

BILAL ALAMEDDINE

(MIN: 591659) (DOB: 4 September 1998)

DETERMINATION OF AN APPLICATION FOR PAROLE

FOLLOWING A REVIEW HEARING ON 7 JULY AND 1 NOVEMBER 2022

1. This is a determination following a review hearing on 7 July and 1 November 2022. It is the third review of applications for parole made by the applicant and follows two previous unsuccessful reviews sought by him (Determination 1 dated 20 November 2020 and Determination 2 dated 16 July 2021).
2. The Authority in both Determinations decided not to release Mr Alameddine to parole on the basis that he is a terrorism related offender for the purposes of Division 3A of Part 6 of the CAS Act and it could not be satisfied that he would not engage in, or incite or assist other to engage in, terrorist acts or violent extremism.
3. The applicant and the Commissioner were represented at the recent review, respectively by Ms Cubis from the Prisoner's Legal Service and Ms Heger of counsel.
4. The applicant is presently serving sentences imposed by Hanley SC DCJ on 3 June 2020 for two offences, supplying not less than a commercial quantity of prohibited drug (479.2g of cocaine) and unlawfully selling firearms, three times or more within 12 months. Matters on a Form 1 were also taken into account. His Honour imposed an aggregate sentence of 6 years from 30 June 2017 to 29 June 2023 with an aggregate non parole period of 3 years expiring on 29 June 2020.

The index offence

5. In May and June 2017, police attached to the Terrorism Investigations Squad conducted an investigation into the suspected supply of firearms and cocaine by Mr Alameddine and Samimjan Azari in the Merrylands area.
6. The police investigation involved the use of an undercover operative (UCO Karen) who requested firearms and drugs via text message. Mr Alameddine assisted Mr Azari with the supply of three firearms to UCO Karen.

5 May 2017 supply

7. On 5 May 2017, Mr Alameddine and Mr Azari drove to South Granville where they met UCO Karen. Mr Azari got into UCO Karen's car and directed her to drive to a location in Guildford. Mr Alameddine drove the other car.
8. After they reached the Guildford location, UCO Karen parked her car. Mr Alameddine got into the rear of UCO Karen's car. He removed a 9mm Parabellum BUL Transmark Limited Desert Eagle self-loading pistol and two empty 9mm box magazines from the front of his pants and handed them to UCO Karen. The serial number on the pistol had been obliterated. UCO Karen handed Mr Azari \$28,000 in cash as payment for the pistol.
9. During the exchange Mr Alameddine stated, "We got snub nose revolvers, the thirty eights, they're nice ones". He used UCO Karen's perfume to wipe down the pistol in an effort to remove DNA from it.

7 May 2017 supply

10. On 11 May 2017 Mr Alameddine drove Mr Azari to a location in South Granville. Mr Azari got out of the car and into UCO Karen's car. Mr Alameddine remained in the car he was driving. Mr Azari gave UCO Karen a shortened .22 calibre rifle and 44 rounds of .22 calibre ammunition. The rifle's serial number had again been obliterated. UCO Karen paid Mr Azari \$13,000 for the rifle. Mr Azari also supplied her with an ounce of cocaine, for which she paid him \$6,000.

25 May 2017

11. On 25 May 2017, UCO Karen met the two men in Merrylands. Again, Mr Alameddine was driving Mr Azari. Mr Azari got into UCO Karen's car and supplied her a Smith & Wesson .455 calibre revolver, for which she paid \$18,000, and an ounce of cocaine. UCO Karen paid \$6,800 for the cocaine.

22 June 2017

12. On 22 June 2017, UCO Karen met Mr Alameddine and Mr Azari in the car park behind a McDonald's restaurant in Auburn. Mr Alameddine was in the driver's seat while Mr Azari occupied the passenger seat. Mr Azari got into UCO Karen's car and UCO Karen spoke with Mr Alameddine through the window. Mr Azari provided UCO Karen with five ounces of cocaine in exchange for \$32,000.

30 June 2017

13. On 30 June 2017, Mr Alameddine and Mr Azari were arrested in the car park of Bunnings at Lidcombe. At the time of their arrest, the men were jointly in possession of 11 ounces of cocaine, which they had arranged to supply to UCO Karen for approximately \$70,000. 2020. The head sentence will expire on 29 June 2023.

Offending / infractions in custody

14. On 19 November 2019, Mr Alameddine was found in possession of a mobile phone, a charger, a substance that appeared to be tobacco, a substance believed to be cannabis and 4 strips suspected to be buprenorphine. Two section 10A convictions with no further penalty were imposed in respect of Mr Alameddine's possession of the prohibited drugs. He was fined \$770 for the possess mobile phone offence.

15. On 12 March 2020, Corrective Services officers again found a mobile phone, together with a charger, a battery, and a sim card in Mr Alameddine's cell. Mr Alameddine was sentenced, following a plea of guilty, at Waverley Local

Court on 24 June 2020. A sentence of one month imprisonment, commencing on 10 June 2020 and expiring on 9 July 2020 was imposed.

