unambiguous words at the scene, no terrorist affiliations.
- 3.3. Nowadays a terrorism investigation involves a trawl of electronic data because invariably phones and other devices will be seized, and browsing history may be available on data servers. Investigators refer to finding "mindset material" which usually refers to online material that the individual has downloaded, viewed or shared. Analysing manifestos, instructional material, sermons, videos, material produced by known terrorist groups, and other electronic material may reveal a predilection for a certain religious (e.g. Islamic State) or political (e.g. neo-Nazi) or ideological (e.g. environmental) causes.
- 3.4. This may allow the conclusion that the actions done by the perpetrator were done to advance the cause in question. This is always something of an inferential jump - just because a person reads something does not mean he is persuaded by the cause presented in the material.
  - His fancy may be taken by something different from the cause: for example, a person interested in famous terrorist murders may be more interested in the violence, gore and mindset of the killer than the precise reason why the terrorist struck<sup>45</sup>.
  - The inference may be more secure if the individual has interacted with the material, for example shared it with others, or made his own comments on it which reveal an internalisation of the cause.
- 3.5. I am told by terrorist prosecutors that their difficulties are most acute:
  - Where the mindset evidence creates a confusing picture, disclosing different and even contradictory ideologies so it is difficult to pin down why the individual was acting as they did.
  - Where there is no mindset material at all<sup>46</sup>.
- 3.6. The position must be even more difficult where there is evidence of strong personal grievances or violence obsessions which offers an alternative explanation to terrorism.

### Methodology

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<sup>45</sup> Cf. Cottee, S., 'What fed Rudakubana's death wish?' (UnHerd, 31.1.25).

<sup>46</sup> For example, Annex 2, Example 9, Derek Bird, Example 3, Eemad Al Swealmeen.

3.7. There was a time when certain attack methodology was the clearest indication of terrorism, and it remains the case that well-practiced individuals and groups will have sophisticated signature methods that provide solid proof<sup>47</sup>.

3.8. But whereas making a bomb used to require covert knowledge derived from printed documents circulated covertly by terrorist organisations, or taught by terrorist colleagues, these inferences are decaying because instructional manuals are so widely available online. Lone individuals such as Al-Swealmeen and Damon Smith<sup>48</sup> can construct viable devices or learn deadly knife techniques, without having any prior contact with other terrorists.

3.9. I therefore accept the point made to me by Counter Terrorism Police that the use of techniques from an Al Qaeda manual, or the building of a suicide bomb, are far from conclusive evidence that the attacker is seeking to advance a political, religious, racial or ideological cause.

### **Target Selection**

3.10. In some cases, the symbolic nature of the target can provide strong evidence that an individual is seeking to advance a political cause. I have already referred to Salih Khater's attack on Westminster Palace<sup>49</sup>. An attack on, say, a police station in Northern Ireland would give rise to similarly powerful inferences.

3.11. Inferences would also arise if an individual attacked the precise location singled out by Islamic State as being a desirable target<sup>50</sup>. If it could be shown that the attacker had seen the relevant propaganda, this might give rise to an inference that the attacker shared, and was seeking to advance, the religious cause of Islamic State.

3.12. Against this, I accept that generic targets (synagogues, mosques) are attacked by racists who have no cause other than hate. Target selection may be explained by personal grievance, or because it is simply seen as more vulnerable to a person intent on violence.

### **Extremity of Violence Used**

3.13. Analysis in this category requires a distinction to be drawn between equivalent levels of harm based on method and circumstances of infliction.

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<sup>47</sup> For example, Khalid Ali whose fingerprints were found on devices in Afghanistan: BBC News, 'Khalid Ali: Westminster plot bomb-maker jailed for life' (20.7.18).

<sup>48</sup> Examples 3 and 6, Annex 2.

<sup>49</sup> See Chapter 2 above.

<sup>50</sup> For example, when Islamic State called for attacks on Champions League venues: BBC News, 'Security raised for Champions League ties after threat' (9.4.24).

- 3.14. The extremity value could be said to be absent where ordinary methods of violence are used even though the outcome is just as harmful to the victim, for example a shooting resulting in immediate death.
- 3.15. The extremity value appears to be present in two scenarios: where extraordinary methods are used in private, for example torture resulting in death, with additional suffering caused to the victim; or where extraordinary methods are used in public, resulting in immediate public revulsion beyond the immediate victim or victims.
- 3.16. In both cases there may be said to be “terrorising” violence although it is difficult to predict how far the terrorising effect will go: it will depend on reports at the scene (including through social media), local knowledge of events, announcements from the police, and detail reported from criminal proceedings. There are other variables including when the terrorising detail becomes known, what else is in the news when it is reported<sup>51</sup>.
- 3.17. But whether violence is “extreme” or “terrorising” is both fact specific and evaluative and could never amount to a secure category leading to discrete legal outcomes. Would shooting with a crossbow be included, but guns excluded? Would it depend on the number of victims? When would violence with a bladed article count as ‘just right’ and ‘too much’? It is unnecessary and distasteful to give further scenarios because the point is an obvious one.
- 3.18. Where extreme violence is used it is sometimes said that this is ‘violence for the sake of violence’. The extremity of violence used may indicate an individual exclusively concerned with sadistic relish, and this, rather than a political, religious, racial or ideological cause, is the explanation for his conduct<sup>52</sup>.
- 3.19. I would however discourage the erection of exclusionary categories. Violence, apparently for its own sake, may be a deliberate and instrumental way of advancing a cause:
- Seemingly gratuitous violence was a deliberate tactic of Islamic State.
  - Extreme violence as a tactic is present in emerging causes. The Satanist “764 network” has been described as having a “militant accelerationist ideology” which aims to destroy modern, civilised society by committing acts of violence and sexual exploitation, often involving children<sup>53</sup>.

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<sup>51</sup> For example, the case of Thomas Huang, Example 10, Annex 2, is genuinely horrifying but was not extensively reported, diminishing the terror that it might otherwise have inspired.

<sup>52</sup> As in Thomas Huang’s case, *supra*.

<sup>53</sup> BBC News, ‘Abuse terror warning as ‘Satanist’ teenager jailed’ (16.1.25).

- The mere fact that extreme violence has been used (not merely discussed or fantasized about) may itself be an indication that a cause is being pursued with the utmost devotion, and that the personal has become political religious racial or ideological.

## Notoriety

3.20. Most terrorists will seek some sort of notoriety for their cause because their violence is intended to send a message (“The killings will continue until you withdraw your troops”; “the world must wake up to the Jewish/ Muslim conspiracy to replace the White population” etc).

3.21. But there is a special form of notoriety which is entirely personal. In this version, the individual is not seeking to advance an external cause, but himself, by coming to public attention. Violence carried out in public is one way of achieving this, particularly if it is livestreamed for online dissemination. This has been a feature of terrorist attacks in Christchurch, New Zealand (2019), Halle, Germany (2019), and Buffalo, New York (2022)); and has also been a feature of US school massacres which do not qualify as terrorism. But a serial killer may seek notoriety by sequential private killings, on the basis that he will one day be as famous as Jack the Ripper.

