

IN THE MAGISTRATES' COURT OF VICTORIA
AT MELBOURNE
CRIMINAL DIVISION

Not Restricted

Case No. S10984567

Zeinab Ahmad

Applicant

v

Federal Agent DSC Marc Clendenning

Respondent

CHIEF MAGISTRATE: HANNAN J

WHERE HELD: Melbourne

DATE OF HEARING: 4, 5, 15, 16 June 2026

DATE OF DECISION: 17 June 2026

CRIMINAL LAW – Application for bail – Crime against humanity – Enslavement – Use a slave – Risk of endangering the safety or welfare of any other person – Risk of terrorism offending.

APPEARANCES:

Counsel

Solicitors

For the Applicant

Ms Morgan

Doogue and George Lawyers

For the Respondent

Mr Sprague

CDPP

HER HONOUR:

The charges

1. The matter before me is an application for bail by Zeinab Ahmad. Ms Ahmad is charged with two offences.
2. Charge 1 alleges that, between about 1 June 2017 and 1 November 2018 at various locations in the Deir ez-Zur province in Syria, Zeinab Ahmad intentionally exercised any or all powers attaching to the right of ownership over one or more persons, namely the complainant, in circumstances where the conduct was committed intentionally or knowingly as part of a widespread or systemic attack directed against a civilian population contrary to s 268.10 of the *Criminal Code Act 1995* (Cth) (*'Criminal Code'*).
3. Charge 2 alleges that, between about 1 June 2017 and 1 November 2018 at various locations in the Deir ez-Zur province in Syria, Zeinab Ahmad intentionally exercised over a slave, namely the complainant, any of the powers attaching to the right of ownership, namely use a slave, contrary to s 270.3(1)(a) of the *Criminal Code*.

Applicable legislation

4. In the usual course state bail laws apply in relation to Commonwealth offences by virtue of s 68(1) of the *Judiciary Act 1903* (Cth) which provides that State laws regarding arrest, custody, and bail are applied as Commonwealth law when a person is charged with a federal offence in a State.
5. There are however some Commonwealth offences for which bail cannot be granted unless the bail authority - in this matter this Court - is satisfied that exceptional circumstances exist to justify bail.
6. Section 15AA of the *Crimes Act 1914* (Cth) (*'Crimes Act'*) provides that bail is not to be granted in certain cases. Subsection (1) provides:
 - (1) Despite any other law of the Commonwealth, a bail authority must not grant bail to a person covered by subsection (2) or (2A), in relation to an offence against a law of the Commonwealth, unless the bail authority is satisfied that exceptional circumstances exist to justify bail....
7. Subsection (2A) provides:

(2A) This subsection covers to the following persons:

...

8. Subparagraph (b) provides:

(b) a person who the bail authority is satisfied has made statements or carried out activities supporting, or advocating support for, terrorist acts within the meaning of that Part.

9. I am satisfied that s 15AA(2A)(b) is applicable, based on the material placed before me in this application which includes statements and activities showing the applicant supporting and/or advocating support for terrorist acts within the meaning of part 5.3 of the *Criminal Code* (terrorism). The prosecution rely on a number of social media posts at paragraph 17 of their submissions in submitting that s (2A)(b) applies and given the totality of the evidence upon this application including exhibit 3. In my view the provision is enlivened.

10. I note that it was not disputed that this section applies for the purposes of this application.

11. Having found that Commonwealth legislation requires that the applicant must establish that 'exceptional circumstances exist to justify the grant of bail', the *Bail Act 1977* (Vic) (*the Act*) then applies to determination of this application.

12. Neither the Commonwealth nor Victorian legislation defines exceptional circumstances. However, there are numerous decisions in Commonwealth and state matters which provide guidance.

13. It is not in dispute that the applicant bears the onus of establishing that exceptional circumstances exist to justify the grant of bail.

14. Before turning to the exceptional circumstances test, I note s 1B of *the Act*.

15. Section 1B of *the Act* is headed 'Guiding principles'.

16. Subsection (1AA) provides:

The Parliament recognises the overarching importance of maximising, to the greatest extent possible, the safety of the community and persons affected by crime.

17. Subsection (1) states:

The Parliament also recognises the importance of—

* * * * *

(b) taking account of the presumption of innocence and the right to liberty; and

18. Subsection (2) requires that:

...this Act is to be applied and interpreted having regard to the matters set out in subsections (1AA) and (1).

Exceptional Circumstances

19. While not defined in *the Act* or in Commonwealth legislation, the courts have said that to be exceptional, circumstances must take a case ‘out of the norm’. This is a high hurdle, but not an impossible standard. What is ultimately significant is whether the circumstances, viewed as a whole, are exceptional, even considering the very serious nature of the charges.

20. Exceptional circumstances may be established by reason of a single exceptional circumstance, or through a combination of factors, for example personal factors pertaining to the applicant, the strength or weakness of the prosecution case or undue delay in bringing the matter to trial.

21. The Court is required to engage in a synthesis, or balancing, of all relevant matters to determine whether exceptional circumstances are met. Section 4A(3) of *the Act* requires the Court, in determining whether exceptional circumstances exist, to take into account the ‘surrounding circumstances’, as defined in s 3AAA of *the Act*.

22. In *R v NK* [2016] NSWSC 498 at [26],¹ Hall J said:

The following principles may be derived from the relevant caselaw:

Section 15AA of the *Crimes Act* has been said to enact a rebuttable presumption against bail being granted to a person charged with a terrorism offence.

