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Forum

The Puzzling Case (From a Western Perspective) of Lone Terrorist Faheem Khalid Lodhi

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ABSTRACT

Lone terrorists will continue to pose a challenge for intelligence analysts; particularly before they perpetrate an offence. The main lead to these types of individuals will come from their contact with others, behavioural patterns and attempts to purchase or access terrorism-related materials. This article examines the case of Australian citizen Faheem Khalid Lodhi to consider whether there are indicators that might alert us in the future to similar-minded individuals. A major concern from a counter-terrorism point of view is that it took several years from the time of radicalisation for Lodhi to be identified as a potential terrorist threat to Australia.

Introduction

In August 2006 Pakistani immigrant Faheem Khalid Lodhi, who had earlier been convicted in Sydney, Australia, of three terrorism-related offences, received a sentence of 15 years imprisonment. Prior to his arrest in April 2004, Lodhi had no recorded convictions, either in Australia or Pakistan.

Throughout the lead-up to the trial, and subsequently, people expressed surprise that a professional migrant like Lodhi, with good prospects and everything that most Australians value to live for, would want to risk it all by engaging in terrorism. (More recently, the case of the attempted London bombings and the Glasgow airport attack has involved immigrant or visiting professionals, also with similar excellent prospects.)

Lodhi's case certainly goes against our experience of previous migrants to Australia. Often fleeing from turmoil or security threats in their home countries, they were keen to build a new life for themselves and their children. Countries of origin in

the past 30 or so years have included Pakistan, Vietnam, Lebanon, South Africa, the Balkans and Zimbabwe.

Post-1990, with the rise of militant Islam, problems have sometimes arisen in Australia with the Islamic sons of migrants, particularly after they have been radicalised by charismatic preachers, or been back to their parents' home countries, such as Pakistan or Lebanon. There have also been problems with some poorly educated first generation migrants to Australia who have found it difficult to obtain employment other than menial work.

This article focuses on the case of Lodhi, and examines indicators that might lead to early identification of a potential security threat posed by professional migrants with an Islamic background.

Lodhi's background

Faheem Khalid Lodhi (Urdu: *فیہدول دلخ میہف*; also known as Abu Hamza) was born around 1969–70, at Sialkot in the Punjab region of Pakistan. He comes from a well-established family. His father is in his 70s and his mother is about 70 years of age. They continue to live in Sialkot, where his father is now retired. Lodhi's father was previously employed with the Pakistan airport, and later worked as a trained legal practitioner in Lahore. Lodhi has three sisters and two brothers. A 39-year old brother lives and works in Sydney as a teacher. He has an uncle, an electrician, who also lives in the Sydney region.

Lodhi completed his secondary schooling in Pakistan before training as an architect at Lahore University over a period of five years. He finished that degree at about the age of 24 and, after a brief period of indenture with an architectural firm, commenced his own general practice in Lahore, which continued until 1997.

After a brief visit to Sydney, he decided to emigrate to Australia, and this occurred in 1998. He later obtained Australian citizenship. Upon arrival in Australia, Lodhi set about obtaining qualifications to enable him to practice as an architect. He applied for registration with the New South Wales Architects Registration Board and enrolled at the University of Sydney where, over the next 18 months, he completed a number of additional subjects. He graduated in 2000 with a Bachelor of Architecture from the University of Sydney.

Lodhi married in 1999 in Pakistan. This was an arranged marriage and it was not until 2000 that his wife was able to join him in Australia. She is a qualified medical practitioner in Pakistan. Since arriving in Australia she has been undertaking additional studies to obtain registration as a doctor in New South Wales. There are no children from the marriage.

Lodhi also undertook further professional training at the Ultimo College of Technical and Further Education where he obtained certificates in Quality Management and Total Quality Management. At the time of his arrest in April 2004, he was in the process of completing a Masters Degree in Construction Management at the University of New South Wales.

In addition to working with architects Thomson Adsett Partners, Lodhi was employed in 2004 by Bishop Hitchcock & Irvine, an architect's firm in Alexandria, Sydney. He was working there at the time of his arrest. Since Lodhi's arrest and conviction, his wife has remained loyal and supportive. His wife, brother and uncle have frequently visited him in prison.

