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IN THE CROWN COURT AT BRADFORD

Case No. T20177306

Bradford Combined Court
The Law Courts Exchange Square
Drake Street, Bradford
West Yorkshire
BD1 1JA

Monday, 28 January 2019

Before:

HIS HONOUR JUDGE DURHAM HALL QC
THE RECORDER OF BRADFORD

R E G I N A

- v -

BASHARAT IQBAL KHALIQ
SAEED AKHTAR
NAVEED AKHTAR
PARVAZE AFZAL AHMED
IZAR KHAN HUSSAIN
KIERAN HARRIS
ZEESHAN ALI
FAHIM IQBAL
MOHAMMED USMAN

**REPORTING RESTRICTIONS APPLY:
SECTION 4(2) OF THE CONTEMPT OF COURT ACT 1981**

CROSS-EXAMINATION OF [PERSON A]

APPEARANCES

MS K. MELLY QC and MS S. BEATTIE (instructed by the Crown Prosecution Service) appeared on behalf of the Prosecution

MR A. IQBAL QC and MR F. ARSHAD appeared on behalf of the Defendant Khaliq

MR P. MOULSON QC and MR A. SHAKOOR appeared on behalf of the Defendant Saeed Akhtar

MR R. FRIEZE appeared on behalf of the Defendant Naveed Akhtar

MR A. BELL appeared on behalf of the Defendant Ahmed

MS G. KELLY appeared on behalf of the Defendant Hussain

MR G. WILSON appeared on behalf of the Defendant Harris

MS F. HERTZOG appeared on behalf of the Defendant Ali

MR A. DALLAS appeared on behalf of the Defendant Iqbal

MR R. FERM appeared on behalf of the Defendant Usman

A (Transcript prepared without the aid of documentation)

(2.52 p.m.)

B MR FERM: [Person A1], I am going to ask you questions about part of the period when you were living at [Location C] in Allerton.

A Yes.

Q And also about a man you knew as Mani who came to that house.

A Yes.

C Q You had, in fact, never met him before you moved into [Location C], had you?

A No.

Q We know from the timeline, there's an agreed fact in this case, that you moved into [Location C] on 14 May 2011. Right?

D A Yes.

Q And that was a two bedroomed house, wasn't it?

A Yes.

Q At the time you moved in there, [Person S] was not living with you, was she?

E A No.

Q At that time, [Person S] was your only child.

A Yes.

Q And still a baby. She was only two years old.

A Yes.

F Q In the February of 2011, you had applied to the Family Court for you to be allowed to have [Person S] returned to you. Is that right?

A Yes.

Q And that application wasn't finalised until the very end of the year. Is that right?

G A The adoption was actually finalised in the beginning of 2014. It wasn't until then that she was adopted. It was still in the process until then.

Q But a decision that [Person S] couldn't come back to you was not made until late 2011. Is that right?

H A I'm not 100 per cent sure on the exact timings.

- A** Q But whilst you were living at [Location C] the possibility of [Person S] being allowed to come back to you was still a live possibility. Is that right?
- A Yes. She had a bedroom there. We didn't have everything set up but it had all the bags of her clothes in that I'd been saving up and all of her soft toys and stuff. We were starting to build -- I were starting to build stuff up, hoping that she were coming back.
- B** Q Now, for your court application you had a solicitor, didn't you?
- A Yes.
- Q That was a female solicitor?
- A Yes. ■■■ I think she were called.
- Q And you'd see her from time to time to prepare your case.
- A Yes.
- C** Q And tell her how things were going on in your life.
- A Yes.
- Q You got on with her. Is that right?
- A Yes.
- D** Q She obviously wanted to help you.
- A Yes.
- Q And obviously [Person S] and getting her back were very much in your thoughts.
- A Yes.
- E** Q The fact that you hadn't got her was a bit raw for you, is that right, your feelings?
- A Still is.
- Q But you were nonetheless having contact with [Person S] during this period.
- A Three times a week.
- F** Q Having asked you about the solicitor, I now want to go on and ask you about your grandmother, ■■■
- A Yes.
- Q You had help from her, didn't you?
- A Yes, with times throughout my childhood, yes. There were times -- there were periods where we didn't have contact. There were periods where she would come in my house and put gas and electric on and take me shopping. So, yeah, it went from one extreme to another.
- G** Q She was your closest relative.
- A Yes.
- Q Always there for you.
- H** A Yes.

Q Wasn't always judgmental about you and your lifestyle, was she?

A She, she was always judgmental but she put up with it.

A

Q And she never let you down.