Section 15AA of the *Crimes Act* prevents the court from granting bail unless it is satisfied that exceptional circumstances exist to justify bail. While such a provision requires the applicant to satisfy the court, it does not prohibit bail in all cases. It has been observed that each application for bail, even under these provisions:

“...must be so dealt with in a way that does more than pay mere lip service

¹ [R v NK \[2016\] NSWSC 498](#) at [26] (citations omitted).

to the anxious concern of the law that circumstances do alter cases and that it is rarely, if ever, that a simple, not to say a simplistic one size fits all approach, will be the best way of achieving a just individual result”

In *Hammoud v DPP*, supra, it was observed that as the “presumption” referred to above is rebutted only if exceptional circumstances exist to justify bail, the onus is upon an applicant to satisfy the Court affirmatively that such circumstances exist.

Section 15AA sets an extremely high hurdle. The requirement for exceptional circumstances imposes a high test.

The word “exceptional” has received judicial attention in many cases. What must be shown is that there is some situation which is out of the ordinary in some respect which the detainee can point to as justifying the adjective “exceptional”.

The concept of exceptional circumstances is necessarily a flexible one. Such circumstances may be constituted by a combination of matters which taken together may render the case exceptional.

Exceptional circumstances is a threshold issue that requires a case-by-case examination and that there is no definitive definition that would apply to all cases.

In considering the issue of exceptional circumstances, not only can a combination of matters constitute such features but they can include features that are subjective to the particular applicant, features which bear upon the nature of the alleged offence and features which emphasise, absent the particular test, that the applicant is otherwise a person who will answer bail.

23. In *Re Gloury-Hyde* [2018] VSC 393 at [30],² Priest JA stated:

The concept of exceptional circumstances is an elusive one. But, as Beach JA observed in *Ceylan*, it is well established that exceptional circumstances for the purposes of *the Act* may, in an appropriate case, consist of a combination of a number of circumstances relating both to the strength of the prosecution case against the

² [Re Gloury-Hyde \[2018\] VSC 393](#), [30] (emphasis added) (citations omitted).

applicant and the personal circumstances of the applicant. One matter that has often been regarded as important in this context, is the absence of factors pointing to the applicant presenting an unacceptable risk in any of the ways contemplated by *the Act*.

24. In *Re Brown* [2019] VSC 751 at [65],³ Lasry J said:

[T]he phrase, ‘exceptional circumstances’ has been the subject of regular consideration in this Court, although it is not defined in *the Act*. In order to be ‘exceptional’, it has been accepted that:

- The circumstances relied upon must be such as to take the case out of the normal so as to justify the admission of the applicant to bail.
- Whilst the threshold of exceptional circumstances is high, it is not an impossible standard to reach.
- Furthermore, exceptional circumstances may be established by a combination of circumstances which may, by themselves, not be considered exceptional.

25. In *Rajic v The Queen* [2016] VSC 27 at [27],⁴ Forrest J said:

It is well established that exceptional circumstances can be demonstrated by one factor or a combination of factors. What is demonstrated, however, must be exceptional. It is insufficient for an applicant to demonstrate that he or she is deserving of sympathy, or that a persuasive case has been mounted for bail. The circumstances must be genuinely unusual or out of the ordinary before the test is satisfied.

Unacceptable risk

26. If satisfied as to the existence of exceptional circumstances, the Court must then apply the ‘unacceptable risk test’ under s 4E of *the Act*.

27. Section 4E provides, as relevant to this matter:

- (1) A bail decision maker must refuse bail for a person accused of any offence if the bail decision maker is satisfied that—
 - (a) there is a risk that the accused would, if released on bail—
 - (iaa) commit a Schedule 1 offence or a Schedule 2 offence; or

³ [Re Brown \[2019\] VSC 751](#), [65].

⁴ [Rajic v The Queen \[2016\] VSC 27](#), [27].

(i) otherwise endanger the safety or welfare of any other person, whether by committing an offence that has that effect or by any other means;

and that

(b) the risk is an unacceptable risk.

(2) The prosecutor bears the burden of satisfying the bail decision maker—

(a) as to the existence of a risk of a kind mentioned in subsection (1)(a); and

(b) that the risk is an unacceptable risk.

(3) In considering whether a risk mentioned in subsection (1)(a) is an unacceptable risk, the bail decision maker must—

(a) take into account the surrounding circumstances; and

(b) consider whether there are any conditions of bail that may be imposed to mitigate the risk so that it is not an unacceptable risk.

28. I now turn to the allegations in this matter.

Evidence of informant Federal Agent Clendenning

29. It was Federal Agent Clendenning's evidence that;

- a. In November 2017, the Australian Federal Police (AFP) commenced an investigation into the Ahmad family as a result of suspecting that the Ahmad family, or members of it, had entered or remained in al-Raqqa, Syria – a 'declared area' – and that they were members of, or aligned with a terrorist organisation, namely Islamic State (IS), and further that they had provided support in various roles to IS.
- b. On 14 December 2013, the Australian Government listed IS's precursor – Islamic State of Iraq and the Levant (ISIL) or Islamic State of Iraq and Syria (ISIS) – as a prescribed terrorist organisation pursuant to s 102.1 of the *Criminal Code*. On 11 July 2014, ISIL was listed as IS in that declaration.
- c. IS is premised upon a deeply conservative, fundamentalist interpretation of Islam, with jihadism and a belief in the importance of armed struggle and expansion of its global authority.

Persecution of Yazidis

30. The informant said that in August 2014, IS launched an attack across the Sinjar district of north Iraq targeting members of the Yazidi community. IS killed men and enslaved, raped, and committed other abuses against Yazidi women, girls and younger boys. The system of ownership of humans and the abuse was authorised, executed and promoted by IS.
31. He noted that a report from the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD), estimated 6800 Yazidi women and children were captured by IS. IS maintained a detailed inventory of Yazidi slaves who were sold through 'sabaya' (slave) markets with sale contracts and notarisation by the Sharia courts. Upon sale, slaves became personal property. Paragraph 15 of the prosecution summary details articles and instructions relating to slaves and includes statements authorising and/or encouraging sexual offences. These publications were ongoing.

