

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 appeared on behalf of the Prosecution
MR A IQBAL QC and MR F ARSHAD appeared on behalf of the Defendant Basharat
Iqbal Khaliq
MR P MOULSON QC and MR A SHAKOOR appeared on behalf of the Defendant
Saeed Akhtar
MS G BATTS appeared on behalf of the Defendant Yasar Majid
MR R FRIEZE appeared on behalf of the Defendant Naveed Akhtar
MR A BELL appeared on behalf of the Defendant Parvaze Afzal Ahmed
MS G KELLY appeared on behalf of the Defendant Izar Khan Hussain
MR G WILSON appeared on behalf of the Defendant Kieran Harris
MS F HERTZOG appeared on behalf of the Defendant Zeeshan Ali
MR A DALLAS appeared on behalf of the Defendant Fahim Iqbal
MR R FERM appeared on behalf of the Defendant Mohammed Usman**

PROCEEDINGS

13th FEBRUARY 2019, 10.02-11.14, 12.22-13.11 & 14.43-16.11

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

MOHAMMED USMAN, Previously sworn

Cross-examined by MS MELLY (Cont'd.)

15

Discussion re the Agreed Facts

30

Agreed facts read to the jury

55

Discussion re Legal Directions to the Jury

60

A

(In the absence of the jury and the defendants)

[REDACTED]

[REDACTED]

B

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

C

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

D

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

E

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

F

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

G

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

H

[REDACTED]

[REDACTED]

A

[REDACTED]

B

[REDACTED]

C

[REDACTED]

D

[REDACTED]

E

(In the presence of the jury and the defendants)

JUDGE HALL: All right, ladies and gentlemen. Thanks for your patience. I'm getting the impression that sometimes you've been kept waiting and if I - if I'm not thinking about you it's because I'm fielding more yorkies than Mr Root has ever had to coming in from left and right and they're all - all good - good questions, good technical issues and I have to deal with them, all right.

F

Now, we need to finish Mr Usman. Where is he? Can you come back in, please?

You are still under oath, Mr Usman ---

DEFENDANT USMAN: Yes.

G

JUDGE HALL: --- and Ms Melly is asking you questions.

MS MELLY: Thank you very much.

MOHAMMED USMAN, Previously sworn

Cross-examined by MS MELLY (Cont'd.)

H

Q. Now, when we broke off you'd started to deal with your interviews, Mr Usman?

A. Yes.

- A** Q. All right. And you've already agreed, haven't you, that during the course of that first interview and through that you had put yourself forward, essentially, as having no issue with [Person A]?
- A. No.
- B** Q. Yes?
- A. No.
- Q. Do you agree with me?
- A. Yeah.
- Q. Thank you. But what you haven't done was be clear with the police about the fact that you had actually been removed from her address by the police officers?
- C** A. They reminded yes, yeah.
- Q. All right. And so that we understand your account ---
- A. Yeah.
- Q. --- what you're telling the jury is that you weren't trying to mislead the police?
- D** A. No, I was not.
- Q. --- by painting an untrue picture ---
- A. No.
- Q. --- of your relationship with [Person A]?
- A. No.
- E** Q. You had simply forgotten the fact that you'd been removed from the very girl's they were asking you about ---
- A. Yes.
- Q. --- home address?
- F** A. Yes.
- Q. All right. That - that's your case to the jury ---
- A. Yes.
- Q. --- isn't it, that at that time of your interview you had absolutely no memory whatsoever of that incident?
- G** JUDGE HALL: (inaudible).
- A. When they reminded me of it - when they reminded me, then I ---
- MS MELLY: Certainly, we understand. But just to be clear, even when they asked you about [Person A] they spoke to you about where she lived, you knew who they were talking about?
- H** A. Yes, I did.

- A**
- Q. You remembered being at that address ---
- A. Yes.
- Q. --- where the drugs and so forth, yes?
- A. Yes.
- B**
- Q. But you actually could not - you had no memory whatsoever of police involvement ---
- A. No.
- Q. --- at [Person A]'s address?
- A. Not at that time.
- Q. And that at stage ---
- C**
- A. Until they showed me, yeah.
- Q. No. But just to be clear, at - at that time, despite repeated questions about [Person A], your case to the jury is that that whole thing about being arrested or being picked up by the police was not in your mind, you had not recalled one second of it?
- A. No.
- D**
- Q. Right. And you've told us that when it did come back to you you had some memories of it ---
- A. Yes.
- Q. --- but not really a proper memory ---
- A. No.
- E**
- Q. --- of how you were behaving in [Person A1]'s house?
- A. No.
- Q. Is that fair?
- A. That's fair.
- F**
- Q. You do accept, don't you, at the time - so not made up later - but in 2011, yes ---
- A. Yes.
- Q. --- [Person A1] was reporting you being a problem at her house?
- A. She did report me, yeah.
- Q. Yes, you - you understand that?
- G**
- A. Yes.
- Q. OK. And she was reporting that she was scared?
- A. I don't know about that.
- Q. You don't know. And reporting that you were - had urinated?
- A. That's what she thought, yeah.
- H**
- Q. Yes. Reporting that she didn't want to be in her own home?

