

TRANSCRIPT OF PROCEEDINGS

Ref. T20177306

IN THE CROWN COURT AT BRADFORD

Exchange Square
Drake Street
Bradford

**Before HIS HONOUR JUDGE DURHAM HALL QC
THE RECORDER OF BRADFORD**

R E G I N A

- v -

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

**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**

MS G BATTIS appeared on behalf of the Defendant Majid

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

PROCEEDINGS

4 FEBRUARY 2019 -- 10:05-10:38; 11:12-13:05; 14:43-15:05; 15:37-15:43

**REPORTING RESTRICTIONS APPLY:
SECTION 4(2) OF THE CONTEMPT OF COURT ACT 1981
SEXUAL OFFENCES (AMENDMENT) ACT 1992**

A

DISCLAIMER: The quality of audio for this hearing is the responsibility of the Court. Poor audio can adversely affect the accuracy, and we have used our best endeavours herein to produce a high-quality transcript.

B

WARNING: reporting restrictions may apply to the contents transcribed in this document, particularly if the case concerned a sexual offence or involved a child. Reporting restrictions prohibit the publication of the applicable information to the public or any section of the public, in writing, in a broadcast or by means of the internet, including social media. Anyone who receives a copy of this transcript is responsible in law for making sure that applicable restrictions are not breached. A person who breaches a reporting restriction is liable to a fine and/or imprisonment. For guidance on whether reporting restrictions apply, and to what information, ask at the court office or take legal advice.

This Transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved.

C

D

E

F

G

H

A
B
C
D
E
F
G
H

INDEX

Page

DISCUSSION OF GENERAL MATTERS	4
Submissions re bad character of Parvaze Ahmed	25
Ruling re bad character of Parvaze Ahmed	28
DISCUSSION OF GENERAL MATTERS	32
Submissions of no case to answer re Naveed Akhtar	33
DISCUSSION OF GENERAL MATTERS	37
INTERVIEWS OF FAHIM IQBAL READ	48
INTERVIEWS OF MOHAMMED USMAN READ	50
INVESTIGATION RE DRUGS DISCOVERED IN TOILET AND DOCK	87

A

[REDACTED]

[REDACTED]

[REDACTED]

B

[REDACTED]

[REDACTED]

[REDACTED]

C

[REDACTED]

[REDACTED]

[REDACTED]

(Jury entered court)

D

JUDGE DURHAM HALL: Good morning. Thank you. Welcome back. We were right to say not before 12 o'clock. There are lots of little issues all being resolved by agreement or ruling, but enough of that. Let's just try and get on and finish the prosecution's case if we can.

INTERVIEWS OF FAHIM IQBAL READ

E

MS MELLY: Yes. Your Honour, ladies and gentlemen, the next interviews we are going to deal with relate to Fahim Iqbal and that -- if you could pick those at the back of your tab 13, and once again this is a case in which the defendant provided a prepared -- pre-prepared signed statement, and again you have that at the front of those documents.

F

Well, ladies and gentlemen, if we turn therefore and I'll read the prepared statement to you. It says this:

G

"I, Fahim Iqbal, confirm as follows. I did know [Person A]. I confirm that during the time that I did know her there were numerous occasions I engaged in consensual sexual activity with her. The first such occasion was in a car virtually outside her address of [Location E] in Staincliffe" -- he gives the postcode -- "where vaginal sex took place. On other occasions we had vaginal and oral sex. This included having sex in the house on a consensual basis. I deny rape and conspiracy to rape."

H

A

That's signed by Fahim Iqbal and it's dated 23rd November 2016.

B

If we turn over, we then see the record of the police interview of 23rd November 2016. It took place at 1.59 and lasted a little over an hour. Two officers conducted the interview and Fahim Iqbal was represented by Mr Islam, his solicitor.

C

Everyone introduced themselves. He was reminded of his legal entitlement. He was cautioned. The terms of that caution you are aware of. The caution was explained and he was questioned about his understanding of the caution. At that point his solicitor, Mr Islam, read aloud the prepared statement on behalf of Iqbal and thereafter the defendant made no comment to all questions asked of him.

D

If we turn over, we there see the second interview of Fahim Iqbal, which occurred after the identification procedures. This interview was on 4th July 2017. It lasted some eight minutes. Indeed, on this occasion, Mr Patterson, you were present during that interview?

E

A. Correct, your Honour, yes.

Q. Once again everyone introduced themselves and legal rights were explained. He was cautioned. The caution was explained. He confirmed he understood and thereafter he made no comment in reply to all questions asked of him.

F

So there is the interviews in respect of Fahim Iqbal.

INTERVIEWS OF MOHAMMED USMAN READ

G

MS MELLY: Now we deal with the last defendant. Those interviews will be handed round shortly. This, of course, is the defendant Mohammed Usman. If you could put your interviews at the back of divider 14. Thank you very much.

H

Well, ladies and gentlemen, we start the interviews in relation to Mohammed Usman. You'll see on 6th June 2016 the interview, in fact, lasted a little under an hour. DC Riley and Investigating Officer Alderson were present and the defendant was represented by Rashid Khan, a solicitor.

A

Once again the procedure and introductions were made and the caution administered. He was asked:

B

"Q. Are you responsible for the rape of [Person A]?"

A. No.

Q. Have you had any sexual contact whatsoever with [Person A]?"

A. No.

C

Q. Do you know [Person A]?"

A. Yes."

At that point he was shown a picture of [Person A] taken around 2011.

"Q. Is this the girl you know to be [Person A]?"

D

It was explained that Usman had been arrested having returned on a flight from Pakistan. Usman said he'd been to Pakistan to visit his wife, [REDACTED] (?), who lived in Pakistan. He stated they will be married for three years on 25th August, but had no children. When asked if [REDACTED] had ever been to the UK, Usman said she hadn't.

E

"Q. What's your name on your birth certificate?"

A. Mohammed Usman.

Q. Where did you work in 2011?"

A. I wasn't working."

F

When asked which addresses he'd lived at since 2010, Usman said 7 [REDACTED] [REDACTED] and nowhere else. Usman was asked if he drank alcohol. He stated he used to before he got married, but once he got married he stopped.

G

"Q. And what would you drink?"

A. Vodka, spirits.

Q. How often?"

A. Them days I used to drink every day.

H

Q. And how much did you drink every day?"

A

A. Quarter, half a bottle.

Q. What size bottle?

A. Half."

B

He explained he would drink about half a medium sized bottle of vodka and said he was all right with it. It did not affect his mood or make him do things he wouldn't do when he'd not had a drink.

C

"Q. Do you take illegal substances?

A. I did, yes. I used to take cocaine.

Q. And how often did you take cocaine?

A. Like on parties.

D

Q. How often would that be?

A. Every weekend.

Q. And over how long a period of time did you take cocaine?

A. For about two years.

E

Q. Did those two years cover the period of 2010 to 2011?

A. Yes.

Q. And how did taking those drugs affect you?

A. They didn't affect me that much, no. It was just like a habit. We'd just have a laugh, have a party. That's it.

F

Q. Would you describe yourself as an aggressive person?

A. No.

G

Q. Did the alcohol make you aggressive?

A. No.

Q. Did drugs make you aggressive?

A. No.

H

Q. Do you have any nicknames?

A

A. No.

Q. Were you known by the name Mani?

A. Yes.

B

Q. Would [Person A1] know you by the name Mani?

A. Yes.

Q. Do you have a mobile phone?

A. No."

C

DC Riley said a while ago she spoke to Usman by phone, and Usman stated that it was his Mrs's phone.