16. In addition to these offences, Mr Alameddine has a history of breaches of custodial discipline.
17. On 31 December 2021 Mr Alameddine was charged with assault in relation to him throwing a bucket of fluid (hot water from the shower) over an adjoining wall in segregation which landed on the inmate in the adjoining cell. Mr Alameddine justified this behaviour by stating he was attempting to stop the persistent and annoying behaviours of the inmate. He said that he did not refer the matter to custodial officers because it went against custodial culture. On reflection he said that he could have dealt with the matter differently.
18. On 12 April 2022 Mr Alameddine was seen on CCTV walking down the landing, looking at the cell cards on each cell. He was then seen to enter the cell of another inmate where it appeared an incident took place inside the cell. The occupant of the cell exited with his shirt torn off and was later observed to have an injury to his eye. As a result of the incident, Mr Alameddine was found guilty of the internal misconduct charge of “enter other cells”.
19. It was submitted by Ms Cubis that this was a group assault and that the offender was able to walk away from the violence that was inflicted on the victim. The fact that he was only charged with “enter other cells” could be taken as support for this proposition.
20. He received 56 days off contact visits, buy-ups and phone calls, and was placed on a segregation order from 13 April 2022 to 18 May 2022. He was placed on a Behaviour Management Contract from 18 May 2022 to 13 July 2022.

Telephone calls in Arabic.

21. Between 18 and 28 July 2022 the offender made 14 calls from the gaol in Arabic. This was in breach of the rules generally for an offender in his category and more specifically in breach of a behaviour management contract. The conditions were that he could not make calls in another language and he had to get approval to speak to anyone. He breached both of these conditions.

22. In the course of evidence in this hearing he was cross examined on these calls and an English translation was obtained which was around 100 pages. There were a couple of conversations on which he was examined and the Authority is satisfied that there were 'innocent'. All of the others appeared to relate to family and social matters.

23. Before we had the advantage of reading the translations he claimed that they were all of an innocent nature. In our view this was confirmed upon perusing the English translations.

24. Certainly there was misconduct involved on his part in making the calls in this manner but there was absolutely no suggestion that he was talking about any topics that might indicate terrorist activity.

The 2020 Determination (1)

25. Mr Alameddine's release to parole was first considered by the Authority at a private meeting. The Authority refused Mr Alameddine's release to parole. At the review hearing on 3 September 2020, the Commissioner opposed parole relying on s. 159B(1)(d) and alternatively s. 159B(1)(e) of the CAS Act. 24. The Authority determined on 20 November 2020 not to release Mr Alameddine to parole. The Commissioner relied on an event in the New South Wales Police Force's Computerised Operational Policing System ("COPS") diary to establish that Mr Alameddine had previously made a statement or had previously carried out an activity advocating support for a terrorist act or violent extremism.

26. The COPS entry related to information provided by Mr Alameddine's mother and father that he had attempted to flee the country to fly to Syria. The Commissioner submitted that Mr Alameddine's attempt to travel to Syria in order to engage in armed hostilities on behalf of ISIS constituted advocating support for violent extremism. Mr Alameddine gave evidence and agreed he had gone to the airport on the occasion described in the COPS event, however he denied he entered the aircraft. Mr Alameddine denied the travel being connected with ISIS and claimed that his intention had been to travel to Dubai, and onto Jordan, for the purpose of going to Macedonia for a holiday. The Authority considered Mr Alameddine's evidence to be unconvincing in this regard.
27. In reaching its determination, the Authority also had regard to the fact that for a few months before 7 July 2015, when Mr Alameddine attempted to board a flight for Dubai, Mr Alameddine had been obsessively watching videos of ISIS.
28. The Commissioner relied on a further COPS event report dated 14 October 2015, to establish that Mr Alameddine was associated, or affiliated, with persons advocating support for a terrorist act or violent extremism. The event described interactions between Mr Alameddine, Talal Alameddine (Mr Alameddine's cousin) and others being in a car together. The Commissioner submitted that Mr Alameddine's presence in the car with Talal Alameddine was not a 'purely random, casual encounter'. Talal Alameddine was sentenced for a terrorism offence, as outlined below:
29. On 18 May 2018, Talal Alameddine was sentenced for an offence of intentionally possessing a firearm that was connected with the preparation for a terrorist act, contrary to s. 101.4(2) of the Criminal Code, and one charge of supplying a firearm to Raban Alou: see *R v Alameddine (No. 3)* [2018] NSWSC 681. Mr Alou then supplied the firearm to Farhad Jabar Khalil Mohammad, a 15-year-old radicalised supporter of ISIS, who used

the firearm to shoot Curtis Cheng, outside the NSW Police Headquarters building in Paramatta on 2 October 2015.

30. The Authority was satisfied that on 5 October 2015, Mr Alameddine was in the company of Talal Alameddine in a hire vehicle at Merrylands and that Talal Alameddine had “advocated support for a terrorist act or violent extremism”, in that he is a person convicted of an offence contrary to s 101.4(2) of the Criminal Code 1995 (Cth). The Authority stated: It may be inferred that the meeting of 5 October 2015 was not a social affair. By that time Mr [Talal] Alamaddine had made no secret of his support for ISIS. It seems likely in all circumstances that the offender knew about his support for ISIS.

31. The Authority determined that Mr Alameddine is a terrorism related offender for the purposes of Div. 3A of Pt. 6 of the CAS Act (under s.159B(1)(e)) and could not be satisfied that he would not engage in, or incite or assist others to engage in, terrorist acts or violent extremism.

The 2021 Determination (2)

32. Mr Alameddine’s release to parole was considered by the Authority for a second time at a private meeting on 6 May 2021. The Authority refused Mr Alameddine’s release to parole. At the review hearing on 16 July 2021 the Commissioner opposed parole relying upon s. 159B(1)(e) of the CAS Act.