- A**
- A. I didn't know that.
- Q. But you know, don't you, that she was ---
- A. I know now, yeah.
- Q. --- saying to the police: "I don't - I'm not actually going to wait in my own home in the
- B** early hours of morning because of this man."?
- A. I don't know.
- Q. But your understand that that what he was saying ---
- A. Yes.
- Q. --- to the police? All right. So help us, please, with why, not after - and you
- C** understand you're not saying that she said that to the police back then for money, are you?
- A. No.
- Q. No.
- A. I didn't say that.
- Q. No. That would be ridiculous, wouldn't it?
- D**
- A. Yeah.
- Q. Yes, OK. So, why was she saying that then that she was fearful, that she needed you out of her home?
- A. Like, I must have collapsed. It shouted at her because they wanted me to go, and I didn't wanna go because I was off it and ---
- E**
- Q. I understand that's your version of ---
- JUDGE HALL: Sorry, "happy"? What did he say?
- A. I was off it.
- Q. "Off it"?
- F**
- A. I was high, yeah.
- Q. "Off it," sorry. Not "happy."
- MS MELLY: You were what?
- A. I was drunk, weren't I?
- Q. You were drunk?
- G**
- A. Yes, I was.
- Q. Right. You were drunk and you were shouting?
- A. Yes.
- Q. And those aren't things you're assuming, are they; they're you remem - you remember, or not?
- H**
- A. Yes.

- A**
- Q. Yes?
- A. Yes.
- Q. OK. So you have some memory of what ---
- A. Some, yeah.
- B**
- Q. --- you were doing in there, OK.
- A. But I know it wasn't violent to her or aggressive to her.
- Q. All right. Well, we'll come to that in a moment. But staying here with this, because what I'm asking you about is to think about why [Person A1] - and indeed you might think there's the evidence of the girl that - that she was with - but why [Person A1] was saying that she was fearful, why she was saying you had urinated?
- C**
- A. I don't know.
- Q. No explanation ---
- A. No, not, no.
- Q. --- to help the jury with that?
- D**
- A. No. Nope.
- Q. It's one possibility, isn't it, that she was reporting that to the police at that time because that was the truth of it?
- A. No, it was not.
- Q. No?
- E**
- A. No.
- Q. OK. But you ---
- A. Because why would the officer take me home? I don't understand. If I was like this and that, why would they take me home? I don't know.
- F**
- Q. I don't think anybody's saying that you behaved in that way or urinated in the ---
- A. I didn't.
- Q. --- presence of the police officer; do you understand?
- A. No, I did not. The officer said himself that I wet myself.
- Q. The officer said you wet yourself?
- G**
- A. Yeah.
- Q. You don't think that that was the excuse you were making to the police officer?
- A. No. Nope.
- Q. No. And so you - you had wet yourself, had you, Mr Usman?
- A. That's what he said, yeah.
- H**
- Q. Had you wet yourself, Mr Usman?

- A**
- A. No.
- Q. Sorry?
- A. Until I got remind - I - I seen the paper where the officer said I urinated myself.
- Q. No. Had you wet yourself?
- B**
- A. Yes.
- Q. You just said "No, [you] hadn't."?
- A. I wet myself in my trousers, yeah.
- Q. You ---
- A. But I wouldn't piss down nobody's stairs. That's disrespectful.
- C**
- Q. Mr Usman, literally 10 seconds ago I asked you if you'd wet yourself and you said you hadn't wet yourself?
- A. I just remembered it as ---
- Q. Well, first of all, that's true, isn't it?
- A. What?
- D**
- Q. That I just asked you that and you said ---
- A. Yeah.
- Q. --- "I didn't wet myself," yes?
- A. Yes.
- Q. That's true, isn't it? And then a few seconds later you said you did wet yourself?
- E**
- A. But you're saying that I pissed down the stairs, and I didn't.
- Q. No, no, stay with this. A few seconds later you said you did wet yourself ---
- A. Yeah.
- Q. --- didn't you? Are you say - and then you said you've just remembered, OK ---
- F**
- A. Yeah. I've done it before as well.
- Q. No. Wait, wait, wait. You said you've just remembered?
- A. Yeah.
- Q. Is that right?
- A. Yeah.
- G**
- Q. That's you said to the jury?
- A. Yes.
- Q. Are you saying, then, that in the course of those few seconds between me asking you those questions you've remembered that you wet yourself?
- A. Yes. No, but I've seen it last year as well when the officer's report it says I wet myself.
- H**
- Q. Mr Usman, I'm asking you ---

- A**
- A. I'm not gonna say nowt.
- Q. --- about your memory ---
- A. Yeah.
- Q. --- of actually wetting yourself. Are you saying ---
- B**
- A. I don't remember me wetting myself at her house, no. But when the police he has stated that had I wet myself, I went on that because that's what I read, and that a police - police wouldn't lie.
- Q. Did you wet yourself?
- A. I must have, yeah.
- C**
- Q. But do you - do you have a memory of you wetting ---
- A. No, no.
- Q. --- yourself?
- A. No. I must have because that's why the officer has stated that.
- Q. You had wet trousers?
- D**
- A. Yes.
- Q. You remember having wet trousers?
- A. No, I don't remember it, no.
- Q. Are you just making things up, Mr Usman ---
- E**
- A. No, I'm not.
- Q. --- as you go along ---
- A. No, never.
- Q. --- because you don't want to admit who you really are?
- A. Nah. That's not me, love.
- F**
- Q. It's not, sorry?
- A. That's not me.
- Q. "Love"?
- A. Sorry.
- Q. So, just staying with that, you've told us that you didn't mention the violent incident
- G**
- because you'd forgotten about it ---
- A. I'm not violent.
- Q. --- and what I'm suggesting to you, Mr Usman, is that you have had tried to create a completely false impression about who you really are to this jury, Mr Usman ---
- A. That's not true. That's not true.
- H**
- Q. --- because you did behave violently to [Person A1]?

