

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 IN CHAMBERS

4 FEBRUARY 2019

Approved

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

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[COURT SITTING IN CHAMBERS]

JUDGE DURHAM HALL: So there's to be no reporting, please, of any of this.

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I also say that I do not believe all the defendants, of course, are in any way, if anybody is, affected by this.

MR DALLAS: Yes.

C

JUDGE DURHAM HALL: All right, but for the record, Mr Iqbal, Mr Moulson, Mr Frieze and Ms Melly, I'll read out the letter. This is all subject to further investigation. It's a very unwelcome development if there's anything in it.

"Dear judge."

This is from the court custody manager.

D

"Whilst your court has been sitting this morning at 12.15 pm Naveed Akhtar went to the toilet at the back of court 6, as has been a routine in this case",

and as I witnessed, as we all did if we were looking.

E

"When he returned, the same toilet and area was searched", quite rightly. "Two large packages of what to me" -- quote "to me" -- "look like drugs were found hidden inside the toilet holder. Then Iqbal asked to go to the toilet. Unfortunately for Iqbal the packages had been already seized by your dock officer. Fahim Iqbal is in custody. Do you wish to have the police investigate this incident? I have the packages in my office."

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Too right I'm going to have this matter investigated, because the police have just been through me presented with potentially evidence of one defendant on trial secreting what may or may not be a noxious subject (sic) with a view to a defendant in custody retrieving it. So, yes, it has to be investigated.

G

The matter must be treated as the utmost seriousness, including you, officers or delegated officers, having the letter, attending on the custody officer immediately in order to consider what next to happen. That's a matter for you.

H

Obviously if the matter -- the substance is, in fact, a drug, and on the face of it

A that would seem at the very least a reasonable inference, then very grave offences have been committed, but whether or not it's a contempt, very grave offences have been committed, very serious offences.

B Now, Ms Melly, Mr Iqbal, Mr Moulson, etc, your clients are not involved in this. All right? Ms Melly, I cannot remand in custody those who self-evidently appear not to have been involved in anything underhand or suspicious, Mr Frieze -- all right -- and where appropriate do you agree I should admit their clients to bail?

C MS MELLY: Is your Honour speaking of the defendants other than Naveed Akhtar?

JUDGE DURHAM HALL: Oh, yes.

D MS MELLY: Yes, at this stage, although I think when I first read the document, my initial reaction was to wonder whether or not there should be a holding remand whilst we looked into it.

E Having been through and sight of that document, there doesn't appear to be any suggestion that other defendants have been involved with this. So subject to any contrary views by the police --

JUDGE DURHAM HALL: Does anybody disagree with ...?

MR FRIEZE: No.

JUDGE DURHAM HALL: Okay. All right. Mr Basharat Akhtar --

F MS MELLY: Khaliq.

JUDGE DURHAM HALL: -- Khaliq, leave the dock, please. Come back at 2.15. Saeed ditto, Zeeshan Ali, Kieran Harris, Izar Hussain, Yasar Majid, Mohammed Usman, everybody except Fahim Iqbal and Naveed Akhtar.

G (Defendants withdrew from dock)

JUDGE DURHAM HALL: Mr Frieze, I have no option.

MR FRIEZE: No. I agree.

H JUDGE DURHAM HALL: Naveed Akhtar, your bail is revoked for the moment and,

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Mr Fahim Iqbal, you have no bail to revoke, but there it is. Would you kindly go with the dock officers now? It's very, very careful -- very clear that the -- you should notify, please, somebody, those -- your custody manager that I'm remanding Mr Naveed because of the potential for further action, and nobody who's a potential witness should come into contact with him or he into contact with them. All right? So that message -- now what were you doing to say, detective?

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DC RILEY: Your Honour, I think he should be searched before he goes down.

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JUDGE DURHAM HALL: Very good. Would you like to do that now, please? I think -- yes, you must do that now behind. Officers, go behind. Fahim Iqbal and Mr Naveed, you are both going to be searched by officers. That can happen humiliatingly in my presence, but that would be wrong for obvious reasons, Mr Frieze. Immediately behind the door. So, officers, go with these people immediately, please, and do what you have to.

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MR FRIEZE: Obviously your Honour has no choice but to remand Naveed. My concern is to make sure that the investigation doesn't interfere with the running of the trial.

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JUDGE DURHAM HALL: Um.

MR FRIEZE: He will be in custody at some stage. They are likely to want to interview him.

JUDGE DURHAM HALL: It seems to me that would -- I now have almost a tram line situation. This trial will carry on. Nothing needs said to the jury or any indication given by anybody that there's anything amiss and we have time to play with, Mr Frieze, as far as your client is concerned.