A She has let me down at times but I think everyone lets someone down at times. No one can be consistent. We had -- like I say, we've had moments where we didn't talk for periods of time and stuff like that but she was there for me as much as she could be considering she's getting on.

B

Q She took you to appointments.

A Yes.

Q She came to the house to visit and help you.

A Yes.

C

Q And on occasions she stayed over at [Location C].

A Sometimes, yes.

Q That you wouldn't have kept a diary about when she stayed.

A No.

D

Q On 20 June 2011 -- your Honour, this is, for your note, J3781 -- two social workers from the Leaving Care Team came to your house at [Location C].

A Yes.

Q And your grandmother was there.

A Yes.

E

Q At about eleven o'clock in the morning.

A Yes.

Q The social workers didn't get into the house, did they?

A I don't know. I don't remember the incident you're on about.

F

Q But your grandmother told them you were all right. Do you know anything about that?

A No.

Q And you were just a bit hungover from the night before.

A I don't remember.

G

Q Now, someone else who came and stayed at your house at 3 [Location C] was [Person K], wasn't she?

A Yes.

Q She was staying at your house on the night of 29 to 30 of July 2011 when you called the police to Mani early in the morning.

H

A Yes.

Q And can we just clear away 29 and 30 of July at this point? Nothing sexual occurred between you and Mani on that night, did it, or on the 29th?

A No.

Q Thank you. Now, going back to 2011, you and [Person K1] were good friends.

A Yes.

Q She would stay over at [Location C], sometimes for a week or two at a time.

B A Yes.

Q And very frequently for a few days at a time.

A Yes.

Q But again you haven't kept a diary.

C A No.

Q But what you can say, I think, is that nothing sexual happened between you and Mani on any occasion when [Person K1] was staying at [Location C]. Is that right?

A That's right.

Q Now, you and [Person K1] had both had unhappy times with Asian men, hadn't you?

D A Yes.

Q And maybe sometimes you'd had good times together.

A Yes.

Q You and her. With that shared experience between you, you trusted [Person K1], didn't you?

E A Yes.

Q And you used to confide in her, didn't you?

A To a certain extent.

Q Yes.

F A She never knew about anything that had happened with Sid or anyone like that. I kept a lot of stuff to myself.

Q We're going to hear from [Person K1], I think, tomorrow possibly. You did confide in her about bad sexual experiences you had had with some of the Asian men, didn't you?

G A I did with some. I did -- I did to her with some, I didn't with others. Depended how I felt about the situations. Like I say, sometimes things were very traumatic and not the type of things that I just want to go telling everybody. I went through a sense of shame and that lot quite a bit.

H Q Now, I'm going to come again in a moment to 30 July 2011 at this point in questions I'm asking you and I'm going to come back to it again. Can we agree that after 30 July 2011 Mani never came back into your house at [Location C]?

A No. He didn't.

A Q That [Person K1] was staying over with you on the night of 29 to 30 July when there was an incident with Mani.

A Yes.

Q All right? That you never told [Person K1] that Mani had ever raped you, did you?

A I told her. I never said, "Oh, he's raped me" but he was calling me into the bedroom and I begged her to pretend she was asleep with me because I said, "He's gonna make me have sex with him and I don't want to". So, no, I didn't tell her that he had raped me but I also let her know that I knew what was going to happen. I think [Person K1] would have known herself that he had done something before. Like I said, I don't think I need to go into details about traumatic events with every single person and at that point in my life I was still feeling very much ashamed of situations and not really knowing how to deal with things myself. This has been going on for years by that point. I never thought I was gonna get away from that lifestyle. So, again, not everything was shared between everyone. My consensual sexual encounters were shared with her quite a lot. Rapes not so much.

D Q Now, last time I asked you this question: "But you didn't say, that's to [Person K1], that he, Mani, had raped you or had sex with you, did you?" and you replied, "No, I didn't. I don't have to tell everyone my stuff."

A Yeah.

E Q And again you'd stand by that answer, would you?

A Yes. That same night though, like I said, I did tell her "Pretend you're asleep with me because he's gonna make me have sex with him and I don't want to." I think that's pretty self-explanatory.

Q The first time you ever met Mani was at the back end of June 2011, wasn't it?

F A I'm not 100 per cent sure.

Q That's what you said when I asked you last time.

A I don't think I would have given you an exact date because I don't think I remember dates. I could give you approximately dates but not, not bang on. I could look at the timeline and try and work it out for you if you want.

G Q You can look at the timeline. We all will in due course but I'm going to remind you of what I asked you on the last occasion and what I asked you about it is this. You were asked in interview, that's in the interviews that we saw on film, how long you'd known Mani. Right?