3.22. So as with ‘violence for its own sake’, violence for the sake of notoriety may be evidence of the presence of terrorism but is not determinative.

3.23. A key question is, with whom does the attacker seek notoriety? If the attacker is a participant in, and advertises his violence on, a Telegram group or online bulletin board, seeking notoriety may amount to seeking approval from his online fellows.

- Seeking approval raises the concrete possibility that he and his fellows hold a set of shared objectives, such as destruction of minority groups or advancement of jihad, and revere those who are willing to advance those objectives by any means including violence.
- It is clear Extreme Right Wing Terrorists in the UK and overseas have sought to join what they call ‘the Saints’ (Brenton Tarrant, the Christchurch killer, is typically revered<sup>54</sup>) by carrying out their own tribute attacks. This is strongly indicative of terrorism.

3.24. Even in cases where online groups share mixed or contradictory mindset material, the terrorism inference may arise:

- For example, where an attacker is a member of an online group on which Islamist, Incel and Extreme Right Wing material is

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<sup>54</sup> Lewis, J., Molloy, J., Macklin, G., ‘The Lineage of Violence: Saints Culture and Militant Accelerationist Terrorism’. GNET (27.4.23).

disseminated; but it is clear that the allegiance of the group is to a paranoid vision in which women have become overmighty and must be subjugated through violence.

- If an attacker seeks notoriety with such a group through violence, this may be powerful evidence that he has been seeking to advance a shared political or ideological cause or considers that he is acting as part of a “broader militant community”<sup>55</sup>.

### **Mixed, Unstable or Unclear Ideology**

3.25. This unsatisfactory classification was introduced as part of the Prevent triage system in 2017-2018 and has since been replaced<sup>56</sup>, but lives on in public discourse. It is terminology that confuses classification with proof:

- Mixed: this does not mean that the individual has a blended ideological commitment but that the evidence is confused because of the presence of mindset material from a variety of sources: e.g., Islamist, Incel, Extreme Right Wing Terrorism, all found devices held by the suspect<sup>57</sup>. The proper question is whether the evidence taken establishes that the individual is seeking to advance a political, religious, racial or ideological cause. The fact that the evidence is complicated does not prevent proper inferences being drawn.
- Unstable: again, this refers to cases in which an individual appears to dip his toes into more than one ideological commitment. But if this is intended to suggest that a changeable or mobile commitment to a cause is insufficient, it is incorrect. Even if a person moves rapidly from Extreme Right Wing Terrorism to Incel terrorism to Islamist terrorism it does not mean that he is not pursuing a political, religious, racial or ideological cause at the point in time that he uses violence.
- Unclear: this refers to cases where there is an evidence deficit. But it may be possible to infer the existence of a cause, for example from target selection. On the other hand, there may be evidence (such as previous attempted attacks, or an obsession with serial killers) that indicates personal reasons for using or contemplating violence.

3.26. My recommendation is that this categorisation should be firmly discarded. The same goes for “salad bar” terrorism and similar jargon.

### **School shootings and Young Copycats**

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<sup>55</sup> Hoffman, B., Ware, J. & Shapiro, E. (2020) ‘Assessing the Threat of Incel Violence’, *Studies in Conflict & Terrorism*, 43:7, 565-587.

<sup>56</sup> Since 2023-4 replaced by Vulnerability present but no ideology or CT risk; Conflicted; No risk, vulnerability or ideology Present; School massacre; other; incel; High CT Risk but not ideology present; unspecified; no specific extremism issue.

<sup>57</sup> For example, Anwar Driouich, Example 7 (Annex 2).

- 3.27. The resonance of the Columbine attack in Colorado, United State of America, in 1999 cannot be overstated. Two students, Eric Harris and Dylan Klebold, murdered 12 fellow students, one teacher, and injured 21 other people in a long-planned firearms attack.
- 3.28. According to a 2024 article in 'The Atlantic', there have been 54 mass shootings worldwide (total: almost 300 dead, over 500 wounded) in which the gunman left evidence that they were inspired or influenced by Columbine<sup>58</sup>. The killers have a huge online fanbase.
- 3.29. A perusal of recent terrorism convictions shows that Columbine is a regular feature in terrorism investigations in the UK<sup>59</sup>. In February 2025 an Edinburgh teenager was convicted of a terrorism offence having turned up at his school wearing tactical clothing in homage to Klebold, carrying an imitation firearm, with aspirations to carry out a 'Doomsday' massacre<sup>60</sup>.
- 3.30. In the same month, Nicholas Prosper pleaded guilty to the non-terrorist murders of his mother and siblings, but was revealed to have been planning a mass school shooting<sup>61</sup>.
- 3.31. School massacres are now an identified category of Prevent referrals<sup>62</sup>.
- 3.32. The key point to make is that terrorism legislation is not the UK's main protection against this sort of attacker: what counts is gun control, decisively reinforced after the Dunblane massacre in 1996. This is why ready availability of reliable 3D-printed guns would be a game-changer.
- 3.33. It is foreseeable that other types of violent attack, perhaps use of knives in school attacks, will start a copycat craze, most likely amongst the cohort of isolated often bullied teenagers with poor mental health, neurodivergence or personality disorder for whom grudges and grievances become reasons for violence. Few will be terrorists applying the definition.

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<sup>58</sup> Cullen, D., 'The Columbine-Killer Fan Club' (19.4.24). Cf Example 8, Annex 2, Kyle Davis.

<sup>59</sup> Cf Example 4, Annex 2, Northallerton Teenagers. According to the journalist and terrorism specialist Lizzie Dearden who follows these types of criminal proceedings closely, school massacre plots featured in the UK criminal proceedings concerning Reed Wischhusen; Axel Rudakubana; Jacob Graham; Jack Reed; Kyle Davies; Shane Fletcher; Ethan Stables; and Kieran Cleary (all arrested in 2017 or later).

<sup>60</sup> BBC News, 'Teenager plotted mass shooting at Edinburgh school' (21.2.25).

<sup>61</sup> BBC News, 'Man who killed family also planned school shooting' (25.2.25).

<sup>62</sup> In the year ending March 2024, there were 162 referrals to Prevent for 'school massacre' concerns which is a small but not negligible fraction of the total (6,921); 31 such cases were discussed at a Channel panel and 19 cases were adopted (out of a total of 512): Home Office, Official Statistics 'Individuals referred to and supported through the Prevent programme' (5.12.24).

## 4. AMENDING THE DEFINITION

### Major Implications

4.1. The definition of terrorism can be compared to a tugboat pulling a container ship that gets heavier every year. The container ship holds all the offences, investigative powers, counter-terrorism measures, policies and operational arrangements that depend on the definition of terrorism, and which are expanded year on year: for example, by the Terrorism (Protection of Premises) Bill (“Martyn’s Law”) that is currently going through Parliament<sup>63</sup>.

4.2. The definition of terrorism (set out in full in Annex 4) has only been amended twice in 25 years, by adding ‘an international governmental organisation’<sup>64</sup> to the second limb, and ‘racial cause’ to the third limb<sup>65</sup>. Lord Carlile KC’s finding in 2007 that the definition was “practical and effective” remains true. There has been remarkably little litigation about its meaning<sup>66</sup>.