The Ahmad family

32. In relation to the Ahmad family, it was Federal Agent Clendenning's evidence that on 24 August 2014, the applicant's mother, Kawsar Ahmad, a now 54-year-old woman, departed Melbourne with her three youngest children and stated on her outgoing passenger card that she intended to spend two months in Türkiye.
33. The applicant's father, Mohammed Ahmad, had departed Australia on 24 May 2013 and stated on his outgoing passenger card that he intended to spend one month and six days in Türkiye. He has never returned to Australia.
34. On 4 November 2014, the applicant, Zeinab Ahmad, a now 31-year-old woman, departed Australia with her husband, Abu Dawod, stating on her outgoing passenger card that she intended to spend seven months in Türkiye.
35. The prosecution alleges that the applicant, her mother, her father and other family members resided in Türkiye between the date of their arrivals and December 2014 before entering Syria as a family unit in approximately January 2015.
36. After leaving Australia, it is the prosecution case that both the applicant and her mother remained in contact with persons in Australia including relatives and other persons. Relatives and others in Australia received various videos and photos which, the

prosecution alleges, both place the family members in Syria, and demonstrate their support of IS.

The applicant

37. More specifically in relation to the applicant, the prosecution allege that upon departing Australia she communicated primarily via Facebook with both friends and family in Australia. The prosecution rely on a number of those communications to evidence both where she was living, and her support of IS and its actions, including violent Jihad.
38. The prosecution allege that on 21 March 2015 the applicant posted on Facebook a statement that confirmed her presence in Syria and her reason for being there, that is Hijrah. The prosecution says that ‘making Hijrah to the land of the Khilafah’ is to migrate and join the caliphate or IS.
39. Federal Agent Clendenning said that between March 2015 and June 2015, the applicant made numerous Facebook posts which are listed at paragraph 53 of the prosecution statement of facts (exhibit 4). The posts include:
 - a. A religious text about the day of judgement and dust covering the disbelievers;
 - b. A quote justifying a captured Jordanian pilot being put in a cage and burned alive;
 - c. A quote that the prosecution says is inciting violence against America, “destroy the United states & its allies and guide the Muslim Ummah to what pleases him”;
 - d. Several quotes supporting the IS cause and those with similar aims of Salafist Islam;
 - e. Quotes that evidence her living in the conflict zone.
40. On 27 March 2015 the applicant sent her aunt a message saying:

“I’m very happy where I am, I love it here but miss you all”.
41. On 9 May 2016 the applicant confirms her husband Dawod’s death in a drone strike in Syria. On 22 July 2016 the applicant posted a photograph of part of a martyrdom letter authored by Dawod, in which Dawod says:

“Oh my wife do not be saddened by my death for I am a martyr that you should be proud of”.

42. In a further post on 17 September 2016 the applicant is alleged to post a photo of condolence packs she and others put together for the wives of martyrs.
43. On 22 September 2016 the applicant in a Facebook messenger conversation says she has to finish some of Dawod's work and her parents are not happy and she can't say what it is. This follows a conversation with Abdal-aziz, the brother of Dawod, on 23 March 2016 where the applicant refuses to say what Dawod does for work stating that it is safer for everyone if he does not know.
44. On 14 October 2016 the applicant sends a message to a relative in Australia saying she now has a job. In a subsequent post she says she is helping women and orphans and in February 2017 she says she lives on \$48 a month. On 15 October 2016 in a conversation with Abdal-aziz the prosecution alleges that the applicant told him she gets paid but not for work, just in general and that when Dawod died they gifted her US\$500.
45. Following the death of Dawod the applicant married IS fighters on two further occasions. Her second husband is reported as dead, and the informant said he does not know the location of her third husband.
46. In cross examination the informant agreed that the prosecution expert Mr Lister had said in his report that the primary role of women is to marry IS fighters and become subservient and loyal to their husbands and to IS, and further that when a husband died it was expected that the wife would re-marry expediently.
47. In cross examination the informant agreed that the prosecution expert Ms Speckhard had said that when women are in IS territory their movement is restricted, unmarried women live in guest houses where they cannot leave until they marry. Women needed male escorts, for example to get a taxi, and were severely punished. I note there is no evidence to suggest that the applicant was subject to a requirement to live in a guest house between her marriages.
48. As regards the applicant's father, who has never returned to Australia, the informant's belief is that he is in detention offshore. He said in cross examination that he is not aware of any evidence of contact between the applicant and her father after she surrendered to Kurdish forces in 2019 and it was the informant's evidence that he is unaware of former associates of the applicant who are still in Syria.
49. Further, the prosecution rely on photos and videos taken in Syria and forwarded by the applicant to persons, including family members in Australia, depicting family members

in Syria wearing military attire with weapons, saluting with right index finger pointing skywards, as well as photos and videos of IS propaganda items at locations where family members in Syria were living.

50. The prosecution says the applicant and her mother surrendered to Kurdish forces in 2019 and thereafter were detained in Kurdish refugee camps where they remained until their travel to Australia and arrest and subsequent arrest on 7 May 2026.