"Q. Did you have a mobile phone then in 2011?

D

A. Yes, but I forgot the number."

He said it was probably a Nokia phone, but didn't have the phone now and didn't know what happened to it.

"Q. Do you have a social media account?

E

A. I did."

Usman said he deactivated his Facebook account last year.

"Q. And what was your profile name?

A. Mani Inaz (?).

F

Q. In relation to [Person A1] tell me how you know her.

A. I know her because one of my mates took me to her house. It was a house party.

G

Q. And who was the mate?

A. [REDACTED]

Q. And how old is [REDACTED]?

A. He's my age, one year younger than me probably."

H

Usman said [REDACTED] lived in Queensbury, but he didn't know his address.

A He stated he'd known [REDACTED] since he was 19 years old, but only saw him at Friday prayers at the mosque on [REDACTED]

"Q. When was the last time that you saw him?

B A. It's been about three months now, three to four months.

Q. How long have you been in Pakistan?

A. A month."

C Usman said he only went to that mosque here and there. He usually went to the mosque at the top of [REDACTED] near his house to pray.

"Q. So tell me about this party.

D A. We once went down, you know, to a party, drinking and sniffing and things like that, and we went to [Person A1]'s house."

It was established that this was [Location C].

"Q. When did you go there?

E A. I can't remember now, because I used to drink and sniff and stuff like that. I can't keep track of time.

Q. I know what you mean by sniffing. Just explain what you do mean by that?

A. Sniffing cocaine.

F Q. These offences are alleged to have been committed between 14th and 18th October 2011. Would it have been around that time when you went to the house?

A. Probably, yes.

Q. And how many times did you go to [Location C].?

G A. Three times max.

Q. Tell me what happened the first occasion that you went.

H A. First time I went there everybody was drinking. There was a party going on inside the house and everybody was drinking, smoking whatever and people were dancing, and she kept coming up to me and dancing with me, but I didn't take no notice because

A

I didn't -- don't even -- didn't know her at that time. Do you get what I mean?

B

So all this is happening, and at the end of it we exchanged numbers. After we left the party I went to go see her about a week, two weeks later, and then she was telling me that, you know, she was -- she was alone at home. I went down. I was having a spliff with her and she wanted some coke, cocaine, but I didn't get her any. So we just chilled out. She was telling me that -- that she liked -- she's got children. She's got a child. She lives in this house and such like that. I was there for about an hour and then left.

C

I went again once more about -- I think it was about 3, 4 o'clock in the morning, and there was like six or seven lads already there in her house, Asian lads. So I got inside and they were taking MCAT, and I didn't take no notice of them, because I don't take MCAT, and she wasn't downstairs. She was upstairs with somebody else. I don't -- one of them lads. I don't even know. After that I stopped going there.

D

Q. So you've been to the house on three occasions.?

A. Yes.

E

Q. And what was the timeframe between the first occasion and the last time?

A. It's all been in a month.

Q. A short period of time really, isn't it --

A. Yes.

F

Q. -- that you say you went to this house on about three occasions?

A. Yeah.

Q. So the first time then tell me who was at the house that you knew when you arrived.

G

A. I didn't know. I only knew [REDACTED], the guy who took me there, and she had a party. There was people around. I have no idea. I don't know. Asian lads and stuff.

Q. When you got to the house, did you know anybody there?

H

A. No.

A

Q. Before you left the house did you get to know anybody?

A. No."

B

When asked how many people were at the house Usman said there was at least 12 to 13, maximum 15, people there, both male and female.

"Q. Did you know any of the other females there?

A. No.

C

Q. What were the age ranges of the males there would you say?

A. At that time I was like about 23. They must have been like 28 to 30, that age."

Usman said he didn't recognise any of the males from seeing them around.

"Q. What about the girls' age ranges?

D

A. I didn't really ask them their age.

Q. Do you know how many girls were there?

A. There was quite a few, about five to six.

Q. And how old was [Person A1]?

E

A. At that time I didn't know. I didn't know. I assumed she was old, you know, because she had a kid and a house and stuff like that. So we just wasn't down."

Usman said she told him she had a kid and a house.

F

"Q. Before you went there with [REDACTED] what did you know about where you were going to?

A. I just knew we were going to a house party. That's it."

Usman said it was a long time ago and could not remember what time it was. He stated he thought it was on the weekend.

G

"Q. So you arrive at this party. How long did you stay for?

A. We were there for about one hour. One hour, yeah. That's about it."

Usman said he couldn't remember what he was wearing, but would have had jeans and trainers on, because that was what he normally wore.

H

A

Q. Do you ever wear any other type of dress?

A. No.

B

Q. So on that first occasion you go to the house. You're there and what exactly did you do?

A. I was drinking. I was smoking. I was just sat down in the corner, because I didn't know no-one, and [REDACTED] was sat with me as well and he was just talking to people and stuff like that. I'm not really that much of a talkative person.

C

Q. Did [REDACTED] know the other people?

A. I think he did, yeah, or he got to know them there and then. I don't know.

Q. What were you drinking?

D

A. Vodka probably.

Q. Where did it come from?

A. I think it was already in the house."

Usman said [REDACTED] and himself did not take any alcohol with them.

E

"Q. And you said smoking. What were you smoking?

A. Cannabis."

Usman said he thought there was a lad selling it there. He didn't take any with him.

F

"Q. How were you introduced to [Person A1] then? I know you'd gone to the house and she was there. Tell me about when you first meet.

A. Then she started -- then she started to dance and stuff like that, and I was thinking 'Who's that?' and she come up to me. She was saying to me, 'I know you'. I go, 'How do you know me?' She goes, 'Oh, we used to go to the same school!'"

G

Usman said that he went to (inaudible) Upper School, but he was thinking that he never knew her and had never seen her before, and then he added:

H

"A. Then after that we were chilling out for a bit. She was dancing. We

A

exchanged numbers, and then I went to meet her once more after that first time. The second time I went to see her then she was telling me about her child and such like that.

B

Q. So what made you exchange numbers with her?

A. Just.

Q. Just?

A. She asked me for it.

C

Q. Is that something you do, give out your number to someone who asks?

A. Not -- no, no. That was when I was a bit drunk, wasn't I? I gave her it."

Usman could not remember what number he gave her or what number she gave him.

D

"Q. When she gave you her number then, how was that given to you? Was it written down or how was it given to you?

A. I don't know. She texted me I think. She took my number and she texted me.

Q. How did she take your number?

E

A. I think on her phone or something. It must have been her phone or a mate's phone.

Q. And what did you do with that number? Did you store it in your phone?

A. No, I just kept it as a blank number, you know, like just saved like that.

F

Q. Did you store it as a contact?

A. Yes.

Q. And what name did you give that contact?

A. Just as a dot.

G

Q. Why just as a dot?

A. Because I don't like keeping girls' numbers in my phone."

Usman said he would get into trouble with his mother at home. He confirmed his mother had access to his phone now and again.

H

A

"Q. Is there any other girl's number stored in your phone as a dot?

A. No. That's the only girl's number I had in my phone, or like just mates, girl mates.

B

Q. Did you have any girl mates stored as a dot?

A. No.

Q. So it was just [Person A1] as a dot?

C

A. No, because I just stored it as a dot. It was a quick thing -- do you know what I mean -- because we were all -- I was drunk, so I just saved it like that.