4.3. Such is the **functional importance** of the terrorism definition, that redefinition would alter the landscape. It would risk major false positives – the prosecution of people who by no stretch of the imagination are terrorists – and extend terrorism liability into novel terrain. For example, any person who glorified ‘extreme violence’ would be at risk of arrest and prosecution as a terrorist<sup>67</sup>. People swapping violent war footage would be at risk of encouraging terrorism<sup>68</sup>, resulting in unacceptable restrictions on freedom of expression.

4.4. For example:

- It would extend the reach of **intrusive investigative powers** under the Terrorism Act, including pre-charge detention for up to 14 days and no-suspicion border examinations<sup>69</sup>.
- It would change the availability of the very **restrictive civil measures** known as Terrorism Prevention and Investigation Measures<sup>70</sup>. These require proof of “terrorism-related activity”, a category that in amended form might include giving support to individuals who organised football-related violence<sup>71</sup>.

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<sup>63</sup> By clause 33, terrorism under the Bill is defined by reference to section 1 Terrorism Act 2000.

<sup>64</sup> As inserted by section 34 Terrorism Act 2006, bringing it in line with the European Union Framework Decision on combating terrorism, art.1, and the International Convention for the Suppression of Acts of Nuclear Terrorism 2005, art.1.5.

<sup>65</sup> By section 75 Counter-Terrorism Act 2008.

<sup>66</sup> The principal cases being *R v Gul* [2013] UKSC 64 and *R (Miranda) v Secretary of State for the Home Department* [2016] EWCA Civ 6.

<sup>67</sup> Section 12 Terrorism Act 2000.

<sup>68</sup> Section 2 Terrorism Act 2006.

<sup>69</sup> Under Schedule 7.

<sup>70</sup> TPIM Act 2011.

<sup>71</sup> Section 4(1)(b) defines terrorism-related activity to include conduct which facilitates acts of terrorism.

- It would affect the **UK threat level**, as the Joint Terrorism Assessment Centre would need to recalculate the threat of terrorism based on the likelihood of 'terrorising violence'.
- The police would need to **declare terrorist incidents** in many more cases, and potential terrorism as an explanation for every murder or attack.

4.5. A recurring theme is that the definition is very wide<sup>72</sup> and therefore depends heavily upon the sensible exercise of police and prosecutorial **discretion** when deciding who to arrest and prosecute. It has been my experience that this discretion been exercised capably and well, so that individuals are not exposed to irrationality, heavy-handedness or bias<sup>73</sup>. But this is a product of a mature and defined system operating with a familiar threshold. Altering the threshold would not only expand the reach of terrorism legislation, but would increase the possibility of inaccurate use and, in theory, abuse.

4.6. I do not suggest that **international considerations** rule out a change<sup>74</sup>. However, friendly and less friendly states, and international observers such as the UN Rapporteur, would take significant notice at a more capacious definition. Partner countries might consider, when the UK asks for intelligence or assistance, whether what the UK means by terrorism has expanded beyond the boundaries of shared expectations; tech companies might look askance.

4.7. Adding to these objections would be the **impact on resourcing and public expectations**. Any family member whose loved one was murdered by a violent fantasist or psychopath would have reason to ask why Counter Terrorism Police and MI5 were not monitoring the individual and preventing the attack. The police, the intelligence agencies, and multi-agency bodies like the Clinical Consultancy Service, have roles and duties organised around whether conduct amounts to terrorism as currently defined, with resources allocated accordingly.

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<sup>72</sup> Typically, by reference to its territorial extent, its lack of a 'just cause' exception, and its potential impact on protest activity.

<sup>73</sup> By way of rare exception, see my Report on use of Schedule 7 Powers against Ernest Moret (21.7.23).

<sup>74</sup> There is no internationally accepted definition of terrorism. The third limb is not present in some international sources, e.g. UN Convention for the Suppression of the Financing of Terrorism, Art 2, A/RES/54/109, Cm 4663, London, 1999; UN Security Council Resolution 1566 of 8 October 2004, Art.3; Martin Scheinin Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Promotion and Protection of Human Rights, (E/CN.4/2006/98, 28 December 2005) para.37; Ten areas of best practices in countering terrorism, (A/HRC/16/51, 22 December 2010) para.28. However, these appear to give strong emphasis to having a deliberate purpose of intimidating the population or compelling a government to do something and therefore go beyond the inherent terrorising effect of violence. As to the definitions used in other countries, comparisons with other legal codes are hopelessly superficial without some understanding of their individual caselaw, constitutions, legal traditions, and capabilities which are all highly material to the way in which terrorism law operates in different jurisdictions.

4.8. Changed boundaries would bring **coordination and primacy problems**. Additional cases would need to migrate onto more secure counter-terrorism systems to which fewer officials would have access because of higher vetting.

4.9. In my view these are strong and decisive considerations against changing the terrorism definition. Amendment would demand, at the very least, a literature review, a public consultation, a comparative exercise, an exhaustive review of all the legal provisions and policies that might be impacted, and the closest consultation with government, the police and the intelligence agencies on the organisational impact. The risk of unintended consequences through rushed reform is extremely high.

4.10. For completeness, I have considered two ways in which the definition could be changed in principle.

#### ***Remove the Third Limb?***

4.11. The current terrorism test requires the purpose of advancing a political, religious, racial or ideological cause ('the third limb').

4.12. This reflects the proposition that terrorism seeks to change our way of life through violent and not democratic means.

4.13. Terrorism without this element of subversion is a very different proposition and deleting the third limb is a radical option<sup>75</sup>. It must be based on an intuitive sense that certain acts of completed violence against people, being so horrific, must amount to terrorism or are inherently terroristic.

4.14. However:

- Dispensing with the third limb would be much less intuitive in cases of *threatened* acts of violence; and even more so for the other acts falling within the first limb of the definition: actual or threatened serious damage against property, endangerment of life, risks to the health and safety of the public, or serious interference with an electronic system.
- Gangland extortion, violent hooliganism, domestic violence, and serial killing would end up being treated as terrorism. Even if effective statutory exemptions for this sort of violence could be found, which I doubt, victims would have legitimate questions on why certain crimes were being upgraded to terrorism, and others not. This is the problem with amendments based on intuition – intuitions vary.
- An amended definition would result in perverse outcomes when applied to precursor offending: for example, someone organising

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<sup>75</sup> Similarly, if 'personal' cause was added to the third limb.

a fight between football hooligans, or offering hacking-for-hire, would commit the offence of encouraging terrorism.

***Disapply the Third Limb in Certain Cases?***

- 4.15. Special provision could be made for certain types of violence that would count as terrorism without having to satisfy the third limb, rather like the use of firearms or explosives automatically satisfies the second limb<sup>76</sup>.
- 4.16. Suggestions have included 'violence clearly intended to terrorise'<sup>77</sup> and 'violence designed to inflict mass death for its own sake'<sup>78</sup>.
- 4.17. The difficulties of putting this into precise language suitable for a statutory definition are insuperable. The first suggestion ('violence clearly intended to terrorise') begs a question as to the *target* of the terrorising. Assuming it refers to terrorising the public, or a section of the public other than the immediate victim, how large does the section of the terrorised public have to be? Family members? Pub? Local neighbourhood? Almost all violence will terrorise in some way. Furthermore, what is the difference between intending to terrorise and 'clearly' intended to terrorise?
- 4.18. The second suggestion requires a numerical definition of 'mass death'. What does 'for its own sake' mean? Would it exclude cases of mixed motivation, so that a sexual sadist or gangster would avoid the terrorist tag? Almost every case of multiple homicide would have to be treated as a potential act of terrorism until the motive had been determined.
- 4.19. Other potential qualifiers such as the 'extremity' of the violence used or the desire for 'notoriety' are equally flawed.

