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IN THE CROWN COURT AT BRADFORD

Case No. T20177306

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

Monday, 18 February to  
Wednesday, 27 February 2019

Before:

HIS HONOUR JUDGE DURHAM HALL  
THE RECORDER OF BRADFORD

R E G I N A

- v -

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

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**REPORTING RESTRICTIONS APPLY**

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**SUMMING UP**

APPEARANCES:

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

MR A DALLAS appeared on behalf of the Defendant Iqbal.

MR A BELL appeared on behalf of the Defendant Ahmed.

MR R FERM appeared on behalf of the Defendant Usman.

MISS G BATTS appeared on behalf of the Defendant Majid.

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

MISS G KELLY appeared on behalf of the Defendant Hussain.

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

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

MR G WILSON appeared on behalf of the Defendant Harris.

MISS F HERTZOG appeared on behalf of the Defendant Ali.

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(Transcript prepared without the aid of documentation)

(14.58)

JUDGE DURHAM HALL: Ladies and gentlemen, just a short while, I cannot waste your time, I must use a bit of it this afternoon. You know I have a job to do. It is not the job to dissect arguments and say anything about that, it is to sum the case up according to the law of this country. If I do not do it, I have been supported by all the barristers as to how to do it, the content to a greater or lesser extent, but if I do not do it you know, and do it properly, the trial is a nullity and we have to start again, not again, thank you. The fact of a retrial is only relevant in so far as anything has been put to a witness that shows they have said something else on an earlier occasion.

You know why you are here. You are here, regardless of any dates, regardless of any argument that you do not accept from any lawyer, to ask hard questions of the evidence as you see fit, and nobody else, and those questions are whether or not some or all or none of these defendants have, as alleged – I use an emotive term purely for shorthand – preyed or abused, whether insidiously as alleged for some, or by direct force for others, one or other, or both, or none, of the two alleged complainants. You are not concerned with anybody else other than those two, [Person B1] and [Person A1], and these ten, and that will be your decision and nobody else's.

You know what the thrust of the Crown's case is. The Crown's case, the thrust of it, are different against Mr Khaliq and the rest, and amongst the rest somewhat different against Fahim and the others, but you know that there is no real connection, Mr Khaliq and the other nine, or indeed amongst the nine. Some have no connection with Sid(?), if I may so discourteously refer to Saeed Akhtar and [Sid's address]. But you know why they are all here together, aren't they, because they are linked, because [Person A] and [Person B1] are linked, and it all started at or soon after they were together at the care home. They were together at The Plaza Hotel, they say, and [Person B1] is a witness to [Person A1]'s allegation against Mr Khaliq, another connecting point. They say things to each other which are relevant or may be relevant to any or some of the issues.

Both, of course, say, and with hindsight now argue that they recognise, the prosecution say to their horror, that they were groomed. Some are said to have groomed, others, including Mr

Fahim, who is in a different position one cannot deny, others perhaps fall into a more direct category, and of course Mr Khaliq and Mr Saeed, together with Mr Harris, not necessarily Mr Usman, you will have to determine his stance on this, certainly three of these defendants and defendants concerned with both then young women also allege another motive, namely compensation. So you know why you are here, why these ten are all being tried together.

My job is so different from that of the barristers. My job is to conduct this trial. I do not apologise for encouraging a degree of courtesy, civility, indeed lightness to the proceedings, but it all covers a very dire picture doesn't it, and one which the defence say they have to confront, unfairly, and the prosecution say, in terms of the two girls, they just had to continue reliving that picture. But fortunately, I am sure the barristers share with me in this, fortunately my job is so different from yours, and their job is different from yours, because you are the ones who have to make the decisions. I am not supposed to make really any complaint about the evidence. I am certainly not supposed to make any comment about it. I am not supposed to do or say anything that trespasses upon your sole province, which is to evaluate the evidence and at the end of the day, considering the count you are considering, and the defendant named in it, or defendants, whether the prosecution have proved guilt or not.

Now one thing I do have full responsibility for is the law, the management of the trial, yes, the procedural responsibilities, but my primary job is to advise you and the barristers, and tell you please, without being rude, what the law is, and then I ask you to apply the law to the situation as you find it, and I will do that in a moment starting quite, I will do it quite quickly, a bit this afternoon, a bit tomorrow, and so on. Do not be worried please, the law I can describe to you in reasonably clear terms. Law, after all, only really mirrors the combined experience of the citizens in the jurisdiction, it has built up over years obviously, but it is, the law is that which people in common think is a sensible way to run our society. So you will not be surprised by the law, but you must follow what I say about it, and it really does come down in many ways to common sense although, as with anything, the law can sound a bit complicated from time to time, even to the lawyers. But the point is this, when I direct you as to the law, please accept my directions. You may some of you be lawyers, I don't know, we all have different trades. If you are not, believe me you are lucky, but take it from me, I am supposed to know my business. That is the point, isn't it, and it is no insult to you if I

lecture you a bit about the law. It is meant to help. It will provide you with a framework within which to do your job.

Of course I have to remind you too, it is a part of a legal, a legal requirement of a lawful summing up to try and identify and rehearse the prominent features of the evidence. I will try and do that, notwithstanding this has been a long case, I will try and deal with it with economy and efficiency. I have to do that, but it has always been and remains your responsibility, ladies and gentlemen, to judge the evidence, and you decide which evidence you accept, which you reject. You decide what is relevant, what are the relevant facts of the case, and when you come to consider your verdicts, you and you alone do that, not me.

Now please, you do not have to decide every point which has been raised. I am not for one moment saying that any barrister or lawyer in this country has tried to lead you off the path or down cul-de-sacs and blind alleys, no. You know why the lawyers do their job, quite rightly so, but you have to keep your eye firmly on what is relevant and what is not, and you do not have to decide every point that has been raised. You decide those matters that will enable you to say whether the charge you are considering laid against the defendant or defendants named on that charge has been proved, and you also do that by looking at the whole of the evidence, including read, agreed, admitted and so on.

I am not, ladies and gentlemen, please be assured, going to go through the timeline. You take it with you. It has some interesting and useful dates as the girls becoming young women moved through addresses, of course, and so on. The agreed facts have some very important information, they would not be there otherwise. The read statements I will touch upon. The interviews, you have them don't you, and you will take all those, not read statements of course, with you, and you will make your decision accordingly on the evidence, including that bit of it, but I am not going to go through them I think in any detail, if at all. You will make your decisions by having regard to the whole of the evidence, including all the agreed and admitted evidence, but especially forming your own judgment about the witnesses, and which evidence is reliable and which is not.

Now some of the defendants, more about this in a moment, have decided and chosen to give evidence, and indeed in two cases at least, unless I am mistaken, have called witnesses. You must judge the defence evidence by precisely the same fair standards as you apply to any

other evidence in the case, and please only decide the case on the evidence which has been placed before you. There will be no more. The parties agree on what evidence is subject to tests of admissibility from me, the parties decide what evidence they feel they need to call, not me. There will be no more. Literally the door has shut, and one thing I have to say to you very clearly it is no good asking me to ask them for more evidence on a topic, I cannot. I think you will find, ladies and gentlemen, whether this is an accurate or permissible opinion or not, I am going to make it, I think you will find you do have, when you apply the law, an abundance of evidence upon which to consider these charges.

Be that as it may, there will not be any more, and it is very, very important that you do not speculate about what evidence there might have been. In fact speculation, as an approach to a criminal trial, and the question of proof of innocence is hardly the best way forward is it, you must view, apply your own intellects, knowledge of the world to the evidence. When I say do not speculate the one thing I am most certainly saying that you can do is of course apply your common sense, because you as twelve individuals will and should and indeed must look at the evidence, draw inferences where appropriate, come to common sense conclusions based on the evidence you accept.

So the facts of this case are very much your responsibility, very grateful I am sure you are to the efforts of the barristers in the speeches that they have made. They are not giving evidence. It is sometimes difficult for a barrister to tread the line between legitimate comment on the evidence and just seeping or trickling over into giving evidence, and I make no complaint about that at all, but they cannot all be right, can they, and nor can the points that they make necessarily find favour, but where they do of course you are very grateful for them. But they are professionals doing a job, you know that. Today prosecuting, for all I know next week defending. They do a job, and quite right too, but it is for you to do the important work.

Equally, ladies and gentlemen, it is desperately important that if in the course of my review of the evidence in this case you think I am expressing or appearing to express any views concerning the facts, or your decision, or to emphasise something or not to emphasise something else, do not follow my lead if you think I am giving one. I am not, ladies and gentlemen, that would be fatal, it would be wrong, and indeed it would be in contravention of the oath I took, some years ago now.

I do have views, of course I have views ladies and gentlemen, I have views about all manner of things, including the useless nature, and it is true, of my football club, and so on and so forth, but I do not have any views about this case, because that would be to go back on that which all of us here agrees that the jury system is the best system we have got, long may it continue.

But equally if I miss something out in my review of the evidence, because it is bound to be subjective, I have got to cut it down, I have got to try and tie in the evidence to the issues that I think are relevant to this case, so I am going to miss things out. If I miss something out you think is dead important, you bring it back in. You have got the point. When it comes to the facts of the case, it is your judgment and yours alone that counts, and that is the same approach you take to a shoplifting case, to a horrible murder, to a case like this which obviously raises emotions and all sorts of things. Your approach, hard hearted it must be, is to judge the case on the evidence, and nothing else.

Now the law, ladies and gentlemen, starts with the first and most important direction of law. Everybody has told you, I have to give it, as it were, legal weight, but it is the case in any criminal trial in this jurisdiction, and far beyond where we have been copied, our legal system as you know is one of our best exports in many ways, the fundamental direction of law is the prosecution, the state, must prove that a defendant is guilty. In every trial, he or she on trial does not have to prove his or their innocence. In a criminal trial the burden of proving a defendant's guilt is on the prosecution from first to last.

How does the prosecutor succeed in proving a defendant's guilt, the answer is by making you sure of it? If at the end of the day you are not sure of guilt, you will say not guilty. If at the end of the day you are sure of guilt, you say, and your verdict will be guilty. What does sure mean? I am not going to say any more about that, it is the ordinary common sense word and has the ordinary and common sense meaning. It is not an impossible task, sure means sure.

Where a defendant has given evidence, come from the safety of the, the sanctuary perhaps used to be viewed of the dock to give evidence in the witness box, they do not assume any burden of proving their innocence, but of course once a defendant goes into the witness box

their evidence becomes evidence in the trial as a whole upon which you will ask the question, on all the evidence, is has the prosecution or not proved guilt?