Charges before the court

51. Turning to the facts alleged by the prosecution relating to the charges before the Court.
52. The prosecution says the complainant in this matter is of Yazidi heritage and the Yazidi people are a minority ethnic and religious group who were, at the relevant time, persecuted by IS.
53. Female Yazidis, many of whom were forcibly detained and subjected to sexual slavery were referred to as 'sabayas'. These women were traded amongst IS members.
54. Between Monday 2 September 2019 and Thursday 5 September 2019, Detective Sergeant Greg Adams and Detective Leading Senior Constable Thi Nguyen obtained a witness statement from the complainant in Duhok, Iraq, in which she says that:
- a. She is a Yazidi woman and she was taken captive by IS on 15 August 2014 from Kojo village, in Northern Iraq.
 - b. She was 15 years old at the time, was separated from her family and taken to Mosul, by her captors, where she was sold as a sabaya, or sex slave.
 - c. Her mother and brother were executed by IS, whilst her sister was also sold as a sabaya.
 - d. During the almost five years she was captive she was traded amongst approximately 17 different IS members and subjected to constant physical, sexual and emotional abuse.

The Ahmad family

- e. Around the time of Ramadan in 2017, the complainant was bought for \$10,000 USD by an Australian Lebanese male she knew as Abu Umar al-Lubnani, whom she identified as Mohammed Ahmad.
- f. She was first taken by her previous owner to Mohammed's residence in

Mayadin to be 'inspected' by him and his wife 'Kawther' (the applicant's mother).

- g. When she got to their house, Mohammed and Kawther looked at her face and she had to remove the 'Daesh' black dress. She was also wearing a women's 'dish dash' – a traditional Middle Eastern robe – which she did not have to remove.
- h. Mohammed was to buy her for marriage and serving, and Kawther agreed.
- i. Two days after being 'inspected' her previous owner took her back to Mohammed and Kawther's house in Mayadin, where the sale was finalised. She said she was sold for \$10,000 USD.
- j. She did not see any money change hands, and there was no paperwork. However, other people knew that she was 'married' to Mohammed as he would tell them.
- k. He was allowed to take everything from her and allowed to deal with her in the same way he would deal with his other wives.
- l. When Mohammed bought her, he said to her, "I bought you for the purpose of raping and at the same time serving the home". Kawther was next to Mohammed when he said this to her.
- m. Following the sale, Mohammed introduced her to the family and told them he had bought her for sex and to do housework. Mohammed's daughters told him that she was very young.
- n. The Ahmad family lived in Raqqa prior to living in Mayadin.
- o. Mohammed had two wives, the first being an Australian named Kawther. They had five daughters and two sons. Mohammed's second wife was Syrian, named Bassema.
- p. Whilst they were in Mayadin, all five of Mohammed's daughters lived with him and Kawther, including the husband of Mohammed's daughter Zahra, Abu Shayba, whose real name is Muhammad.
- q. She said in her statement that she lived in a bedroom with the applicant and was not free to leave. The doors were not locked but she had nowhere to go or anyone to go to. She did not know where to go and did not have a phone.

- r. She was allowed to go outside only with the Ahmad women when they would let her. When she was outside, she had to wear 'Daesh'.
- s. She did all the daily household work but not the cooking. She also cleaned inside all the bedrooms.
- t. She said Mohammed often wore military clothes, including a hat with the Daesh flag on it and Arabic writing which read, "There is no god, only Allah". He also wore body armour covering his chest, back and sides. He owned a rifle and a Glock pistol.
- u. Mohammed would go off to fight battles with his son Abu Omar and the applicant's husband Abu Dawod, who were both Australian.
- v. Mohammed physically assaulted her many times. On one occasion, Mohammed began to hit her with his hands and dragged her down two flights of internal stairs in their house, located in Hajin, by her hair. There were about thirteen stairs in the first set and six in the second. She said she received back pain and bruising all over her back which lasted for more than ten days.
- w. Two days after Mohammed bought her, he came into her bedroom and said, "I bought you for sex and housework."
- x. She says he attempted to sexually assault her for about a month after he bought her. Mohammed would come into her room many times, but she rejected him and didn't allow him to do it.
- y. She rejected Mohammed by shouting and pushing him away. She tried multiple times to push him away and shouted, including shouting for her mother.
- z. She shouted as loud as she could on these occasions. Mohammed's family were all in the house at the time, including the applicant. They would have heard her shouting on these occasions.
- aa. She said Mohammed sexually assaulted her many times.
- bb. The first time was when they moved from Mayadin to Hajin. Mohammed came into her bedroom, took off all his clothes and pushed her onto the bed. Mohammed kissed her on her lips, face, neck and breasts.
- cc. She then described an act of rape which I will not detail here.

- dd. Mohammed received a salary and it was paid in cash.
- ee. Mohammed was scared of fighter jet bombardments and moved houses a lot. He had Daesh ID and employment cards. He showed his ID card whenever they travelled between villages and checkpoints controlled by Daesh.
- ff. Each one of the family carried both Daesh and Australian ID. The Daesh ID card showed their names, dates of birth, where they came from, what sort of job they did and displayed the Daesh flag. Mohammed's card said, "civil military".
- gg. The complainant said that the Ahmad family did not try to escape and did not want to go to another place that was not controlled by Daesh. The family liked Daesh.
- hh. There were Daesh flags inside Mohammed's house. Mohammed brought them into the house from Daesh headquarters. The family said the Daesh flag was their flag.
- ii. In relation to the applicant, the complainant said she used the name Umm Mus'ab. The name came from her first husband who was an Australian known as Abu Mus'ab, who was killed in a jet fighter bombardment in Mosul in 2016.
- jj. The applicant married an Egyptian Daesh member who was known as Abu Omar al-Masri, but his real name was Ahmad.
- kk. Abu Omar al-Masri stayed at home because he was injured. His left arm was amputated at the elbow, and his right leg was injured. He received a salary from Daesh for injured fighters.
- ll. The applicant did not work and she stayed at home. The complainant did not know anything about the applicant working with widows or orphans.
- mm. The complainant said that the applicant had a Glock pistol which she kept in her bedroom. She liked Daesh and thought they were good.
- nn. The complainant said she was beaten many times by Mohammed in the Ahmad house, approximately two or three times a month, while the family were present.
- oo. She said that the applicant did not physically hurt her, but she did treat her badly and ordered her to do things around the house. The applicant would not

let her leave the house if she wanted to.

pp. The applicant was in charge of everything if her parents were not in the house. She was like a 'deputy'.

qq. The applicant used Facebook, WhatsApp and Viber to talk with her family.