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<sup>76</sup> Section 1(3). This provision has been repeatedly criticised and is hard to justify.

<sup>77</sup> Sir Keir Starmer MP, speech (21.1.25).

<sup>78</sup> Bush, S., 'Southport and the "Lone Wolf" policy conundrum', Financial Times (24.1.25).

## 5. COUNTER-TERRORISM LESSONS

5.1. Where a terrorist “Subject of Interest” is on the books, tactics are used by dedicated investigators to disrupt or deter, taking a pragmatic approach by any available and lawful means to avoid the moment at which capability and intent result in violence. MI5 will assign a lead investigator, and where police action may be required, a Senior Investigating Officer is appointed within Counter Terrorism Police to work alongside MI5 to manage the risk<sup>79</sup>.

5.2. Tactics include:

- Arrest and prosecution for terrorism and non-terrorism offences<sup>80</sup>.
- Applying for or supporting an application for terrorism<sup>81</sup> and non-terrorism civil orders<sup>82</sup>.
- For convicted offenders, identifying breaches of their post-release obligations, which could lead to recall to prison or an additional sentence.

5.3. A vivid illustration of managing a high risk terrorist can be seen in the case of Ahmed Aweys<sup>83</sup>.

5.4. A naturalised British citizen and Islamist Extremist, he was convicted of distributing terrorist publications in **2018** and sentenced to 25 months at which point he became subject to a 10-year terrorism notification order<sup>84</sup>. In **2019** he was convicted of breaching these notification requirements and was sentenced to 16 months’ imprisonment.

5.5. In **2020** he was convicted of fraud offences and received 10 months. He was made subject to a Terrorism Prevention and Investigation Measures

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<sup>79</sup> For a description of MI5 and CT Police’s investigative approach in 2017 see Anderson, D., ‘Attacks in London and Manchester’ (December 2017), Annex 5; for ‘Subjects of Interest’, see para 1.24.

<sup>80</sup> For example, possession of offensive weapons; stirring up racial hatred; Communications Act offences; domestic violence; or harassment.

<sup>81</sup> Principally Terrorism Prevention and Investigation Measures.

<sup>82</sup> E.g. depending on the particular circumstances, Criminal Behaviour Orders, Domestic Violence Protection Orders, Violent Offender Orders, Serious Crime Prevention Orders, Statutory Civil Injunctions (formerly ASBOs), Sexual Risk Orders, Sexual Harm Prevention Orders, Notification Notices, Forced Marriage Prevention Orders, Non-Molestation and Restraining Orders, Stalking Protection Orders, Slavery and Trafficking Prevention Orders, Slavery and Trafficking Risk Orders, Gang Related Violence Injunction, Protection from Harassment Order, Community Protection Notices/ Warnings, Knife Crime Prevention Orders (pilot areas only), Closure Orders, Football Banning Orders, Mental Health Orders, Drug Dealing Telecommunications Restriction Order. The Crime and Policing Bill 2025 contains proposed Respect Orders and Youth Diversion Orders.

<sup>83</sup> Commissioner of Police of the Metropolis v Ahmed Aweys [2025] EWHC 78 (Admin).

<sup>84</sup> Under Part 4 Counter-Terrorism Act 2008.

Order, and in **2022** was sentenced to 42 months' imprisonment for breaching that order.

5.6. He was initially released on licence to approved premises in **2023** but was recalled to prison for breaching his licence conditions in **2024**. Following his release the police obtained a five-year Serious Crime Prevention Order from a judge, which is now in force.

5.7. Essentially, assertive risk management has meant that this individual, who presents a high risk of causing serious harm through radicalisation (in particular family members including children)<sup>85</sup> has been either in prison or subject to measures that restrict his ability to cause harm.

5.8. The counter-terrorism system has developed, over time, and through deep experience of terrorism in its various manifestations, a consistent national model for identifying and triaging or categorising national security threats with a standard approach to record-keeping and accountability and methodology for how the resulting risk is managed. The level of intervention in Ahmed Aweys' case is neither possible nor suitable for every subject of interest. A key issue is prioritisation<sup>86</sup>.

### **A New Cohort**

5.9. Having discussed these matters in some detail with Counter Terrorism Police and MI5, I accept that it is this standardised model for identifying and managing risk that is most relevant to managing violence-obsessives<sup>87</sup>. It is relevant if, as I believe to be the case and is increasingly recognised<sup>88</sup>, a new internet-related threat cohort is emerging, obsessed with violence, some of them qualifying as terrorists but some of them, like Axel Rudakubana, not.

5.10. I suggest that the following two questions need to be answered.

5.11. Firstly, is it possible to identify coherent national standards for identifying and managing the riskiest individuals within the cohort? Counter Terrorism Police and MI5 are informed by the latest research on the factors that draw young people into violent extremism<sup>89</sup>, and have built up experience of monitoring dangerous lone actors. They have been contemplating for some time the fiendish puzzle of how to

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<sup>85</sup> Ibid at para 81.

<sup>86</sup> "Investigations cannot be kept open indefinitely. Choices have to constantly be made about prioritising our investigative, surveillance and digital resources": Counter Terrorism Policing website, 'What we do', referring to over 800 live investigations involving 'thousands' of subjects of interest.

<sup>87</sup> Law enforcement bodies have their own access to a range of covert intelligence capabilities, human and technical, and MI5 can disclose information gleaned from counter terrorism work to law enforcement where necessary for the prevention or detection of serious crime: Section 2(2)(a) Security Service Act 1989.

<sup>88</sup> In December 2024, the 5 Eyes intelligence community issued an unprecedented warning about young people and violent extremism, Five Eyes Insights (5.12.24).

<sup>89</sup> Ibid, page 2.

distinguish internet rhetoric and real-world attack planning. If progress is being made, even if it is only in the identification of false assumptions<sup>90</sup>, can this be communicated more widely to law enforcement?

5.12. Secondly, it appears likely that individuals such as Rudakubana will continue to be identified within the counter-terrorism system, for example, through referral to Prevent. But if they are not to be managed by Counter Terrorism Police, who will 'own' the risk<sup>91</sup>? What hand-offs will exist from and to Counter Terrorism Police?

5.13. Intuitively, if there is a new risk cohort then, as with serious and organised crime, or sex offenders, a bespoke policing response is needed. But I recognise that intuition is not a sensible guide to recommending organisational change, and that an evidence-based approach, informed by the questions above, is needed.