Now you have in this case, ladies and gentlemen, ten defendants. Again that word, not to be used to prejudge anything. All these words, the words of the offences, the layout of the court and so on, go back in history, and what they tend to do is just tell everybody the different roles and positions. The defendants are on trial. The prosecution have to prove guilt. These are all fundamentals, and that is it. But you have ten defendants. Different counts obviously, twenty odd counts, we will look at those shortly.

You have to give separate consideration, you must consider each count separately and the case against and for each defendant separately on each count. The evidence is different and your verdicts need not be the same, they may be the same, it is your decision, but you must consider each count separately and the case for and against each defendant on each count separately. Somebody said in this case, and have done in many larger cases, you have a number, obviously, of interlinked situations here, but you have in essence ten different trials. You will not be asked, for example, if and when you reach any verdicts, whatever they are, to return them, it is not all or nothing. You will be asked to return them separately, count by count, defendant by defendant, when and if you reach a verdict, whatever it is.

On the counts, we will look at the offences obviously in due course because the ingredients of the offence demonstrate, simply but clearly, what the prosecution has to prove, but on some of the offences you have – the counts, I am sorry – you have the words, “First occasion”, clearly a reference to a specific identifiable occurrence, what we lawyers call specifics, a specific offence, where the prosecution are saying, or wish to say the offence happened on a defined occasion. You will be asking the question did it happen on that occasion? In Mr Khaliq’s case there is another pleading technique, if I can find my indictment amongst the – oh how interesting, I am sure we will get round that very quickly, thank you so much. I think he just put a coin in the meter there, ladies and gentlemen, I am very grateful. No, I have a lighting control which my book accidentally turned off, not for the first time. Why do they put the Judge in charge of the light? All right.

You will see in Count 2, for example, Count 4, Count 5, the word, “Specimen”, do you remember us the other day amending the indictment, or me agreeing to amend it. On Count



relation to [Person A1] now of rape – we will come back to all this in due course, worry not – and they say that was the first occasion, if it was an offence, of criminal sexual intercourse *per vaginam*.

In Mr Parvaze Ahmed's case, rather than plead a specimen offence they have chosen another way of inviting a jury to consider not just the issue of guilt or innocence, but also to consider specifically a minimum, more than one, further occasions. In order to succeed on Count 15 the prosecution must make you sure that Mr Parvaze Ahmed had criminal intercourse, rape, on no fewer than three additional times to Count 14. Do you see the subtle but significant difference between a specimen offence, which is the basic, the intermediary isn't it, between a specific pleading and a multiple incident? Specific, one off. The prosecution say whenever it happened, it happened the first time. Specimen, however many times it did or did not happen, over the first, if the jury is sure at least one, that is a specimen, okay. Multiple incidents, the prosecution reflecting the evidence they say, and pinning their colours to the mast, no bad thing about that they would argue, seek to prove and must prove, not that it happened in addition to the first, once at least, twice at least, but they say a minimum of three times, okay, that is what a multiple occasion count is about.

Again it avoids a long list of offences. There is some tension between Mr Ahmed and [Person A3] about how many times from the first time it happened, but what the Crown say is that [Person A3] is clear and indeed Mr Ahmed is clear, it happened a good handful more times, but the prosecution say of course they were rapes, and they must prove that, and that at least three times. Now, ladies and gentlemen, that I think deals with specific counts, specimen counts and multiple offending counts.

Dates, ladies and gentlemen. You have heard what Mr Ferm says, and he is right about one thing, the pleading in his case, the end date, whether or not anything happened of course is the issue in the case, we know that the end date for his association, to put it neutrally, with [Person A3] ended on 30/31 July, wherever we pleaded it. But apart from – in any trial really like this, and this is not the first of course trial of many defendants with many counts as you can well imagine. In any trial where you have not just multiple defendants but multiple counts spanning a range of years, in the first instance the pleaded dates, which are often quite arbitrary, are not, as I say, important, as long as that which is alleged to have occurred as a specimen, specific or multiple, happens within the range, broadly. There is a slight – you are

interested in what has happened, not the calendar, you know that. You want to concentrate on the evidence about things happening not some lawyer's choice of dates.

However, there are a number of clearly important dates in any trial, especially where they help the jury to look at the whole picture, [REDACTED]

[REDACTED]

Special measures, ladies and gentlemen, is, again I told you about, it is a legal development. Witnesses, defence and prosecution, now can give their evidence in a variety of ways. One of the very good ways, even apologising for the quality of the equipment sometimes, is the pre-recorded video of a complainant. It is done by more specialist officers and the whole process can be let down by, as I say, technical failures, but we managed, we got there in this case.

The point is this, that pre-recording somebody's, especially in a sex case, pre-recording somebody's first account to the police in an interview conducted by a qualified police officer is admissible and makes good sense you may think. Anyway, that is the way we do it I am afraid, that is the law. Nothing to do with me, I do not shoot the messenger, all I can say is that is the way we do it, it is a good idea, it captures, especially in big cases where there may be built in delay because of the system, it captures the formal complaint to the police as early as possible. It is not a system which is mean in any way to cast prejudice on the defence or to reflect on them. It is the way we do it. Similarly, my power to give a witness, to make him or her more comfortable, to give evidence behind screens is again just the way we do it and nothing should be read into it at all.

Similarly there are other unusual features of a case such as this. You remember on one occasion you had a transcript of part of one of the pre-recorded videos, do you remember, DVD's, and I gave it to you for a simple reason, to help you decipher what was being said, and then took it away from you. I have to do that, that is the law, because again, as I pointed out, you cannot take transcripts with you into your retiring room because the whole purpose is to replace a witness in the witness box with the re-recorded testimony, and you do not get transcripts of the ordinary witness who comes along, you cannot have one of the achieving best evidence pre-recorded witness's either. But again, do not blame anybody, you cannot have them, I am sorry, it is the law, the computer says no, okay. Sorry, I can laugh about it, maybe it will change, but that is the law, you cannot have it, I cannot do it. They would be furious, and I would be in trouble, I think bluntly put, all right.

If you do need any help with any part in your retirement of any witness's evidence I would be only too happy to remind you of it, and sometimes you can, and I am perhaps tempting fortune here, you can see parts of an ABE interview, pre-recorded interview played, but only, it may well not arise in this case, if you want to judge the demeanour of a witness when they are giving evidence, and that can arise often in the single count short interview cases. The jury may want to go back and say, "Well, what was she doing at this point, or he doing? Was he laughing, was he pointing at something? What about the distress and the emotion, was it genuine?". In other words it is not the content it is the presentation, okay, you can only see part of an ABE again if you want to see presentation. Very difficult for you in a case like this, you would have to be very specific, it would be impossible probably for you to pick out a particular point. Anyway, you know there were hours and hours and hours and hours and hours of interview in [Person A1]'s case, all reduced to more manageable proportions.

May I deal with complaint, ladies and gentlemen. Not in the sense of what people do, why people complain when they complain, I will come to that tomorrow, but where a witness, let us take [Person A1], says something to somebody else, for example [Person K1], or indeed to the people, the [REDACTED] (?) people, that sort of thing, in the sense therefore of a witness who is saying something about what happened to her to a third party before the trial process. Not the officers who were taking the pre-recorded interview, that is like taking a witness statement.

Now, ladies and gentlemen, you are entitled to hear what a witness says in his or her case to a third party, and often it is very useful for you to hear that, especially when lawyers are, and are instructed to, very professionally, so say, “You are lying, you are making it up now”, for this, that or another reason, and you may like to know what the witness was saying to third parties some time ago, and that is admissible, of course it is. It helps you to see how matters evolved and came to the attention of the authorities, it also helps you to judge ancillary matters about what has motivated the complaint, and so on, and you also just want to know how things have come to this situation in January and February of 2019, in the trial process. But what you have to be very, very, very careful about is not in any sense to use anything that a witness says to a third party as providing independent corroborative support for the evidence of the maker of the statement, and if you think about it the answer is dead easy.

Anything that – I will speak a little quietly, I do not want to keep Mr Dallas awake – but anything said by a witness that comes from the witness cannot be independently supported by somebody repeating what the same witness is saying. Just think about it. If, going home tonight, somebody bumps into you and you come back tomorrow or whatever and say – I am not sure this is the best analogy so I am not going to use this one – what you say, anything you say to a third party, or somebody says to you, cannot possibly prove, can it, unless you are there watching it. I feel quite happy using a rubbish analogy, having heard Mr Wilson’s this morning I feel in very safe company. That is the important thing.

You can use it for this reason, consistency. If somebody is saying something, broadly, whether to social worker or to friend, years ago, never mind what the friend and social worker see, what [Person C1] and others see, you know that that could potentially be relevant when it comes to answer the question is this all being made up now, but it cannot be in any way used, anything that [Person C1], [Person K1], anybody else, comes along and says, “She said to me that”, that cannot provide independent support of the maker of the complaint.

Now, ladies and gentlemen, are you happy just to go on a bit more, because this will save, I know it is fairly early, but this will save a lot of time tomorrow, and it will save me additional work perhaps overnight which is best directed to the central problems in this case, and you know what they are, the central issues in this case of grooming, if any, consent, the effect of grooming on consent, and so on and so forth, all allegations that you have to tussle with and consider, and I can give you legal directions on those to assist you.

Ladies and gentlemen, we are now some years after, not unusually in cases which have a historic or have some length of years to them, we are some years on from the first allegations, or the first alleged occurrences in this case, again not unusual, can be relevant. You will have to work out what has gone on here and whether there are any excuses and explanations for the way this has come to the attention of the authorities. What would have happened had the officers in the [REDACTED] not knocked on [Person A]'s door and so on. You know, however, whatever you make of all this, for you to assess the evidence and come to your conclusions, but you are now concerned with events that are said to have taken place some years ago, and of course in every case that leads to a danger of prejudice on a defendant, or all defendants, for you to consider, and always bear that in mind as you work through this case and in particular work through anybody's explanation. You will consider why the matters did not come to light sooner. You will have to ask is that a reflection on the reliability of the complainant or is it indeed an almost inevitable product if there is any truth in what they allege, and we will look at that in the evidence.

You also know, the barristers have touched on this, that of course as time goes, don't we all know it, memories fade. Witnesses may not be available, witnesses cannot remember, and passage of time can play tricks on recollection. Make allowance, ladies and gentlemen, especially from the fact of a defendant's point of view. It may be, it may not be, it depends all on the context of the case, but it may be that the longer the time since the alleged incident the more difficult it may be for him to answer it, alibis become impossible and so on and so forth. So even if you believe that the delay is understandable, if you think a defendant has been placed at a real disadvantage, make allowance for it when you assess, for example, evidence given, and whether the Crown have made you sure of guilt.