33. In its determination dated 9 August 2021, the Authority refused parole and stated: The Authority has considered all the matters raised on behalf of the applicant and what has transpired since the last determination. Lack of discipline, condoning violence and susceptibility to the influence of peers remain matters of concern, as does the applicant’s continuing associations.

34. The primary evidence relied upon by the Commissioner to demonstrate Mr Alameddine’s condoning of violence, susceptibility to the influence of peers and his continuing associations was correspondence between Mr Alameddine, Talal Alameddine and Omar AlKutobi.

35. The Authority concluded that Mr Alameddine had a personal association with Talal Alameddine and Omar Al-Kutobi. Mr Al-Kutobi had previously been sentenced for terrorism offence, as outlined below:

36. On 9 December 2016, Mr Al-Kutobi was sentenced for an offence of conspiracy to commit an act or acts, in preparation for, or planning a terrorist act, contrary to s. 101.6(1) and 11.5(1) of the Criminal Code 1995 (Cth) (“Criminal Code”): see *R v AlKutobi*; *R v Kiad* [2016] NSWSC 1760.

CVE Programs Psychological Assessment Report

37. On 19 May 2022, a report was prepared which provided an assessment of Mr Alameddine’s current extremist risk factors based upon his psychological, psychosocial, and ideological needs.

38. The risk assessment was conducted using the Violent Extremist Risk Assessment – 2R (“VERA-2R”). Following assessment, the report noted at paragraphs [52]-[54]:

“It was determined by all members of the VERA 2R blind scoring panel that the VERA - 2R assessment could not be rated for Mr Alameddine. Following consideration of the collateral information, there appears to be no information available to indicate that Mr Alameddine currently holds or supports an ideology or belief system that promotes the use of violence within a violent extremism, politically motivated violence or terrorism context. In line with the recommendations of the developers of the VERA – 2R, the VERA – 2R should not be rated when the available collateral information is indicative of the absence of a current extremist ideology supportive of the use of violence to advance a religious, political, social or ideological cause. 13 State Parole Authority’s determination for Bilal Alameddine, 9 August 2021, p. 15. 9 Whilst it is acknowledged that Mr Alameddine appears to have been historically exposed to radicalised beliefs as a teenager and had likely commenced

on a pathway of radicalisation, this appears to have been interrupted, with no current evidence of an extremist ideology and/or belief system. In reviewing the collateral information available relevant within a violent extremism context, it appears the primary risk for Mr Alameddine is of ordinary criminal violence. However, the current assessment has identified that Mr Alameddine does present with potential vulnerabilities which could significantly increase his risk of engaging in violent extremism, politically motivated violence or terrorism related behaviours in the future should he choose to. Specifically, he has sound organisational skills and access to necessary persons within his family connections and organised crime networks who may facilitate his access to resources including weapons, money and drugs. This extends to Mr Alameddine's personal association with his cousin who is convicted of terrorism related offences, and to whom he demonstrates loyalty. Lastly Mr Alameddine's personal history of violence and his general susceptibility to influence remain relevant vulnerabilities."

39. Mr Alameddine was determined not to require any CVE specific interventions at this stage. The assessment identified Mr Alameddine's primary treatment need as interpersonal aggression and violence. His risk of violent offending was assessed as moderate.

Division 3A, Part 6 of the CAS Act Statutory framework

40. Section 159C of the CAS Act precludes the release to parole of offenders in certain circumstances. It provides:

(1) The Parole Authority must not make a parole order directing the release of an offender who is known to the Parole Authority to be a terrorism related offender unless—

(a) the Parole Authority is satisfied that Mr Alameddine will not engage in, or incite or assist others to engage in, terrorist acts or violent extremism, and

(b) Mr Alameddine is otherwise eligible under this Act to be released on parole.

41. The word “know” is defined in the Oxford Online Dictionary as “Be aware of through observation, inquiry, or information”. In procuring such awareness, the Authority is not bound by the rules of evidence, but “*may inform itself of any matter in such manner as it deems appropriate.*” (Clause 11(3) of Schedule 1 to the CAS Act)

42. A “terrorism related offender” is defined in s. 159A as an offender to whom Division 3A of Part 6 of the CAS Act applies. The categories of offenders to whom Division 3A applies are delimited by s. 159B.

43. Mr Alameddine has never been convicted of a terrorism offence, is not the subject of a control order and does not have any known association with a terrorist organisation. Accordingly, the question of whether he is a terrorism related offender will turn on the application of s. 159B(1)(d) and (e) of the CAS Act, which provide:

(1) This division applies to an offender: ...

(d) who is making or has previously made any statement (or is carrying out or has previously carried out any activity) advocating support for any terrorist act or violent extremism, or

(e) who has or previously had any personal or business association or other affiliation with any person, group of persons or organisation that is or was advocating support for any terrorist act or violent extremism.

45. Section 159B(2) then provides guidance in relation to the interpretation of these subsections:

(2) Without limiting subsection (1) (d) and (e)—

(a) *advocating support for a terrorist act or violent extremism includes (but is not limited to) any of the following—*

(i) making a pledge of loyalty to a person, group of persons or organisation, or an ideology, that supports terrorist acts or violent extremism,

(ii) using or displaying images or symbols associated with a person, group of persons or organisation, or an ideology, that supports terrorist acts or violent extremism,

(iii) making a threat of violence of a kind that is promoted by a person, group of persons or organisation, or an ideology, that supports terrorist acts or violent extremism, and

(b) an association or other affiliation with a person, group of persons or organisation includes (but is not limited to) any of the following—

(i) networking or communicating with the person, group of persons or organisation,

(ii) using social media sites or any other websites to communicate with the person, group of persons or organisation.