Q. Do you have this number now?

A. No.

D

Q. Other than what you've told me was there any other discussion with [Person A1] about anything?

A. No.

Q. Did anything sexual take place between you and her?

E

A. No.

Q. Was there any action done by [Person A1] that would suggest anything sexual, that she wanted anything sexual?

A. No.

F

Q. Were you aware of anything sexual between [Person A1] and anybody else?

A. No.

Q. So you stay at the house for an hour?

A. Yes.

G

Q. And then what did you do after that hour?

A. Just went home."

H

Usman was asked if he'd spoken to anybody about where he'd been and he said he hadn't. He didn't tell any of his family that he'd met [Person A1] or about the address.

A

"Q. Do any of your family know now about you meeting [Person A1]?"

A. No.

B

Q. So the second time you meet her how long was that after that first meeting?

A. About a week, two weeks, a week and a half.

Q. And how did that come about?

C

A. She texted me one day. She said, "Oh, come down. We'll just chill out for a bit and have a spliff". So I went down. She had a spliff. Then she wanted some coke, cocaine, and I go, 'I don't want to take it'. So I got -- I made her not -- not to get it. So we just talked a bit. That's it. She was telling me about her baby. It was in care or something like that. That's about it. I just stayed for about an hour, had some crisps or a sandwich or something and chilled.

D

Q. And how did you get to [Person A1]'s?

A. I must have got dropped off."

E

Usman said he would not have got a taxi there because he didn't have any money and he stated he couldn't drive.

"Q. And who would have dropped you off?

A. One of my mates. I don't know. I can't recall it's been so long.

F

Q. Do you remember what sort of car you were dropped off in?

A. No.

Q. What time was it when you arrived at [Person A1]'s?

G

A. It was, what, probably in the evening when it was a bit dark. In the evening, yes.

Q. So when you got there, what did you do when you arrived?

A. Just sat down. She welcomed me in, sat down. She told me to make a spliff.

H

I made a spliff -- made a spliff, smoking it, watching telly and then we just started. She -- she got me something to eat, crisps or something, sandwich. After that we just chilled out for

A

a bit and that's it. I went.

Q. So a spliff to me means cannabis.

A. Yes.

B

Q. Where did that come from?

A. From her.

Q. And were you happy to take that with her?

A. Yeah, because I smoked it anyway.

C

Q. Was that something which [Person A1] knew?

A. No."

D

When asked what [Person A1] was doing when he got there it, Usman said she had the telly on. No-one else was at the house. He stated they talked about general stuff such as "What do you like?" and "What do you do?"

"Q. So what did she tell you about herself other than about her daughter?

A. She had a kid and she was getting to find work, stuff like that. She was telling

E

me she had a drinking problem, stuff like that.

Q. What did you tell you about the drinking problem?

A. I think she was telling me that she was self-harming and stuff like this.

Q. What did you think about that?

F

A. I felt sorry for her.

Q. What did you tell her about yourself?

A. Nothing much.

G

Q. Why didn't you tell her anything about yourself?

A. Well, like, I told her -- she -- she knew how it was, you see, and I didn't know

H

who she was. So I just tell her about movies, that kind of stuff, you know, what food you like, and I was just giving her like advice, because I myself went through rehabilitation for drinking and now am clean, and that was in 2000 -- 2012 when I was in rehabilitation for

A

alcohol."

B

Usman said he'd had his rehabilitation at Alcoholics Anonymous opposite where you got birth and marriage certificates in town. He stated he went there for about a year. He was going to rehabilitation before he met [Person A1] but was still drinking.

C

"Q. So you're at [Person A1]'s on the second visit and something is made to eat and you talk and she gives you this sort of -- tells you about herself?

A. Yes.

Q. Did anything else happen?

A. No.

Q. Did you go upstairs?

D

A. No.

Q. Did you ever use the toilet at [Person A1]'s?

A. No.

Q. Have you ever been upstairs in [Person A1]'s house?

E

A. I must have gone to the toilet. Yeah, I must have gone to the toilet, yeah.

Q. Apart from going to the toilet would you have gone upstairs for any other reason?

A. No.

F

Q. Did you ever go in any of the bedrooms at [Person A1]'s?

A. No.

Q. So the second occasion then you go you are sort of chilling. You have a spliff. You're drinking?

G

A. Yes.

Q. And what state alcohol-wise was [Person A1] in would you say?

A. I think she was sober.

H

Q. What about yourself?

A

A. I was sober.

Q. So you stayed for about an hour?

A. Yes.

B

Q. And what rooms in the house did you go in in that hour?

A. Just there is a room. It was like a living room and there's a kitchen next to it.

That's about it.

C

Q. In that time were there any callers at the house? Did anybody come to the house?

A. No.

Q. Did you speak to anybody --

D

A. No.

Q. -- while you were at [Person A1]'s house?

A. No.

E

Q. Can you remember if there were any phone calls either from or to [Person A1] whilst you were at the house?

A. No.

Q. Did you receive or make any phone calls?

A. No.

F

Q. What was the reason for you leaving?

A. I just wanted to. I wanted -- I was going home anyway.

Q. And how did you get home?

A. I got a taxi.

G

Q. Which taxi firm did you use?

A. AllOver Gurlington probably, yeah."

H

Usman said that was the taxi firm he normally used and thought [Person A1] rang the taxi for him. When asked how he'd paid for the taxi, Usman said he went home. His

A

mum gave him the money for it. He stated his mum and none of his family knew where he had been.

B

"Q. So that's the second time. Did anything untoward happen while you were at the house, at [Person A1]'s house?

A. No.

C

Q. And how did you leave? You know about that, what I mean. Were you on -- what terms were you with her?

A. No, she was happy. She was like -- I was saying to her, "We'll see each other some other time" and she goes "Fine".

D

Q. Did any physical contact take place between you and her?

A. No.

Q. Was there any kissing?

A. No.

Q. Was there any touching?

E

A. No.

Q. So when was your next contact with [Person A1]?

F

A. The next time was -- we went with my same mate, [REDACTED]. There was a house party going there and we went there. There were already like five, six Asian guys there. I don't know them, but I know like they're from local, you know, like round the area, from [REDACTED], stuff like that."

And then he continued:

G

"A. And we sat downstairs and they were taking MCAT and when they were taking that, I just left, me. I don't like that stuff, me."

Usman said he thought it was not his scene anymore drinking and smoking as he had asthma and then after that he didn't see [Person A1].

H

"Q. So how long after the second time was it that you went to this party?

A

A. About two to three weeks.

Q. And you went with [REDACTED]?

A. Yes.

B

Q. Did you go with anybody else? Was there anybody else with you two?

A. No. Yeah. [REDACTED]."

Usman said [REDACTED] was one of [REDACTED]'s mates.

"Q. And where do you know [REDACTED] through?

C

A. Through [REDACTED]

Q. How long have you known [REDACTED]?

A. He's a little kid. He's -- he -- he's the one who knows [Person A1] anyway.

D

They were at school together.

Q. How old is he?

A. I don't know. I don't know. I couldn't tell you. He's younger than me.

I know that."