55. In cross examination the informant agreed:

a. The complainant said she had never heard the family speak of attacks on Australia.

b. That in relation to the stair incident, the complainant said the daughters did not know why he was doing that. They asked him why he was doing that.

c. The complainant said that the two elder daughters took Mohammed away from her and did not let him continue (I note that the applicant is the second eldest daughter).

Arrest

56. The applicant was arrested at Melbourne airport on 7 May 2026 upon returning to Australia by her own means on a commercial flight.

57. She was conveyed to AFP headquarters where she was deemed unfit to be interviewed. She has been in custody since her arrest.

The Applicant's personal circumstances

Residence

58. I heard evidence from the applicant's uncle Abraham Abbas, motor mechanic, who lives at an address known to the prosecution and the Court. Mr Abbas' home has five bedrooms, with an additional living room downstairs. It was proposed by the witness that the applicant and her daughter live with him, his wife and two adult children, with the third adult son coming and going. He said is willing to provide financial support until the applicant finds her feet and is prepared to put up a \$75,000 bail guarantee.

59. As regards IS, it was his evidence that "I hate those (*expletive*) bastards. They are evil and they do not represent Islam".

60. The informant agreed in cross examination that opposition to bail does not relate to Mr Abbas or his residence.

Psychological report re applicant's daughter

61. I have had regard to the forensic psychological report in relation to the child of the applicant, prepared by Dr Julianne Read dated 31 May 2026.
62. In that report, Dr Read observed that the applicant's child has retained important relational, cognitive and emotional capacities and credits these capabilities to the parenting she received primarily from her mother.
63. Nevertheless, Dr Read found that, on the available information, the applicant's child meets DSM-5-TR criteria for Post Traumatic Stress Disorder (PTSD) in children six years and younger and noted that her symptom profile has recently intensified in the context of the separation from her mother.
64. Dr Read observed that the applicant 'presented as an emotionally attuned, devoted and nurturing mother who provided her child with a sense of safety, regulation and emotional security.'⁵
65. In the opinion of Dr Read, ongoing separation from her mother creates risk that the applicant's child will experience ongoing psychological harm with potential adverse impacts on her emotional, social and developmental functioning. It is noted that these risks may include further entrenchment of symptoms of post-traumatic stress, increased difficulty with adapting to her new life, and decreased readiness to engage in school and interact with peers.
66. It is the view of Dr Read that 'while therapy may help [the child] to manage distress associated with her traumatic experiences and the separation from her mother, her distress will not be eliminated while the separation continues'.⁶

Applicant's submissions

67. Turning to the defence submissions, the defence submit that the applicant "comfortably clears the threshold" of exceptional circumstances.
 - a. The first matter relied upon is delay, which the defence say is inevitable for reasons including the novel nature of Charge 1 in this jurisdiction, the material to be obtained, the notorious slowness of the process which includes offshore material and the inevitability of Public Interest Immunity (PII) claims.

⁵ Forensic Psychological Report of Dr Julianne Read, page 22.

⁶ Forensic Psychological Report of Dr Julianne Read, page 24.

They have taken the Court to a number of examples in other cases of this complexity and assert that a trial will not be heard for at least three years and that that period of time alone has been found to constitute exceptional circumstances. It is further submitted that the Court must engage in forward prediction and that delay need not be manifest.

- b. The defence say it is reasonable to predict issues with witnesses in foreign jurisdictions, that information will need to be obtained overseas including mutual assistance processes and disclosure notices, and that PII claims, as well as other necessary preliminary rulings and appeals are examples of why delay will be caused in this matter.
- c. The second matter the defence rely upon is the impact of remand upon the applicant's daughter. The defence submit that this separation amounts to hardship and place reliance on the report of Dr Read to which I have already referred, in relation to current symptoms and likely effects of ongoing separation. The defence submit that this is a weighty matter given the child's PTSD and impact of further separation from her mother opined by Dr Read.
- d. There are a number of other matters which the defence rely upon and there is of course overlap between what is relied upon to establish exceptional circumstances and matters going to the assessment of risk.
- e. The defence submit that the applicant is experiencing distressing health symptoms, primarily panic attacks, and that this is clear from Justice Health records. Treatment for the applicant in relation to these symptoms is available in the community or in custody after preliminary assessment by clinical psychologist Dr Coffey.
- f. The defence submit that there is evidence that post-2019, the applicant has demonstrated opposition to extremist Islamist ideology, they say there are examples of this in Dr Read's report.
- g. Further the defence rely upon counsel's statement of instructions made during the course of the bail application They submit that these statements are now in the public arena for all to see and that this results in "burnt bridges" which is relevant to risk.
- h. The defence submit that the applicant's willingness to concede legislative

thresholds and consent to a control order with electronic monitoring is relevant, as is the applicant's willingness to participate in the Victoria Police Community Integration Support Plan (CISP) program, which is now conceded to be unavailable.

- i. There is an available bail guarantor in the sum of \$75,000 from the applicant's uncle with whom it is proposed she reside.