46. The term “terrorist act”, as it appears in s. 159B takes the same meaning as given to the term in Part 5.3 of the Criminal Code. 15 There, the term is defined as follows (see s. 100.1):

" terrorist act " means an action or threat of action where:

(a) the action falls within subsection (2) and does not fall within subsection (3); and 15 See 159A of the CAS Act. 12

(b) the action is done or the threat is made with the intention of advancing a political, religious or ideological cause; and

(c) the action is done or the threat is made with the intention of:

(i) coercing, or influencing by intimidation, the government of the Commonwealth or a State, Territory or foreign country, or of part of a State, Territory or foreign country; or

(ii) intimidating the public or a section of the public.

47. The term “violent extremism” is not defined in the CAS Act. The Oxford Online Dictionary defines “extremism” as “The holding of extreme political or religious views; fanaticism”. In the State Parole Authority’s determination for *Maywand Osman of 29 June 2018*, the term “violent extremism” for the purposes of Part 6, Division 3A was defined as “the engagement in acts involving violent behaviour that are motivated or driven by extreme beliefs, whether religious or otherwise, that present a risk to the safety of members of the community.” Terrorism-related offender.
48. The Authority has previously found that Mr Alameddine is a terrorism related offender under s. 159B(1)(e) of the CAS Act on the basis of his association with Talal Alameddine and Omar Al-Kutobi.
49. It is submitted by the Commissioner that Section 159B(1)(e) applies even to previous associations, therefore, Mr Alameddine remains a terrorism related offender.
50. This proposition was accepted by the Authority in both Determination 1 and 2. The offender challenged the finding that he was a terrorism related offender in the Supreme Court of NSW (*Alemeddine v State Parole Authority and Attorney General of NSW [2022] NSWSC 725*). The argument, rejected by Bellew J, was that s 159B (1)(e) CAS Act where it refers to “association” required proof of a common purpose between the offender and others.
51. This argument was rejected by the Court (see pars 70 to 72 of the judgment).
52. In the current determination the Authority relies upon the finding in Determinations 1 and 2 and accepts the Commissioner’s submission. We accordingly find that the offender remains a ‘terrorism related offender.’ As to this finding it should also be noted that even though the offender maintained his submission that he was not such an offender in written submissions, Ms Cubis when asked about this during the hearing made no submissions to support that proposition.

53. Accordingly the Authority now proceeds to the second limb of Division 3A CAS Act, as to whether it can be satisfied to the high standard required, that if released on parole, the offender will not engage in or incite or assist others to engage in , terrorist acts or violent extremism. (*Section 159 C (1)(a) CAS Act*)

Limitation on release of terrorism related offenders

54. By virtue of his status as a terrorism related offender, s. 159C of the CAS Act operates as a presumption against Mr Alameddine's release. The presumption will only be displaced where the Authority "is satisfied that Mr Alameddine will not engage in, or incite or assist others to engage in terrorist acts or violent extremism": s. 159C(1)(a).

55. The burden of satisfying the Authority in this respect falls upon Mr Alameddine.

56. As to what this requires, in *Osman*, the Parole Authority observed that *"[T]here is little point in attempting any more specific statement of the test beyond a requirement that it be satisfied to a high standard, commensurate with the purposes and objectives of the legislation, that Mr Alameddine will not engage in the relevant conduct."*

57. In deciding whether or not to release a terrorism related offender on parole, the Parole Authority is, pursuant to s. 159D(1), required to:

a) have regard to any credible information it has on the risk that Mr Alameddine may engage in, or incite or assist others to engage in, terrorist acts or violent extremism under the terms of the proposed parole order and in the future, and

b) have regard in particular to whether the nature of any associations or affiliation that Mr Alameddine has with any persons or groups advocating support for terrorist acts or violent extremism gives rise to any such risk.

58. In *Osman v State Parole Authority & the Attorney General of New South Wales [2020] NSWSC 1329*, Wilson J concluded that there was no error in the approach applied by the Authority in its 2020 Osman decision (and, by extension, the 2018 decision referred to above).

59. In doing so, Wilson J referred to the legislature's intention to "more stringently regulate the conduct and oversight of persons deemed to be terrorism offenders" and described s. 159C(1)(a) as "a very high bar to pass".

Commissioner's Submissions

60. The Commissioner submits that the information regarding Mr Alameddine's 2015 attempt to travel to Syria, together with the inference available from the index offending that Mr Alameddine has previously been able to access a range of unlawful firearms, is relevant to the assessment of the risk that Mr Alameddine may engage in violent extremism at some point in the future.

61. However the Commissioner does acknowledge that the suspected attempt to travel to Syria occurred when Mr Alameddine was not yet 17 years old and that he was intercepted before the full extent of his plans were borne out.

62. As against this the Commissioner points out that the information suggests that, at least as at 2015, the offender may have been prepared to go to very significant lengths in support of the Islamic State organisation.