### **Multi-Agency Systems**

5.14. It has been widely accepted since 2017 that even in terrorism cases, investigators should consider the potential benefits of involving local authorities, GPs, mental health practitioners, charities, housing associations, education providers and families (who may have firsthand knowledge of escalating danger)<sup>92</sup>. The point is to increase the number of 'protective factors' such as stable housing or regular employment.

5.15. All sorts of formal and informal arrangements exist within policing to coordinate information sharing and joint effort such as Multi Agency Public Protection Arrangements (MAPPA) for released offenders, and Multi-Agency Support Hubs for children and young adults. The Clinical Consultancy Service is a collaboration between Counter Terrorism Police and mental health clinicians to manage and understand mental health risks within Counter Terrorism Police's casework; the Fixated Threat Assessment Centre (FTAC) is a collaboration between police and practitioners for individuals dangerously fixated on celebrities.

5.16. If it is to be suggested that existing multi-agency systems are already sufficient to deal with this cohort, or can be easily tweaked, I would make three observations based largely on my earlier reviews of MAPPA<sup>93</sup> and terrorism in prison<sup>94</sup>.

5.17. Firstly, the existence of multi-agency arrangements should not obscure the need for the most qualified professionals to take

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<sup>90</sup> For example, a false assumption that might lead investigators to exaggerate or conversely underestimate the risk posed by a person involved in online violent rhetoric.

<sup>91</sup> Will it be, for example, Neighbourhood Policing, major crime teams, knife crime units, Regional Organised Crime Units, the National Crime Agency, or a wholly new policing body.

<sup>92</sup> Anderson, D., *supra*; Eyes Insight, *supra*.

<sup>93</sup> Independent Review of Statutory Multi Agency Public Protection Arrangements (Jan 2020).

<sup>94</sup> Terrorism in Prisons (April 2022).

responsibility for public protection. This is generally the police, who understand the assertive risk management options (such as arrest or civil order) if the risk spikes<sup>95</sup>.

5.18. Secondly, information sharing must be robust and not tangled in hard-to-use data protection considerations<sup>96</sup>.

5.19. Thirdly, there is a danger of aspirational but unrealistic talk about the availability and utility of support available from charities and the wider public sector. If Child and Adult Mental Health Service or adult social care is to be discussed as a possible intervention, what is the waiting list? If a local authority's adult social care services are available beyond cases of severest need, how many hours in a week will a lonely and isolated but still functioning individual receive? How does therapy compete if at all with hours on an absorbing and violently transgressive internet platform?

### **Special powers**

5.20. I do not consider that counter-terrorism investigative powers, such as the ability to hold a suspect for up to 14 days pre-charge, are relevant to violent-obsessives. In any event, many investigative powers will be available because terrorism will be reasonably suspected in such cases. I have found it difficult to envisage any situation in which terrorism powers would not be available on a reasonable suspicion basis *and* the absence of those stronger powers would make the public less safe.

5.21. Some mechanisms of international cooperation – allowing the exchange of intelligence and evidence between the UK and other countries – require terrorism to be in play<sup>97</sup>, but this is not true of all international agreements<sup>98</sup>. There is merit in understanding precisely what mechanisms are available, and not available, when investigating extreme cases of non-terrorist violence.

5.22. Terrorism offences are unusual because they penalise conduct well before a defendant, or his associate, explodes a bomb or wields a knife, and include preparatory conduct and longer maximum

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<sup>95</sup> FTAC has a cadre of Metropolitan Police detectives who can investigate and make arrests, operating nationally under a Home Office mandate.

<sup>96</sup> In my MAPPA review, I found that there was no clear gateway for disclosure between agencies. In response, section 325 Criminal Justice Act 2003 which governs MAPPA arrangements was amended by the Police, Crime, Sentencing and Courts Act 2022 to create a bespoke disclosure gateway.

<sup>97</sup> For example, The Council of Europe Convention on the Prevention of Terrorism (2005) whose definition of terrorist offence is drawn from the international instruments listed in the Appendix, including the International Convention for the Suppression of Terrorist Bombings, adopted in New York on 15 December 1997.

<sup>98</sup> For example, the UK/US Cloud Act Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Access to Electronic Data for the Purpose of Countering Serious Crime (2019) which is applied in the UK by the Crime (Overseas Production Orders) Act 2019.

sentences<sup>99</sup>. The final question is whether similar types of offences should be created to assist in preventing mass casualty attacks, or other gross violence resulting in death, before they happen.

5.23. Three preliminary observations:

- Some pre-cursor offences such as attack-planning<sup>100</sup> hand major power to the authorities because they depend on police and prosecutors and juries fairly assessing the build-up behaviour, and not making terrible mistakes about a person's true intentions.
- Unless the lone actor is particularly careful, other serious offences, such as possession of an offensive weapon, may be available to prosecute.
- Some pre-cursor terrorism offences are already available whatever the defendant's motivation. For example, Rudakubana was found to be possession of, and prosecuted for, possession of an Al Qaeda terror manual<sup>101</sup>.

5.24. With these caveats in mind, there are two fact patterns which are not currently criminal and are sufficiently culpable and potentially harmful as to warrant further consideration.

5.25. Firstly, possession of an article in private where it is held with intent to carry out a mass casualty attack or other offence of extreme violence.

- Aside from firearms, it is not, with some limited exceptions<sup>102</sup>, an offence to possess a weapon in private.
- By contrast it is an offence to possess any article for a purpose connected with the commission, preparation or instigation of an act of terrorism<sup>103</sup>.
- One can envisage a scenario in which the police, acting on intelligence, find a crossbow, notes about a proposed attack, and material idolising the Columbine killers. At present, the defendant might be arrested on suspicion of terrorism but could not be prosecuted for this conduct.
- The government is proposing an offence of possessing an offensive weapon in public or in private with intent for violence,

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<sup>99</sup> For example, a person who publishes a grossly offensive terrorist manual is liable to up to 14 years' imprisonment; someone who sends a grossly offensive, indecent, obscene or menacing message on social media is liable to a maximum of 6 months under the Communications Act 2003.

<sup>100</sup> Section 5 Terrorism Act 2006.

<sup>101</sup> Leading to conviction under section 58 Terrorism Act 2000.

<sup>102</sup> Section 141(1A) Criminal Justice Act 1988 applies to particularly aggressive weapons specified under the Criminal Justice Act 1988 (Offensive Weapons) (Amendment) Order 2016/803.

<sup>103</sup> Section 57 Terrorism Act 2000. Strictly speaking the offence is committed in circumstances of suspicion, but the effect of the statutory defence in section 57(2) is that purpose must be proven.

with a maximum of 4 years imprisonment in the Crime and Policing Bill<sup>104</sup>.

- This offence appears to fill an important gap, although where a killing is contemplated, the available penalty appears too low for long-term disruption through lengthy imprisonment.

5.26. Secondly, private preparations for a mass casualty attack.

- The law is flexible where multiple individuals are involved. It is therefore an offence for two individuals to make an agreement (conspiracy to murder), for one individual to encourage or assist another, or for murder to be solicited, even though the contemplated attack is never carried out<sup>105</sup>.
- But it not an offence to prepare for an attack on one's own unless sufficient steps are taken that the conduct amounts to an attempt<sup>106</sup>.
- This means that no prosecution would be available if the police raided an address and found careful handwritten but uncommunicated plans for carrying out a massacre.
- By contrast, under terrorism legislation it is an offence to engage in any preparatory conduct with the intention of committing acts of terrorism<sup>107</sup>. This includes making written plans. The fact that the prosecution must prove terrorism, not just intended violence, is some sort of safeguard against overbroad criminal liability.