E

Usman said [REDACTED] lived on [REDACTED] and the last time they had any contact with him was about three years ago. When asked if [REDACTED] had been with them to [Person A1]'s before, Usman said he hadn't. He only went on the third occasion and this is when [REDACTED] told him he knew [Person A1] and they were at school together.

F

"Q. Before that third occasion when you went to [Person A1]'s had you met [REDACTED] before?

A. Yes.

G

Q. And how long had you known [REDACTED]?

A. Since he's been a little kid.

Q. Years, months? What would you say?

A. Years.

H

Q. So he came with you on that third occasion to go to [Person A1]'s. Can you

A

remember what time it was?

A. It was the early hours of the morning like 5 o'clock.

Q. And what had you been doing before that?

B

A. That's when I'd been drinking."

Usman said he'd been drinking vodka in the car. He did not know what type of car it was, but said when they got there, a taxi was already there and thought one of the other lads who was there was a taxi driver. He said two of the lads were wearing Asian clothing, shalwar kameez.

C

"Q. Who was driving then on that night when you went to [Person A1]'s the early hours of the morning?

D

A. [REDACTED]

Q. Was it the same car that you'd been with [REDACTED] in before?

A. No."

Usman said he had a lot of memory loss around that time due to his rehabilitation and when he stopped taking cocaine. He said he'd not spoken to his doctor or anyone else about his memory loss, as he thought people might laugh at him, so he'd not had any medical treatment for it.

E

When asked if he knew the taxi drivers who were at [Person A1]'s house in Asian dress, Usman said he didn't.

F

"Q. How many people were at the house?

A. About five to six.

Q. Did you speak to anybody while you were at the house?

G

A. No. We went in and I seen them doing that stuff and I just -- I just wanted to go.

Q. And who was doing the MCAT?

H

A. Them lads in the taxi, who I said they was in the taxi cab.

A

Q. And where were they taking this MCAT?

A. In the living room.

B

Q. In the living room. Where was [Person A1]?

A. She was with them.

Q. Was she taking the MCAT?

A. Yes.

C

Q. Did you see her taking the MCAT?

A. Yes.

Q. How long did you stay at the house for?

A. About 20 minutes, 25 minutes and then I just chipped, me.

D

Q. And when you say "chipped", what do you mean?

A. We went.

Q. So in that 20, 25 minutes what were you doing?

A. I was just drinking and smoking.

E

Q. What sort of thing were you smoking?

A. Cannabis.

Q. Where did you get the drink from?

A. The drink was there.

F

Q. Did you take any with you?

A. No.

Q. Did [REDACTED] take any?

A. No.

G

Q. Did [REDACTED] take any?

A. No.

Q. And where did the cannabis come from?

H

A. The cannabis came from [REDACTED]

A

Q. Did you take any with you?

A. No.

B

Q. Did [REDACTED] take any with him?

A. No.

Q. So you're smoking and drinking. How are you feeling?

A. I was in a like all right mood, but, you know, when I started seeing this

C

MCAT and stuff like, they were getting violent."

Usman explained they were jumping and dancing and putting tunes on and he just wanted to go because it wasn't his scene. So he left after about 25 minutes.

"Q. How did you leave? You know, did you go in the car that you'd come in or

D

did you get another means of transport? What did you do?

A. I think we went in the same car, [REDACTED]

Q. So who left?

A. Me, [REDACTED] and [REDACTED]

E

Q. So you all went together in the car?

A. Yes.

Q. After that time did you ever go back to [Location C1]?

A. Not that I know of, no.

F

Q. On that third occasion did any sexual contact take place between you and

[Person A1]?

A. No.

G

Q. Was there any physical contact at all?

A. No.

Q. Did any conversation take place between you and [Person A1] on that third

occasion?

H

A. No.

A

Q. So you didn't even speak to her?

A. Because she was entertained by another lad, you see.

B

Q. What do you mean "entertained"?

A. Like she was chilling with him, like he was sniffing and stuff. She was more on to that side."

C

Usman said he didn't know the names of the other people who were there. He said he didn't know them and had not seen them since.

"Q. When you visited [Person A1]'s house on those three occasions, apart from the people who you told me about has there been any other visitors to the house?

D

A. There was a lot of lads from Allerton, you know, white lads and white lasses, Asian mix. Just like a party house her house was.

Q. Have you ever had any cross words or altercations with anybody at the house? I don't mean with [Person A1], but with anybody else?

E

A. No.

Q. There's never been anything? So apart from what you've told me there's nothing any different ever happened, and are you sure, absolutely sure, about that?

A. That's what -- all I could remember, yeah.

F

Q. But you've never sought medical attention for any memory, anything to do with your memory?

A. No, because I was told people who smoke cannabis lose their memory.

Q. But you've been able to remember quite a bit, haven't you, about when you met her, about what you were wearing and everything?

G

A. Yeah, yeah, yeah.

Q. So in relation to the events then if anything significant happened, would you say that you'd be able to remember it?

H

A. Yeah."

A

Usman confirmed he'd been to [Location C1] on three separate occasions within quite a short period of time, but on one occasion only he'd been there with [Person A1] by himself. He stated he would have been upstairs to use the toilet, had never been in any of the

B

bedrooms, and nothing had happened other than what he had said.

At that point he asked for some water and there was a short break.

C

Then we turn over. This was a 90 minute interview on 6th June and it starts as follows.

Can I get you to confirm, officer, the same procedure will have been gone through and the caution administered?

A. Your Honour, that's correct, yes.

D

Q. "Q. Okay, Mohammed. I was asking you about attending at [Location C1] and you said you'd gone with -- there were three times that you'd been there --

A. Yes.

E

Q. -- in relation to [Person A1] there. In your own words tell me the times you had met her, what you formed -- an opinion you formed of what she was like as far as you were concerned?

A. I thought she was like -- she was friendly. She was a party -- she was like -- she liked a party, drinking, snorting cocaine, etc.

F

Q. What did you know about her age?

A. I didn't know her age.

Q. Did you ever know her age?

A. No.

G

Q. And how old did you think she was?

A. I don't know. She looked old as us, myself.

Q. When you say old, what do you mean?

H

A. Like 20, 21 at that time, 'cos she -- if you think that somebody's got a house

A

and she's got -- she's talking about her kid, then she's old.

Q. So you presumed that she was. Is that fair to say?

A. Yeah, yeah.

B

Q. Did you ever ask her how old she was?

A. No.

Q. Did she ever tell you anything about how old she was?

A. No.

C

Q. Did she tell you how old she was when she had a child?

A. No."

Usman confirmed that he now knew that [Person A1] was just over 16 at that time

D

and he also knew that she had made a complaint that he had visited her house and raped her.

Q. And you say you've told me previously that nothing sexual ever happened with [Person A1] at all and there was never any physical contact?

A. No.

E

Q. Why do you think [Person A1] may have made this allegation if it's untrue?

A. I don't know, to tell you the truth.

Q. When was the last time that you had any contact with her at all?

A. It's been a long time. Four to five years, four years.

F

Q. Did you ever expect she'd say anything about you?

A. No.

Q. And she's got absolutely no reason to?

A. No.

G

Q. So she's got no reason to be -- there's not been a fall-out between you or anything that would --

A. No, nothing.

H

Q. -- where in your view you might think she's getting back at you or whatever or

A

something?

A. No."

B

DC Riley said [Person A1] had been interviewed in relation to her complaint about Usman in which she stated she knew him as "Mani".

"Q. Does she know your proper name?