A Yes.

H Q And then you said that you'd known him a few weeks, maybe a month and a half.

A Yes.

A Q And then using your words: "Might not have been that long. Might have been a month, a month and a half. I'm not sure."

A Yes. It wasn't a long period of time.

B Q Right. Then I said this in the question: "Now, I'm not holding you down to a day or even maybe a week but it looks, if your estimate is anywhere right, as though we're talking about a period from sometime in June through to 30 July. Do you agree?" and you said, "The back end of June, yes."

A Yes. Yes.

Q Now, again I'm not tying you down to the day. Do you understand?

C A Yes.

Q Or maybe even a week but now I want to ask you about some of the things that happened to you during the period but it may help you and the jury to get out the timeline at this point and the timeline page in question is p.33. I would also like you, please, to look at a bundle of documents which ought to be handed to you, if it's not already on the witness stand. Don't open that for the moment, please. Just look at the timeline first, please, [Person A1].

D A Okay.

Q And I'm taking this steadily and if you want me to repeat anything, I will. On----

E A Before we start this -- sorry, I know I said that I were all right to carry on but am I all right to have a little bit of a break?

JUDGE DURHAM HALL: You can, yes.

A My back's really aching. Sorry, I just thought I----

MR FERM: It's a good point.

JUDGE DURHAM HALL: No, no, no. Mr Ferm is making steady progress. No problem.

F Ladies and gentlemen, give us----

A Sorry. I made you all open the timeline, didn't I?

JUDGE DURHAM HALL: It's all right.

A Sorry.

G JUDGE DURHAM HALL: Yes. I love schedules too. The -- if we -- how long do we need really?

A I just want to go take some paracetamol and have a cigarette.

JUDGE DURHAM HALL: All right.

H A So, ten minutes at the most.

JUDGE DURHAM HALL: Okay.

A Because I've got to walk all way round.

A JUDGE DURHAM HALL: Yes. 10, 15. Let's give the young lady 15 minutes. The object is to finish Mr Ferm comfortably this evening without stressing anybody, you included. So, 15 minutes from now we'll come back and finish Mr Ferm. All right? Thank you so much. If you'd like to kindly...

B (In the absence of the jury)

JUDGE DURHAM HALL: May I politely request that the public gallery be cleared for the purposes of moving the witness, as per normal. Thank you. Very grateful.

C (Public gallery cleared)

D JUDGE DURHAM HALL: All right? Thank you. We're aiming for about 3.25 p.m. All right? No later. Thanks a lot. Thank you, Mrs -- are you okay with the witness? As soon as you're ready we'll get on. Thank you very much, [Person A1]. Thank you.

A (inaudible).

JUDGE DURHAM HALL: I know it's tough standing up all that time.
(3.09 p.m.)

E (Adjourned for a short time)

(3.27 p.m.)

F JUDGE DURHAM HALL: Thank you. Mr Ferm, I have to just do one or two other things a bit later. Are we safe for 4.15 p.m.?

MR FERM: I'll do my best. Yes, I think so.

JUDGE DURHAM HALL: Please.

MR FERM: Yes.

G JUDGE DURHAM HALL: Be grateful but----

MR FERM: It's always slower than you think.

JUDGE DURHAM HALL: It is. It's what a lot of people say to me, Miss Batts, anyway. Now, let's get the defendants in. Who was it who forgot?

H MALE SPEAKER: Izar Hussain, your Honour.

JUDGE DURHAM HALL: And that's your client.

MS KELLY: My client, yes.

JUDGE DURHAM HALL: All right.

A

(The defendants returned)

JUDGE DURHAM HALL: Izar Hussain, where are you? Just stand up a second. I know, Izar Hussain, that notwithstanding a clear direction and condition of your bail you went into the court café. Right? Agreed? You know I could remand you in custody for the rest of this trial. Understood? Did you mean to?

B

THE DEFENDANT HUSSAIN: No. Sorry.

JUDGE DURHAM HALL: Just forgot, did you? Are you going to forget again?

C

THE DEFENDANT HUSSAIN: No.

JUDGE DURHAM HALL: Well, that's all right then but do not go into the court café because security tell me. Do you understand? Everything that goes on in this building I know about. All right. Don't do it again. Thank you so much.

D

All right. Second thing: tensions will arise in this case between anybody who has any interest or is associated with one side or another. You must not say things, neither you to anybody, gentlemen or anybody else and any evidence of any comment brought to my attention from any source that I can identify, I have the power to arrest them. All right?