63. The Commissioner accepts that there is some evidence that, subsequent to the 2021 Determination, Mr Alameddine's attitudes had matured. This is reflected in the following extract from the Anniversary Prerelease Report dated 1 June 2022:

"During the preparation of this report, Mr Alameddine's comments about his offending behaviour reflected a positive shift in his attitude. From acting impulsively, opportunistically and motivated by self-interest, to managing his emotions and developing his consequential thinking skills. He acknowledged the futility of crime and an anti-social lifestyle and was

promoting the benefits of having a solid work ethic; a value to which he now aspires.”

64. Further, it is accepted by the Commissioner that Mr Alameddine does not appear to have had any further correspondence with Talal Alameddine or Omar Al-Kutobi since the Authority’s last determination.
65. This material, submits the Commissioner is counterbalanced by information suggesting that Mr Alameddine continues to exhibit problematic behaviour. His behaviour in custody to date has been consistent with a continued involvement in a lifestyle in which the use of violence is accepted and promoted. It is submitted that although Mr Alameddine has ceased communication with his associates since the Authority’s last determination, he has demonstrated loyalty to these associates in the past and this association could readily recommence once he is no longer constrained by the prospects of obtaining parole. This is particularly the case given his ongoing susceptibility to influence and his access to necessary persons within his family connections and organised crime networks.
66. In view of Mr Alameddine’s recent custodial infractions detailed at [20] to [23] above, it is submitted that the Authority could not conclude that there has been a sufficient shift in the defendant’s conduct and attitudes to allow the Authority to be satisfied that the defendant will not commit, or incite or assist others to engage in, terrorist acts or violent extremism now or in the future.

Submissions on behalf of the Offender in response

67. The following matters are put as to why the Authority should be satisfied that the offender that the offender will not pose the risk referred to in S 159 (C)(a)
- i. Mr Alameddine has never been convicted of, charged with, or connected to a terrorism offence, is not subject to a control order and has no association with any terrorist organisation. This is accepted by the Commissioner.

ii. Mr Alameddine has not demonstrated any custodial behaviour that is consistent with any aspect of a terrorist acts or violent extremism.

iii. Mr Alameddine has been assessed to not currently hold any extremist ideology and there is no evidence that he “holds or supports a belief system that is supportive of violence within religious or ideological motivated violent extremism, politically motivated violence and/or terrorism context.” Mr Alameddine has been assessed to not require any Counter Violent Extremism interventions. (See *Countering Violent Extremism Assessment Report 19 May 2022*)

iv. Mr Alameddine has ceased all contact with Talal Alameddine and Omar Al-Kutobi. While Talal Alameddine and Omar Al-Kutobi have been charged with terrorist related offences, the nature of this contact/communication has never included any shared connection or links to any terrorist acts or violent extremism. It is submitted that this prior connection does not raise a risk of Mr Alameddine engaging in, or inciting or assisting others to engage in, terrorist acts or violent extremism.

v. Mr Alameddine’s attempt to travel to Dubai on 8 July 2015¹⁰ should be considered in the context of his youth. The incident occurred almost 7 years ago (6 years 10 months 22 days), when Mr Alameddine was 16 years old. There is no evidence before the Authority of any established link with any terrorist organisation, terrorist acts or violent extremism. There is further no evidence of any plan to engage with the above and he was never charged or convicted of any offences in relation to this incident.

Program completion and attitude progression

68. It is submitted on his behalf that Mr Alameddine has consistently demonstrated motivation to engage in custodial interventions. When afforded an opportunity to engage in programs he has received positive feedback and Community Corrections report “*based on learning from those programs he communicated pro-social articulations that would indicate there has been a*

positive shift in his thinking/attitude.” (Community Corrections Report 1 June 2022)

69. Mr Alameddine’s access to programs was initially restricted due to his remand status for three years. Despite this he has completed the following:

i. EQUIPS Addiction (6 May 2021). Mr Alameddine’s “attitude throughout the program was positive, he was an active participant and was motivated to remain drug free.”

ii. EQUIPS Foundations (9 March 2021) Mr Alameddine’s behaviour was reported as “good” and he “would often share his own experiences.”

iii. Community Corrections reported during the hearing that he has now completed EQUIPS Aggression will commence on 22 August 2022 and 21 September 2022 dependant on his release from segregation and that he has demonstrated progression in his attitude toward his offending behaviour.

70. Mr Alameddine has been employed within the furniture workshop (bumper workshop) since 19 May 2022, although he did have a period not employed when he was on segregation.

71. It is accepted in the submissions on his behalf that Mr Alameddine comes to the Authority with a recent institutional misconduct history, however he has not incurred an institutional offence involving violence since 31 December 2021, and none of his institutional misconduct offences have been terrorism related. It is submitted that this is demonstrative of his improved attitude and behaviour.

Risk Assessments

72. It is submitted that Mr Alameddine’s risk has been assessed on multiple assessment tools and results indicate that he will not engage in or incite or assist others to engage in, terrorist acts or violent extremism:

i. Violent Extremist Risk Assessment – 2R (VERA-2R). This is a “structured professional judgment assessment of the risk of extremist

violence across multiple domains of: Beliefs, Attitudes & Ideology; Social Context & Intention; History, Action and Capacity; Commitment and Motivation.” 25 Mr Alameddine has been assessed, and unable to be rated due to an absence of any current “extremist ideology supportive of the use of violence to advance religious, political, social and ideological cause.”²⁶

ii. Level of Service Inventory – Revised. Mr Alameddine was assessed as having a medium risk of reoffending ²⁷ and assessed as Moderate risk of violence (Violence Risk Scale). (Community Corrections, Supplementary Pre-release Report, dated 16 August 2022, p 3.)