A. No.

C

Q. How did you introduce yourself to her?

A. As "Mani".

D

Q. What she says is that she was living at [Location C], and she spoke about knowing [REDACTED] and [REDACTED] and that you came with them. She said that after meeting you that you started ringing her and calling yourself her boyfriend, but you'd never asked her out. Tell me about that.

A. That's not true.

Q. Have you ever called yourself her boyfriend?

E

A. No.

Q. She says that you would turn up randomly at her address, that you would be drunk and high on coke, and she describes that you -- your eyes would be big and scary. Tell me about that.

F

A. No.

Q. Did that happen?

A. No. Every time I went with [REDACTED] and [REDACTED], that's the only time I've been (inaudible) unless she wanted to be my girlfriend. I don't know.

G

Q. Did she ever say anything to you about that? No?

A. No.

H

Q. She says that when you arrived, you would start grabbing her and that you would say you want to hit her but that you liked her eyes. Did you ever do that?

A

A. No.

Q. She says that you told her not to test you, not to push you, not to -- told her not to push you and test you, because one day you would do that, hit her. What did you mean by that?

B

A. I've never had that conversation with her.

Q. [Person A1] says that you would say that you wanted sex with her and that she -- she's told us that, because you were scary, she wanted you to go home. Would you stay at her house anyway and you would get her to have sex with you?

C

A. No.

Q. Did you do that?

D

A. No.

Q. Is [Person A1] lying?

A. Yes.

E

Q. She says that your eyes were proper crazy. She describes you and one night when you wouldn't go home other people from the estate turned up, and you were getting aggressive and arguing with her. Can you tell me about that?

A. No.

F

Q. She says that one night she and her friend had been out and when she came back, you were there in a car nearby, nearby the address at [Location C]. Can you tell me about that?

A. No.

G

Q. She said you were already at the house when she was walking up the street with her friend. Can you tell me about that?

A. No.

Q. Did that happen?

H

A. No.

A

Q. She said that people that you were with" -- sorry -- "she said that the people that you were with left, left you at the house, and you were there on your own with [Person A1] and her friend?

B

A. No. I don't know why she's saying all this stuff.

Q. Okay, Mani. Well, as you know, that incident occurred on 30th July 2011 and the police were involved. Tell me about your relationship with [Person A1].

C

A. No. I didn't have no relationship like that with her.

Q. You, [Person A1] and her friend. So tell me what happened, because it's none of the three incidents you've spoken about.

A. I must have got drunk then, mustn't I?

D

Q. Tell me what you did.

A. I don't know. I can't remember. Honestly I just --

Q. Would you say that police arriving at your house to speak with you was quite significant? Would you remember that?

E

A. Yeah, I know. Now you're saying it, yeah.

Q. Have a think then.

A. Yeah. You know what? I was -- she was walking up with her friend and I was there, and because you know the time when I told you there was a lot of lads there and stuff like that when she was taking MCAT, I think I must have gone by myself and I was probably angry.

F

Q. Tell me then what happened.

A. I can't remember now. I didn't hit her, nothing like that.

G

Q. Were you aggressive with her?

A. No.

Q. What do you know about why the police were called?

H

A. Because I was shouting.

A

Q. Do you think that's aggressive?

A. It is.

Q. Well, tell me what happened then.

B

A. Nothing happened. I think I was just outside her house on her doorstep or something."

Usman said he didn't know why he'd gone to the house or what he would have been angry about.

C

"Q. Were you angry at [Person A1] because she didn't want to have sex with you?

A. No.

D

Q. What happened when the police arrived?

A. I can't remember I swear. Did they drop me off home? I don't know.

Q. How were you behaving in the house?

A. I don't know, because -- I remember you're right. They obviously did. I was

E

in. I think I woke up like and I was in a cop car and after that I don't know.

Q. What did you do when you were at the house?

A. I can't remember.

Q. You said you would have been shouting at her?

F

A. Yeah.

Q. What were you shouting at her for?

A. Just general.

Q. Why?

G

A. I don't know.

Q. It's something that you do? Is it something you do, you shout at people?

A. When I get angry, yes.

H

Q. [Person A1] says that you would threaten her with a vodka bottle. Did that

A

happen?

A. No.

Q. Is she lying?

B

A. Yeah.

Q. Why do you think she would lie?

A. I don't know. She probably wants to get back at me or something. I don't

know.

C

Q. Tell me what's happened with [Person A1].

A. I've not scared her. I've not raped her and I've not done nothing like that to

her.

D

Q. Have you ever had sex with her?

A. No.

Q. What she says is that when you would get to her house, you would pin her

against the wall and it was always the same things that happened. Can you tell me about that?

E

A. That's a lie.

Q. She says that on one -- the occasion when the police came that she and her

friend were in the spare room pretending to be asleep, because she was scared of you, and she

said that she was pretending to be asleep and with a friend so that you wouldn't get her to

F

sleep with you again like you'd done previously.

A. That's a lie.

Q. She said you were laid in her bed on that occasion. Is that true?

A. No.

G

Q. Have you ever laid in [Person A1]'s bed?

A. No.

Q. And she says that you got up and that you in her words pissed downstairs.

H

Did you do that?

A

A. No.

Q. Have you ever done that? You're shaking your head. Negative?

A. No.

B

Q. On that occasion the girls had managed to sneak out of the house and the police were contacted and obviously came to the house.

A. No, no. She could have told the police if I'd done all this kind of stuff.

C

Q. She says that the following day you rang her and had a go at her and said that she'd got you locked up, and she told you then to stop ringing her. Did you contact her after the time when the police had been called?

A. Can I have a word with my solicitor?

D

Q. And I'll withdraw when someone asks to speak to their legal adviser."

A break was taken.

Then if we turn over, the interview then began again at 13.34. Same people present. Same procedure, including the caution. Is that correct?

E

A. Correct, your Honour.

Q. "Q. So I was putting to you about what had happened when the police came to [Person A1]'s house. Is there anything you want to tell me?

F

A. No. I just remember I must have been drunk, gone there, had a shout here and there. I didn't threaten no-one and she -- they probably called the police on me, and the police did come and I don't know where they took me. I don't know if they brought me to the station or they brought me up home. I don't know and that's about it.

G

Q. Did you have any contact with [Person A1] after that?

A. No.

H

Q. She said that on each occasion when you had sex with her that she was scared of you, that you'd pin her against the wall and say you wanted to kill her and that the only thing that was stopping you from doing it was the fact that you liked her eyes?

A

A. It's not true.

Q. Did you like [Person A1]'s eyes?

A. No.

B

Q. She said that you did this every time before you had sex with her and that sex never took place without violence?

A. No.

C

Q. Did you think by being violent to her she was more likely to succumb to pressure from you to comply with your sexual advances?

A. No.

D

Q. Did you target [Person A1] because she was easily accessible and under age, living on her own?

A. No, no.

Q. Did you give her alcohol to ensure she was compromised before you had sex with her?

E

A. No, no.

Q. Did you give her drugs to ensure she was compromised before you had sex with her?

A. No.

F

Q. Did you groom her so that you could have sex with her and make her feel that she depended on you --

A. No.

G

Q. -- for either alcohol or drugs?

A. No.

H

Q. She said that the first time sex happened was on the second occasion that she had met you, that that took place at her house and there was no-one else there. You were wearing jeans and a tee-shirt. She remembers the clothing, and she says she was doing some

A

kind of drawing when you got there, that you said to her, "Come here, baby. Sit on my knee".