68. As regards unacceptable risk and noting again that the prosecution bears the onus the defence submit:

- a. Many matters relied upon by prosecution are issues at trial;
- b. It cannot be reasonably argued that Ms Ahmad is an unacceptable risk to the Yazidi community;
- c. The risk of terrorism is based on social media which is now between eight and twelve years old. Much has happened since then and there is no evidence of adherence to IS ideology for many years;
- d. Ms Ahmad has expresses willingness to be under a federal control order;
- e. Ms Ahmad voiced opposition to her previous ideology to Dr Read and statements made by counsel on instructions during the bail application. The defence submit that these statements are now in the public arena for all to see and that this results in "burnt bridges" which is relevant to risk.
- f. Conditions in custody are onerous as detailed in paragraphs 58 to 63 of the defence submissions dated 15 June 2026;
- g. The applicant is currently receiving visits from a prison chaplain from the Hope Network;
- h. There is stable accommodation available to her with her uncle and daughter and the prosecution do not assert any matters relevant to risk in relation to her uncle or his premises;
- i. Ms Ahmad is experiencing panic attacks in custody;
- j. The defence rely upon the protective factor arising from the applicant's desire to be with her daughter;
- k. The defence submit that the applicant's willingness to concede the criteria

and consent to a control order, to both increase available bail conditions and demonstrate her cooperation is relevant. I note that the difficulty is that a control order relies upon an application being made by the AFP and the order of another Court which has not been applied for. Currently all I can say is that there is not a control order in place and unlikely to be one in the foreseeable future;

- l. Finally, the defence assert that if there is any risk it can be managed by bail conditions.

Summary of the Respondent's opposition to bail

69. The prosecution submit that bail should be refused and say that the applicant has not discharged the burden of establishing exceptional circumstances and that she is an unacceptable risk of endangering the safety or welfare of any person, in this case being the public at large.
70. The prosecution rely upon the updated AFP summary of facts, the extracted social media posts and the evidence called.
71. The prosecution submit that the applicant is an unacceptable risk of endangering the safety or welfare of any other person, whether by committing an offence that has that effect, or by any other means, and further that there are no conditions which could be imposed to ameliorate risk and make it acceptable and further that the defence evidence and submissions do not address risk or diminish concerns.
72. In supporting their contentions, the prosecution rely upon matters including:
 - a. The nature and seriousness of the alleged offending, involving the enslavement of the complainant, deprivation of liberty, deprivation of religious freedom, control, violence and complicity in sexual slavery;
 - b. The circumstances of the offending, occurring in alignment with the persecution and genocide of the Yazidi people by IS;
 - c. The applicant's travel to and residence in Syria, under IS, who had been a declared terrorist organisation since 2014 for the express purpose of Hijrah;
 - d. The applicant's marriages to three IS fighters;
 - e. The applicant's sustained and active involvement with IS, indicated by

receiving regular salary/payments, and holding an IS identification card;

- f. The applicant's support for her husbands who were members of IS;
- g. The applicant's familiarity with and possession of firearms while in Syria;
- h. The applicant's expressed support for IS ideology, with its fundamental hostility to non-believers and human rights;
- i. The applicant's expressed support for IS activities, and for martyrdom in the cause of violent jihad;
- j. The applicant's engagement in slavery with her family in intentionally exercising any or all powers attaching to right of ownership including restrictions upon liberty, religion and freedom; and
- k. The applicant's expressions of support of IS, its ideology and actions in social media posts which I have detailed previously.

73. The prosecution specifically, in relation to the applicant, rely upon matters including the following social media posts in submitting that the applicant supported IS, its ideology and its terrorist acts;

- a. 25 March 2015 – a quote justifying burning alive of a Jordanian pilot;
- b. 3 April 2015 – a quote supportive of violence against infidels which included “we will fight back and incite others to do the same”;
- c. 10 May 2015 – a comment that team Australia has more blood on their hands than ISIS have on their knives;
- d. 20 May 2015 – a social media post supportive of those who left Australia to join IS and an assertion that only 3 out of 200 have returned home for whatever reason;
- e. 4 June 2015 – a social media post supporting destruction of America and its allies;
- f. 9 May 2016 and 22 July 2016 – social media posts about her husband being a martyr and that being his dream and reason for migrating.

74. Globally the prosecution says there is substantial evidence of the applicant's alignment with and support of IS ideology. There is evidence of statements and conduct including possession of a slave that is another demonstration of her support of IS, its aims and

ideology.

75. The prosecution submit that there is no compelling evidence of renunciation of IS ideology as detailed in the evidence.
76. Finally, the prosecution submit that even if the risk is low, the consequences of the risk being realised are horrific which renders the risk unacceptable and the nature of the risk means that it is not amenable to bail conditions which would make the risk acceptable. Because of the nature of the risk even stringent bail conditions cannot adequately reduce the risk.

Surrounding circumstances

77. Turning to the surrounding circumstances contained in s 3AAA of *the Act* and, relevant to both exceptional circumstances and unacceptable risk, I have had regard to the following matters:
 - a. If the applicant was found guilty, she faces a maximum penalty of 25 years imprisonment. It is likely, and indeed probably inevitable, that if found guilty the applicant would be sentenced to a term of imprisonment and unlikely that the remand period, if bail is refused, would exceed that term of imprisonment. I note in this regard that the question of if and how the time in the Internally Displaced Persons (IDP) camps would be taken into account in any sentence is not a matter for resolution in this application. The prosecution describes the charged offending as a serious example of these offences and as grave. The defence submit that the applicant's offending cannot be so categorised.
 - b. The alleged offending, and in particular Charge 1, are in my view properly seen as very serious offences. I have noted that the prosecution do not allege for the purposes of this application that the applicant was involved with sexual slavery or violent aspects of what the complainant says happened to her. Whether charge 1 is a serious example of this offence I cannot say as it is the first time it has been prosecuted in Australia, but the fact that the applicant faces a maximum of 25 years imprisonment is clear evidence of parliament's view of the gravity of the alleged offending.
 - c. The strength of the prosecution case cannot be described as weak and it is not for this court, on a bail application, to try to analyse the prosecution case in detail.