A A. No, I did not.
Q. And you behaved violently to her on a number of occasions?
A. No, I have not.
Q. And you raped her, Mr Usman ---

B A. No.
Q. ---, didn't you?
A. No, Ms. No, Ms.
Q. And this ---
A. I never raped her.

C Q. --- act about not remembering the aggression, putting yourself forward as somebody who wouldn't behave like that, that's not right, is it, Mr Usman?
A. I wouldn't behave like that, Ms Melly.
Q. Do you accept that you have been to your general practitioners to ask for assistance with anger management?

D A. Yeah, I have. But that doesn't mean I got angry with [Person A1].
Q. You have?
A. Yeah.
Q. And that was prior to 2011?

E A. Yes.
Q. And did you get that help?
A. Yes.
Q. And where did you go?
A. I think it time was at the AA, where I used to go.

F Q. I'm just going to look to my learned friend to seek his view on just clarifying that. It was in 2007 you went to your general practitioner, didn't you, first of all?
A. I can't remember, Ms.
Q. And in 2010 that you went back to seek assistance with your anger management?
A. Yes.

G Q. Yes. And you were referred to the Brave Project?
A. Can't remember. I knew I got help but I don't know where it was from.
Q. You don't know?
A. No. Because my memory is a bit shaky.

H JUDGE HALL: Mr Usman, Mr Ferm, Ms Melly, we've all considered the notes so Mr Usman can take it from you.

A DEFENDANT USMAN: Yes.
JUDGE HALL: OK?
MS MELLY: Thank you. And so, Mr Usman, what we suggest to you is that when you put yourself forward as not remembering this incident that's a lie, isn't it?

B A. No, it's not, Ms.
Q. And when you put yourself forward as not being aggressive towards [Person A1], that's a lie, isn't it?
A. No, it's not, Ms.
Q. And when you put yourself forward as not having raped [Person A1], that's a lie, isn't it?

C A. I have never raped [Person A1], Ms.
Q. At the time that you were attending [Person A1]'s house you agree that you were in a very bad place in your life, yes?

D A. I was drinking, yeah.
Q. Do you agree?
A. And sniffing, yeah.
Q. You were taking drugs?
A. Yes, I was.

E Q. Class A drugs?
A. Yes, I was.
Q. Were you taking heroin and crack cocaine yourself?
A. Before.
Q. Sorry?

F A. Before I went to prison.
Q. At this time ---
A. No ---
Q. --- were you using?
A. --- not at that time, no.

G Q. But you were sniffing cocaine?
A. Yes, I was.
Q. You were drinking every day?
A. Yes.

H Q. You were behaving in a way that, you look back now, and are thoroughly ashamed of, yes?

- A**
- A. Yes.
- Q. Going to houses to use drugs and meet people?
- A. Yes.
- Q. To meet girls?
- B**
- A. Not girls, no.
- Q. Not interested?
- A. It was generally parties, yeah. Not interested in girls like that.
- Q. Not interested in girls like that?
- A. Like, going to a party just to look for girls. I used to like going to get high.
- C**
- Q. Not interested in having sex with girls?
- A. No, no.
- Q. Attractive girls?
- A. No.
- Q. Not interested in that ---
- D**
- A. No.
- Q. --- at all?
- A. Nope.
- Q. Despite girls coming on to you on a regular ---
- A. Yeah.
- E**
- Q. --- basis? Now, just to look at a couple of thing, please, arising from your interview I just want to check. Now, you've been - there's been quite a lot of mention about your asthma, Mr Usman?
- A. Yeah.
- F**
- Q. All right. I just wondered what the relevance of - of that was to these charges?
- A. Yeah.
- Q. Do you - can you explain what the relevance is of your asthma?
- A. No, that's why I stopped drinking, cos my asthma was really bad.
- Q. Yes. But at the time of these allegations ---
- G**
- A. Yes.
- Q. --- you were drinking?
- A. Yes.
- Q. You were smoking?
- A. Yes.
- H**
- Q. You were using Class A drugs?

- A**
- A. Yes, I was.
- Q. You were partying?
- A. Yes, I was.
- Q. You were out all the time?
- B**
- A. Yes.
- Q. You were drinking most days ---
- A. Yes, I was.
- Q. --- you had your asthma?
- A. Yes.
- C**
- Q. Right.
- A. And my asthma was really bad.
- Q. Yes. But you had your ---
- A. At that time, yeah.
- Q. --- asthma through that ---
- D**
- A. Yeah.
- Q. --- and it didn't stop you doing any of those things, did it?
- A. No, cos I was addicted.
- Q. Yes. It didn't stop you getting up, being active and going to parties, did it?
- A. But in parties I would sit down, me ---
- E**
- Q. But you were ---
- A. --- that's it.
- Q. --- up and about?
- A. Yeah. But I wouldn't dance or anything like that because my asthma would get really out of hand.
- F**
- Q. You've always had asthma, haven't you?
- A. Yes, I have.
- Q. And you had it before you met [Person A]?
- A. Yes.
- G**
- Q. And you had it after you met [Person A]?
- A. And I've still got it, yeah.
- Q. Yes. Sorry?
- A. And I've still got it.
- Q. And you've still got it. You had asthma when you were selling drugs in 2006, yes?
- H**
- A. Yes, I did.