Did you say that to her?

A. No.

B

Q. Have you ever said that?

A. No.

Q. She said that she went towards you and you grabbed her and made her sit on your knee?

C

A. No.

Q. She says that she met you once before when everyone had gone to her house. It was near her 17th birthday. She'd had some trouble with some people and you turned up.

D

You were telling other people to fuck off. Do you remember that?

A. No.

Q. She said that you were aggressive and violent, telling her that you would get a knife on that first occasion, and on that first occasion nothing sexual happened.

E

She said there were three different times when things happened, but each time your behaviour was so similar that you left red marks on her arms and neck where you grabbed her. You would grab her arms in place and that on one occasion you almost tried to strangle her?

F

A. Not true.

Q. Did you ever grab her?

A. No.

Q. Did you ever leave any marks?

G

A. No.

Q. She said that you would pull her upstairs and say that you -- and go upstairs with her, and then she would say she falls asleep and you would say no, that you were going to have sex with her?

H

A

A. No.

Q. Can you tell me about this?

A. It's not true.

B

Q. Did you take any steps to ensure that [Person A1] -- to make sure that she consented to having sex with you?

A. No. All these are not true.

C

Q. She says that you were scary, that you wanted to hit her around the head with a vodka bottle?

A. Did I hit her?

Q. No. She says you threatened her with it. Did you threaten her with it?

D

A. No.

Q. She says that she didn't want to get hit round the head with a vodka bottle and she sort of didn't put up much of a fight because she was frightened, but she would lie on the bed on the edge fully dressed, but you would be in your boxer shorts saying to her "Let's have sex. Let's have sex"?

E

A. Not true.

Q. What type of underwear do you wear?

A. Boxers.

F

Q. She said that you scared her and you were threatening to her all the time?

A. It's not true, though, (inaudible).

Q. That on one occasion you met at a hotel. Can you tell me about that?

A. Not true.

G

Q. Have you ever been to a hotel where [Person A1] has ever been with anybody else?

A. No.

H

Q. Have you ever seen her at a hotel?

A

A. No. I don't know where all this stuff is coming out from.

Q. Well, she says that you raped her, so it's coming from her obviously.

B

A. It's not true, innit? If she's saying my behaviour is like this, how come it's never occurred before or now or whenever?"

DC Riley said [Person A1] had her reasons why she'd only made the complaint in 2015.

C

"Q. She said that after this incident with the police you went to [Location C]. again but there was no sexual contact. Did you go back to the address after the police had been?"

A. No.

D

Q. She said that you always had vaginal sex with her. There was always violence beforehand. You'd grab her by the arms, cheeks, face and tell her that sometimes she made you want to hit her?

A. No.

E

Q. 'He used to hold the vodka bottle like he was going' -- used to hold the vodka bottle like you were going to hit her, but then you would put it down at the side and start laughing?

A. No."

F

DC Riley said a lot of what Usman said had happened and the arrival time had been exactly what [Person A1] had said, barring sex.

"Q. I mean, you say that your mates dropped you off at 5 o'clock, about 5.00 in the morning. She says exactly the same.

G

A. I didn't have no sex with her.

Q. I put it to you, Mohammed, that you did, but you're choosing not to tell me.

She said the first time that she met you you're being brought to the house by [REDACTED] and there was something said about sex by you, but that you -- she says then that you changed to

H

A

a crazy, scary person when you'd had a drink, and she says that she hasn't seen you for quite a while. So you're saying in summary that [Person A1] is lying?

A. Yes.

B

Q. That nothing of a sexual nature took place?

A. No sexual nature, no.

Q. Although you admit it was on about three occasions?

A. I've seen her, yeah. I went to her house, yeah."

C

Usman was informed that, following his arrest, a search had been conducted at his home address.

"Q. How do you feel about [Person A1] saying these things?

D

A. I'm shocked.

Q. But you can't think of any reason why she would make this up?

A. No.

Q. Are you willing to allow us access to your medical records?

E

A. Yes."

Then, finally, final interview, and again following a similar pattern, 31st January 2017, which was after the completion of the identification --

A. Correct, your Honour, yes.

F

Q. -- and this was a five-minute interview which occurred on 31st January. Once again you were present with DC Riley. Once again the defendant was represented by his solicitor. Introductions were made. The caution was given. It was explained -- the legal rights were explained.

G

DC Riley pointed out to Usman that he'd been arrested previously on suspicion of rape of [Person A], which had occurred between 14th May 2011 and 18th October 2011 at [Location C]., Bradford, and he'd been interviewed in relation to the offences on

H

6th June 2016 with legal representation, when he had provided an account but had denied ever

A

having sex with [Person A].

"Q. Is there anything else that you now wish to say?

A. No.

B

Q. Did you agree to the identification procedure, and on 16th August 2016 [Person A] was asked to view a number of images and she was asked to identify the person who she saw between 1st April 2011 and 13th July 2011 who raped her at [Location C].

C

In disclosure, Mohammed, I have explained to your solicitor those dates in that question were wrong and that [Person A1] didn't live at [Location C] in April 2011. That has been clarified."

D

I think this is the issue where there was an error about the date. So when she's referring to disclosure, just to confirm, it was all clarified prior to interview?

A. Correct, yes.

Q. "Q. So it's essentially the period of time covering that which you were arrested for.

A. Okay.

E

Q. [Person A] then positively identified you. Is there anything you wish to say in response to this?

A. I don't know why she's blaming me for this. I don't know. Obviously she's going to pick me out because I used to go there partying when I went there."

F

Then it was a short interview and after that (inaudible).

Thank you very much, officer. Well, that completes -- concludes the evidence relating to the interviews.

G

JUDGE DURHAM HALL: Does anybody have any questions for this gentleman?

MR FERM: No. Thank you.

MR DALLAS: No. Thank you.

JUDGE DURHAM HALL: No? Thank you very much. Thank you.

H

MS MELLY: Thank you, your Honour.

A

JUDGE DURHAM HALL: Thank you.

MS MELLY: Thank you, your Honour.

(DC Dean Patterson withdrew from court)

B

JUDGE DURHAM HALL: Thank you. Just bear with me a second. Ladies and gentlemen, can we please take our lunch a bit early and come back at just after 2 o'clock? I think the barristers have asked me just for a bit longer because they may be able to -- may be able to -- I don't know -- agree some evidence to cut short a witness or two, for example. So I'm all in favour of that. Okay? Thank you very much indeed.

C

(Jury withdrew from court)

INVESTIGATION RE DRUGS DISCOVERED IN TOILET AND DOCK

D

JUDGE DURHAM HALL: Counsel, just look at this, please, quickly all of you. Just power read it and pass it through. Are there any police in the building? Are there any police officers outside?

MS MELLY: We have some (inaudible).

E

JUDGE DURHAM HALL: Find out, Ms Beattie, and ask them to come into court.

MS BEATTIE: Certainly.

JUDGE DURHAM HALL: Those behind you, please.

MS BEATTIE: Certainly.

F

Your Honour, the only police officer present is Detective Constable Riley.

Mr Patterson is the investigating officer that is accompanying her. Is he required?

JUDGE DURHAM HALL: Just hang on. I need a -- can I have it back, please, now, the letter?

G

UNIDENTIFIED SPEAKER: Sorry.