Of course passage of time also has an effect on other things. It may provide a defendant, for example Yasar Majid, to say even more strongly, "Look, I was of good character then and look what I've done, I've just gone on and built up my character", and you may wish to give, where appropriate, more than usual weight to such features in such cases. Delay cannot be a defence; just as good character can never be a defence to a charge but take it into account. Make allowance for it, where proper, where fair, when you assess somebody's attempts to, not assuming any burden of proving innocence, but address the issues.

The defence rely on that, they say that not only has delay impacted upon their respective client's positions, it has afforded the witnesses a greater sense of hindsight to build on their own feelings of grievance, and of course you have the additional question of compensation to what, if any, the undoubted, I think Mr Ferm said the undoubted and understandable interest in compensation may have had on the evidence.

May I, lest I forget, say of course, ladies and gentlemen, in so far as there have been any displays of emotion, or indeed irritation, not just from me, for which I apologise, but for any defendant, forget it. You cannot judge a case on emotion, and you must not hold against anybody in reality if they appear to be emotional, but obviously do not be swayed by emotion in any way, shape or form.

In so far as it is ever proper to refer to consequences, you know what your oath is, don't you, and affirmation. You judge this case according to the evidence without fear or favour or ill will on the evidence, and please, nobody has, but if it is any lurking problem in your mind, you do not consider consequences. We do not run the system on that. This is a case about you evaluating the evidence and applying the law and the first directive which is the prosecution must prove the case. That is, with great respect, your job.

Ladies and gentlemen, I can deal with, if I may, a number of things, and that will give, just briefly for the next ten or so minutes, and then we will call it a day, self-preservation requires it, and also respect for you.

You know that some people gave answers in interview, some more fully than others, some much less so, some just no comment. The first rule is that in any event what any defendant says in the privacy of an interview between him and a police officer can never, ever, ever be evidence other than in his own case, for or against him, do you follow? Of course you follow because the other defendant is not there to say, "Hang on a minute", you can imagine Mr Harris and Mr Iqbal both, if they were in an interview together, saying, "That's not right, that's no good", and the same applies when a defendant is referred to in an interview by another defendant. I cannot remember the extent to which that has happened in this case in the wider scope of things. What a defendant says in an interview is only evidence against or for him, all right, so when you read those interviews, unlike any other agreed case, agreed

fact which is evidence in the whole case for and against everybody, what a defendant says or does not say in an interview is only relevant to him, in this case all of them.

But you know Mr Khaliq answered questions in interview, very fully, and gave evidence, so no problem. Mr Saeed gave evidence, but in interview no comment. Yasar Majid, in interview, early no comment, but thereafter answered some questions quite fully, and he gave evidence. Mr Naveed Akhtar just simple, simple position, simple in its clarity. In interview, no comment, evidence, he did not give any. Mr Parvaze Ahmed, very full interviews, gave evidence. Izar Hussain, interviews, brief prepared statement, thereafter no comment save references to lies and false accusations, but he gave evidence. Zeeshan Ali in interview, some early denial of knowing [Person A], but then something said, but often no comment. You have got the interviews, if I do injustice to any defendant you can put it right, but he did not give evidence. Kieran Harris, in interviews a moving situation, a brief prepared statement, then, when for example November 2016 description put, no comment, a couple of days later mainly no comment, January 2017 admits a number of things, visiting, knowing her, but denying any sexual content, and gave evidence. Mr Fahim Iqbal, of course, in interview a brief denial but otherwise no comment, and did not give evidence. Mr Usman, of course, interviews full and gave evidence.

Now that is quite a mixed bag of situations, isn't it, and what I am about to say, ladies and gentlemen, must be tailored to what has happened, the degree of failure to answer questions in interview, but there is one very clear direction I will have to give in every case of those who did not give evidence, Naveed Akhtar, Zeeshan Ali and, although there may be some differences of course, we all know, in the case of Fahim Iqbal, perhaps some different considerations, but who knows, it is for you to determine.

Those defendants did not give evidence. That is their right, but it has consequences. They have not given evidence to contradict or undermine the evidence of other witnesses called, and you know who they are. You will have to ask, in the case of those three, did they give an account in interview to somewhat mitigate not giving any evidence. Mr Naveed, nothing said in interview at all. Zeeshan, some comment in interview but, and this is a subjective observation, not a lot. Fahim Iqbal, not really, he did not really contribute, did he, to the debate in interview, although there may be different considerations.

Now you know that an interview, where they have given a full account in any event, is part of the evidence for and against the maker, but unlike, for example, the evidence of others given on oath, [Person A] given on oath, an interview, even where questions are answered in interview, it is not on oath is it, and it is not, the defendant is never tested on oath or affirmation in your presence. Now you know that I warned counsel of the potential for consequences such as I have indicated if they did not give evidence, and the consequence can only be, it is our law, it is common sense, that the prosecution invite you to consider, you are entitled to consider, as long as you do it in a proper and balanced way, that somebody has not given evidence because they had no answer at all, or one that they thought would stand up to cross-examination.

But there is an interim step before jumping to any conclusion supportive of the prosecution case and that is you must think that the prosecution case is sufficiently compelling that it clearly called for an answer before you, never mind in interview, and you know the distinction that Mr Dallas makes for Fahim that he argues – you will have to judge this, ladies and gentlemen, having considered all the evidence in retirement – he argues that in his case, I am sure the others would like you to take the same view of course, the case is not sufficiently compelling really to demand that he gave evidence. You will judge that. The fact is those three gentlemen did not give evidence, and certainly two of them, including Fahim, said nothing at all of any worth in interview.

So if you think the Crown's case is sufficiently compelling, you decide, nobody else, that it clearly at least calls for an answer, and the defendant does not give evidence, you have to ask the question is that because he does not think he would stand up to cross-examination. If that is what you think, failure of course can be viewed as providing support for the prosecution case, but always remember it is for the prosecution to prove the case not for the defendant, and a failure to give evidence, as indeed the same with failure to answer questions in interview, although potentially can provide some support for the prosecution case, the jury must never seize upon it as a reason, wholly or mainly, for convicting. So you see why I keep using the word balanced proportionate approach, judging each case on its merits, and it is the same with failure to mention facts when questioned.

You see you know that, and I am moving on, although it is really the flip side of the same argument isn't it, that even though Saeed Akhtar gave evidence, which is highly relevant in

considering the impact of a no comment interview, he said no comment in interview. Yasar Majid's early no comment and therefore questions really is a matter for you, but perhaps it might be safer to proceed on the basis where somebody has at some stage tried to address the issues in the case not to be too stern with them or adverse to their position, but Mr Naveed, no comment in interview, Izar Hussain, as I say very brief prepared statement and largely no comment. Zeeshan Ali we have dealt with, Fahim, no really, after brief denial, no comment. You will have to look at Mr Harris's situation when you consider his interviews. Mr Wilson obviously stresses that by January 2017 there is more evidence in terms of answering questions.

But the reality in each case that I have identified before the interview, before each interview, the defendant was cautioned. He was first told that he need not say anything, and it was, as with giving evidence, his right to remain silent. He was also told it may harm his defence if he did not mention when questioned something he later relied on in court and that anything he did say might be given in evidence. Now the parties between them agree that obviously they were asked a lot of questions in interview and in Mr Naveed's case, and Mr Fahim's case, of course they did not go into the witness box did they to rely on any facts. That is right, Mr Frieze, isn't it?

MR FRIEZE: It is, yes.

JUDGE DURHAM HALL: So what I am about to say really can, I am right Miss Melly aren't I, can only relate to those whose interviews were no comment?

MISS MELLY: Yes.

JUDGE DURHAM HALL: But who then went into the witness box to give evidence and make explanation, okay. So who are they? Mr Moulson, Saeed Akhtar?

MR MOULSON: No reply and a prepared statement.

JUDGE DURHAM HALL: No reply, prepared statement. Zeeshan Ali, did not give evidence. Fahim did not give evidence, that is right isn't it? Kieran Harris, brief prepared statement, lacking in detail maybe, description, no comment to the description put, mainly no comment, but then admitted visiting, yes Mr Wilson?

MR WILSON: It is a full interview.

JUDGE DURHAM HALL: How full?

MR WILSON: Very full, he answered every question.

JUDGE DURHAM HALL: That's right, Miss Melly, is it, is that right?

MR WILSON: The third interview.







[REDACTED]

(Court adjourned to the following day)

(16.18)

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Now I dealt with that, and you remember. This relates to Naveed Akhtar, Zeeshan Ali and Fahim Iqbal, and you will remember, in a nutshell, that if you think the prosecution case is sufficiently compelling – well I may have to come back to that of course, you know what Mr Dallas says about his client in the context of that phrase – but if you think the prosecution case is, whatever the lawyers or indeed the Judge says, sufficiently compelling, that it clearly calls for an answer from somebody, and you think that the defendant does not give evidence because he does not think his position would stand up to cross-examination, the failure to give evidence can be viewed, potentially, as providing support for the prosecution case, simple as that.

However, always remember, the prosecution have to prove the case, it is a defendant's right not to give evidence, and a failure to give evidence, although it can provide support for the prosecution contentions, must never be a reason, wholly or mainly, for convicting. So where a defendant, moving on now please, where a defendant does not give evidence, regardless of any position in interview, you are entitled to draw the inference, as I have indicated, that that inference from that failure only.

Where a defendant has given evidence, can you, the jury, consider what may arise from the effect of a no comment interview, whether or not it was coupled with a prepared statement, whether or not, clearly relevant, a defendant later goes on to answer fully questions. Well it is only where a defendant has given evidence that you can consider the effect of a no comment interview. Why, because the words of the caution tell the defendant that you may do that. You know the right is to stay silent, that is a fundamental right in our law. You do not have to say anything, but the caution goes on, and it is an Act of Parliament, caution, and certainly has the force of convention and longstanding approval. If you fail to mention when questioned something you later rely on in court that may be, to paraphrase, used against you, and anything you do so will be recorded in evidence.

So failure to mention when questioned something you later rely on in court, and that of course, potentially, refers, and refers only, to Mr Saeed Akhtar, Mr Yasar Majid, Mr Izar Hussain and Mr Kieran Harris. They all gave evidence. You will take into account the fact, as I have just said, where the, where appropriate, and you have all the interviews and how they were approached, where appropriate, the defendant, perhaps this applies to Mr Majid and Mr Harris, did eventually, the prosecution say after material changes in the position,

answer questions. You will take that into account, of course, but the law is clear, and if I can find my piece of paper I will tell you what the law is clear about.