5.27. It would in principle be possible to criminalise preparatory conduct with the intention of carrying out a mass casualty attack. I acknowledge that this raises some definitional and ethical questions on the number of proposed victims<sup>108</sup> and whether a new offence should be confined to an intention to kill or include planning to cause serious injury or use serious sexual violence.

5.28. Despite these legitimate questions, it has become clear to me during the preparation of this report during January and February 2025 that there is a real and not theoretical gap for lone individuals who plan mass killings.

5.29. If mass killing is intended, it is neither possible nor desirable to limit the offence to cases in which particularly extreme or terror-inducing forms of violence are intended.

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<sup>104</sup> Bill introduced on 25.2.25.

<sup>105</sup> Section 45 Serious Crime Act 2007.

<sup>106</sup> Under section 1 Criminal Attempts Act 1981, the act must be “more than merely preparatory to the commission of the offence”.

<sup>107</sup> Section 5 Terrorism Act 2006.

<sup>108</sup> It would be necessary to more precise than the Victim and Prisoners Act 2024, section 34, which refers to the appointment of victim advocates in cases of the death of a “significant” number of individuals.

5.30. I therefore recommend that the government considers bringing forward legislation to create a new offence where an individual, with the intention of killing two or more persons, engages in any conduct in preparation for giving effect to this intention. The maximum sentence should be life imprisonment. If this offence is created, then there is no need to reconsider the maximum sentence for the proposed offence of possessing an article with violent intent under the Crime and Policing Bill.

## **Annex 1 (Previous Analysis)**

My annual report Terrorism Acts in 2019 considered the terrorism definition at some length, and my analysis forms the background to this review.

*Introduction: paras 2.5-2.26*

*Other Potential Terrorist Causes*

*Incels: paras 2.28-2.31*

*Columbine/ School Shootings: paras 2.32-2.34*

*Mixed, Unstable or Unclear Ideologies: paras 2.35-2.38*

*Hate Crime: paras 2.39-2.40*

*Domestic Extremism: paras 2.41-2.43*

*Terrorist Causes Analysis: paras 2.44-2.48*

*Scale and Groups: paras 2.49-2.54*

*Coherence and Depth: paras 2.55-2.61*

*Controlling Factors and Touchstones: 2.62-2.65*

The full report is at available online: [link](#).

## Annex 2 (10 Examples)

### Example 1: Danyal Hussein<sup>109</sup>

1. On 6 June 2020, Danyal Hussein murdered two sisters, Bibaa Henry and Nicole Smallman, by stabbing them to death in a park in Wembley, as part of a “sacrifice” to help him win the lottery. Hussein had written a pact with a “demon”, signed by him in blood, in which he promised to sacrifice six women every six months in exchange for winning the Mega Millions Super Jackpot. Hussein planned the murders in advance, purchasing a balaclava, folding shovels and a knife.
2. Hussein, aged 19 at the time, had previously been referred by his school to the Prevent programme, after accessing content, including far-right material, on a school computer. He was under the “Channel programme”, a multi-agency programme designed to assess risk and provide support to those at risk of being drawn into terrorism,<sup>110</sup> until he was discharged from it in 2018.
3. Hussein had a long-standing interest in mythology, Satanism and the occult. A book of spells and drawings of demonic symbols were also found in his bedroom, and he was active on an online occult forum until hours before his arrest.

### Example 2: Jake Davison<sup>111</sup>

4. On 12 August 2021, Jake Davison shot and killed five people in Plymouth, before shooting himself. Davison, aged 22, first shot his mother, Maxine Davison, at their home, before leaving the house with a shotgun and indiscriminately killing four more people in the local area, including a three-year old girl.
5. Davison had looked up posts about incel culture (“involuntary celibacy”) in the hours before the attack. He was said to spend hours online and to have been “obsessed” with firearms from a young age. In November 2016,

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<sup>109</sup> BBC News, ‘Wembley park stabbings: Danyal Hussein guilty of murdering sisters’ (6 July 2021) ([link](#)); BBC News, ‘Facebook and Instagram remove ‘magician’ who incited murder’ (20 October 2021) ([link](#)); Judiciary of England and Wales, Central Criminal Court, Sentencing Remarks of the Hon. Mrs Justice Whipple DBE in *R v Danyal Hussein* (28 October 2021) ([link](#)).

<sup>110</sup> Home Office, ‘Channel and Prevent Multi-Agency Panel (PMAP) guidance’ (22 February 2021) ([link](#)).

<sup>111</sup> BBC News, ‘Plymouth shooting: Gunman ‘did not hesitate’ before killing himself’ (18 January 2023) ([link](#)); BBC News, ‘Inquest: Plymouth gunman was referred to anti-terror scheme’ (15 March 2022) ([link](#)); BBC News, ‘Plymouth shootings: Why was Jake Davison allowed a gun?’ (21 February 2023) ([link](#)); BBC News, ‘Plymouth shooting: Jake Davison was licensed gun holder’ (13 August 2021) ([link](#)).

Davison's mother had contacted the Prevent scheme about her son. Davison applied for and received a shotgun certificate in 2017.

6. Davison had previously posted videos online in which he spoke about being socially isolated, struggling to meet women, made reference to incels, and referred to himself as "the Terminator". He had a history of using violence, and his shotgun and certificate had been seized after an incident in which he punched and slapped two teenagers in September 2020. However, the shotgun and certificate were returned to him in July 2021, several weeks before the attack.

### **Example 3: Emad Al Swealmeen<sup>112</sup>**

7. On 14 November 2021, Emad Al Swealmeen, aged 32, detonated an explosive device outside Liverpool Women's Hospital, from the back seat of a taxi he had ordered to take him to the hospital. The explosive device contained small steel ball bearings. Al Swealmeen died in the explosion. The taxi driver escaped with injuries.
8. Al Swealmeen was an asylum seeker from Iraq, who had twice had his asylum claim rejected by the Home Office. A police investigation following the explosion (Operation Itonia) concluded that Al Swealmeen used a privately rented flat to build the explosive device. At his asylum accommodation, the police also found unfinished improvised firearms and ammunition under the floorboards. His online activity demonstrated that he began purchasing items to manufacture the firearms and ammunition from March 2020.
9. The investigation speculated that the attack was most likely a result of Al Swealmeen's "grievance against the British state for failing to accept his asylum claim compounded by his mental ill health", but ultimately concluded that the intended target of the attack was "unclear". There was no evidence that Al Swealmeen held any extremist views or was acting with any other individuals. This suggests that had Al Swealmeen lived the case would not have been prosecuted as terrorism.

### **Example 4: The Northallerton teenagers<sup>113</sup>**

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<sup>112</sup> Counter Terrorism Policing North West, 'OPERATION ITONIA, A summary of the key findings of the police investigation into the explosion outside the Liverpool Women's Hospital on 14<sup>th</sup> November 2021', (2 October 2023); ([link](#)).