JUDGE DURHAM HALL: All right. Well, first and foremost is there's absolutely a press reporting embargo on what is about to happen. All right? Absolutely nothing can be reported about this. There is no problem, is there, Ms Melly, in my reading out the letter I have

H

A

received or is there?

MS MELLY: I wonder if in the first instance the officers perhaps could have sight of it. I'm being cautious I think, just thinking through the best order in which we deal with it.

B

JUDGE DURHAM HALL: Well, there are all sorts of problems which arise here.

MS MELLY: Yes. I wonder, because we have a full public gallery, whether we should deal with this as court in chambers with officers present in the first instance.

C

JUDGE DURHAM HALL: Yes. Thank you. I think it's better if you -- there's nothing at the moment can happen. Just can't -- I'm not going to exclude you at all. No. There just ... Very good.

(Public withdrew from court)

D

JUDGE DURHAM HALL: Right. Transparency is everything in these situations. You understand why I invited a police officer to come into court.

MS MELLY: Thank you.

JUDGE DURHAM HALL: All the matter -- now --

E

MR DALLAS: Are we court as chambers? There are still members of the press here.

JUDGE DURHAM HALL: It is not strictly as chambers, but I can declare it as court as chambers. Would that be better?

MR DALLAS: I think for these purposes at the moment, yes.

F

JUDGE DURHAM HALL: All right. Do you mind? I'm terribly sorry about this, but I think for the moment I need to discuss this freely. I take -- I'm very uncomfortable about excluding the press, but they have to take it on trust that I have to speak clearly about

G

a communication -- all right -- concerning what has happened in court, not to do with the case.

All right? Thank you.

(Press withdrew from court)

[COURT SITTING IN CHAMBERS] – See Separate Transcript

H

(Lunch break)

A

(2.45 pm)

[IN OPEN COURT]

B

JUDGE DURHAM HALL: I am going to -- thank you very much. I am going to have the jury up and send them home. This procedure may or may not take time, Ms Melly, but everybody needs to deal with it. So, that having been done, so where are the others, please?

MS MELLY: The others?

C

UNIDENTIFIED SPEAKER: They are coming up.

JUDGE DURHAM HALL: Thank you.

MS MELLY: Sorry. Did your Honour intend to have the jury back into court?

D

JUDGE DURHAM HALL: I need the jury back in now. They're coming up, because, you know, as far as they're concerned here we all are happy as can be, Mr Moulson, no problem --

MR MOULSON: Yes.

JUDGE DURHAM HALL: -- and I don't wish to create alarm and distress -- on the contrary --

E

MR MOULSON: Thank you.

JUDGE DURHAM HALL: -- for those who are understanding of this process --

MR MOULSON: Thank you, your Honour.

F

JUDGE DURHAM HALL: -- but I just -- just hang on, [REDACTED], whilst the ... Thank you.

I don't intend to keep the -- anybody in the dark about this anymore, because matters need to be put on the record I think, Ms Batts --

MS BATTS: They do.

G

JUDGE DURHAM HALL: -- but they'll have to be -- I'm talking about the press and the public.

[REDACTED]

[REDACTED]

H

[REDACTED]

A

[REDACTED]

B

[REDACTED]

C

[REDACTED]

(Jury returned to court)

D

JUDGE DURHAM HALL: Thank you. This will be very brief. Thank you very much.

E

Sorry about this. Thank you. Thank you, ladies and gentlemen. I am very sorry to have kept you waiting and I've decided to bring you into court in order basically to invite you to go home for today. I am tussling with a procedural aspect of the case, which I will resolve, but I just need a bit of thinking time -- do you follow -- I'm afraid. I don't know about other courts. Maybe I'm over-cautious, but I do like to think things through and try and get it right, and the law and procedure are, well, completely incomprehensible to me most of the time, but I'm trying to find my way through to the best advantage of and with the assistance of all concerned, because a trial has its stages, and I am duty bound to examine aspects of the law and technicalities and also then to give a short ruling on them, and I will do that very quickly hopefully today, maybe a bit of tomorrow morning, no problem, and then we'll move on seamlessly, effortlessly and smoothly and calmly I hope.

F

G

What time should we sit tomorrow, ladies and gentlemen, please, to assist me to look at -- just to finalise one or two little tricky aspects that I'm interested in?

MR DALLAS: Perhaps the ladies and gentlemen of the jury 10.30.

H

JUDGE DURHAM HALL: Yes. Good idea. How about that? Earliest. I'll wait for you I promise. So we'll say 10.30. Don't bust a gut to get here any earlier than 10.30. It will more

A

likely be 10.45-ish. All right? Okay. So tomorrow could be a little bit -- a little bit broken up with reading admissions and the final stages of the Crown's case, but then we'll move on.

B

That is the way it works. Thank you. So thanks very much. Remember all my warnings about reading and talking and all that. Thank you.

(Jury withdrew from court)

J [REDACTED]

C

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

D

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

E

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

F

[REDACTED]

[REDACTED]

[REDACTED]

G

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

H

[REDACTED]

A

[REDACTED]

[REDACTED]

[REDACTED]

B

[REDACTED]

[REDACTED]

[REDACTED]

C

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

D

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

E

[REDACTED]

JUDGE DURHAM HALL: It is also now believed that further relevant material has been found in the dock and, Ms Batts, who is holding the brief for a defendant over and above her own, will I think seek to put on record what is the case and that will happen in a second.

F

Now the police in the exercise of their duty must conduct certain searches and so on and so forth and all of us will stand aside for that to be happening, searches both physical and personal pursuant to their powers.

G

Now I think it best, Mr Moulson, Mr Iqbal, if I temporarily, temporarily remove the right to bail, because this will happen quickly I am sure and cooperatively in the back of court or behind the court, and it must happen, and then I will come back into court when it's been done and deal with the bail conditions, but this is very serious. Mr Frieze, clearly I will not be granting your client bail --

H

A

MR FRIEZE: No.

JUDGE DURHAM HALL: -- at the moment.

MR FRIEZE: No. I didn't think it was realistic to apply.

B

JUDGE DURHAM HALL: No. Now Ms -- that will -- I'm going to go away in a second or two to let the police officers who are here in number I believe -- are they here in number?

POLICE OFFICER: There is officers here, yes.

JUDGE DURHAM HALL: There are enough anyway.

C

MS MELLY: Yes.

JUDGE DURHAM HALL: I don't want to frighten anybody unduly, unnecessarily. This is a process that must be seen through. I can't see any problem with bail elsewhere, but we'll

D

just -- I just need to be advised, Mr Frieze, on behalf of everybody that the police searches are okay. All right?

MR FRIEZE: Yes. Can I just say this for the record? When I say that I don't consider it realistic to apply for bail at this stage, I say that in the light of the information that's been

E

conveyed to me by Ms Batts rather than just the position at lunchtime, because I had a conference with Naveed Akhtar over lunch and he, of course, won't appreciate the development that there's been. It's in the light of that I don't seek to make any application at this stage.

F

JUDGE DURHAM HALL: All right. Ms Batts, there is material you apparently -- you indeed wish properly to put on record and what's that?

MS BATTS: Yes. I can do it very briefly. Over the short adjournment I was approached by

G

Kieran Harris and his solicitor, who asked if they could speak to me, because I'm holding the brief for Mr Wilson today. Mr Harris told me after your Honour raised the issue about the findings in the toilets that Mr Naveed Akhtar asked Kieran Harris to take something, take a package. Mr Harris refused and Mr Naveed Akhtar then concealed something in paperwork

H

underneath his chair.