73. Mr Alameddine has not tested positive for illicit substances for around 2 years 9 months and has not had a drug related institutional misconduct offence for around 18 months. Mr Alameddine remains abstinent from illicit substances and is motivated to engage with community-based support services to maintain his abstinence in the community.

74. It is submitted that the offender has positive post-release plans. It is accepted that he has been assessed as having potential vulnerabilities and his primary risk relates to general and violent offending. However, it is submitted that any possible vulnerabilities or risk can be addressed by structured post release plans including:

i. Stable and supportive post-release accommodation with his parents. Blacktown Community Corrections have reported that any risk can be adequately mitigated at this address.

ii. Engagement in support services as directed by Community Corrections and recommended by Countering Violent Extremism Assessment³¹ (CVE assessment): a) Substance abuse support—including drug testing to monitor abstinence and referral to Odyssey House for assessment for development of relapse prevention strategies and ongoing support (including substance abuse counselling)

b) Psychological support– including referral to CSNSW psychologist. Psychological support can address developing pro-social identity, emotional regulation.

c) Financial counselling – referral to St Vincent’s De Paul service to assist with financial management and budgeting. 34 d) 35 29 Filipa Abreu, Countering Violent Extremism Programs Assessment Report, dated 19 May 2022 [67].

d) Engagement in prosocial activities (as recommended by CVE assessment). These are set out at par 9 (iv) of written submissions.

Determination by Authority as to Section 159(C)(1)(a)

75. The Authority is satisfied to the high standard required that the offender will not engage in, or incite or assist others to engage in, terrorist acts of violent extremism AND that he is otherwise eligible under the CAS Act to be released on parole.

76. This determination relies heavily, although not exclusively upon the Violent Extremist Risk Assessment (VERA) report of 19 May 2022, which appears to be a thorough and highly qualified assessment. That assessment could.....

“find no information available to indicate that Mr Alameddine currently holds or supports an ideology or belief system that promotes the use of violence within a violent extremism, politically motivated violence or terrorism context and later....there is no current evidence of an extremist ideology...and later....it appears the primary risk for Mr Alameddine is of ordinary criminal violence.”

77. This report was not available to the Authority at the last Determination and has quite cogent force supporting the proposition that any pathway of radicalisation that was part of the offender appears to have been interrupted. The conclusion that his primary risk is of ordinary criminal violence is not of course irrelevant to the Authority’s determination but it is an important distinction and one that is relied upon in to support the high level of satisfaction required.

78. It is argued on his behalf that his risk of “ordinary criminal violence” has been mitigated by the fact that there have been no institutional offences involving violence since December 2021. In addition he has now recently completed Equips (Aggression) and will also complete CONNECT by 14 November 2022.
79. Reference has been made to the telephone calls made in the Arabic language in breach of the gaol rules. The fact that he clearly disobeyed the rules here is not advantageous to his current review, but the bigger concern which the Authority had was he may have been making such calls in his native language in order to divert attention away from making contacts that would indicate association with terrorism. The matter was adjourned to allow them to be transcribed and translated into English. He was questioned about those calls during the two days of hearing and the Authority is satisfied that there was nothing in the calls which would suggest terrorist connections.
80. Before they were translated he maintained that they were ‘innocent’ and the fact that this was borne out is a matter that can be taken favourably as to his credibility generally in terms of his wish to live a responsible and law abiding life upon release.
81. In Determination 2 the Authority was not satisfied under s 159(C) and pointed to lack of discipline, condoning violence, susceptibility to the influence of others and the applicant’s continuing associations.
82. In the sixteen months since this last Determination it is the Authority’s view that the applicant has made significant positive steps in relation to each of these factors. There have been no violence misconduct matters since 31 December 2021, the reports as to his performance (EQUIPS aggression and CONNECT reveal greater maturity and discipline in this regard. Additionally there is no evidence to suggest that he has made any contact with undesirable associates.

83. In addition as already noted, the Authority did not have the benefit of a VERA assessment.

Community Safety – s 135 CAS Act

84. Satisfaction pursuant to s 159C (1) (a) then requires the Authority to determine whether the offender is otherwise eligible under the Act to be release on parole. This in turn requires an assessment of the various considerations set out in Section 135 CAS Act and will not release the offender unless it is satisfied that it is in the interest of the safety of the community.

85. In conducting the assessment required by s. 135(1), the Parole Authority is required to have regard to a number of matters set out in ss. 135(2) and (3), which provide as follows:

(2) In considering whether it is in the interests of the safety of the community to release an offender, the Parole Authority must have regard to the following principal matters—

(a) the risk to the safety of members of the community of releasing Mr Alameddine on parole,

(b) whether the release of Mr Alameddine on parole is likely to address the risk of Mr Alameddine re-offending,

(c) the risk to community safety of releasing Mr Alameddine at the end of the sentence without a period of supervised parole or at a later date with a shorter period of supervised parole.