E

Sorry to get tetchy. Does everybody agree that it's best dealt with in that way? Just everybody accept I know what's going on. Amazingly. All right? Good.

F

Right, now we've kept Mr Ferm waiting. That's unfair. And kept you waiting, [Person A1]. I'm sorry but Mr Ferm's maybe on the downhill slope but we know what's going on. Thank you. As soon as Mr Ferm sits down, [Person A1], we'll call it a day today. Do you understand?

G

A Thank you.

JUDGE DURHAM HALL: And I know he'll do his best to bring that about. All good to go? Thank you, Mr Ferm.

MR FERM: [Person A1], when we broke we were just about to have a look at the timeline for 2011 and if you're not there yet it's on p.33 of 34. Okay?

H

A Yes.

Q Now, on 14 May we see you moving to [Location C].

A Yeah.

A Q 28 June a medical record which I'm going to come back. 30 July the police log.

A Yes.

Q. And then 5 September and that's all that we've got. I'm going to look a little bit deeper as to what was going on in this period. Have you got it?

B A Yes.

Q Now, I've already asked you about the fact that you had made a court application to get [Person S] back. Right?

A Yes.

C Q To live with you and that was ongoing and as a result of that you were having meetings with a lady called [REDACTED], weren't you?

A I had one meeting.

Q She worked in the Bradford Services Children Drug and Alcohol Team, didn't she?

D A Oh yeah. No, sorry, yeah, I had a couple of meetings with her. Sorry, I thought you were on about someone else.

Q I'd like you, please, now to have a look at this bundle of documents which the jury don't have and go to p.42. Now, [Person A1], [REDACTED] was appointed to make an assessment of you and parenting ability, wasn't she?

E A Not of my parenting ability. She was to make an assessment about my drug and alcohol usage.

Q And you had a number of meetings with her, didn't you?

A Yes.

F Q Will you look at page 42: 18 April; 3 May; 10 May; 17 May; 24 May, just after you moved into [Location C]; 7 June and 28 June.

A Yes.

Q Now, during those meetings which lasted about half an hour to an hour----

A Yes.

G Q -- she was trying to help you, wasn't she?

A Yes.

Q And you knew that it was important that you should build up a good record with [REDACTED]

H

- A** A Not really. I didn't have to build up anything. All I had to do was tell her the truth about my drug and alcohol usage and try and work towards getting my daughter back. I didn't have to build up anything with her personally. She was doing an assessment on me.
- Q By build up a good record I mean, in part, something as simple as getting her to sympathise with you and get her on your side, so to speak.
- B** A No. I just needed to be truthful. If I wasn't a fit parent to look after my daughter then I wasn't a fit parent. I had to be truthful. I do not want to expose my daughter to further harm.
- Q To get help from her with your drug and alcohol habits.
- A Yes.
- Q And through speaking to her, getting the opportunity to open up.
- C** A Not necessarily.
- Q So, you saw it, did you, that this wasn't an opportunity to open up about your problems?
- A No. This is -- was an opportunity to try and build myself into a position where I could mother my child.
- Q You never told her anything about any sexual happenings between you and Mani, did you?
- D** A No because I was talking about my drug and alcohol usage in relation to getting my child back.
- Q On 7 June and 28 June, she came to your house, didn't she, to have a look round?
- A Yes.
- E** Q And see how you were doing.
- A Yes.
- Q And then finally on 7 July, and please turn to p.49, you had a meeting with her in which there was a discussion about the report that she was writing, wasn't there?
- A Yes. Yes.
- F** Q And again there's no mention at all of any sexual event or being raped by anybody in the recent past, is there?
- A No. Like I've explained before, I didn't feel in a position to be telling authority figures and especially not at that moment in my life when I was trying to get my daughter back. I needed to make my life as simple as I could rather than opening up wounds about goings on like that.
- G** Plus, like I've stated before, I had told authority figures on previous times before and nothing had been -- nothing had gone nowhere. So, no, I didn't tell anyone. I was concentrating on trying to build my life up and get away from these types of people that was doing this to me, which I succeeded in doing over the next few months from that.
- H** Q How was she to help you if you didn't open up to her?

A Because she wasn't helping me about getting raped. She was helping me about my drug and alcohol usage.

A JUDGE DURHAM HALL: Was this a child sexual exploitation counsellor?

A No.

JUDGE DURHAM HALL: No.

A She was a drug and alcohol counsellor.

B JUDGE DURHAM HALL: All right but there we are, we can move on.

MR FERM: May we take it that the reason that you didn't say anything to [REDACTED] right up to and including 7 July was that Mani hadn't done anything to you up to that point?