- A**
- Q. And you had asthma when you were using heroin ---
- A. Yes.
- Q. --- and crack cocaine and it didn't stop you doing any of those thing, did you?
- A. No. But the police officers whenever they tried to come after me I would never run
- B**
- because I can't run because I would be out of breath.
- Q. Yes.
- A. And there were certain things that I can't do because I'm asthmatic: I can't football; I can't do nothing like that.
- Q. But in terms of these allegations, you understand what the allegations are against you, don't you?
- C**
- A. Yeah, I do, yeah.
- Q. You're not saying that you were - you're not saying, so that we understand it: "I didn't do those things"?
- A. I didn't do 'em, no.
- D**
- Q. Yes. But are you saying to the jury, "I was physically incapable of doing those things" or are you just saying, "I didn't do them"?
- A. I didn't do 'em.
- Q. Right, thank you. Now, you've told us that you became clean?
- A. Yes.
- E**
- Q. But you've accepted that there was a period of time some time before when you were selling drugs and was it the case that you're saying that you were using drugs ---
- A. Yes.
- Q. --- at that time?
- F**
- A. Yes.
- Q. And then you changed your use?
- A. Yes.
- Q. I just want to ask you about a couple of questions, please, arising from your interview. Have you got them still?
- G**
- A. Yes.
- Q. Can you - have you got them in front of you?
- A. Yeah.
- Q. Thank you. Can you go to page 9, please? Page 9, just in terms of how - what - whether you were being frank with the police and you were trying to really show them who
- H**

- A** you were here, so page 9, this is dealing with the occasion when you say that you went to her house ---
- A. Yes.
- Q. --- when was nobody else there.
- B** A. Yes.
- Q. She told you (page 9) that she had a drink problem?
- A. Yes.
- Q. Did she also tell you she had a drug problem?
- A. No. She just told me about drink.
- C** Q. You knew she was using drugs?
- A. Yeah.
- Q. That she was self-harming ---
- A. Yeah.
- Q. --- by cutting herself?
- D** A. Yes.
- Q. Is that what she was telling you?
- A. Yeah.
- Q. And did you see those scars that she was still cutting herself?
- A. No. I didn't her to show me 'em, no.
- E** Q. No. But did - she was - so, what was she saying? How was she describing it?
- A. She just goes: "I've self-harmed."
- Q. Sorry?
- A. She just goes: "I've previously self-harmed."
- F** Q. What, out with of the blue ---
- A. Out of the blue, yeah.
- Q. --- she just told you that?
- A. Yeah.
- Q. Did you see the injuries on her?
- G** A. No.
- Q. Did you see the injuries on her when you raped her, Mr Usman?
- A. No. I never raped her.
- Q. And you say that here: "I was - I was - I was giving her ..." next passage down "... I was giving her some advice ..."?
- H** A. Yes, I did.

- A** Q. "... because I myself went through a rehabilitation for drinking, and now I'm clean, and that was in 2011/2012 when I was in rehabilitation."?
- A. Yes.
- Q. Yes. "He stated head went there for about a year. He was going to rehabilitation
- B** before he met [Person A1] ---
- A. Yeah.
- Q. --- but was still drinking."?
- A. Yes.
- Q. Do you think that's a fair reflection of really the state you were in at that time? Really,
- C** thinking back at the time you were going [Person A1], do you think that's a fair description of you?
- A. Yes.
- Q. You do. On to page 11, please. Dealing with the time you said that "... and they were using drugs," yes?
- D** A. What was that, page 11?
- Q. When you "turned up and people were using MCAT"?
- A. They were, yeah.
- Q. Yes. You said: "The next time was we went with my same mate, Ibraz."?
- A. Yes.
- E** Q. "There were five to six Asian guys."?
- A. There was, yeah.
- Q. So there was no women there?
- A. No.
- F** Q. "I don't know that - I don't know them but I know them." So, you're saying that you don't know their names?
- A. I don't know their name, no.
- Q. "And we sat down so that they could take these MCAT."?
- A. Yes.
- G** Q. You said: "I don't like that stuff, mate." "Usman said he thought it was not his scene anymore - drinking and smoking - as he has asthma."?
- A. Yes.
- Q. "Then after that, he didn't see [Person A1]."?
- A. Yes.
- H**

- A** Q. Do you think that that statement was really a fair description of what was going on in your life, in your mind at that time?
- A. Yeah. But ---
- Q. You do?
- B** A. But there was another time when I went to her house when the police come.
- Q. But - but in terms of the overall impression you were trying to give the police in your interviews ---
- A. No, it was just to tell them the truth, Ms.
- Q. You were trying to tell them the truth, were you?
- C** A. Yeah, because that's all I could remember, yeah.
- Q. That "It was not his scene anymore - drinking and smoking - as he had asthma."?
- A. Yes.
- Q. But you agree that you were drinking and smoking then?
- A. Yes, I was.
- D** Q. And, again, even at this stage in the interview it's your account that you just didn't recall the issue about being taken away by the police?
- A. Yes.
- Q. Was the truth, Mr Usman, that you were just desperate to see if you could get away without the police dealing with that incident?
- E** A. No.
- Q. No. Had you wanted to leave at any point [Person A1]'s house because of [Person A1]'s behaviour?
- A. No.
- F** Q. No. Did you like [Person A1]?
- A. No.
- Q. You didn't?
- A. Not - not in - she was all right as a mate.
- Q. Did you like her?
- G** A. Yeah, as a friend, yeah.
- Q. Was she pleasant?
- A. She was all right, yeah.
- Q. She was straightforward with you?
- A. She was, yeah.
- H** Q. She wouldn't lie. She was honest with you?