Each defendant was first told that he need not say anything. I repeat, it was his right to remain silent. You know as part of their defences Mr Saeed Akhtar, Mr Yasar Majid, Mr Izar Hussain, Mr Kieran Harris, have relied on evidence to explain, for example, not exhaustively, how they met [Person A1], this is all in relation to [Person A1] of course, their interactions with her, the extent and nature of any sexual relationship, if any, how she behaved, how they knew her, why they were in her company, how long, what happened, and so on.

Now the list, as I say, is not exhaustive, but the defendants admit that they failed to mention facts when interviewed about [Person A] and these offences, and therefore the law is in each case this failure may count against him. This is because you may draw the conclusion, looking at the case always defendant by defendant of course, from his failure that he had no answer then and has subsequently invented his account to fit the prosecution case. Further, the prosecution allege – remember this is their allegation, this is what they say, this is what they would like you to follow and proceed upon, the defence disagree of course – further the prosecution allege that where appropriate a defendant's reluctance to admit knowing [Person A1] until they had been selected on an ID parade is an indication of their true knowledge of events.

Now if you draw the conclusion, you must not convict any defendant whose case you are considering wholly or mainly on the strength of it, but you may take it into account as some additional support for the prosecution's case, and also, when deciding whether, defendant by defendant, the accused giving evidence has given evidence truthfully.

Now please, only draw such a conclusion against the defendant whose case you are considering, who is in this category, Saeed Akhtar, Yasar Majid, Izar Hussain and/or Kieran Harris, if you are satisfied about three things. First, that when interviewed he could reasonably have been expected to mention the facts on which he now relies. Two, that the only sensible explanation for his failure, if you so find it, is that he had no answer at the time and has since invented, tailored his account to fit the prosecution case, keeping his powder dry, that sort of thing, and thirdly, that apart from his failure to mention the facts, the

prosecution's case is so strong or sufficiently compelling that it clearly calls or called for an answer.

Now each of the defendants barristers invite you in turn not to draw any conclusion for failures, even where there was subsequent, and especially where there was subsequent full accounts given, you know the tension there, the prosecution say only at a late stage after a significant change, but there it is, that is there case. Their counsel, their barristers invite you in each case not to draw any conclusion at all from their failure to mention the matters. Have regard, each say in different ways, to the state of mind, the nature, and so on, the nature of the charge in relation, and so on, to accepting advice, and there other reasons aren't there, shock, fear, confusion, looking back, and particularly in each case advice from a solicitor who was present. If you think any of those amount to a reason why you should not draw any conclusion from failure to mention facts, in the case of the defendant whose position you are considering, do not do so.

But the defendants have, to a man, given evidence that they did not answer questions on the advice of their solicitor, and in each case they had a solicitor there to advise them, which was their right. If you accept the evidence that they were so advised to say little or nothing, that is obviously an important consideration, but it does not automatically prevent you from drawing any conclusion from his silence on that occasion because, bear in mind, a person being given legal advice has a choice whether to accept it or reject it, and remember it is not the solicitor, it is the defendant, the client who is warned, if you fail to mention facts which you rely on in your defence it might harm your defence.

Having done so, decide whether the defendant who you are considering could reasonably have been expected to mention the facts on which he now relies. If you really do consider, for example, that he may or had an answer to give but genuinely and reasonably relied on the advice given to remain silent, clearly you should not draw any conclusion, but if you were sure that he remained silent not because of the solicitor's words, but because he had no answer, and no satisfactory answer, and in quaint terms latched on to the legal advice, hid behind it as a convenient shield behind which to hide, you would be entitled to draw the conclusion, subject to this I appreciate long but very important direction I have given.

Now, ladies and gentlemen, you know, for example, that in, for example, subsequent interview, and certainly in evidence, Kieran Harris, and in the course of the trial by questions and otherwise from Miss Hertzog, Zeeshan Ali, argue, regardless of how many other defendants take no exception to identification, defendant by defendant, of the defendants, those two say that [Person A] is wrong when she picks out the man that she says was responsible for touching her boobs and bum, breasts and bottom. Zeeshan Ali, and of course, in Mr Kieran Harris's, forcefully, if she is right, raped her, and where the parties put in, as it were, put in issue the question of identification and raise an issue that it may be mistaken, I must give you the following direction.

The case against Zeeshan Ali, clearly, and Kieran Harris, clearly, depends on the correctness of [Person A1]'s identification of them as the people she knows as T, as Kieran, who did those things to her, and which they in turn allege to be mistaken or wrong. Now to avoid – it is irrelevant that others take no issue, because this is ten trials, isn't it, taking place, and there is no doubt that those, their advocates, deploying such material as they can, have raised that issue.

To avoid the risk of any injustice in this case, as has happened in some cases in the past, I must therefore warn you of the special need for caution before convicting either of these defendants in reliance on the evidence of [Person A1]'s identification. It is true a witness who is in her own mind convinced may be a convincing witness, indeed robust, positive as [Person A1] clearly is, in saying not only what happened but who did it to her, but nevertheless may be mistaken. Mistakes can be made as the court have seen over the years, even in recognition of someone known to the witness. I can hardly point the finger at Mr Wilson for his description of what he did going up behind some poor gentleman outside the court, whoever it was, I have received, Mr Wilson, as yet no formal complaint against you. There it is. But, of course, you know what [Person A1] is saying. She knew the people. This was face to face not from behind, and so on. But mistakes can be made, even when somebody is known to the witness, and you know that Mr Harris deploys, for example, some confusion, however robustly [Person A1] responds to criticism of her, some confusion in the [REDACTED] interview, and words said after the positive identification of Kieran in his video identification parade.

I will come back to this detail when I deal with the defendants' case, and [Person A1]'s evidence against them in due course, if I may, but the point of this direction now, which has to be given, is please bear in mind when you consider this issue raised by Zeeshan Ali and Kieran Harris you have to examine all the circumstances leading up to [Person A1] picking them out as the person who did certain things to her. You must examine carefully the circumstances in which the identification, identifications by each was made. The original identifications, not just the video identification parade. How long did [Person A1] have the person she says was the defendant here in court under observation? How many times? At what distance? In what light? Did anything interfere with the observation? Of course, very importantly, has the witness ever seen the person she was looking at she says before? In [Sid's address], in her address in Dewsbury. If so, how often? If occasionally, you will judge what occasionally, was there any special reason for remembering the person in question? How long was it between the original observation and the identification to the police? Is there any marked difference between the description given by [Person A1] to the authorities, any marked difference between the description given by [Person A1] to the police when she was first seen by them and the appearance of the defendant? Of course that again is something that Mr Harris builds upon. I will come back to this, but you must view her evidence in the light of that direction in those two cases in particular.

Now finally, other matters of law that either I have overlooked or do not think appropriate, if I am advised to the contrary I will bring to your attention in due course. I have time before I send you out, if not later today sometime mid-morning tomorrow, I hope, to correct myself. But let me deal with one final important matter, which I must, before moving on to look at the counts, what has to be proved and the issues in this case. That is character.

In the case of Yasar Majid he has good character, he has no previous convictions, he has no cautions or complaints, reprimands or anything like that against his name, and you know what a conviction is obviously, and you know what a caution is, it is less than a conviction, but it is an admission of wrongdoing to an allegation dealt with in a quasi-semi administrative way, but Yasar Majid has good character, never been in trouble. Nobody has pointed the finger at him until these proceedings. It is not a defence, you know that. Having good character cannot be a defence because it is accepted, must be common sense, I would be out of business wouldn't I because everybody would simply, "I'm of good character,

sorry, you can't touch me". But it is, when it exists, relevant, and it is really relevant in two ways.

First of all Yasar Majid has given evidence, and as with anybody of good character it is something you deploy in his support in asking, "Do we believe him?". It is relevant to credibility. Secondly, it is relevant to the issue namely it is less likely that he would then, bearing in mind his good character before and the good character that he has displayed since, knowingly involve himself in a sexual offence of the nature, never mind the nature, alleged by [Person A1]. So for the first time in his life he is accused of crime. You will of course have to bear in mind the evidence in this case which is not entirely a happy picture is it, of drinking and the unprotected sex, if it was, with this young lady, and you will have to of course consider all aspects of her allegation, the issue of consent and his reasonable belief and so on. You will have to consider [Person A]'s evidence about what was going on in [Sid's address], the drugs supply, and she does point the finger at Yasar Majid doesn't she, even against him in that relation. But, as I say, in terms of the sex, we are not a court of morals, and the issue is not having sex but was it sex without consent, genuine true consent, and something with which he had no reasonable belief, if any belief, that she was consenting.

The character witness, you remember the lady who came so far, clearly spoke very eloquently on Yasar Majid's behalf, quite rightly, that is a perfectly proper thing to do to call in support of good character, somebody who can give you a picture of the person who spoke highly of his positive characteristics, and although that does not cumulatively mean that he could not have fallen from his clearly, he argues, high standards, it is an important factor, and you will decide how important when you consider his evidence and whether he committed this offence on this occasion.

Can I turn to the – and there is no secret about this, there is clearly a distinction, this has to be in a case where there are more than one defendant, people have different histories don't they, can't pretend otherwise, and you know that in the agreed facts there are a number of defendants who have previous convictions, and they are all there, I am not going to go through them. May I turn to the previous convictions set out in the agreed facts of Saeed Akhtar, Kieran Harris and Mohammed Usman, and indeed, although there may be some differences, I do not know, both in terms of quantity or quality with Mr Khaliq.

All of those, however different their cases, Mr Khaliq concerned solely with [Person B1] of course, the others concerned, apart from the cross over at [Sid's address], limited though it may be, the others concerned with [Person A1]. All of those argue, in their different ways, and allege in their various ways, leaving aside the question of identification in Kieran Harris's case, and accepting [Person B1] clearly knew Mr Khali and [Person A] professes clearly to knowing Saeed, Harris and Mr Usman, all argue and allege in various ways that the girls, in particular, in particular [Person A], must be lying, and seriously lying in her case when she describes what happened in their company, or at their direction, for example being sent out to exchange sexual favours for drugs, a feature of Mr Akhtar's case. Additionally, Mr Saeed Akhtar and Mr Kieran Harris, through their evidence, argue fabrication on the part of [Person A] for compensation, and it is something, I think, Mr Iqbal QC has touched on as a possible reason in [Person B1]'s case as well.

The reason, therefore, that you have heard of the previous convictions in those men's cases is no more and no less simply this, that you are entitled to know the character of the person making the attack, if it be properly described as an attack, on a witness, and to have all the information about both sides that it is possible to have when deciding whether their allegations, attacks on, in particular, [Person A] are right.