Association with others

WILLIE BRIGITTE

The case against Lodhi relied in part upon an alleged conspiracy involving French citizen Willie Brigitte. Brigitte was convicted in France on 15 March 2007 on a charge of 'associating with a group with a view to preparing an act of terrorism' and received a nine-year sentence. Prosecutors accused Brigitte of planning to attack the Lucas Heights nuclear research facility outside Sydney and military installations.

Brigitte arrived in Australia on 16 May 2003 and was deported on visa violation charges five months later.

Lodhi had apparently never met Willie Brigitte prior to his arrival in Australia. All he knew – from instructions given to him which he had marked in his diary – was the flight number, arrival time and a description of the Frenchman: 'Black hair, goatee, glasses'. When Brigitte walked through the arrival gates, Lodhi was waiting for him. The trial documents allege that, using false names, Brigitte and Lodhi sought to obtain 10 chemicals that could be used to make explosives, conducted research on vital infrastructure such as military bases and power stations, and researched military tactics and how to make bombs.

In the documents which were tendered in court, police claim that Lodhi, the alleged attack mastermind, lied to the Australian Security Intelligence Organisation (ASIO) on 19 occasions before admitting to his activities. Lodhi allegedly told ASIO that he collected Brigitte from the airport and met him on at least 10 other occasions. Lodhi had keys to Brigitte's flat, looked at maps with him and had talked to him about his (Brigitte's) marriage to Australian woman Melanie Brown. He told ASIO that he knew Brigitte as 'Jabrille'.

Lodhi also allegedly told ASIO he downloaded images of military facilities and later dumped them, used a false name to buy a map of the electricity grid and a mobile phone, and was in phone and email contact with Sajid Mir. (Sajid Mir is often mentioned by Muslims living in Western countries as their contact person with Pakistani terrorist group, Lashkar-e-Taiba.) Lodhi told ASIO of a meeting between Brigitte and Abdul Rakib Hasan, who at the time worked for a halal butcher in Lakemba, Sydney.

Lodhi had been in Pakistan with Sydney medical student Izhar ul-Haque, who was charged with separate terrorism-related offences. Ul-Haque told police that Lodhi said to him, 'Jihad is a good thing'. Izhar ul-Haque has since been acquitted because the records of interview were deemed inadmissible.

For his part, Brigitte had a name and a mobile phone number passed on to him by his Pakistani minder, Sajid. This was the same minder he met when he trained for jihad in Pakistan, hoping to fight the Americans in Afghanistan. After he was deported back to France, Brigitte identified his Sydney contact as Lodhi from a series of photographs shown to him by French authorities.

Over the next five months from May 2003 the pair allegedly met regularly to plot a terrorist attack on Australia's energy supply network. The prosecution also alleged that Lodhi had used a false name to open a mobile phone account to call Brigitte.

According to the prosecution, Brigitte's subsequent interrogation sessions in France revealed that he went to Australia to plan a bombing attack. The prosecution alleged Lodhi trained with banned terrorist group, Lashkar-e-Taiba, in Pakistan and acted as Brigitte's local contact in Australia. But Brigitte was not called as a witness and there is no independent confirmation that he has made such admissions. The Lodhi jury was told that Brigitte was 'unavailable'. It is also possible that Brigitte would not have been a cooperative witness.

IBRAHIM AHMED AL-HAMDI AND ARIF NAHARUDIN

Magistrate Price approved the giving of evidence via video-link by alleged terrorists held in custody in the United States and Singapore. However, the first of these witnesses, Ibrahim Ahmed al-Hamdi, admitted under cross-examination that United States authorities had stopped asking him to testify in other cases because he had been discredited.

Speaking from a Kentucky prison, al-Hamdi acknowledged that he had lied and fantasised when giving evidence about conditions in a Lashkar-e-Taiba camp in Pakistan. al-Hamdi, who is originally from Yemen, is serving 15 years for weapons possession and visa breaches. He was arrested in February 2003 and charged with conspiracy to commit a terrorist act in Chechnya. That was dropped by the Federal Bureau of Investigation (FBI) on a plea bargain on condition he gave evidence against former associates.

In an apparent move to prevent the second video witness, Arif Naharudin, from being similarly discredited, Howe, the government's barrister, applied for and was granted a second set of suppression orders, also on the basis of confidential affidavits that were only shown to the defence in censored form. Howe obtained 'public interest immunity' from disclosing details of Naharudin's interrogation in Singapore – where he has been held for two years without charge – as well as an order blocking any public cross-examination of the witness.