- A**
- A. Yeah, she was, yeah.
- Q. Yes. And so dealing, then, and from your account, apart from shouting ---
- A. Yes.
- Q. --- at her on that one occasion, you, again, your account is you never behaved badly to
- B**
- her?
- A. I have never, no.
- Q. You've been kind to her?
- A. Yes.
- Q. You have not behaved badly. You haven't urinated in her house?
- C**
- A. No.
- Q. There was just one occasion when you were too drunk and you couldn't move and you did a bit of shouting?
- A. Yes.
- Q. But, actually, you'd never harmed her or injured her in any way?
- D**
- A. Never, ever, no.
- Q. No. And so can you help the jury, then, with why she would make up really evil lies about you being a violent rapist, Mr Usman?
- A. I just don't know, Ms. All I can ---
- E**
- Q. You don't?
- A. --- say it's not true. It's not true.
- Q. You are ---
- A. I just don't know why she's saying these things about me.
- Q. No explanation ---
- F**
- A. No.
- Q. --- to give to the jury why she would ---
- A. I just don't know.
- Q. --- give this account of your behaviour?
- A. I don't know. She was all right with me. I don't know why she's saying these things
- G**
- about me.
- MS MELLY: Sorry, may I just have a moment? Thank you.
- MR FERM: No re-examination, your Honour. Unless you have any questions?
- JUDGE HALL: Thank you, Mr Ferm.
- MR FERM: Thank you very much, Mr Usman.
- H**

A JUDGE HALL: Would you kindly resume your seat, Mr Usman? Thank you so much.
Thank you.

MR FERM: Your Honour, subject to one application, which the Crown have, that is the case for Mr Usman.

B JUDGE HALL: Thank you, Mr Ferm. All right, and that application in fact, ladies and gentlemen, just deals with a technical problem: dates on a count. No problem there. We'll sort that out in a moment.

C What I would like you to do is just to bear with me because what I'm trying to achieve over the next half hour/4 - 40 minutes or so is to be able to put you in a position to hear in evidence read, I hope, admissions that sort of thing, the final loose ends tied up in the evidence in this case so that when you leave the building - if this is possible - either entire - entirely or more or less you've heard the evidence in the case so that tomorrow, at 10 o'clock when you come back, you're straight into the speeches of the barristers.

D They're not giving evidence. You'll remember that what they say is not evidence. They can't all, nor will they, in any trial all be right; you understand that. You are in charge. You will work out what is going on in this case, or not - it's a matter for you - but it is their duty to sum-up, as they see it, their cases to try and help you. It's up to you whether you accept or reject, but they have to do it. You know they will do it very efficiently and professionally.

E So I want to try and start that process at 10 o'clock with a view to Ms Melly taking up some of the morning, followed by - I'll tell you now we've decided - Mr Moulson will go next. I'm sure there's a good reason. He'll tell me now there is a good reason, isn't there? I have agreed to it so there must be.

F MR MOULSON: Your Honour, there's agreement amongst the Bar that ---

JUDGE HALL: Well, that will do for me.

MR MOULSON: Yes.

JUDGE HALL: All right. Mr Moulson will then go next, and perhaps that does make some sense. Then Mr Iqbal ---

G MR IQBAL: Yes.

JUDGE HALL: --- OK, and that will take tomorrow, maybe. Maybe there's room for the perhaps shorter speeches from Ms Batts and the like - who knows. She's always been very efficient in every case she's done with me. But that's the plan.

H What I'm trying to say is bear with us, as I want to get those bits and bobs of admissions sorted now in the next, if we can - if we can - 30-odd minutes. So, will have you

A have a break, OK. Well, you increase the coffees - coffers of the café, please, because they always shou - they do shout at me if I send the jury away a little - not really - but there it is. You know what I mean. Have a break and be ready to come back in ---
MS MELLY: I think it's closer to an hour than 30 minutes, I'm afraid.

B JUDGE HALL: All right.
MS MELLY: I'd rather been frank.
JUDGE HALL: Are you happy to do that? I'm grateful, because I really want to send you away with all this sorted, OK. And you - you'll be on your - if I - if I see, ladies and gentlemen, that you're going to be kept waiting needlessly I'll have you back in and I'll send you away, OK. So that's the guarantee. All right, we'll see you, shortly-ish.

C

(In the absence of the jury)

[REDACTED]