(2) In considering whether it is in the interests of the safety of the community to release an offender, the Parole Authority must also have regard to the following matters—

(a) the nature and circumstances of the offence to which Mr Alameddine's sentence relates,

(b) any relevant comments made by the sentencing court,

- (c) Mr Alameddine's criminal history,*
- (d) the likely effect on any victim of Mr Alameddine, and on any such victim's family, of Mr Alameddine being released on parole,*
- (e) if applicable, whether Mr Alameddine has failed to disclose the location of the remains of a victim,*
- (f) any report in relation to the granting of parole that has been prepared by a community corrections officer,*
- (g) any other report in relation to the granting of parole to Mr Alameddine that has been prepared by or on behalf of the Review Council or any other authority of the State,*
- (h) if the Drug Court has notified the Parole Authority that it has declined to make a compulsory drug treatment order in relation to Mr Alameddine's sentence on the ground that it is not satisfied as to the matters referred to in section 18D (1) (b) (vi) of the Drug Court Act 1998, the circumstances of that decision to decline to make that order, (i) that an application that has been made (but not determined) in respect of Mr Alameddine—*
 - (i) for an extended supervision order or continuing detention order under the Crimes (High Risk Offenders) Act 2006 or the Terrorism (High Risk Offenders) Act 2017 , or (ii) for a continuing detention order under Division 105A of Part 5.3 of the Commonwealth Criminal Code,*
 - (j) any other matters that the Parole Authority considers to be relevant. Community safety considerations*

86. Section 135(2)(a)

The Commissioner refers to Mr Alameddine a significant number of institutional breaches, including some in very recent times and that these are indicative of risk if released. As against this it is submitted that there are no recent offences of violence, the telephone call misconducts have been innocently explained and

importantly the offender has recently completed EQUIPS Aggression and CONNECT programs. It is also of significance that the Community Corrections officer in evidence indicated that he had completed CONNECT which was an alternative to the RUSH program. On any view, he has completed a number of important programs on the road to rehabilitation.

87. Section 135 (2)(c)

The Commissioner accepts that, as a general proposition, there are often real community safety benefits attending the timely release of an offender to parole. In this case, although there is a period of less than 12 months remaining on Mr Alameddine's sentence, his custodial conduct during the last 12 months indicates that he is still prone to anti-social behaviours. In the circumstances the Commissioner submits that participation in the remaining necessary programs prior to his release appears to be in the interests of community safety. As this it does appear that there are no other substantive programs for him to complete.

88. At to this time he has only approximately 8 months remaining on his sentence and the need for a significant period of supervised parole is important. The Authority is of the view that releasing him to the community with little or no time on supervised parole creates a risk to the safety of the community of some substance.

Section 135(3) CAS Act considerations

Section 135(3)(a)

89. The fact that Mr Alameddine, together with Mr Azari, was able to access three different firearms in a relatively brief period of time is a matter that must be taken into account when considering community safety. It must also be considered that the offender was a young immature man at the time of commission, who has now had the benefit of a number of relevant programs whilst in custody. He has matured considerably since the time of the offence.

s. 135(3)(b)

In sentencing Mr Alameddine, Hanley DCJ made a number of findings relevant to community safety considerations. In particular:

- a) Mr Alameddine was aware that the firearms were going to be used for the purposes of committing criminal offences.
- b) Mr Alameddine was at the lower end of the hierarchy of the relevant criminal organisation in both the supply of firearms and drugs, but the offences were nevertheless serious.
- c) The firearms offences fell below the mid-range of objective seriousness.
- d) Mr Alameddine was in a subsidiary role relative to Mr Azari, though “embraced this role with some enthusiasm”.
- e) Mr Alameddine’s remorse was genuine and demonstrated an acceptance of his responsibility for the commission of the offences.
- f) Mr Alameddine’s prospects of rehabilitation were assessed as good

“ and is amenable to that occurring particularly within the communityI do not consider him , on the evidence before me, a danger to the community.”

His Honour considered that his prospects of avoiding re-offending were “very good”).

- g) His Honour was also firmly of the view that it is likely that his rehabilitation will be more successful, if served in the community. This finding was reflected in a finding of special circumstances which very substantially altered the usual ratio between the non parole and parole components of the sentence, his non parole period being half of the head sentence.

90. It is submitted by the Commissioner that the information regarding Mr Alameddine’s attempt to travel to Syria, however, was not before the sentencing

Judge and that matter would no doubt have been perceived as highly relevant to an assessment of Mr Alameddine's prospects of rehabilitation. As to this submission the Authority finds that the strong remarks of His Honour regarding rehabilitation in the community would still apply. In addition, it does appear that the offender has matured considerably from the young man who committed these offences.

Section 135(3)(c) Criminal history

90. Mr Alameddine was 18 years old at the time of the index offences. He had no prior adult criminal history.

s. 135(3)(f) Community Corrections report

91. Community Corrections provided an Anniversary pre-release report on 1 June 2022. The report notes that Mr Alameddine maintains the support of his parents and sisters, with whom he has maintained regular contact.

92. Mr Alameddine told Community Corrections that he is aware of the stress and disappointment his drug use has caused his family, the loss of his personal freedom and how any associated criminality impact on the safety of the community.

93. That pre-release report evaluates Mr Alameddine as a medium risk of reoffending using the Level of Service Inventory. Ultimately, Community Corrections recommend against release to parole on the basis that "participation in the remaining recommended programs, prior to his release, is considered crucial in order to maximise Mr Alameddine's opportunities to further develop the necessary skills for him to live a pro-social lifestyle.