In Mr Khaliq's case there is something of a tension here because you were bound to know about the offence, weren't you, in relation to [Person B1] [Person A4], the, was it the kicking or the spitting or whatever you find happened in her home, because that was all part and parcel of the denouement – that is a big word for a, what day are we, Tuesday, Tuesday morning – you know, when the whole thing imploded, when the tension just became too much, and Mr Khaliq has conceded and/or paid in the two cautions. There is no other sexual offending or serious matters in his case.

Just because, however, whatever basis it has been put in before you, just because a defendant has previous convictions does not necessarily mean that the defendant is telling lies and you must not convict a defendant of this offence because, just because, or even partly because he has been convicted in the past. So in relation to those men, Saeed Akhtar, Kieran Harris, Mr Usman, Mr Khaliq, it is balancing the scales. They attack the witness, you are entitled to know the whole picture, the nature of those who are, if it helps you at all, making the allegations.

Now a feature of this case against some, however, is rather more than that, rather more than a balancing of the scales, and especially – this is in relation to the [Sid's address] crew if I can call them that, shorthand – because it is said, emanating from that address, without pointing the finger other than at those to whom this potentially applies, it is said, to quote Mr Ferm, not something I usually do, but if I may say, no disrespect on this occasion, he used a little phrase in his address, really to distinguish his client, we understand, from what he is or is not suggesting may have been evidence elsewhere, that is beside the point, but to quote him he said, “An atmosphere of obligation and dependency caused by the supply of drugs”. That is not an issue in Mr Usman’s case, even though he has a drugs related previous conviction. It is certainly in Kieran Harris’s or indeed Fahim Iqbal’s case, but it is in the case of others an issue in the case, not Mr Khaliq either, an issue in this case.

Very, very important, you may think, in relation to the effect of grooming, if any, and its impact upon consent, true, genuine or acquiescence, is the supply and provision of cocaine to [Person A1], as she alleges. You will have to judge her credibility on all issues, especially this. But you know that the prosecution case is, especially in relation to the [Sid's address] personnel, grooming and the supply of cocaine to the point of addiction. You cannot get round it. Why cannot you get round it, because [Person A1] speaks of it again and again, never being sober, always high, twenty lines of coke, bags of it, lots of it, and so on, you know the evidence. True or false, a matter for you.

But you know that the prosecution case is very clearly allegations of grooming and supply of cocaine to the point of addiction, or whatever, thus inducing submission and acquiescence, not true consent, over a significant period, and that, in a nutshell, is what the case is against the [Sid's address] parties in this case, and that is a very, very important matter in issue, and it is disputed of course by everybody, in particular it is disputed by Mr Parvaze Ahmed, Mr Izar Hussain and Zeeshan Ali, for obvious reason, they say it did not happen, [Person A1] is not accurate.

[Person A]’s evidence is quite blunt, that those three in particular, not exclusively, but those three were party to creating or continuing an atmosphere of obligation and dependency caused by the supply of drugs, and she says that Mr Parvaze Ahmed supplied her and had ready access to cocaine, and that Izar Hussain is associated with that activity in a number of

ways, telephones and so on, you have heard the evidence, and that [Person A] was in the vehicle with Zeeshan Ali, ostensibly to source drugs, to carry on the party, the party atmosphere, and so the prosecution say, in their three cases, for reasons that will become if not already clear, their previous convictions for drugs related offences can, if you so wish, assist you in deciding that issue, that important issue, between her and them. That she was full, I put it bluntly and robustly, I hope not unfairly, you know what her evidence is, full and always full, and got, and could get, and was given, cocaine.

The prosecution's case is these defendants had or may have ready access to the drugs in question. Now if you disagree with that and agree with the defendants, they have no burden of proving this, if you think they may be right, that this was, either no sex happened or, "It wasn't me", or everything was perfectly consensual with no more than recreational assistance, well obviously it would be very wrong and very unfair to give any credence to any issue of those previous convictions, and to place any reliance on them, because they would not be relevant to the issue. But there clearly is an issue for you to decide. The creation of an atmosphere of obligation and dependency caused by the supply of drugs, to quote again the very senior barrister for another defendant, and potentially therefore the previous convictions of those defendants may help you to resolve the question in [Person A1]'s favour when considering her evidence against these particular defendants and their role and knowledge in the use and provision of cocaine.

Having said that, I revert to the, as I must in law, to the proposition, you never convict anybody just because they have a previous conviction, and you never convict anybody wholly or certainly not mainly on the strength of it. It is only if those previous convictions are relevant to an issue you have to decide that you take them into account. If not relevant, dismiss them completely.

Ladies and gentlemen, may I invite us, please, to simply turn to the indictment in this case. Again, if I can find it, you have it I hope conveniently in a folder. I have cannibalised mine in order to try and understand, to present the summing up, and when we have done this we will have a break if that is all right with you.

I have no doubt when you first, I hope with hindsight, still wisely took on the responsibility of being a juror in this case of particular significance of course, and particular relevance. I

have no doubt when you first saw not only the fact that ten gentlemen are on trial and the indictment was twenty five, you would have been scratching your heads to say, "How do we work our way through this?". I certainly would and there we are. But I think as you now have proceeded through the case, having heard the requirement that you judge this case defendant by defendant, you judge each defendant on the count, separate consideration of defendant, separate consideration of the counts, they do not all stand together, the evidence even, in one defendant's case where there are more than one count, may be different. Maybe different outcomes, maybe all the same. All a matter for you, but you can now see how there is a logic to this indictment. You can see why and how the prosecution, rightly or wrongly, have pleaded it in the way they have. You know that dates are not really terribly important. You know why it is such a fundamental issue in the case say of Mr Khaliq that you have to consider up to sixteen and over, relevant to his evidence, relevant to your approach, but you now know that this case falls down into a number of separate components. That may be right, and where you start and which count you want to start with is entirely a matter for you, and anybody who says you must start at the beginning and work through to the end is not necessarily right in so advising you. You will decide, although when I come to the evidence I am going to work through it, as best I can, sequentially.

But what you have in this indictment is six offences, six different criminal offences. All different types, some common, rape clearly is a common offence, pleaded against a number of defendants. You have attempted rape in one case, don't you, in Mr Hussain's case, coupled with three other allegations of rape. You have the offence of aiding and abetting rape against Mr Fahim Iqbal, aiding and abetting Mr Kieran Harris charged with rape. You have assault by penetration, Count 6, against Mr Khaliq. You have sexual assault further down the indictment, the only offence, no suggestion of rape, against Zeeshan Ali, and you have in addition, in Mr Saeed Akhtar's case, you have to charges of causing or inciting child prostitution.

Now each and every one of those is an offence, and attempting to commit an offence is an offence, obviously, against an Act of Parliament, and aiding and abetting an offence is an offence in its own right. Behind most of these, all but one in reality, well no in fact in all cases, in one case aiding and abetting the statutory authority is pretty old, nothing wrong with that. The law does work on the basis of if it ain't broke, don't fix it, and we do have some very old offences which are as good now as then, but be that as it may.

Let me just quickly go through what the statutory ingredients, what has to be proved for each offence, and then we will go to the real heart of the issues. I am just going to say about titles, not my title, such as it is, or anybody else's, titles to the offences. The word rape really does excite a visceral response, doesn't it, and do you know where the word rape comes from, it goes way back, it goes in fact back into Latin, as you may or may not accept. Most words do, and it simply means to seize from a verb which I vaguely remember, but then way back in the early Middle Ages rape was adopted into our legal system and it gives you the impression, doesn't it, of violence, of seizure, of taking by force, and that of course may well be the correct description lying behind [Person A1]'s evidence, for example in Kieran Harris's case, if it was him, if anything happened, in Mr Izar Hussain's case, if [Person A1]'s evidence is right, if anything happened, and of course, last but not least, in Mr Mohammed Usman's case. The case, [Person A1]'s case against them is of rape, being taken by force, fear, intimidation, aggression and so on. Nobody, I think, in their cases argues other than even if it is them you have to go through the ingredients to see whether the offence is made out, but equally the issue in some cases, if force is used, we have seen in other cases, may make your decision more easy.

Nevertheless, for the offence of rape, the prosecution must prove that he, and we are dealing with he's, intentionally penetrates the vagina, or in this case the mouth, of another person with his penis. So for any offence involving rape in this case the first thing the prosecution have to prove, some cases it is admitted, in others not, is that the defendant whose case you are considering intentionally penetrated, how can you unintentionally in the circumstances of this case, penetrate the vagina or the mouth of the complainant whose case you are considering. You can commit rape, you understand, by penetration of mouth, vagina or bottom, you understand that, it is all one offence.

The second thing the prosecution must prove is that the witness whose case you are considering does not, was not consenting, second ingredient, and the third ingredient that the prosecution have to prove is that the penetrator does not reasonably believe she is consenting. So penetration, consent in fact reasonable belief. The law goes on, whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps that the penetrator has taken to ascertain whether the female consents. Pausing to add here,

in this case one of the features you will have to be asking yourself, obviously, Miss Melly says, “Were [Person B1] or [Person A1] ever asked?”. That is the Crown’s position.

Consent, ladies and gentlemen, is also defined in the Act of Parliament. A person consents if she agrees by choice and has the freedom and capacity to make that choice, and that is why, by virtue of that small section in this case, a person consents if she agrees by choice and has the freedom and capacity to make that choice, that so much has been and so much attention is being given to this aspect of grooming and addiction, acquiescence and so on, and we will come to all those in a moment.

Attempting to commit an offence, which is Count 19, only Mr Hussain. Well an attempt is this, if with intent to commit an offence a person does an act which is more than merely preparatory to the commission of the offence he is guilty of attempting to commit the offence. The Crown’s case is, and in order to be an attempt must be, you have to be sure that on that occasion, if anything happened at all as [Person A1] described, Mr Hussain was really intentionally trying to rape her. Not just talking to her, or giving her a drink or chatting her up, but was actually trying to rape her. She says pinning her down on the bed, only stopped because A.N.Other pulled him off. Now that would be, if it happened, a classic description, especially bearing in mind, if anything happened before that, what the relationship was, as [Person A1] says, that would be a classic attempting, trying to rape.

You see how important it is to determine the background. Your decision about what is going on will go a long way, you know, to answering yes or no the question whether any of these counts have been made out.

Aiding and abetting rape, Count 21.

MR DALLAS: 22.

JUDGE DURHAM HALL: Did somebody say something? Count 22, quite right. Well done Mr Dallas, yes, my note is wrong. Quite right.