Howe tendered two additional 'open' affidavits from Australian Federal Police Commissioner Mick Keelty and ASIO Director-General Dennis Richardson. These stated that their terrorism investigations would be 'seriously compromised' if the information was disclosed to Lodhi's defence. But Boulten, Lodhi's barrister, told the court there was ample reason to assume that the suppressed information related to allegations of favourable treatment similar to what American detainees received.

IZHAR UL-HAQUE

Lodhi had earlier been charged with attempting to recruit Izhar ul-Haque, a 21-year-old (in 2003) medical student, to Lashkar-e-Taiba, while being 'reckless' as to whether Lashkar-e-Taiba was a terrorist organisation. This charge was later dropped.

Police allege that Lodhi gradually persuaded ul-Haque to go to Pakistan and train with Lashkar-e-Taiba. ul-Haque told police that Lodhi took him to a Lashkar-e-Taiba camp in Lahore and to his family home. On ul-Haque's return to Australia he continued his relationship with Lodhi, who asked him to keep his mobile phone number written in code. According to the documents, Lodhi's admissions were made during interviews with ASIO in October and November 2003, after Willie Brigitte was deported.

SAJID MIR

Documents obtained by The *Sydney Morning Herald* newspaper after an application to Central Local Court provided the first confirmed link between Lodhi, Brigitte and a man in Pakistan known as 'Sajid'.

It also emerged that when police raided Brigitte's flat in 2003 they allegedly seized images of United States landmarks, a map of Australia marking nuclear power reactors, uranium mines and military bases, articles on the Australian Special Air Service in Afghanistan, and a receipt indicating Sajid had sent Brigitte €2000.

Brigitte allegedly told his French interrogators he was involved in planning a terrorist attack in Australia. He has told authorities that he met Sajid at the Lashkar-e-Taiba camp in Pakistan. Sajid, whom investigators have not yet located, was responsible for every foreign jihadist at the camp.

Evidence from Yong Ki Kwon

Witness Yong Ki Kwon testified via video link from the United States in Lodhi's committal hearing in Sydney's Central Local Court. Kwon, who is serving an 11-year sentence for a terrorism offence, told the court he met Brigitte at a Lashkar-e-Taiba training camp in Pakistan in late 2001. However, he said he had never met Lodhi.

Shortly after the September 11 attacks he flew to Pakistan to 'learn about combat activities'. Under questioning from prosecutor Geoffrey Bellew he said, 'I intended to ... do anything I could to help the Muslim fighters'.

He then travelled to a Lashkar-e-Taiba base in Lahore before hiking into the mountains where he met Brigitte, known by the alias Sala Hudin. 'I remember him telling me he used to live in France and that all his Muslim brothers had left France,' he said.

He said that Brigitte, with whom he had shared a room at one stage, was impatient to fight for jihad. 'I remember him telling me there was only one Sheik and that's Osama Bin Laden.'

Kwon said he had met another unidentified Australian with the alias Abu Asad, who was planning to return home.

He said to get to Lashkar-e-Taiba camp he had to get a reference letter from some Sheikh in Australia. ... He said his uncle had gone to a Lashkar-e-Taiba camp and had gone back. I remember seeing the group [Abu Asad's] doing combat manoeuvres, crawling and rolling ...

The 45-day basic training course included use of AK47s, M16s, light machine guns, pistols and rocket-propelled grenades. 'We learnt how to take them apart and put them back together and [then we'd] go out and shoot a couple of rounds,' Kwon said.

Trainees also learnt reconnaissance, camouflage, escape tactics, cryptic talk and target practice. 'They'd make us hike up the mountains and spy on the other [Lashkar-e-Taiba] camps, sometimes infiltrate them without being seen and report back', Kwon said.

Defence lawyer Philip Boulten, Senior Counsel, attempted to discredit Kwon, saying that he had lied when questioned about his movements by the FBI in March 2003. The witness admitted lying and later plea bargaining with the FBI, pleading guilty to lesser charges in exchange for information.

The AFP first interviewed Kwon about his terrorism connections in December 2003. He said he hoped that by giving evidence in Lodhi's case and several cases involving former friends, he could get his sentence further reduced.

The investigation

Months before Lodhi's arrest his computer at the Sydney architectural firm was examined. Lodhi reportedly accessed a government planning website to obtain satellite images of city buildings and transport infrastructure. The website, called *iplan*, is publicly available to facilitate the work of urban planners, architects and others.