A No. The reason I didn't tell her was because it wasn't necessary for her to know. She was involved to help me get into a position to be able to parent my child.

C Q Now, on 7 July, and again I'm looking at p.49, you are recorded as saying that you planned to see [REDACTED], an under 19s worker, from the following week. Right?

A Yes.

Q And of course you turned 18, still under 19, on 9 July, didn't you?

D A Yes.

Q Two days later. Did you in fact go and see [REDACTED] for counselling?

A Yes.

Q And that would have been some time in the next week, would it?

E A Possibly. I don't remember.

Q Now, I'd like to move back and fill in one or two other dates besides the 7 July. On 23 June you went to the GP surgery for some blood tests, didn't you?

A Yes.

Q And there you saw a lady nurse. Is that right?

F A Yes.

Q A healthcare assistant, Mrs [REDACTED]

A Yes.

Q At the [REDACTED] Surgery.

G A Yeah.

Q Right. You didn't say anything to her about any big problem that you'd had up to that point, did you?

A No because I went for blood tests.

H Q Well, I'm not ending there, you see, on 23 June because I'd like you to have a look at p.51 in this bundle and look at something else that happened on 23 June.

A It's all right. I know which -- I know which event you're on about.

Q On 23 June you were seen by somebody from Barnardos, weren't you?

A Yes.

Q Now, can we be right about this: that you had got in touch with Barnardos again in relation to getting help in relation to [Person S].

A Yes.

Q Your decision to go and get in contact with them.

A Yes, 'cause I was doing everything I could to try and rebuild my life up and try and get my daughter back.

Q And the person that you saw there was [REDACTED], wasn't it?

A Could not remember her name. Possibly.

Q Just have a look at the records to remind yourself.

A It's all right. It's -- looking at a name on a paper isn't going to make me remember. I saw someone at Barnardos, a lady at Barnardos, yes.

Q Did [REDACTED] to help you?

A Yes, and I told [REDACTED] a heck of a lot of stuff that day.

Q You told [REDACTED] quite a few things, didn't you?

A Yes.

Q But nothing about being raped.

A I told [REDACTED] plenty about being raped.

Q But not by Mani.

A So what? I didn't tell her the names of everyone that had raped me. We started off by telling a story of -- to start off with exactly how things had started off. I didn't tell her everything. I don't need to tell people everything on the first time of meeting them. Just because I don't specify details in an initial conversation with someone doesn't mean it didn't happen. When it came to doing my video evidence, the police asked me the questions about every single thing in my life and I told them. These people didn't ask these questions. They just asked if I had been abused and I eventually broke down because, you see, you're on about me going to the doctors and stuff like that and that I didn't tell them. None of them asked me. Do you know, if one of them had of asked me, "Did you get raped last week?" do you know what, I probably would have told them but no one ever asked them questions.

So, no, I don't feel in a position to go for a blood test and blurt out that I'd been raped. I don't think anyone would. I lived with everything inside of me. I kept on going. I kept my head

A up and I just kept on trying to rebuild my life over and over, despite what these men did to me and yes, when I told Barnardos stuff I told Barnardos enough for them to be able to go and try get the right people to work so then we -- to work with me so then we could get to where we are now but years and years ago, but nothing ever went any further.

B So, yes, fair enough I might not have mentioned Mani's name on that list but that was the first initial time of me breaking down and admitting that these men had been abusing me. So, don't expect me to have said every single detail in that one brief little meeting of half an hour.

Q [Person A1], are you saying that people have to ask you about a serious event like being raped before you volunteer it to them?

C A After what I went through, yes. After years of volunteering the information to people and no one doing anything about it. In the end up, yes, I kept it all inside me and all it would have taken for one person to have asked me but no one ever did. So, I kept it inside me and I kept on going because the times that I had decided to tell these people what had gone on, no one had ever done anything. I'd lost all faith, all faith and trust in all professional services. So, D people with professional titles, I wasn't going to volunteer information like that. Especially not as a young girl. Not until someone -- all they had to do was pry a tiny little bit like Barnardos did. They pried a tiny little bit and I broke down and started telling them from the beginning of the stuff that had been happening to me.

E Q Can we be clear about this, that by the summer of 2010 you had a clear understanding that if somebody forced you to have sex against your will it was rape?

F A I had been abused for years. My -- I had no clear understanding. Could you imagine living in a lifestyle where you're -- like, as a -- as a child your -- what your parents tell you or your carers or whoever is influenced as a parent or figure in your life tell you, that is what you G grow up believing. It takes years and years of experience for you to even start realising that, "Oh, yeah, my parent might be wrong there". My parental figure were these men. Everything they told me I believed and I thought was the way of life. I thought it was normal. Everything like that was normalised.