G

Secondly, nothing will impact upon me or Ms Melly in terms of any submissions to be made. Naveed will be in court as per usual.

H

MR FRIEZE: Is he likely to be in court sitting in a different place? I suppose that's a choice --

JUDGE DURHAM HALL: Well, it may be there'll have to be some other dock officers.

I don't know, but it may well be. Sorry. I can't --

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MR FRIEZE: Well, anyway --

JUDGE DURHAM HALL: You and I haven't caused this problem.

MR FRIEZE: No. I was about to say he has brought it on himself.

B

JUDGE DURHAM HALL: It's not for me to -- it is for me to worry about. I'm truly concerned about it, but no, we now have a tram lines situation whereby the police I'm afraid without -- unfettered by me will do what they have to do.

MR FRIEZE: Yes.

C

JUDGE DURHAM HALL: I should just wait for the officers to return. All right, officer.

Thank you.

DC RILEY: Thank you, your Honour. Can I say something, please?

D

JUDGE DURHAM HALL: Beg pardon?

DC RILEY: I just need to say something, please.

JUDGE DURHAM HALL: Yes.

DC RILEY: It's been ascertained before Mr Iqbal went into the toilet Basharat Khaliq went into the toilet in between times.

E

JUDGE DURHAM HALL: All right. It gets more complicated.

MR IQBAL: Yes. I don't know when he went, what period of time and so on.

F

JUDGE DURHAM HALL: Could I just ask, officer, as a matter of interest -- I must keep out of this. I'm not a witness, nor are the barristers. I replay what I'm told and then hand the procedure over to you and I -- you have full authority to act as you see fit. You have evidence certainly in relation to two people. Depending on the quality of the evidence in relation to a third, obviously you will do what you see right. You will have to identify the clarity of who went where. I certainly myself saw Mr -- your client go to the loo, but then some throughout the course of the day do that.

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MR IQBAL: Yes. I assume from what's being said is there was no search after he had left, or if there was, it didn't recover anything.

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JUDGE DURHAM HALL: We don't --

MR IQBAL: These are enquiries that can no doubt be put in motion.

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JUDGE DURHAM HALL: They have to be put in motion. All right? Let's take stock of your client's position depending on Officer Riley's advices to me later on. Okay?

MR IQBAL: Yes.

C

JUDGE DURHAM HALL: Okay, but obviously I need to know who, if anybody, may have had -- assuming the substance is a naughty substance, I need to know who's been involved in that potentially. Okay? Ms Melly, you can assist me.

MS MELLY: I will go and speak to the officers and we will do our best to be able to update you this afternoon.

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JUDGE DURHAM HALL: You see, I do have a concurrent interest jurisdiction in revoking bail, so you must never forget my power to revoke bail on the evidence that I am presented with.

MR IQBAL: Of course.

E

JUDGE DURHAM HALL: So I do need to know. You do your bit and yours --

MS MELLY: Yes.

JUDGE DURHAM HALL: -- but I need to know about Mr Basharat Khaliq as well. Okay?

MS MELLY: Yes.

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MR DALLAS: Looking at the practicalities, I don't know if the police have just now or intend in the future to formally arrest suspects, but if they do, as I understand it, that will trigger a custody time clock, which may run in a way which could potentially affect how this trial proceeds in the immediate future. I don't know how flexible that is.

G

JUDGE DURHAM HALL: That's too many details, Mr Dallas, but thank you. A step at a time --

MR DALLAS: Yes.

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JUDGE DURHAM HALL: -- but thank you very much. Yes. I don't want disruption to the

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trial.

MS MELLY: No.

JUDGE DURHAM HALL:

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JUDGE DURHAM HALL: We can't have that. We can't have anything that --

MS MELLY: No. This must take priority.

JUDGE DURHAM HALL: -- that can derail a grooming trial with a vulnerable alleged victim.

C

MS MELLY: Absolutely.

JUDGE DURHAM HALL: So --

MS MELLY: We have that firmly in mind.

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JUDGE DURHAM HALL: All right.

MS MELLY: Thank you.

JUDGE DURHAM HALL: Here you have -- you can have back -- this must be copied or not copied. The police must have a copy of this.

E

MS MELLY: Thank you, your Honour.

JUDGE DURHAM HALL: All right? Well, there we are then. Thank you. I'll leave it to you.

Did you find anything on the search, madam, that would affect my concerns?

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DC RILEY: When?

JUDGE DURHAM HALL: Just now.

DC RILEY: Not that (inaudible).

JUDGE DURHAM HALL: All right.

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MR DALLAS: Would your Honour say 20 past the hour?

JUDGE DURHAM HALL: Yes.

MR DALLAS: Thank you.

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JUDGE DURHAM HALL: Thank you so much. Thank you.

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