- d. The applicant does not have a criminal history and has never been subject to any remand, bail or sentencing orders.
- e. The informant gave evidence that he has spoken to the complainant and she would not want to be in the same country as the applicant if she was on bail. The complainant said she had an extreme sense of fear and distrust, and she would lose confidence in the legal system.
- f. It was further the informant's evidence that the special witness in these proceedings expressed a similar view and in the wider Yazidi community there is a high level of fear of contact, combined with anger and frustration amongst people who came here to feel safe and would feel they have no safety here if the applicant was granted bail. I note as regards this evidence that the parties did not press for resolution as regards who falls within the class of victim for the purposes of this matter and the evidence in relation to the wider Yazidi community was led without objection.
- g. In cross examination the informant agreed neither the complainant nor special witness are in Australia at this time. I have weighted this evidence accordingly for the purposes of the bail application.
- h. As regards delay, brief service is scheduled for 19 June 2026, and the informant's view is that the brief will be served on that date, but he agrees there are further enquiries still being made including analysis of phones and obtaining overseas media holdings in relation to social media information held by Meta. He said that an international production order request is being compiled and that he anticipates a reply would be expected in two to four months based on previous requests. I note that delay is properly considered having regard to the nature of the offence that is the subject of the charges.
- i. Federal Agent Archer said that disclosure requests were made in February 2026 and that a disclosure request asks the receiver to assess material for relevance and PII. These requests have gone to the AFP, Australian Border Force (ABF), Australian Security Intelligence Organisation (ASIO) and Department of Foreign Affairs and Trade (DFAT). He agreed this process requires consultation and there are likely to be PII claims.
- j. I accept that this will be a complex disclosure process and ultimately trial but

the defence submission that it will be at least three years is speculative at this time. I have acted on the basis that delay does not need to be manifest and thus I have had regard to delay as a relevant circumstance in this application, in particular to the establishment of exceptional circumstances. I am at this time not able to assess the length of that likely delay, but I accept that delay could be significant.

- k. There is no evidence of the availability of current bail services relevant to risk. The informant was asked about a control order. He was clear that this is not a tool available to be used instead of bail conditions, it is usually for post-conviction offenders. He said he would not consider seeking such an order and it is not a substitute for bail conditions; it was Federal Agent Archer's evidence that he was not aware of any person bailed and placed on a control order and it cannot be used as an alternative or supplement to bail conditions. He reiterated in cross examination that a control order cannot be put in place in the applicant's circumstances.
- l. The informant was also cross examined about the Community Integration Support Plan. He said this program is more for redirection if a person is heading down a path of radicalisation and in his view the applicant had gone beyond this.
- m. The informant said in re-examination that his team had no role in these orders and they are run by Victoria Police. Federal Agent Archer said in his evidence that his team do not work closely with the Community Integration Support Plan (CISP), and that CISP is a therapeutic program while his team are investigative and in operations. He said this program is not available to a person who is charged before the Court. It was his evidence that the religious element cannot be achieved without a person discussing past offending and the program cannot be 'cherry picked'. The unavailability of this program now appears to be accepted by the defence.
- n. As regards electronic monitoring, it was the informant's evidence that this would not make risk acceptable noting that the applicant's association with IS was for a number of years and there a lot of unknowns.

78. In this application, ss 3AAA(m) and (n) of *the Act* are relevant and I am required to

consider them as part of the surrounding circumstances.

79. Subsection (m) requires I consider:

(m) whether the accused has expressed support for—

(i) the doing of a terrorist act; or

(ii) a terrorist organisation; or

(iii) the provision of resources to a terrorist organisation;

80. Subsection (n) requires I consider:

(n) subject to subsection (2), whether the accused has, or has had, an association with—

(i) another person or a group that has expressed support of the kind referred to in paragraph (m); or

(ii) another person or a group that is directly or indirectly engaged in, preparing for, planning, assisting in or fostering the doing of a terrorist act; or

(iii) a terrorist organisation.

(2) A bail decision maker must not take into account the accused having, or having had, an association referred to in subsection (1)(n)(i), (ii) or (iii) unless the bail decision maker is satisfied that the accused knew—

(a) that the person or group had expressed support for—

(i) the doing of a terrorist act; or

(ii) a terrorist organisation; or

(iii) the provision of resources to a terrorist organisation; or

(b) that the person or group was directly or indirectly engaged in, preparing for, planning, assisting in or fostering the doing of a terrorist act; or

(c) that the group was a terrorist organisation.

81. The prosecution submit that the applicant has demonstrated support for IS by her words and actions and the applicant engaged in many relevant associations during her time in Syria and that her support of IS demonstrates an ideology that is fundamentally opposed to any who do not share their views.

82. As well as the matters contained in s 3AAA of *the Act*, s 15AB of the *Crimes Act 1914 (Cth)* requires that I consider, relevant to this application, the potential impact on the complainant and witnesses if the applicant is released on bail. In this regard I refer to paragraph 77 (e), (f) and (g) above.