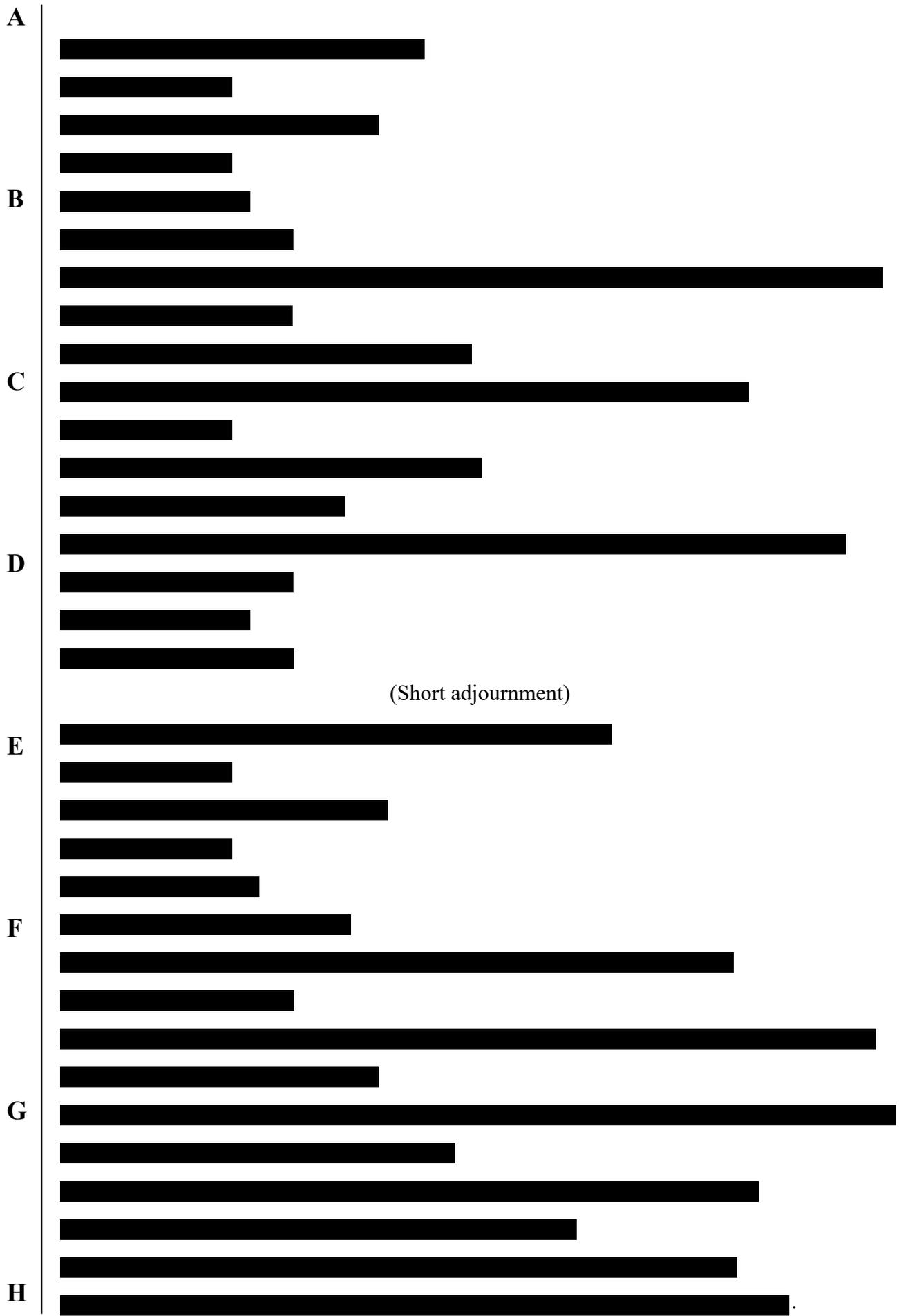
D [REDACTED]

E [REDACTED]

F [REDACTED]

G [REDACTED]

H [REDACTED]



A

[REDACTED]

B

[REDACTED]

C

[REDACTED]

D

[REDACTED]

E

[REDACTED]

(In the presence of the jury)

F

JUDGE HALL: Thanks a lot. Thank you. Thanks, ladies and gentlemen. Sorry to keep you waiting. I've been - been quite a lot of cajoling, and cooperation, and bullying and - or not, as the case may be - but I wanted to try and get, with the consent of the parties, who have been very helpful, or at least they say that I have been of some assistance, for which I'm very grateful - I don't necessarily believe them - but we are in a position to present to you on behalf of the parties the final agreed facts about compensation.

G

They'll be read out in a minute. Final agreed facts for Zeeshan and Kieran Harris, all - all agreed. And it - there's one matter I can deal with, on the application of Mr Ferm and the - the preparedness of Ms Melly to basically go along with this, I have to say that because she's not entirely happy with it, Mr Ferm, but I am, and that's the important thing, isn't it?

H

MR FERM: Yes, it is. It's not my application, your Honour.
JUDGE HALL: Oh, right.

A MR FERM: I raised it and ---

JUDGE HALL: Well, I'm dealing with it. I'm - I'm - I'm dealing with this, all right. It seems right to me, look at the indictment, please, do you mind, just very briefly, and count - is it all three - three?

B MS MELLY: Sorry?

JUDGE HALL: All three counts? Count ---

MS MELLY: Yes.

JUDGE HALL: --- 24 and 25.

MS MELLY: Thank you.

C JUDGE HALL: 24 and 25, I'll be telling you in some detail as part of my job that in fact pleading dates in these cases is not - not to be viewed over-pedantically. They're not - it's not the dates that matter so much; it's what's happened, do you follow? But - and there are all sorts of rules and regulations about it which confirm that, you know, you've got be flexible about the dates and not be distracted too much.

D But in - in Mohammed Usman's case it is quite clear that the police went on the 30th of July, didn't they, we know. So, what it, seems - certainly to Mr Ferm, to all of us, in fairness, I think - is that it would be better to substitute "9th of July 2011" with "31st" so will you - I give leave to myself to order that the indictment be amended, all right.

E I have - I have wide powers to act, in fact, of my own volition. If I see some technical problem, that's what's going to happen. It really doesn't necessarily - Mr Ferm will address you in due course - de - and shouldn't distract from the real and fundamental question of: what happened? OK, so "31st July," that deals with that. So the indictment is formally amended. There's no need for anything else to be said.

F Now, I'm going to hand over, please, if I may, to Ms Melly or Ms Beattie to deal with - can we deal with Kieran Harris' final agreed facts?