<sup>113</sup> BBC News, 'Boys, 15, guilty of Columbine-style school shooting plot' (24 May 2018) ([link](#)); Sky News, 'Teenagers who plotted Columbine-style attack at Yorkshire school jailed' (20 July 2018) ([link](#)); Judiciary of England and Wales, Leeds Crown Court, Sentencing remarks of Mrs Justice Cheema-Grubb DBE in *R v Thomas Wyllie and Alex Bolland* (20 July 2018) ([link](#)).

10. In 2018, two teenage boys, Thomas Wyllie and Alex Bolland, were found guilty of plotting a school shooting, motivated by their “hero worship” of the perpetrators of the Columbine High School shooting in Colorado in 1999. Wyllie and Bolland, aged 14 at the time, planned to shoot and kill pupils and teachers at their school in Northallerton, Yorkshire, and had downloaded copies of a bomb-making manual from the internet, in an effort to produce explosives to use in the attack.
11. At their sentencing, the judge said that Wyllie and Bolland “inhabited narrow lives” in which they saw themselves as victims, and that they “intended to cause terror on the scale of school shootings in the USA”. The boys had drawn up a “hit-list” of targets at their school and, at a secret hideout, police found a rucksack belonging to Wyllie which was filled with screws and flammable liquid. Bolland told a fellow student that, “No one innocent will die” and later told a teacher that he needed to “eliminate” people at the school as they were “infecting the gene pool”.
12. Wyllie also kept a journal in which he wrote a note apologising for either committing “one of the worst atrocities in British history” or killing himself. He was fascinated by American school shootings and watched actual CCTV footage from the Columbine shooting. Wyllie had a history of violence and was convicted of unlawfully wounding his ex-girlfriend by carving his name on her back with a knife. Wyllie had also attempted to gain access to the shotguns legally owned by the girl’s father.

#### **Example 5: Ben Moynihan<sup>114</sup>**

13. In 2014, Ben Moynihan, aged 17 at the time, stabbed three women in separate attacks in Portsmouth, in an attempt to murder them as revenge for being a virgin. The attacks took place on 20 June 2014, when he stabbed a 20-year-old woman in the chest on the pavement; on 29 June 2014, when he stabbed a 45-year-old woman in the chest on a footpath; and on 11 July 2014, when he stabbed a 66-year-old woman in an alleyway.
14. Moynihan was apprehended after leaving letters for the police, which included a picture of himself and in which he asked to be arrested. Also in the letters he said, “All women need to die” and that he was “planning to murder, mainly women, as an act of revenge because [of] the life they gave me, I’m still a virgin at 17”.

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<sup>114</sup> BBC News, ‘Virgin teenager Ben Moynihan ‘stabbed women in revenge’ (13 January 2015) ([link](#)); BBC News, Hampshire & Isle of Wight, ‘Virgin teenager Ben Moynihan: Guilty of stabbing women’ (20 January 2015) ([link](#)); The Independent, ‘Teenager Ben Moynihan sentenced to 21 years for attempted murder of three women because he could not lose his virginity’ (6 March 2015) ([link](#)).

15. At his trial, the court heard that Moynihan was obsessed with serial killers and kept a “diary of evil”. A video was also found on his laptop in which Moynihan says, “I think every girl is a type of slut” and “I am still a virgin, everyone is losing it before me, that’s why you are my chosen target”.

**Example 6: Damon Smith<sup>115</sup>**

16. On 20 October 2016, Damon Smith, then aged 19, left a rucksack containing a bomb filled with ball bearings on a Jubilee line tube train. Smith made the bomb after researching an al-Qaeda article on bomb-making online.
17. Smith said that planting the bomb was a prank, but this explanation was rejected by the jury, who found him guilty of possessing an explosive device with intent to endanger life. Moreover, on his appeal against sentence, the Court of Appeal commented that the use of ball bearings was “totally at odds with his claim of a hoax”, and they would have acted as “destructive shrapnel” had the device exploded.<sup>116</sup> The bomb did not explode but Counter Terrorism police said it was a “viable device” and, had it exploded, there was the potential for mass casualties.
18. Smith had been interested in making bombs since the age of 10, and a search of his home revealed he had previously created a non-viable improvised explosive device. He had a “shopping list” of bomb-making materials on his iPad, as well as replica guns. During his trial, the court was told that Smith had an autism spectrum disorder, and his pre-occupation with guns, bombs and weapons may have been a function of the condition.
19. Smith had previously been a Christian altar boy but professed an interest in Islam and said that he read the Koran and sometimes prayed. Smith also had a fascination with Islamic terrorism and mass murders. He created YouTube videos in which he used computer games to recreate real-life mass killings.

**Example 7: Anwar Driouich<sup>117</sup>**

20. In March 2020, Anwar Driouich, aged 22 at the time, was jailed for possessing 10kg of ammonium nitrate and seven terrorist manuals. Police

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<sup>115</sup> BBC News, ‘Damon Smith guilty of planting ball-bearing Tube bomb’ (3 May 2017) ([link](#)); BBC News, ‘Damon Smith jailed for planting failed Tube bomb’ (26 May 2017) ([link](#)).

<sup>116</sup> *R v Damon Smith* [2018] EWCA Crim 528 ([link](#)).

<sup>117</sup> BBC News, ‘Middlesbrough fantasist Anwar Driouich jailed for explosive substance’ (27 March 2020) ([link](#)); BBC News, ‘Weapons hoarder Anwar Driouich jailed again over court breach’ (19 August 2022) ([link](#)); Mail Online, ‘Britain’s first ‘Incel’ bomb maker: ‘Involuntary celibate’ who had no luck with women pleads guilty to possessing explosives and terrorist materials after saying he wanted to ‘massacre this place’ (26 March 2020) ([link](#)).

were alerted to Driouich after he ordered the substance, which is a component of high explosives, online. On searching his house, he was found to be hoarding weapons, including knives, a crossbow, arrowheads, bullet moulders and ball bearings. He had previously bought a knuckleduster, baton, handcuffs, balaclavas and instructions on how to make a flamethrower.

21. Examination of Driouich's phone and internet history revealed that he spent time online reading about mass shootings, terrorist attacks and incels. The terrorist manuals consisted of documents about bomb-making, improvised weapons and al-Qaeda propaganda, although Driouich was said to be "anti-Islamist". He had previously expressed support online for Tommy Robinson, the Christchurch terrorist attacks and conspiracies about 9/11. Driouich had also posted on a Facebook chat that he was humiliated by having "no hope with girls" and he wanted to carry out a massacre.
22. At his sentencing, Driouich said, via his lawyer, that he had no plans to make a bomb; that he was a troubled man who had been bullied and struggled to make friends; and that he had no affiliation with any extremist groups.