Aiding and abetting rape. Well it is an offence, if I may tell you, I am sure you will be fascinated to know, contrary to the Accessories and Abettors Act 1861, whosoever shall aid and abet, counsel or procure the commission of any indictable offence shall be liable to be tried, indicted and punished as a principal offender.

What does all that mean? Well it means this, ladies and gentlemen. It means seriously and very importantly that before you could even consider convicting Mr Fahim Iqbal of aiding and abetting Kieran Harris on that count to rape [Person A1], you must, in reality, in the context of this case, be sure that Kieran Harris did rape [Person A1]. First step. You will have to consider Kieran Harris's position on that count regardless of Fahim Iqbal on [Person A1]'s evidence. You know that, he knows that.

If you are sure, looking ahead hypothetically for the purposes of this direction, you know that everything is in dispute, if you are sure that Kieran Harris, as it were, substituted or entered [Person A1] Harris without her knowledge, without consent and with clearly no reasonable belief in consent, in those circumstances, if you convict him of that rape, what do you have to be sure of to convict Fahim Iqbal? Well, you have to be sure that he knowingly and positively assisted Mr Harris to penetrate, rape [Person A1]. Not just creating an opportunity, by leaving the room or whatever, but knowingly, positively assisting Kieran Harris. It involves in the context of this case, Mr Dallas accurately summarised the law, the deliberate making way, whatever the reason, a joke, thought it all hilarious at the time, it was not, if that is the case, a deliberate making way or letting Kieran Harris take over.

It suggests, also, and this I think is right in the context of this case, that you have to be sure there must have been some plan or communication between the two, however brief, but there must have been something for Fahim Iqbal to be guilty as aider and abetter in the nature of a plan. "I'm stopping, your turn", something like that, okay. That, in the context of this case, is what you have to be sure of, that he, Fahim Iqbal, was knowingly, positively assisting Kieran Harris in that way.

Assault by penetration, ladies and gentlemen, is Count 6, 5 or 6, 5. 6. Count 6, clearly Count 6. A person commits this offence of assault by penetration if – and this only relates to Mr Khaliq, this allegation of course – if he intentionally penetrates the vagina of the other, this is [Person A1], with a part of his body, including clearly a finger. The penetration has to be, you sure, has to be sexual. Well the issue is, did it happen? Taking, of course, very important issue, taking a young, youngish girl to a hotel, putting your hand down her pants into her vagina, your finger in, would, I would have thought, on any view, appear to be sexual. The prosecution must prove that [Person A1] was not consenting to that and that Mr

Khaliq had no reasonable belief that she was consenting, and again you have a belief is reasonable to be determined having regard to all the circumstances including the steps taken to ascertain whether [Person A1] wanted it or was consenting, did he ask?

The point here, ladies and gentlemen, is an assault is any touching. Placing your finger down somebody's underwear is an assault unless it is truly consented to. It is hostile, isn't it, in the circumstances of her allegation. What she says, bluntly, if she is right, if it happened, if she is not possibly mistaken, would amount to an assault by penetration. The issue in the case, very fairly, determined, put before you by Mr Iqbal, is, his client says it never, ever happened, this just did not happen, and you will have to, as a very important issue in his case, with ramifications clearly, is resolve the issue. Did it happen? Did he take them, as they say, to the hotel, and in the hotel is she right and not mistaken when she says, "His hands down my pants and up my vagina". That is an assault by penetration. The outcome will be determined on how you find.

I will deal with sexual assault, the count concerning, the only count concerning Zeeshan Ali next, because again there is that common theme of assault, which in law, in any circumstances, is no more than a non-accidental, deliberate but hostile touching of somebody. You commit an assault in so many occasions if you deliberately barge past somebody, never mind punch them or anything like that, that is potentially an assault, and so the first thing the prosecution must make you sure of is did Zeeshan Ali intentionally touch [Person A1] on her breasts and bottom? The prosecution must prove that the touching was sexual. Why do you touch somebody's breasts and bottom? The prosecution must prove that [Person A1] did not want it, was not consenting to it, and that Zeeshan Ali, you must be sure, did not reasonably believe that she was consenting, and again the belief is reasonable in all the circumstances, including, importantly in this case, the steps taken to ask, to ascertain, are you consenting or not?

Mr Zeeshan Ali's case is it did not happen, "It's not me, she's misremembered, misidentified", but if it was him, as she describes, can you see any evidence of consent, assuming you get over the hurdle of was she mistaken, if it happened, if it was Zeeshan Ali, in these circumstances, that is, a matter for you, a sexual assault.

Finally, causing or inciting sexual exploitation, which is the fancy parliamentary way of describing the offence in Count 7 and 8, causing or inciting child prostitution, which is a form of sexual exploitation obviously. The prosecution, for those two discrete, separate offences, must make you sure that indeed it is Saeed Akhtar who intentionally caused or incited, asked, requested, ordered, directed, whatever the word you think most fits the bill, [Person A1] to swap sexual favours for the supply of drugs. Further, you must be sure that she was under the age of eighteen, and Mr Saeed Akhtar, if it happened, if he sent her off to get drugs, did not reasonably believe she was eighteen or over.

The real issue again in this case probably is, a matter for you, did it happen? How old was [Person A1]? There is no, none of the complications, it seems to me, of having to prove consent, however willing she was, did he, what is the word, intentionally cause or incite [Person A1] to go off, to be sexually interfered with in return for drugs, and he had no reasonable belief that she was eighteen or over. If I am wrong about that, Mr Moulson, you can correct me in due course, but again I think not. Thank you. But again, you see, it all comes down, doesn't it, as with so many of these cases, especially those against later defendants, where there is no grooming alleged, it really does come back, they know, you will know, to your evaluation of the evidence, and in particular [Person A1]'s evidence and whether she is telling you the truth, the whole truth.

Now ladies and gentlemen, it is convenient to have a break. I will tell you what is going to happen after the break. I am going to, I hope, supply to you some written material. I am going to make some general comments about the approach to cases of this nature, which I am permitted to do because of their nature, and try and identify some issues for you to consider. Then give you some written material which deals with very important issues that affect some of these defendants, from Mr Khaliq through to Mr Ali, of consent and how you determine consent, or lack of consent, in the circumstances of a case such as this.

Much that I say from here on in in terms of written directions may not really concern, in one sense, the last three defendants because you know what – and Mr, last two, I beg your pardon, yes, the last three plus Mr Hussain – because you know the Crown's case there is never mind what had gone before, this was sexual intercourse following threat, force, violence, but we will have to look, as briefly as may be, at the concept that underpins the prosecution's case, starting with Mr Khaliq, of grooming and consent. All right. Written

directions and finally, before I turn to the evidence, in good order I hope, i.e. not too long, and finally a route to verdict which again is meant to assist you, all right. You know what a route to verdict is, it is not as confusing as a Tube map, but it is a route, and I have seen Judges do that. Not this time, I hope, not this time, but a route map just really reiterate the steps you may care to consider as you work through this case, defendant by defendant, count by count, in terms of what has to be proved, all right. Remember the burden of proof is on the Crown. They support this procedure of giving you written directions and routes, and it is meant to help you.

All right, we will call a break, time out please. Come back at quarter to twelve or thereabouts. A bit more of the law, I apologise, and then I must summarise the essential parts of the evidence. You will be in retirement, ladies and gentlemen, tomorrow morning, all being well. Thank you.

(In the absence of the Jury)

JUDGE DURHAM HALL: All right, now Miss Batts and Miss Melly were out of the room when I dealt with issues of character in your case and looked at the offences and other matters in your case, the effect of the previous convictions. Do any counsel think that in the absent defendant's counsel's case I did anything that I should revisit? No. Okay.

Miss Melly, these directions, they aren't so bad are they, they are not a bad----

MISS MELLY: No. I can't tell now which, necessarily, which version this represents.

JUDGE DURHAM HALL: This is the original draft.

MISS MELLY: With no alterations, it looks as though it has had some of the alterations, it's not the original.

JUDGE DURHAM HALL: Does it have any of the alterations?

MR IQBAL: It is the initial draft only with typographical if changed.

JUDGE DURHAM HALL: The grammatical mistakes.

MR IQBAL: And from my perspective, in any event, the issue of alcohol, drugs and so on limited to [Person A], it initially read both complainants. Those are the alterations that I instigated which have been made, which I don't think were particularly contentious at the time.

MR MOULSON: Your Honour, we are fine with all of it in the original draft, thank you.

JUDGE DURHAM HALL: I am just going to go, Miss Melly, over a coffee, have a look at your stuff.

MISS MELLY: We didn't make significant amendment to it, but they are highlighted in green.

JUDGE DURHAM HALL: Well they were very helpful, thank you, I do appreciate them.

MISS MELLY: Thank you. If appropriate then of course they can be added in to it.

JUDGE DURHAM HALL: Yes, I will go and have a look anyway.

Now, ladies and gentlemen, what I am going to do, what I must in my judgment, I know it's a matter for me, just give an overview, stereotyping, and what I think are the fundamental questions, it won't take long, and then we get into the directions, then the routes. Anybody got any problem with the routes at all, final, for the last time of asking. No. Mr Wilson, not any?

MR WILSON: No.

JUDGE DURHAM HALL: Would everybody like to have a break and I will see you in twenty minutes, okay.

(Short break)

JUDGE DURHAM HALL: Thank you.

MISS MELLY: Thank you. I took the liberty of sending through one of the other versions, I hadn't realised that those passages hadn't been including – no complaint at all about Mr Shakoor sending it in that way, he was unclear as to which version was the final one – so we have added back in, or sought to, two of the paragraphs that we'd already sent previously, and we specifically have put them in, although they've been taken essentially from the case of *Ali & Ashraf*, because they seem to fit quite specifically the facts in this case.

JUDGE DURHAM HALL: Yes. I am going to say something like that in any event. It is fairly standard stuff I am afraid.

MR MOULSON: Yes. Can I just ask whether or not this is going to the jury, or not?

JUDGE DURHAM HALL: No.

MR MOULSON: Thank you.

JUDGE DURHAM HALL: Well I can't now amend it.

MISS MELLY: We have copies in that way, so that's not a bar.

JUDGE DURHAM HALL: No, I am going to read it in.

MISS MELLY: A matter of course for your Honour, your Honour knows the Crown's position.

JUDGE DURHAM HALL: I do, I do, I do, yes. A juror has a potential problem on Thursday, appointment at four, we may not sit beyond three thirty, no problem at all, no, in fact on the contrary.

Yes, I will, I am going to put, say some things obviously, but there we are. I think, it's all right, yes. If I think things are getting a bit confusing and jarring with my themes, don't worry, I won't use them, but otherwise I will, okay. Thank you. Great.