MS MELLY: Yes. I think both Ms Hertzog and Mr Wilson are going to read their brief agreed facts ---

JUDGE HALL: Excellent, even better.

G MS MELLY: --- as part of their case, but I can deal with these admissions now, the other matters.

JUDGE HALL: All right.

MS MELLY: These are some further agreed facts, members of the jury. You are going to get some copies. It may be that you get them before you leave today but I'm just going to read them to you now and then you can have them in due course.

H

A

“1. On the 12th of July 2013, Detective Constables Taylor and Police Constable Gatenby visited [Person A] in relation to the Kellerabbey investigation.

B

On the 8th of December 2013 [Person A] complained of sexual assault against an unknown male. The police log of that complaint was checked. There’s no record of her enquiring whether the police would be following up on the allegation she’d made to officers Taylor and Gatenby.

C

On 27th of August 2013, the Daily Mail published a story with the headline: ‘Child Victims of Rotherham Sex Abuse Scandal could be in line for compensation totalling 140 million, says solicitor representing them.’

D

On the 28th of August ‘14, [Person A] sent an email to joeinwood@bbclooknorth regarding her allegations of grooming in the Bradford area and then on the 4th of September 2014 West Yorkshire police received an email from BBC Look North in relation to those allegations of [Person A].

E

The following day (5th of September 2014), Detective Constable Dawson then visited [Person A] at her home address and she agreed to provide video interviews at a later date in relation to her allegations.

F

On the same date (5th of September 2014), [Person A] told [Health visitor] (a health visitor) that Look North had put her in touch with a solicitor. She ‘could win approximately £150,000 if it goes to court.’

G

And then on the 11th of September 2014, Switalskis Solicitors sent a letter to [Person A] confirming they acted on her behalf on a private basis but will not recover their costs until the conclusion of her case.

H

On the 17th of September 2014, [Person A] had a meeting with Switalskis Solicitors. Notes were taken by these solicitors and then the solicitors then drafted a witness statement on her behalf based on those notes. During the course of the meetings Switalskis Solicitors asked [Person A] to provide her identity documents to assist in making an application for Legal Aid.

23rd of September 2014, [Person A] gave her first video interview.

17th of November 2014, Detective Constables Dawson and Detective Constable Riley visited [Person A] and Officer Dawson introduced Officer Riley to her.

On the same date, [Person A] was in contact with [REDACTED], from Switalskis solicitors, about compensa - her compensation claim. It is recorded that: ‘[Person A] spoke to [REDACTED], of Switalskis Solicitors, stating that she’d been advised to delay any

A compensation and/all Criminal Injuries Compensation Authority claim until after the trial had concluded to avoid the risk of being accused of only doing it for the money.’

B On the 3rd of March 2015, [Person A] telephoned [REDACTED], at Switalskis Solicitors. [Person A] spoke to [REDACTED], of Switalskis, and stated that she’d: ‘Been advised by DC Riley that it would be preferable not to make claims as it would make her look bad and only in it for the money.’ The file note also states: ‘[Person A1] has also been phoning MPs, as she wants a public inquiry. She has spoken to the MP for Keighley, who told her she should contact her current MP.’

C On the 1st of April 2015, Switalskis Solicitors sent a letter of claim on behalf of [Person A1] to Bradford Metropolitan District Council stating that they’d ‘been instructed to pursue a claim for compensation in respect of failures of care resulting in physical sexual abuse and exploitation being suffered that ... We consider your negligence had resulted in the claimant suffering physical sexual abuse and exploitation, you’re liable to compensate the claimant for injury, loss and damage.’”

D I think that last - the next one’s been included in error. Thank you.

E “10th of November 2015, [Person A1] was in contact with her solicitor at Switalskis and she stated ‘The Rotherham girls were going to get 100,000’ and asked how much she would get and told ‘she should not get ahead of herself, no charges, convictions, no - yet no records obtained, no experts’ reports.’

On the 25th of April 2016, Switalskis Solicitors asked [Person A] to provide documents that she’d not yet provided so that they could apply for Legal Aid, which they indicated was really important for progressing matters.

F On the 14th of June 2016, [Person A] was in telephone contact with Switalskis Solicitors. Switalskis’ file notes of that conversation records that: ‘[Person A] had still not provided her bank statements or benefit information.’

On the 26th of April 2016, Bradford Metropolitan District Council solicitors (BLM) sent a letter to [Person A]’s solicitors (to Switalskis) denying liability.

G 2nd of May 2017, Switalskis Solicitors wrote to [Person A]. The letter stated that they ‘have not heard from her or some - for some time.’

On or” - sorry - “9th of August 2017, Switalskis Solicitors telephoned [Person A]. Switalskis’ file note of that conversation records that: ‘[Person A] was again asked to send a document so that the solicitors could progress matters.’

H 14th of September 2017, [Person A1] was in telephone contact with Switalskis. She stated the compensation she received would be used to pay off a debt. In relation to making a

A Criminal Injury Compensation Authority claim she said she was waiting for the court to finish.

[REDACTED]

[REDACTED]

B [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

C [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

D On the 16th of January 20 (now) 19, Switalskis Solicitors sent a letter to this court (Bradford Crown Court) indicated they were representing [Person B] and [Person A] in compensation cases.

No claim for compensation has been lodged in any civil court on behalf of [Person A] or [Person B] and no claim has been submitted to the Criminal Injuries Compensation Authority.”

E JUDGE HALL: Very grateful.

MS MELLY: Thank you, very much. I’m sorry, that document needs amending and then we will have it for the jury. Thank you.