H Even before these men were involved with me, my mother was in domestic violent relationship after domestic violent relationship. My mother herself got raped. Things like that was very normalised for me. So, no, by 2010 I did not have a clear understanding of rape and situations around that. I had gone through years of brainwashing.

A

Still to this day I still struggle with some of the connections that I feel for these men. So, even at 25 year old, seven year after the last one of them touched me and what, 12 year, 13 year since, since -- no, more than that -- yeah, 12 years since it all first began I still struggle with attachments I feel to them. So, no, in 2010 I didn't have a clear understanding because even now, as a 25-year-old, after all of the emotional abuse and manipulation they have done to me, I still don't have a clear understanding now.

B

Q Can I just put to you what your answers were before when I asked you a similar question?

A You can put them to me all you want.

Q I asked you this. Can I just -- it's at p.65 of the transcript: "Can I just be clear that by the time you were 18 you knew what rape was?"

C

A Yes.

Q And you replied, "Yes".

A Yes.

Q Question: "What the meaning of rape was?" "Yes." Question: "Having to have sex with someone who's forcing you and that you don't want to have sex with?" "Yes."

D

A Yes. In relation to violent rapes and stuff like that, not manipulative relationships like he did. Completely different scenario.

Q Let's be clear about it. The allegation that you're making against Mani is that on two occasions, feeling under threat from him because he was behaving in a bizarre and threatening way, he forced you to have sex with him. That's what you say, isn't it?

E

A Yes. He intimidated me the whole time, all the way through the relationship, as he put it, and forced me to be in a relationship. Have you never heard of the type of domestic violence surrounding that? I was in a relationship I didn't even want to be in and I was forced to stay into that relationship thinking that I was the one that had done wrong for engaging with him in the first place, even in conversation. It's a completely different scenario to what you're trying to make out. You're trying to twist things around and that's not the case.

F

G

My understanding, even now as a 25-year-old has taken a heck of a lot for me to understand what consent were. I had to go and look up a video on YouTube that is based -- like it's aimed at 13-year-olds to teach them consent. I had to find out myself exactly what consent was. I don't even -- I can't even be in a relationship now at 25 year old because I don't know how relationships are supposed to work. So, no, my understanding isn't as clear as normal 17 or 18-year-olds would be because I'm not a normal 17 or 18-year-old. I've been abused for years.

H

Q On 15 July 2010 you were 17, just. Right?

A Yes.

A Q On that date you went to the police or----

A Yes.

Q -- called the police and made a complaint that your boyfriend, [REDACTED] I'm going to call him----

A Not boyfriend. My next-door -- my mum's next-door neighbour.

B Q All right.

MS MELLY: I am sorry to rise again, your Honour but these previous sexual history matters have been dealt with more than once and so I just feel that we're going over questions and I----

C MR FERM: I'm not and if Ms Melly has any further objections to my cross-examination I'd be grateful if she did it in the absence of the jury instead of making a speech to them. I'm asking this witness----

D JUDGE DURHAM HALL: No. Mr Ferm, she could have stood up and intervened on several occasions. Out of respect to you and your seniority I -- neither she or I did. I -- you have to be careful about s.41. We all do, don't we?

MR FERM: I know that.

JUDGE DURHAM HALL: But I think you can navigate this without any further problem. That's all I can offer you at this moment. Okay?

E MR FERM: Then I'll put it in this way. The record shows and it is an admitted fact that on 15 July 2010 you made complaint to the police about this person, [REDACTED], to use his initials.

A Yes, and did that go anywhere? No, it didn't. So, therefore, that reinforced the fact in my mind of normalising this type of behaviour when the police didn't deal with it and he didn't get sent to prison. That is then reinforced in my mind that that's normalised behaviour and that's the type of thing that I should put up with. So, yes, I might have reported it to the police but it didn't -- they didn't do anything. So, therefore, I am back to thinking that I am meant to be putting up with this type of thing.

F Q The suggestion that the police didn't do anything, whilst convenient to your account, isn't true, is it?

A Yes, it is true.

Q They arranged a medical examination of you.

A No. They didn't arrange a medical examination because it was----

H Q They----

A It -- no because it wasn't straightaway after the rape that I reported it. It was later on. They didn't arrange any medical examination. So, please don't lie.

A Q They arranged a video camera examination of you.

A Yes. No, not a video camera examination. There was no medical examination or video camera examination. There was an interview, not even a videoing interview. It was a voice recorded interview and that's all that occurred.