(In the presence of the Jury)

JUDGE DURHAM HALL: Yes, ladies and gentlemen, no problem, I am very happy to accommodate anybody who has a problem. We are not going to sit silly hours, it is simply too tiring, certainly at my age, to go on and on and on, so maybe until about four o'clock today, okay, voice and concentration permitting, not yours, mine, thank you.

Ladies and gentlemen, I am coming to – I suppose every part of a summing up delivered in public is said to be important and it must be accurate, and so far, with the assistance of the Bar, I have tried to direct you in terms of classical directions that have to be given in a case like this, and everything I do is said with this major caveat that I must not trespass ever upon your territory. You decide what you decide. You look at this case, you know what the issues are, they are becoming clearer, are they not. What happened, absent fear, threat and violence, if any, was consent overborne, overturned by grooming activity. You know what the issues are and they have been trodden over, very effectively may I say, many times, but I am permitted to just give you this guidance, well meant.

You know that people react differently, depending on their circumstances, to alleged trauma, to trauma, of serious sexual assault, they react differently, where it is alleged that it has gone on for years, where it allegedly has been at the hands of many. You will know that people, as a matter of common knowledge, simply reading the news and our newspapers, know that reactions will vary amongst those who have been in the care system. You know that reactions will be coloured by consumption of alcohol and drugs. You know that reaction will be coloured by, in the face of alleged grooming. You know that people have widely different reactions, we see in cases up and down the land in terms of the question of complaining. That is all very well. You of course are concentrating on this case, aren't you, but the

important message is there is no classic victim of sexual intercourse without consent. There is no classic offender. There is no classic response.

We have all seen, I have seen reported in the papers, we have all read, you know that it can be impossible, even for people without a traumatic care background, can be impossible, depending on the context, to complain, and certainly people do not shout and scream do they, not in every case, the experience of the court shows, and you can imagine all the various contexts in which sexual offending happen which sadly the courts, all of us have had to deal with or read about. Sexual offending at the hands of a family member, a friend, and so on. Very real problems of complaining arise. People may go for a rowdy night out, heaven forbid, and end up in a situation they do not want, and they do not speak out do they, whether from shame or embarrassment, never mind the standard fears, “Well who will believe me?”, “I’ll be blamed”, and so on and so forth. We know they happen. You, however, have to judge this case not by reference to anything you know go on, but the context of this case.

One of the contexts of this case you will have to deal with in terms of complaint are the competing arguments, because you know the defence say time and time again an opportunity to complain was missed. How can that be right? These were not people traumatised or being raped, far from it. These were people, [Person A1] mainly, it doesn’t really apply to the first young lady, she was up for all this, and so on and so forth. The prosecution say it is not so simple, that people used to not being believed, whose self-worth is in fact at rock bottom, may think they are to blame.

Be that as it may, do not come to this case with any preconceived view whatsoever of how people should ideally behave. Do not come with assumptions about rape or child sexual exploitation or grooming. The question for you is to look at the facts of this case with an open mind and ask yourself the question, “Is what happened or didn’t happen in this case understandable in the context of it, and what actually happened?”. The real issue in part of this case is has there been grooming? It has no fixed definition in law, it is one of those words, far more recent than rape, that has come into common use isn’t it, often used in terms of presentation, hairstyling and so on, grooming. Well groomed, well turned out. I know the Americans were using it a hundred years ago, not that I was around then, but they were in terms of more relevantly grooming for high office, and of course now it is used, not routinely, but sadly in certain cases in the context of whether or not consent is genuine when

somebody, be it boy or girl, man or woman, consents or appears to consent to the act that takes place.

Now we lawyers know that it has been or tried to be accurately expressed by my superiors in London, and it is why grooming in the context of this case has been looked at with such intensity by both sides, because, as I quote, “It is well accepted one of the consequences of grooming is that it has a tendency to limit or subvert the alleged victim’s capacity to make free decisions, and it creates the risk that she”, in this case, “simply submitted because of the environment of dependency created by those responsible for treating the alleged victim in this way. Indeed”, I continue to quote, this is looking at the hypothetical situation of grooming, “Indeed the individual may have been manipulated to the extent that she is unaware of or confused about the distinction between acquiescence and genuine agreement at the time the incident occurred”, and it is right that indeed it does not follow that a person may be behaving irresponsibly, exposing themselves to high risk situations, that there is even then necessarily genuine consent to sexual activity.

Grooming in this case obviously has its limits. It is relevant to the cases against some of these defendants, and indeed less or indeed non-existent in some. You know who they are. It is relevant, of course, particularly to [Person A1], but it is, and indeed this has been taken on and faced up to by Mr Iqbal QC for Mr Khaliq, because it is said by the prosecution that whatever the existence of lack of a fixed definition in law concerning grooming, these two young ladies were treated, in their various ways, in a way that is encompassed by the definition of grooming with a view to turning what would otherwise in normal situations be no to, for them, apparently genuine yes.

Please avoid any emotion, I repeat, or prejudice, one way or another, in dealing with this situation. Please forget everything you have read about the cases that the press of course love to splash on our headlines, Rochdale, Rotherham, Stafford, Oxford, and so on, big cases that have hit the headlines. All they tell you is that there are circumstances in which groomers target young persons, especially those in the so called care system, because those looked after in a children’s home become in reality parentless, the parent’s gone and the bonds and controls have gone. So the law recognises that grooming has a very real meaning.

The issue in this case is has there been grooming, and the relevance of grooming, as you know, as we will see in a moment, is to whether or not consent to any sexual activity, admitted or you find proved, was genuine, was consent, bearing in mind the definition that I have given you reading out the Act of Parliament.

You will have to ask, as you proceed through this case, a number of questions, where appropriate, both in the case of Mr Khaliq, Mr Saeed Akhtar, Mr Yasar Majid, Mr Naveed Akhtar, Mr Parvaze Ahmed, Mr Izar Hussain, Mr Zeeshan Ali, has there been or association with deliberate grooming, effective grooming. The question is has it happened, by whom, for whom, who knew what was going on? Is it something that had or did not have any effect on the consent that the defence have been at pains to emphasise, in certain circumstances, was so apparently freely given? The second question is you have to decide, therefore, what has happened in each case. Who has been accurate in their accounts? The third question is remember, or the point is remember, please examine the case for and against each defendant in turn separately because they are different.

One issue that you will have to confront in this case is if one or either of these girls were groomed at the outset, can a defendant later say that the relationship, or subsequent relationship blossomed, and the sex was frequent but fantastic and consensual. The girl was enthusiastic, she was consenting. Well yes a defendant can say that. You could conclude that, it is a matter entirely for you. You will remember Mr Bell's comment, for example, which sums up the position no doubt of many, "Yes meant yes". You may conclude no grooming at all. It may be that the effect of grooming, if any diminishes over the passage of time and consent does become genuine, certainly that is a possibility, is it not, but the prosecution also argue, and you can see how wide your discussion will have to be, and these are all matters for you, the prosecution also argue that if it is the case that a girl has been groomed into submission and, as it were, the lie and the situation is continued and confirmed, the prosecution argue the lack of true consent may never change, never become genuine.

You will have to argue – I rather suspect Miss Melly's final position is – we know what the defence position is, they do not have to prove anything, they say this was not grooming and heaven forbid there was no force used by any subsequent defendant to obtain sexual intercourse. That is their position quite clearly stated and you will have to resolve these tensions, but Miss Melly's case is you know this was true and effective grooming in both

cases, and she poses the question, which the defence resist strenuously, you appreciate, how can the successful groomer turn round and say the consent becomes genuine? These are all questions for you, as you appreciate.

The written directions are available to be handed out to you, and I move from an overview to the specific. Do we know where they are, Mr – oh well done, you have been very kind, Mr Shakoor. He has been my stationary monitor, printing out things for us. We don't mind that do we Miss Melly?

MISS MELLY: No, we are very grateful, very grateful. That is just the routes to verdict document?

JUDGE DURHAM HALL: No, no, no, this is the directions to the jury.

MISS MELLY: Ah, were those the ones that we printed?

JUDGE DURHAM HALL: Where are they? Where are my original directions to the jury?

MISS MELLY: Can I just check?

JUDGE DURHAM HALL: Yes.

MISS MELLY: The jury have just been given the routes to verdict now.

JUDGE DURHAM HALL: All right. Just turn that over for a second, ladies and gentlemen.

MR MOULSON: I think your Honour said the jury were to get the routes to verdict document.

JUDGE DURHAM HALL: Did I?

MR MOULSON: Yes.

JUDGE DURHAM HALL: My fault.

MR MOULSON: Forgive me.

JUDGE DURHAM HALL: Do we have that document?

MISS MELLY: Yes.

JUDGE DURHAM HALL: Do we have copies for the jury?

MISS MELLY: Yes. (Handed)

JUDGE DURHAM HALL: Just give us a moment, give us a moment. This is innocent cross purposes.

MR MOULSON: Yes, quite so.

JUDGE DURHAM HALL: Okay, just don't worry, leave that document, don't hand it back, no, you are going to need it, come what may you will need it, you will need it. Whether you get anything more, whether you need anything more, okay, that is the issue. Cross purposes.

MR MOULSON: Yes, entirely.

JUDGE DURHAM HALL: But let me just sort this out please. There is no problem at all. Do you mind, just giving me two ticks literally, just two ticks?

(In the absence of the Jury)

JUDGE DURHAM HALL: Now, final matter, I thought, Mr Iqbal, Mr Moulson, Miss Melly, that you were happy that I give to the jury my original directions to the jury. Am I right or wrong?

MR MOULSON: The original ones I am totally happy with, forgive me.

JUDGE DURHAM HALL: Yes.

MR IQBAL: The original form, your Honour has said to the jury that which the prosecution invited the court to include in these written directions.

JUDGE DURHAM HALL: I have.

MR IQBAL: Your Honour said that orally.

JUDGE DURHAM HALL: I have said that, I don't want that in any further. What I want is the original, and you've got those?

MR IQBAL: Yes.

JUDGE DURHAM HALL: That is what's going to the jury.

MR IQBAL: Yes. The form that was handed to your Honour shortly before the adjournment?

JUDGE DURHAM HALL: Yes.

MR IQBAL: Well then we are content with that.

JUDGE DURHAM HALL: No more, no less. We don't need any more. Could I just have a look at it just for one second? With the spelling and grammar corrected.

MR MOULSON: Thank you your Honour.

JUDGE DURHAM HALL: That's fine, yes. No, I would not want the jury to have any more than that.