94. In the most recent update report from Community Corrections dated 11 October 2022 the recommendation was still against release but this was based squarely upon his need to complete remaining programs. As noted above those programs will be completed by 14 November 2022.

Section 135(3)(j) Other relevant matters –

95. The Commissioner points in addition to the aforementioned assault offences/infractions in custody, Mr Alameddine has committed a number of additional institutional breaches, as follows:

- a) disobey directions on 14 September 2017 and 3 March 2018; b) assault on 17 August 2018 and 16 October 2019; c) possess tobacco (four counts on 19 November 2019; d) refuse/fail drug sample on 21 November 2019; e) unlawfully use phone or fax on 11 March 2020 and 25 May 2020; f) fail to comply with correctional centre routine on 28 May 2020; g) interfere with correctional centre property on 16 June 2020; h) damage/destroy property on 22 November 2020; and i) possess offensive weapon/drug implement on 8 March 2021.

96. These institutional breaches concluded almost 20 months ago. The more relevant breaches have been dealt with above with the last breach involving violence occurring almost 12 months ago.

Mr Alameddine continues to have a National Security Interest designation and is managed as an extreme high security inmate.

This designation or management category does not, of course, preclude a release on parole, if the community safety requirements of Section 135 CAS Act are satisfied.

Other relevant matters – programs

97. Mr Alameddine's program pathway includes EQUIPS Foundation, Addiction and Aggression. On 2 November 2020 Mr Alameddine's Correctional Centre placement was changed to enable him to undertake therapeutic programs. Mr Alameddine completed the EQUIPS Foundations program on 29 March 2021. His participation in the class was good. Mr Alameddine completed EQUIPS Addiction on 6 May 2021, with positive reports that he was an active participant who was motivated to remain drug free. He has most recently completed EQUIPS Aggression and will complete CONNECT on 14 November.

98. The Authority has had regard to and gives substantial weight to the relevant

recommendations, observations and comments made by the sentencing court. The Authority has also given consideration to adopting or giving effect to any such recommendations and to the intention of the sentencing court when making them. Further, the additional matters as outlined below are noted in particular:

- a. The offender has shown recent improvement in behaviour whilst in custody.
- b. The offender has participated in all relevant programs available to him in custody as detailed above.
- c. He has suitable post release plans in the community both as to accommodation and intervention programs.
- d. Community Corrections has only recommended against parole due to the need for him to complete certain programs. They either have been or will be completed by the date of his release.
- e. The Authority has had regard to the submissions prepared on behalf of the Commissioner for Corrective Services, but considers that the community interest would be better served by the benefits accruing from parole supervision during the relatively short period left on his sentence.
- f. There is a need for the offender to have a period of parole supervision to minimise the effects of institutionalisation.

Conclusion

99. The Authority is satisfied that the offender has made significant positive steps towards his rehabilitation since Determination 2. He has completed all of the programs required to be completed by Community Corrections on his pathway to parole and he has matured considerably. His family who were present on both days of the Review hearing are clearly supportive and the Authority is satisfied that this support will be important to him when released.

100. It is of great importance in terms of risk to community safety that this young man be given a reasonable period of supervision on parole. With only 8 months remaining on his sentence, not releasing him would result in either a very short

period of parole or none at all (*Section 135(2)(c) CAS Act.*). Of course this rationale can only be applied if the combination of the other matters in Section 135 justify release on parole. It is the view of the Authority that they do justify release on parole at this point.

Determination

100. Parole is granted. The offender is to be released not later than 28 November 2022.

Conditions of Parole

The conditions of parole are the standard conditions 1 to 11 and additional conditions:

15 - You must submit to electronic monitoring and comply with all instructions given by your Officer in relation to the operation of monitoring systems (inclusive of schedules)

16 (a) - You must abstain from alcohol

16 (b) - You must not use a prohibited drug or substance, except those that have been prescribed to you.

22 - You must not possess or use any prohibited weapon – including but not limited to firearms and ammunition.

28 - You must not contact, communicate or associate with your co-offenders without the express approval of your Community Corrections Officer.

29 - You must not contact or communicate with Outlaw Motorcycle Gang (OMCG) and Organised Criminal Network (OCN) members or associates, without the express prior approval of our officer. You must also not visit or frequent any OMCG and OCN premises frequented by members and associates of OMCGs and OCNs.

Other Conditions:

1 - You must supply the details to Police and Community Corrections of his mobile phone number and handset.

2 - You must not have more than one mobile phone number.

101. The reasons for granting parole have been explained above in detail.

In summary the reasons for granting parole are;

- The Judge found positive prospects of rehabilitation;
- The Judge found a need for an extended period of parole supervision;
- The age of the offender at time of release;
- It is the offender's first period of adult incarceration;
- The Parole Authority, having regard to a submission prepared on behalf of the State/Commissioner considers the community interest is better served by the benefits accruing from parole supervision;
- The offender has demonstrated recent improvement in prison performance;
- The offender has participated in relevant programs/counselling to address offending behaviour;
- The offender has suitable post release plans in the community;
- There are appropriate interventions for the offender to participate in upon release and the offender is willing to engage in them;
- The Authority considers that the risk to community safety is increased if the offender is to be released at the end of the sentence, without a period of supervised parole; and
- The offender's risk of re-offending can be addressed through parole supervision.

102. The Authority stands the matter over to 15 February 2023 for a progress report.

C MAXWELL, KC

Judicial Officer

NSW State Parole Authority

14 November 2022