B Q So, we're at odds about that. And it -- they sent a photographer. Right?

A No.

Q Well, we'll have to look at the record in due course.

A Please go look at the record then before you put it to me because there was no photographer, there was no video examination and there was no medical examination. There was just a voice recorded statement made and an arrest made and then those charges got dropped.

C Q You withdrew the complaint, didn't you?

A They also said that they wouldn't be able to prosecute anyway, the charges wouldn't go any further.

D JUDGE DURHAM HALL: How old was the witness? How old were you at this time?

MR FERM: Seventeen.

A No. I wasn't 17 when the rape happened. It was -- I was 16. It was just after my sixteenth. After I'd given birth to [Person S]. It was about four week after I'd given birth because I was still bleeding from birth.

E JUDGE DURHAM HALL: All right.

MR FERM: Now, back to the timeline, please. I've asked you about 23 June but I just want to ask you, whilst I was on the p.51 of the bundle, about a date of 1 July. I might as well do it at this point. Look at p.52, please. It's the bottom of the paragraph "Present situation".

F A Yes.

Q "I have wrote to [REDACTED] to collect her from contact with her daughter on Friday, 1 July from [REDACTED] Family Centre."

A Yes.

G Q All right? And she did that, did she?

A Possibly. I don't know. I don't remember.

Q But it's up to them to ask you if anything sexual has happened to you.

A Yes because that's their job at Barnardos. Did you not know that? They're there to work with children of sexual exploitation and try and get the truth from them in a way that doesn't

H

traumatise them. That is actually her job description. So, yes, she was supposed to ask me and question me about stuff and when she did question me I did end up telling her.

A Q Now, 28 June, we've got an entry on the medical records in the timeline and we've already covered the fact that you had a home visit from [REDACTED] on that day but I'd like you, please, to turn to p.1 of the bundle where we get a fuller extract from your medical records.

A Yes.

B Q You attended -- well, the record is made at 8.04 in the morning. Do you see that?

A Pardon?

Q The record is made at 8.04 in the morning.

A Yes.

C Q And it's Dr [REDACTED] who was a GP at the Grange Practice.

A Yes.

Q Again, a female.

A And it doesn't matter the sex of a person.

Q And a doctor you've seen on quite a few occasions in the past. Is that right?

D A A handful of occasions.

Q Let's see:

E "History: long chat. Attended with grandma. Came mainly about blood tests as failed two other tests. Informed blood tests normal and she says she has cut down from drinking three bottles of spirits daily plus cocaine use to just drinking at weekends. Then went on to say she is fighting for custody of her daughter as her mum kidnapped her. Seems to have lots of contact points with drug, alcohol workers, social services, et cetera. Says she feels unwell and indeed she often sleeps all the time. And misses appointments. Says she is awaiting a laparoscopy at Wakefield."

F And I'll come back to that in due course. Right?

A Yes.

G Q So, this is a long chat about problems in your life, isn't it?

A It was a long chat about the fact that my liver wasn't working properly.

Q And again would it be right that nothing was said to Dr [REDACTED] about someone raping you very recently on that occasion?

H A I think I've covered -- I think I've covered the matter that I had appointments with professionals and did not tell them about the rapes and I think I've given my reasoning behind

why I did not tell them. I think I've done that multiple times now. Just because it's a different professional doesn't mean my reasoning has changed for not telling them.

A Q 9 July was your eighteenth birthday, wasn't it?

A Yes.

Q And I think we established in your interview before that there was no sexual event between you and Mani on that occasion, was there?

B A Not as far as I can remember, no. I've already stated though I -- sorry -- I do not remember the exact dates and times of when things happened.

Q I want to ask you about 6 July. On 6 July investigations revealed that the father of [Person S] was a Mr [REDACTED]. Is that right?

C A As far as I'm aware [Person S] shouldn't be getting brought into this. That's as far as I am aware. I'm sure that something was put in place so that things with [Person S] weren't getting brought up.

Q Just have a look at D----

D A And I don't see what [Person S]'s parentage has to do with this trial. He wasn't -- he didn't abuse me or anything like that. We were both children in the care home.

Q Just have a look, please, at p.17 of the bundle.

A Yes.

Q Do you see just below the middle of the page 6 July 2011?

E A Yes. I can see it.

Q DNA test results proved that [REDACTED] is [Person S]'s biological father.

A Yes and I don't see what that has to do with anything.

Q Before that you weren't sure but then you found out, didn't you, for certain.

A It's -- I don't see what this has to do with anything.