A

Before he spoke to me Mr Harris had sensibly advised the court security staff that are working outside the court doors about this and they told him to find somebody to speak to so that it could be placed on record.

B

Once I'd -- once Mr Harris had given me this information I immediately told my learned friend Ms Melly for the Crown so that she could speak to the police officers about how best to proceed.

C

JUDGE DURHAM HALL: All right. Thank you very much. That is noted. I shall await. Obviously when I review the bail very quickly and I hope successfully, I shall bear in mind everything that is -- has been advanced --

MR FRIEZE: Yes.

D

JUDGE DURHAM HALL: -- and Ms Melly can bring me up to date. All right? Sorry for the interruption, gentlemen, but it seems -- we are -- we must be bystanders for a little while while police officers do their duty, and I'll come back into court as soon as they've done their duty and deal with any information arising insofar as it affects bail. I hope it doesn't. I'm sure it won't, but who knows? All right? Okay.

E

MR FRIEZE: Thank you, your Honour.

JUDGE DURHAM HALL:

F

JUDGE DURHAM HALL: Any observations, please, from the bar? No? All right. Okay. Now you stay there, gentlemen.

MS MELLY: Thank you. I know in the normal way they would all be taken to the back --

JUDGE DURHAM HALL: That's fine.

G

MS MELLY: -- but I think I'll ask for the arrangement to be dealt with by the officers.

JUDGE DURHAM HALL: I say stay there in the sense of don't come out.

MS MELLY: Quite. I'm not sure of the exact arrangements that are going to be made. Thank you.

H

JUDGE DURHAM HALL: I'm just anxious -- just one second. Thank you very much.

A I want you to do your business, please, very quickly and as you see fit, but this is not a time I think for any consultations, please, with anybody.

MR FRIEZE: Yes.

B JUDGE DURHAM HALL: Do you understand?

MR FRIEZE: Yes.

C JUDGE DURHAM HALL: You are members of the independent bar. You are witnesses to what's going on, but I don't want you to become witnesses in any case -- do you follow -- by any inadvertent interaction? So I suggest you do whatever you want, stay by all means, and I'll await a call from you, Mr Associate, when the senior officer indicates you've done what you've done and report to Ms Melly, please, if it's relevant to my consideration.

D MR DALLAS: Can I just say, your Honour, for that reason I did not attempt to see Fahim Iqbal over lunch and would not attempt to see him until I had first checked that the officers have no objection, and then I will proceed accordingly, if that finds favour with the court.

E JUDGE DURHAM HALL: I think that is absolutely in accordance with the highest standards of the bar. That's how I would expect you to behave and your client will understand.

MR DALLAS: I wanted him to hear that.

JUDGE DURHAM HALL: And he must hear that. Yes. That's no problem. Okay. Lovely.

F UNIDENTIFIED DEFENCE COUNSEL: Could I ask your Honour (inaudible) press (inaudible)?

JUDGE DURHAM HALL: Yes, please. I'm sure the press won't mind and the public gallery won't mind withdrawing whilst this takes place. These are searches pursuant to the drugs legislation. Thank you.

G (Short break)

JUDGE DURHAM HALL: Thank you. Okay. Well, thank you to everybody, dock officers included, and defendants --

H MS MELLY: Yes.

A

JUDGE DURHAM HALL: -- and the police officers. How has it gone?

MS MELLY: Thank you. There's been no difficulties in conducting it. There's been full cooperation as far as I am aware --

B

JUDGE DURHAM HALL: Thank you, gentlemen.

MS MELLY: -- for which we are, of course, grateful. Nothing that the court was previously aware of has been -- nothing new has been found and it follows that there are no further applications as regards bail or remand status. As it is, we understand that Naveed Akhtar has been remanded on this charge at this stage.

C

JUDGE DURHAM HALL: Yes.

MS MELLY: Yes. Thank you.

D

JUDGE DURHAM HALL: No, I cannot admit Mr Naveed to bail.

MS MELLY: Whilst Mr Frieze is taking his place, I informed Ms Batts of this and she was able to speak to her client, and I haven't spoken to her.

E

JUDGE DURHAM HALL: All right. Thank you very much. As far as I can see it, therefore, there is absolutely no scintilla of a suggestion that I should not otherwise admit your clients to bail. I do so happily. That's an outcome I wanted to happen. Thank you.

F

Obviously be on your guard, gentlemen. You've seen all manner of things that have disrupted today. So be very careful and let me know if there's the slightest problem that troubles you just as I will let you know if there's any problem that troubles me. Okay?

Brilliant. Thank you, gentlemen, and my thanks to your barristers, as ever. Very professional. Okay. If you'd like to go. Thank you. See you tomorrow. What time are we sitting?

G

MR ARSHAD: 10 o'clock. 10.30.

JUDGE DURHAM HALL: We're 10 o'clock, are we?

MR ARSHAD: No, 10.30, your Honour.

H

JUDGE DURHAM HALL: For the jury.

A

MR ARSHAD: For the jury 10.30.

JUDGE DURHAM HALL: 10 o'clock for us.

MR ARSHAD: Thank you.

B

JUDGE DURHAM HALL:

JUDGE DURHAM HALL: Yes, Mr Arshad. No problem. Well spotted, but ... Is there anything you would like me to sensibly do now?

C

MR MOULSON: No, thank you, your Honour.

JUDGE DURHAM HALL: Okay. If you -- gentlemen, if there's a -- ladies -- lady and gentlemen -- ladies and gentlemen, if there's anything you need to communicate via e-mail, do so --

D

MS MELLY: Thank you.

JUDGE DURHAM HALL: -- if there are any further on the compensation issue. There we are. I'd like to have a heads-up, but -- so what are we doing at 10 o'clock?

E

MS MELLY: I was just wondering that, in fact, your Honour. There are a number of matters of law outstanding, but those are submissions of no case and I'm not -- I won't have closed my case.

JUDGE DURHAM HALL: Mr Iqbal wasn't happy to deal with them until he's had words with Miss Riley -- Ms Riley.

F

MR IQBAL: Brief words.

JUDGE DURHAM HALL: Is there anybody -- is there anything I can do?

G

MR IQBAL: Well, just a suggestion. I haven't had a chance to discuss it yet, but Ms Melly has responded to our amended admissions. I think there are really -- they do raise some issues in which we will require your Honour's input. So I don't know if I could respectfully ask Ms Melly to send to your Honour her suggestions and we can perhaps discuss them usefully tomorrow morning.

H

JUDGE DURHAM HALL: All right. Now I've got all your suggestions, haven't I?

A

MR IQBAL: In fact, the document that the Crown has prepared responds directly to our document, so the one document --

JUDGE DURHAM HALL: Covers everything.

B

MR IQBAL: -- encapsulates everything.

JUDGE DURHAM HALL: Wonderful. That's just what I wanted to hear. If you could do that, Ms Melly.

MS MELLY: Yes.

C

JUDGE DURHAM HALL: That's fine.

MR IQBAL: Thank you.

(3.42 pm)

D

(Court adjourned until 10.00 am on Tuesday, 6th February 2019)

eScribers hereby certify that the above is an accurate and complete record of the proceedings or part thereof having used our best skill and ability in its production.

E

F

G

H