The prosecution further alleged that Lodhi dumped aerial photographs of Sydney military installations, including the Holsworthy army base, in a park rubbish bin near his home. Surveillance is said to show Lodhi dumping aerial images of Australia's military bases in a bin, suspected to be a 'dead drop'.

He is also accused of faxing an inquiry to a chemical company about purchasing urea nitrate – a fertilizer that can be used to make explosives – using a false company name and a false name to obtain a mobile phone number.

In raids on Lodhi's home and workplace in October 2003, police say they seized a disc containing four United States military training manuals on explosives and

weapons, more than 600 files relating to Islamist extremism, handwritten notes for purchasing a false passport, and poems on martyrdom.

ASIO says it found 15 pages of notes written in Urdu in the top drawer of Lodhi's work desk. These allegedly reveal that Lodhi was ordering chemicals which were potential ingredients for making explosives, and include instructions for how to make chemical fires, petrol bombs, poison, cyanide gas, invisible ink, sulphuric acid, hand grenades, and a timing device for explosives. There were also notes on intelligence procedures.

Lodhi's intended targets were believed to be the national electricity supply system, and three Sydney defence installations: Victoria Barracks, Sydney naval base HMAS Penguin, and Holsworthy Barracks.

Conviction charges and trial outcomes

Lodhi was convicted on three charges:

- On or about 3 October 2003 at Sydney the offender collected documents, namely two maps of the Australian electricity supply system, which were connected with preparation for a terrorist act, namely bombing part of the system, knowing the said connection – a maximum sentence of 15 years jail.
- On or about 10 October 2003 the offender, intentionally did an act in preparation for a terrorist act, namely he sought information concerning the availability of materials capable of being used for the manufacture of explosives or incendiary devices – a maximum sentence of life in jail.
- On or about 26 October 2003 the offender possessed a document containing information concerning the ingredients for and the method of manufacture of poisons, explosives, detonators and incendiary devices connected with the preparation for a terrorist act, knowing the said connection – a maximum sentence of 15 years jail.

Lodhi received 10 years on the first count, 20 years on the second and 10 years on the third, to be served concurrently. The jury found that the accused was not guilty in respect of a fourth charge that on or about 24 October 2003 the offender made a set of aerial photographs of certain Australian defence establishments, so Lodhi was acquitted of this charge.

MOTIVATION

Justice Anthony Whealy commented that Lodhi had 'the intent of advancing a political, religious or ideological cause, namely violent jihad' and to 'instil terror into members of the public so that they could never again feel free from the threat of bombing in Australia'.

PSYCHOLOGICAL PROFILE

Lodhi did not publicly enunciate reasons for his actions and maintained his innocence throughout the trial. He informed Tim Watson-Munro, a Consultant Forensic Psychologist, that he is a devout Muslim. He told the psychologist that his renewed interest in his faith occurred at about the time of his marriage. Prior to that, he claimed that his interest in religion had been 'fairly laissez-faire'.

Lodhi also stated to the psychologist that after his marriage he felt a strong need to have a greater structure and focus in his life, and it was in this context that he had become more dedicated to the spiritual aspects of his life. From that time onwards, he regularly attended his local mosque and he did the same during his major visits to Pakistan after 2000.

Watson-Munro concluded that there was nothing in Lodhi's prior history, nor emerging from his discussions with him, to indicate a violent disposition, nor were there any features of an antisocial personality. Lodhi told Watson-Munro that he came to Australia to better his life and that at no time had he felt any antipathy towards this country. There were no symptoms of depression and no indications of depressive illness at the time of psychological assessment.

Watson-Munro observed that determining whether Lodhi might pose a risk upon his release was a difficult assessment to make in the light of Lodhi's continuing claim to be innocent, notwithstanding the jury's verdict.

The psychologist noted, however, that there was no previous involvement with the police or courts; rather there was a history of a hardworking devout man who was well supported by the members of his family who were in Australia. All of these matters, Watson-Munro considered, were positive prognostic indicators.

Finally, Lodhi told the psychologist of the difficult system of incarceration he was enduring, due to his classification as a high security 'AA' inmate. Notwithstanding these difficulties, it was assessed that he appeared to be coping quite well with his situation.

JUDGE'S CLOSING COMMENTS

The sentencing judge, Justice Anthony Whealy, noted that Lodhi had, throughout his life, demonstrated and maintained a solid and prodigious work ethic. He added:

May I now pass to a consideration of the subjective features of the offender.