What is the risk alleged

83. It is common ground that the risk to be assessed is a terrorism risk rather than risk that the applicant would specifically commit a slavery associated offence in Australia. The prosecution submit that Charge 1 is an example of the applicant engaging in terrorism, as the conduct was committed intentionally or knowingly as part of a widespread or systemic attack directed against a civilian population, and this constitutes a form of terrorism, and say beyond this that the evidence shows adherence to radical ideology supportive of terrorism offending.

84. There are many forms of terrorism and many ways in which a person can participate in the result. For the purposes of this bail application the risks to be considered include:

- a. Risk of the applicant committing a terrorist act;
- b. Risk of the applicant playing a role in preparation for a terrorist act to be committed by others;
- c. Risk that the applicant will seek to influence, support or encourage others to commit a terrorist act;
- d. Risk of the applicant radicalising another person who later commits a terrorist act. To put it another way, plantings seeds of hate that lead to another committing a terrorist act;
- e. Risk that the applicant herself remains radicalised;
- f. Risk of the applicant being influenced by others who belong to terrorist organisations or hold radicalised views.

85. The nature of the consequences of an act of terrorism is such that a small risk of this kind of offending would likely be unacceptable.

86. I repeat that the prosecution bears the onus of establishing the risk, and that the risk is unacceptable and cannot be made acceptable via the imposition of bail conditions, and I have acted on that basis.

87. The applicant says, through others including her counsel, that she renounces both Islamic State and all violent extremism. The question is whether this is compelling evidence.
88. In my view, the risk of terrorism lies within, in belief systems, thoughts and adherence to the views of others who distort religious teachings to promote hate. It is demonstrated by prior conduct, and the defence say moderated by more recent words and to some degree by the actions of the applicant. This is difficult to assess but what is apparent from the evidence led for the purposes of this application is that while in Syria the applicant is alleged by her words and actions to have supported IS, their ideology and their actions, which includes the applicant allegedly participating in a crime against humanity – enslavement.
89. After that period of time there is no clear evidence of renunciation in the years she was in the IDP camps. There were some broad statements made to Dr Read about aspects of that time, but in my view there has been no compelling evidence of renunciation.
90. Upon arrival in Australia and after her arrest she has made statements to Dr Read and to her counsel which including saying to Dr Read that in the IDP camp she was not like them and won't be like them (referring to others in the camp). She said in relation to her daughter that she did not want any more Islamic influence on her. She also said 'I do not want them to take any more of me'.
91. Counsel put her instructions from the bar table and said that the applicant does not support IS, she rejects the organisation, she has a deep anger towards it and to those who enforced their ideals upon her, that she is grateful to be in Australia, that she is grateful for the freedom she her daughter and family can now enjoy, that she is grateful that her sister can sit in this court with her hair down, she has every hope that returning will give her daughter the life she has craved for many years.
92. The applicant has not directly made any statement in this regard.
93. I do not regard her recent statements in relation to her views about IS, to Dr Read or through her counsel, as compelling. They are made after her arrest, after separation from her daughter and in the context of an application for bail. They are in my view insufficient to counter the evidence of her words and actions in Syria which exhibit clear risk to the community if they are still adhered to. The contents are what might be expected from a person in the applicant's circumstances and such statements in these

circumstances carry less weight than her actions and words relied upon by the prosecution. I accept that a period of years has passed but beliefs can be enduring and hard to shift. In my view, words spoken to others and said in the circumstances of this matter are not sufficient to give the court confidence that the applicant's risk is reduced by real change.

94. I have no expert evidence in relation to radicalisation or risk which might assist in further assessment in this regard.

Conclusion

95. As previously stated, I have had regard to sections 1B(1) and (2) of *the Act*.
96. I have also taken into account the presumption of innocence and the surrounding circumstances, noting the matters contained in section 3AAA of *the Act* are not exclusive.
97. Turning first to the requirement that the applicant establish exceptional circumstances.
98. The two matters upon which the defence place emphasis in arguing that exceptional circumstances are met are delay and the impact on the applicant's child of her continued separation. They of course also rely upon other matters put and I have acted on that basis.
99. While delay, in the sense of this matter taking longer than usual to come to trial, is in my view likely, it must be considered in the context of the very serious and complex charges before the court and the very early stage of this proceeding. I have acted on the basis that delay need not be manifest to be relied upon. I think there is at least a risk of substantial delay, but the duration of any delay will be better assessed once the case against the applicant and timelines are clearer. Each matter must be assessed on its own facts and while other examples of delay are perhaps useful in demonstrating the types of matters which may cause delay, quantification of likely delay is necessarily to be assessed based on matters particular to the matter before the Court. In this regard this application might be seen as premature as relevant information is not yet available. In my view, based upon the information currently available, delay would not of itself constitute exceptional circumstances.
100. Turning to the applicant's child, Dr Read's assessment is relevant to the assessment of the impact of the applicant's ongoing custody upon her child. There is no doubt that her

child has had a traumatic history but that is not the assessment I must make. The assessment is about the child now, and the impact upon her of her mother's ongoing custody. In this regard Dr Read's findings are clear and I have referred to relevant aspects previously. I accept Dr Read's findings. It is a sad fact that a parent's ongoing custody affects a child negatively, however that of itself is not exceptional.

101. Combining all matters relied upon by the defence in seeking to establish exceptional circumstances, I am not satisfied that either individually or in combination that the applicant has discharged the burden of establishing exceptional circumstances.
102. As regards unacceptable risk, I am satisfied that the prosecution has discharged the burden of establishing that there is a risk of the applicant endangering the safety or welfare of any other person and that risk is unacceptable, even at a low-level having regard to the consequences if the risk was to manifest.
103. I am further satisfied that there are no conditions capable of making that risk acceptable because of the nature of the risk and it substantially lying in belief and adherence to ideology.
104. Accordingly, bail is refused.