F Q Well, I'm asking you, you see, in the account you gave, and this is the point, in the interviews that you had with the police about the allegation you make, which I have to deal with, that Mani raped you on two occasions----

A Because he did.

G Q -- you don't relate it to any of these events in your life, do you?

A No because why would I. Why would I relate rape to the father of my child when it has nothing to do with them completely?

Q What about relating it to the day, for example, that you went to see Dr [REDACTED] or the evening of the day?

H

A

A Because I went to see a lot of doctors throughout my childhood. I'm pretty sure that I don't go to a doctors and think, "Oh, do you know what, this is the day that I got raped. I'm gonna remember it because I saw this doctor that I see on other occasions," and do you know what I mean? Everyone goes to the doctors. It doesn't mean I need to relate it to a rape. I honestly don't see what your point is.

B

Q Yes. Well, if you don't see it I'm not going to seek to take time to enlighten you. 10 July 2011 was the day after your eighteenth birthday. Right?

A Yes.

Q And you don't relate the occasion of either of the rapes you allege against Mani to that date, do you?

C

A No.

Q On 12 July----

D

A It could have happened on any of them days. It could. Just because I don't remember or I went to the doctors on the day that I got raped does not mean that wasn't the day. I have already stated -- I don't see what all this questioning is for. I have already stated that I don't remember the dates that I got raped and I could not relate it to anything, so I don't see what the point in going through each and every single appointment that happened ten years ago or-----

E

Q So, you can't -- you can't relate it to any dates in this period or any events.

A I have already said I do not remember which day it happened. I remember the incidents. I don't think people make a log of when things happen, especially when it's an occurrence that's happening multiple times throughout your childhood. If it had have been a one off, if I'd have been a sheltered person that had grown up in the perfect family and I'd gone out and I'd have got raped, I would have remembered that date for the rest of my life but when you're getting raped repeatedly throughout your childhood I think you lose all sense of bearing about which date it happened on.

F

Q [Person A1], I'm now going to move on to seek to eliminate some dates. All right?

A I don't----

G

Q On 12 July----

A I cannot eliminate dates and I cannot give dates. I do not remember which date it was when it happened. Can't I, please, because I'm going round in circles here. Like, I've literally gone through doctors' appointments and blood test appointments that I'm pretty sure people have regular throughout their life, just because -- like, do you remember what you did on your last drug -- blood test appointment?

H

Q Let me try and see if I -- we can agree on certain dates being eliminated because I want to finish your cross-examination tonight and I know you want me to.

A Yes but I -- yes but I am telling you I cannot -- I am telling you I cannot eliminate the dates because I cannot remember the date it happened. So, how am I supposed to eliminate the date?

Q On 12 July, a very sensitive date because it's [Person S]'s second birthday, isn't it?

A Yes.

Q And if it had happened then, that's a date you would have remembered, isn't it?

A Not necessarily. Not necessarily when I blocked out what these people did to me.

Q And you've no memory of that, have you?

A I -- I've already said -- oh, can I have a break, please? Please? I've already answered these questions.

MR FERM: I'm sorry about this, your Honour. I don't think I'm going to finish. I wish I could but I don't think I'm going to.

JUDGE DURHAM HALL: Well, I think we need to have some words about where this is going.

So----

A I've, I've answered these same questions over and over.

JUDGE DURHAM HALL: I know. I know. I know but I need to deal with it sensitively with the barristers and you've got to pop back tomorrow anyway for Ms Melly to, as it were, ask her bit in re-examination. So, there's no hardship. All right? You take a seat, ladies and gentlemen.

I think it better, ladies and gentlemen, if you do go now and then I'll see what's -- what contribution I can make to this. All right? You follow me, don't you? Quite clearly. I know. So, you go and come back for 10.00 a.m. tomorrow. Is that all right? For the sake of ten minutes now. That's fine. All right, if you'd kindly do that and then I'll, I'll see to everybody else's convenience.

(In the absence of the jury)

JUDGE DURHAM HALL: (To the defendants) Thank you very much indeed. If you'd like to just -- I'll see you all tomorrow. Remember, no going in the café.

(The defendants withdrew)

JUDGE DURHAM HALL: Thank you, [REDACTED]. [Person A1], we'll see you tomorrow.

A You come back in good order, won't you, tomorrow at 10.00 a.m. You won't be here very long.

A Okay.

JUDGE DURHAM HALL: All right, off you go. Don't talk to anybody. You know the drill.

B Thanks very much and then it will be an end of the job. Thank you.

(The witness withdrew)

C (4.05 p.m.)

(The court adjourned until 10.00 a.m. on Tuesday, 29 January 2019)

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CERTIFICATE

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