JUDGE HALL: But that will be given. It’s not a memory test. You will have a copy of that.

F Clearly it’s the product of considerable cooperation and assistance by me but it gives you a very interesting background.

Now, subject to that, that’s you ---

MS MELLY: Yes.

JUDGE HALL: --- done.

G MS MELLY: It is.

JUDGE HALL: Thank you.

MS MELLY: Thank you.

JUDGE HALL: However, Mr - Ms Hertzog, I know you’ve been delightfully quiet through this trial but you did ask for some sensible agreed facts. Ms Melly agrees to them. Have you got copies for the jury?

H

A MS HERTZOG: I have indeed, and it's one between two again, please, Madam Usher.

JUDGE HALL: When these have been read add them to your - what, do they go at the back of the agreed facts bundle?

MS HERTZOG: Please, or at the back of their divider 11.

B JUDGE HALL: Or 11, sure.

MS HERTZOG: Thank you.

JUDGE HALL: All right.

MS HERTZOG: Does everyone have them? If we can just formally read those into the court then, please, members of the jury. You'll see the heading, which is:

C "It's further agreed between the prosecution and the defence that, firstly, in October 2014 [Person A] attempted to locate Sully's address by being driven around the Bradford area in a vehicle by police officers. She was unable to identify the address other than being able to confirm that it was 'at the bottom of Girlington.'

Secondly, on the 23rd of August 2016, [Person A] was driven around the Girlington

D area by Investigating Officer Parting and Investigating Officer Patterson in an attempt to locate Sully's address.

Despite being driven down a number of streets in the area she was unable to identify the address. When answering questions from the officer [Person A] stated as follows.

E Firstly: 'I'm really struggling.' Then: "I weren't sure if it was in Girlington or ..." And, thirdly: 'That night I was so drunk, I'm trying to think where exactly. I can't remember where they told him to take me. It's so hard but, you know ...' And, finally: 'I don't think I'm going to work it out at all.'"

Thank you, your Honour. And that formally closes the case on behalf of Zeeshan Ali.

F Thank you.

JUDGE HALL: Mr Wilson.

MR WILSON: Yes, your Honour I don't formally close my case but I will do it at the end of this - this further admission and some photographs.

Perhaps we can deal with photographs or images of Kieran Harris first of all. I'd ask

G the - your usher to hand them out to the jury and ---

JUDGE HALL: All right. Not to me. The jury are fine. I'm - don't worry about me. Thank you.

MR WILSON: So, these are four images that the defence and the prosecution are agreed should go before you. They should go behind divider 12. And if we can deal with them one

H by one, ladies and gentlemen.

A

You'll note the first image is of the "25th of July 2008," so approximately two and a half - not two years four months - before any meeting with [Person A].

If you go to the second image, this is dated the "11th of October 2010," so approximately one and a half months before any meeting with [Person A].

B

The third image is "the 7th of January 2011," so approximately three to four weeks after seeing [Person A] for the last time.

And the final image "17th of December 2011," which is over one year after meeting [Person A].

C

OK, so there you have a set of images which are agreed between the defence and the prosecution and that you should consider during your deliberations.

The final matter is an admission. Again, if I can ask the usher to hand these out to you and one for his Honour.

JUDGE HALL: Thank you. Thank you very much. Thank you.

D

MR WILSON: I will wait until of you have got it and you've got a copy that you can see.

And although it doesn't say it's an agreed fact, it is another agreed fact between the prosecution and the defence and it's all about teeth, about in particular Kieran Harris' dental records.

"The dental records of Kieran Harris reveal the following:

E

On the 20th of November 2007, he attended his dentists for treatment. It was noted by his dentist that he had been fitted with a gold crown on his upper left central incisor," which is that one (*counsel indicates*). "This had been fitted by another dentist earlier in 2007. And on the 9th of March he was fitted with a gold crown on his lower right canine tooth," which is that one (*counsel indicates*) if you can see me from there.

F

That is the case for Kieran Harris.

JUDGE HALL: Thank you, Mr Wilson. Now, ladies and gentlemen, we - I'm very grateful that you - it would seem in good humour - were happy to hang about, but the fact that you were hanging about, I'm afraid, did - did assist me to encourage myself, and I'm sure others, to try and concentrate on the issues and get it sorted, and the parties have been very helpful.

G

Now, that is the evidence that you will hear in this case. So, when you come back tomorrow, at 10 o'clock, we will be moving, perhaps apart from handing out the - the - the compensation agreed matter, we will be moving straight to the first of the speeches, OK, which, I repeat, are designed to help you but not give evidence, of course, but I'm sure the parties will do their very best.

H

A

So, can I ask you to - to go and come back tomorrow at 10 o'clock? We'll start the speeches. See how we get on tomorrow. More of the same on Friday.

Please bear in mind that we have to do a bit of work this Friday - sorry - but we won't sit until silly o'clock - as I said to the Bar - so don't worry about that. And then conclude speeches maybe Monday and take it from there. Thank you very much.

B

So, we're well ahead of schedule, but there's no rush in a criminal trial, you appreciate that, thank you. See you tomorrow 10 o'clock. Lest I forget to tell you, 10 am, thank you.

(In the absence of the jury)

C

[REDACTED]

D

[REDACTED]

E

[REDACTED]

F

[REDACTED]

G

[REDACTED]

H

[REDACTED]

A

[REDACTED]

B

[REDACTED]

C

[REDACTED]

D

ADJOURNED AT 16.11 UNTIL THURSDAY, 14th 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