#### **Example 8: Kyle Davies<sup>118</sup>**

23. In 2019, Kyle Davies was found guilty of possessing firearms and ammunition with intent to endanger life, after trying to buy the weapons from a dealer on the dark web. Davies, aged 19 at the time, ordered a pistol and ammunition using Bitcoin, but the package was intercepted in the USA and officers in the UK were tipped off. Davies denied planning a massacre. He said that it was just a "vague idea" and that he had purchased the gun in order to kill himself.
24. At his trial, the evidence revealed that Davies had a deep interest in mass shootings, had watched videos depicting the Columbine massacre and searched for instructions on making explosives. A terror manifesto from Anders Breivik was found on one of Davies' memory sticks, and he had drawn out 77 stick men on a page, representing the victims of Breivik's attack.
25. Davies had also written a list under the title "Götterdämmerung", which is a reference to German mythology and a final battle which leads to the

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<sup>118</sup> BBC News, 'Gloucester teen Kyle Davies guilty of mass shooting plot' (22 July 2019) ([link](#)); BBC News, 'Gloucester weapons charge teenager looked at videos of mass murders' (9 July 2019) ([link](#)); BBC News, 'Teen 'ordered gun and expanding bullets online'' (10 July 2019) ([link](#)); Sky News, 'Kyle Davies: Gloucester teenager who idolised Columbine killers found guilty over mass shooting plot' (22 July 2022) ([link](#)); Gloucestershire Live, 'Gloucester teenager Kyle Davies sentenced for planning mass killing' (13 September 2019) ([link](#)).

destruction of all gods. Under the title, he listed items he wanted to buy, including petrol, a gas mask and body armour. Police said that the extent of this planning, under what Davies himself called “phase one”, demonstrated his intention to “follow in the footsteps of the murderers he idolised”.

26. At his sentencing, the judge said that Davies’ actions were the “culmination of months of methodical research and preparation”, that Davies had worked out a budget of more than £10,000 and “priced equipment to assist [him] in carrying out a mass killing”.

#### **Example 9: Derrick Bird<sup>119</sup>**

27. On 2 June 2010, Derrick Bird, aged 52 at the time, shot and killed 12 people in west Cumbria, before killing himself. The first person to be killed by Bird was his twin-brother, David Bird, followed by a solicitor Kevin Commons.
28. During the “second phase” of the killings, Bird, who was a taxi driver, drove around for 45 miles killing 10 more people, and injuring 11 others. Three of those injured were fellow taxi drivers, after Bird drove to a taxi rank. Many others were random strangers who Bird called over to the car to ask for the time, before shooting them.
29. Bird used two weapons in the attack: a sawn-off shot gun and a .22 rifle, sometimes injuring victims with the shot gun before switching to the rifle to shoot them in the head at point-blank range. Bird had held a shotgun certificate since 1974, and this was continuously renewed until his death. He was also issued with a firearms certificate in 2007, and by 2 June 2010 he had lawful possession of four firearms.
30. Several motives have been considered for Bird’s attacks. Initial reports suggested a row with his brother over a will. Bird had also received letters from HMRC concerning his income tax. He enlisted his brother and solicitor, Kevin Commons, to help, but subsequently formed the view that they were conspiring against him. He had also been insulted by fellow taxi drivers about his personal hygiene and the cleanliness of his vehicle, and in the days before the killings threatened that other taxi drivers were going to “get it big style”.

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<sup>119</sup> BBC News, ‘Cumbria shootings: Timeline of Derrick Bird’s rampage’ (25 March 2011) ([link](#)); BBC News, ‘Cumbria gunman Derrick Bird ‘shot brother 11 times’ (1 March 2011) ([link](#)); Operation Bridge, ‘Peer review into the response of Cumbria Constabulary following the actions of Derrick Bird on 2<sup>nd</sup> June 2010’ (28 March 2011) ([link](#)).

### Example 10: Thomas Huang<sup>120</sup>

31. On 9 June 2023, Thomas Wei Huang, a student at a boarding school in Devon, attacked two roommates with hammers as they slept. Huang, aged 16 at the time, then attacked a teacher, who came to investigate after being awoken by the noise. All three victims suffered serious injuries, having been hit in the head multiple times with three claw hammers.
32. Huang was found guilty of three counts of attempted murder, after a trial in which he claimed to have been sleepwalking during the attack. During the trial, the court heard that Huang had collected weapons in preparation of a zombie apocalypse and kept hammers by his bed for “protection”. The court also heard that Huang had an “unhealthy interest in violence and violent films” and was obsessed with the killing of children. Huang was said to be struggling with extreme stress from exams and personal life issues and had a diagnosis of autism spectrum disorder.
33. At his sentencing, the judge commented that Huang had become increasingly isolated and “retreated into the online world” where he researched high profile murders. The judge also noted how the offences were planned, as Huang had bought the hammers in advance, to use as weapons.

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<sup>120</sup> BBC News, ‘Pupil who carried out school hammer attack named’ (1 November 2024) ([link](#)); Sky News, ‘Thomas Wei Huang: Public schoolboy who attacked sleeping students with hammers named for first time’ (1 November 2024) ([link](#)); Mail Online, ‘Public schoolboy hammer attacker unmasked: International student from Malaysia Thomas Wei Huang is named for first time after he attempted to murder two fellow pupils and teacher at £45K-a-year school’ (1 November 2024) ([link](#)).

### **Annex 3 (This report)**

On 21 January 2025 the Home Secretary the Rt. Hon Yvette Cooper MP announced that I had been commissioned to examine the terrorism legislation in this area “in light of the modern threats we face” (Hansard (HC) Vol 760 Col 876).

There are no terms of reference, and I was asked to complete the report as quickly as possible.

In preparation for this report, I have had discussions with the Home Secretary, Home Office officials, Counter Terrorism police, MI5, prosecutors, academics, clinicians and journalists, and have drawn from my knowledge and experience of the operation of terrorism legislation since my appointment in 2019.

I have also benefited greatly from the reports of earlier Independent Reviewers, and in particular the extended consideration of the terrorism definition in Lord Carlile KC’s ‘The Definition of Terrorism’, Cm 7052 (2007), and in Lord Anderson KC’s annual reports from the Terrorism Acts in 2010 to the Terrorism Acts in 2014.

## **Annex 4 (Terrorism Definition in Full)**

Terrorism Act 2000 definition

Section 1 (Terrorism: interpretation).

- (1) In this Act “terrorism” means the use or threat of action where—
  - (a) the action falls within subsection (2),
  - (b) the use or threat is designed to influence the government or an international governmental organisation or to intimidate the public or a section of the public, and
  - (c) the use or threat is made for the purpose of advancing a political, religious racial or ideological cause.
- (2) Action falls within this subsection if it—
  - (a) involves serious violence against a person,
  - (b) involves serious damage to property,
  - (c) endangers a person’s life, other than that of the person committing the action,
  - (d) creates a serious risk to the health or safety of the public or a section of the public, or
  - (e) is designed seriously to interfere with or seriously to disrupt an electronic system.
- (3) The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1)(b) is satisfied.
- (4) In this section—
  - (a) “action” includes action outside the United Kingdom,
  - (b) a reference to any person or to property is a reference to any person, or to property, wherever situated,
  - (c) a reference to the public includes a reference to the public of a country other than the United Kingdom, and
  - (d) “the government” means the government of the United Kingdom, of a Part of the United Kingdom or of a country other than the United Kingdom.
- (5) In this Act a reference to action taken for the purposes of terrorism includes a reference to action taken for the benefit of a proscribed organisation.