First, there is the undoubted fact that he is, by all accounts, a person who has hitherto led a blameless life. He is a person who comes from a favourable and strongly supportive family background and who has no criminal background or antecedents whatsoever. These features of the offender's life and circumstances are clearly matters that may be brought to account in his favour for the purposes of the sentencing process.

But I have to say that these favourable circumstances make it difficult to understand why a young man of excellent personal background, with a considerable professional work ethic, would have contemplated and carried

out the very serious criminal actions that have brought him to his present position in these proceedings.

The offender has, of course, maintained his innocence throughout the trial and continues to do so during this sentencing hearing. I can gain no meaningful insight into the circumstances which have transformed him from an otherwise respectable member of the community to a dangerous terrorist whose views are coloured by notions of the most extreme and fundamental kind.

It may be that the offender's deep embrace of religion about the time of his marriage resulted in his embracing extremist views. This is perhaps no more than speculation on my part but, even if it were true, it does not explain why or how the dangerous intentions underlying the offender's actions were ignited.

It has always been my understanding that Islam does not enjoin the killing of innocent people. Moreover, violent warfare is regarded by true Islam as a matter of last resort. It is subject to rigorous conditions laid down by the sacred law. The term 'jihad' literally means struggle. The greatest form of jihad is the inner struggle of the soul, which is to be waged against selfish desires for the sake of the attainment of inner peace.

Indeed, these concepts were the very concepts of jihad espoused by the offender during his trial. But it is clear from the jury's verdict and the findings I have made that they are not the true reflection of this man's inner thoughts and beliefs. The extremist views, which he must in truth be taken to have espoused, are not representative of the true nature of his Islamic religion. Rather they are a distortion of it.

As I say, these reflections, made in an endeavour to gain insight into the reasons, which may have led a young man of previous excellent character into the path of serious criminal misconduct, are perhaps speculation. The truth is I can gain little, if any, insight into the offender's mind in this regard. The consequence is, however, that I can make no allowance in his favour for remorse and contrition. There plainly is none.

The offender was perfectly entitled to maintain his innocence both during the trial and thereafter. This does not mean that his penalty is to be in any sense aggravated or increased. But it does mean that I can make no allowance on his behalf for contrition and remorse. Equally, it makes it difficult for the sentencing court to form any view as to whether the imposition of a significant penalty on the offender will result in his reform and rehabilitation.

The best I can do is to repeat the opinion expressed in Mr Watson-Munro's report suggesting that the absence of any previous violent disposition, the absence of any features of an antisocial personality, and the strongly supportive background of the offender's family are positive factors in his favour. These matters entitle the Court to express some cautious hope that, in time, the offender's extreme views may dissipate and that rehabilitation may not be beyond him.

SENTENCING

Lodhi was convicted by the New South Wales Supreme Court jury in June 2006 on three out of four counts of terrorism. On 22 August 2006 Lodhi was sentenced to a maximum of 20 years in jail, with a 15-year non-parole period and minimum 15 years to be served. Lodhi, who is still classified as a high security 'AA' prisoner, will be eligible for parole in 2019.

Conclusion

The Consultant Forensic Psychologist seems not to have thought to explore beyond the conventional framework for psychological examination of any offender, notwithstanding Lodhi's social background or the social and religious influences that had led him to consider perpetrating terrorist violence in his new Australian environment.

It seems unlikely that Lodhi emigrated to Australia in 1998 with the intent of creating an opportunity to engage in a terrorist attack on his new homeland.

It seems instead that his subsequent visits to Pakistan, as with many young Pakistanis from Western backgrounds (such as the London 7/7 bombers), caused him to undergo a 'born again' religious experience. As a result, he was prepared to give up prospects of what would be regarded by most Australians as a promising career and satisfying professional lifestyle for a risky venture that would almost inevitably lead to a lengthy jail term, professional ruin, and stress on his marriage and family relationships in Australia.

Much more work obviously needs to be done with surviving western-based Islamist extremist professionals to gain a better understanding of what motivated them to mount terrorist attacks against a western society – particularly if they claim, as in Lodhi's case, not to harbour any particular antipathy towards it.

An obvious future line of research will be to compare the professionals involved in the United Kingdom London and Glasgow incidents of June 2007 with Lodhi, once the trial process has run its course, to look for common factors and indicators.

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