MR MOULSON: Thank you.

JUDGE DURHAM HALL: I may be adding in things, Miss Melly, okay?

MISS MELLY: Yes. Well our position was just that the matters that we've added in are just as an essential part of the grooming direction that is contained in the written document which is why----

JUDGE DURHAM HALL: Yes, but which one is it, paragraph five?

MISS MELLY: We have two versions prepared, one without those two asterisked green paragraphs.

JUDGE DURHAM HALL: Yes, that's fine.

MISS MELLY: And one with, and we have copies of both, whichever version your Honour wanted for the jury.

JUDGE DURHAM HALL: No, we will have the original.

MISS MELLY: So be it.

JUDGE DURHAM HALL: Don't worry, anybody worry, we will have the original.

MR MOULSON: Yes.

MISS MELLY: We have it.

JUDGE DURHAM HALL: I've said I may add in one or two things, but that's all, okay.

MR MOULSON: Thank you.

JUDGE DURHAM HALL: I am just trying to understand your second one, Miss Melly, it's all right, it's fine. I have got, I don't know whose that is. Somebody has written on the back of one of them.

UNIDENTIFIED COUNSEL: Your Honour, if I might-----

JUDGE DURHAM HALL: Have you got another, just bin that one Mr Shakoor. Have you got another clean copy of the original, original? Okay, I've got one, have we got six for the jury? I don't need another one, I've got one.

MR MOULSON: Is your Honour's copy a clean copy?

JUDGE DURHAM HALL: You've got a clean copy, yes, I think it is. I've got one.

MISS MELLY: Just have a very quick glance but we are confident that that's right.

JUDGE DURHAM HALL: All right, so, Mr Moulson, my fault, I said hand out the routes to verdict. They didn't mean to, it doesn't matter.

MR MOULSON: I think actually it's my fault because I thought you were going to hand out----

MISS MELLY: We agree.

JUDGE DURHAM HALL: We agree, yes. That's fine, no everybody is trying to help. Thank you very much.

MR DALLAS: I think those of us in the Conference League at the back here are completely confused about what the jury are getting and what the final form of the document is. Could we be given copies as well.

UNIDENTIFIED COUNSEL: Yes, I will email it and then provide copies in due course.

MR DALLAS: Just so I am clear what the jury are getting. Yes, thank you.

JUDGE DURHAM HALL: Jolly good.

MISS MELLY: It was emailed this morning.

UNIDENTIFIED COUNSEL: It was emailed but I was just going to serve it----

JUDGE DURHAM HALL: Can I have the jury in please, that's fine, thank you. No, it's my original copy, Mr Dallas.

(In the presence of the Jury)

JUDGE DURHAM HALL: Okay, now, there is no problem, I was right. You are going to get, I think by accident you were given the second document you are going to get, so just keeping that routes to verdict document in reserve, this is a directions to the jury, it sounds all very pompous, but it is an attempt to give you further directions but in written form so that you can take them with you when you retire and look at them at your leisure, okay, and then when, I have to read this out to you because this is the public and everybody need to know what I am giving to you and what is contained in the document. (Handed)

So, first question is do you have my document, Operation Dalesway(?), don't read anything into that, that is just the, like Keller Abbey, that describes the, is the overall title of this police investigation. "Directions to the jury", you've all got that? Okay. Now I have got about three drafts of it so I am going to try and read the right one, okay, and I may have to keep them all open.

Right, the prosecution, consent, some of this you have heard already in the run up to this position but here we go, you have got to have it again and it is all in this document. Consent. The prosecution must prove so that you are sure that the complainant, on the particular count, did not give her consent. Consent you will realise is a state of mind which can take many forms, from willing enthusiasm to reluctant acquiescence, and just pause there to say there is no issue of consent in the child prostitution offences, the ingredients are different, obviously that is what happened, an age, and also the aiding and abet count is slightly different, but in most if not virtually all of the remaining counts, consent is in issue assuming the sexual activity is proved.

Paragraph two. You have heard that the evidence, heard evidence that the complainants [Person B] and [Person A] were at various times fourteen or fifteen at the time the sexual activity is alleged to have commenced. The position in law is as follows. Where a complainant is over thirteen, even if still a child, the prosecution must prove that the

complainant did not consent at the time although the age may be highly relevant to whether she is genuinely consenting.

Three, consent has a particular legal meaning. A person, in this case a young girl, consents if she agrees by choice and she at the relevant time has the freedom and capacity to make that choice. It follows that consent must be a genuine consent. This means that in the case of allegation of rape the prosecution must make you sure the particular complainant did not give her agreement by an exercise of free choice.

Grooming. You have heard evidence in this case that [Person B] and [Person A] were but fourteen years of age and in the care of the local authority when they first came into contact with the defendant Mr Basharat Khaliq, and then others, and of course the complainants aged over the period of time with which we, you are concerned.

The prosecution say that each girl was, because of her situation, especially impressionable and vulnerable given the circumstances from which they had come and their position as children in care at the time. You will need to consider how, given those circumstances, the treatment of [Person B1] and [Person A1] may have impacted upon them in terms of being taken out in cars, building up of attachments, provision of cigarettes, food, alcohol and drugs. If you are sure that this is what happened and the question of whether what was done for them had the effect of making the girls, or either of them, prepared to do things which they would not otherwise have done.

In many relationships, sexual or otherwise, one party will seek to please the other, whether with the manner in which they treat them or in the provision of things and experiences which are pleasing, but in this case the prosecution say that the purpose of what the defendants – I should add in brackets some of them where relevant – did for or gave to these girls was to make them dependant upon them and so effectively to remove their capacity to say no.

The defendants in this case each answer this assertion in different ways, whether in denying that any sexual activity took place, denying the vulnerability of the complainants, denying any knowledge of the age or vulnerability of the complainants, or denying the giving of alcohol, cigarettes or drugs, but one common feature is that it is not accepted in any case that the prosecution have proved that any complainant was dependent on any defendant.

You must look at the evidence of the relationship between the complainant whose case you are considering and the defendant whose case you are considering. If you are sure that what was done for or given to the complainant was intended to and did make her so dependent on him that she was prepared to submit to sexual activity, you are entitled to conclude that was not true consent. If you are not sure that was the case, or you consider that the account given by the defendant whose case you are considering is or may be true, then you could not be sure that the relevant complainant did not consent when she engaged in the sexual activity alleged. I am sure you understand that, there are some double negatives there for which I apologise.

Submission. It is important to draw a distinction between consent and submission. Consent in some situations may be given enthusiastically whereas in others it is given with reluctance, but it is still consent. Where, however, a person gives in to something against her free will, that is no consent but submission. It is for you to say, having considered all of the evidence, where the line is to be drawn, and in this case, bearing in mind that it is for the prosecution to prove that the complainant whose case you are considering did not consent to the sexual activity alleged on the count you are considering.

It is not necessary for the prosecution to prove, in order to prove that a given complainant did not consent, that she was subjected to threats or violence, or that she was overpowered, or put up a struggle, or that she told the particular defendant that she did not consent.

It is right to comment, in my opinion it is right to comment, for example, submission of free choice to repeated demands is not the same thing as consent. Submission achieved by a high level of psychological coercion in the context of the encounter as you will judge, and/or any pre existing relationship between the defendant and the complainant may not amount to free agreement, and the age gap and difference in levels of maturity between the parties will, self-evidently you may think, be relevant.

What you have to decide is whether the prosecution have made you sure that at the time that the particular sexual activity took place [Person B1] or [Person A1], as the case may be, did not consent to it.

Now in this case you have heard from [Person A] that she had taken alcohol and, and/or, and cocaine, or other drugs, and as to the effects of the alcohol and the drugs on her. You may wonder whether the fact that the complainant had been drinking or taking drugs such as cocaine affects either of those questions set out above. There are two ways in which drink or drugs can affect the individual depending on the degree of intoxication. First, it can remove inhibitions. A person may do things when intoxicated which she would not or be less likely to do if sober. Second, she may consume so much alcohol and/or cocaine that it affects her state of awareness. You need to reach a conclusion in each particular case what was the complainant's state whilst under the influence of cocaine and alcohol. Was she just disinhibited or had the mixture of cocaine and alcohol removed her capacity to exercise a choice?

There are, of course, various stages of consciousness, from wide awake to dim awareness of reality. In a state of dim or drunken awareness you may or may not be in a condition to make choices. You will need to consider the evidence of the complainant's state and decide these two questions. One, was she in a condition in which she was capable of making any choice one way or another? If you are sure that she was not, then she did not consent. Two, if on the other hand you conclude that the complainant chose to agree to sexual intercourse, or may have done, then you must find the defendant not guilty. You reach the stage of considering the defendant's state of mind only if you are sure the complainant did not consent.

The absence of consent. It is necessary to focus on the complainant's state of mind in the circumstances and the overall context of the particular sexual activity in question as you find them to have been. In particular you will need to consider the history of the relationship between the parties and the nature of the sexual encounter. Against that background you must consider the critical question. Did the particular complainant agree to sexual intercourse by choice, and did she have the freedom and capacity to make that choice?

Context is all important. You will need to take into account the following factors, if you find that they apply, in respect of a particular allegation as they may have a bearing on whether there was in reality a genuine consent. It is a matter for you whether these factors arise and what weight you give to them. Inevitably these factors overlap.

One, age and maturity of the complainant at the time. This will be relevant to a young person's understanding and knowledge of the position she was in and the significance of what she was being asked to do or was doing. This in turn is relevant to whether in the circumstances she was able to exercise freedom of choice.

Two, the history of the relationship between the parties at the time and the nature of the sexual encounter. This includes the age of the defendant. You will have to consider the extent to which there was any grooming, as the prosecution allege. A person may achieve their objective of sex with the use of gifts, alcohol, insincere compliments, apparent security, a more exciting way of life and/or false promises. Such methods will not necessarily mean there is a lack of consent where a seduction is successful. However, where there is evidence of exploitation of a young and immature girl who may not understand the full significance of what she is doing, this is conduct you can take into account in deciding whether there was no genuine consent.

Three, the consumption of significant amounts of alcohol and/or drugs may mean, may also mean that a complainant does not have the capacity to consent. Whilst a drunken consent is still a consent, if a complainant is so drunk that they are not in a position to know what is going on, i.e. they are out of it, they will not have the capacity to make that choice and so they will not be consenting. That may occur whilst a person is still conscious. If a person is not conscious they are not in a position to consent.

It is, of course, always the right of a person to decide whether to consent to a particular sexual activity at a particular time. Consent to one type of sexual activity does not necessarily mean consent to another. It is always necessary to focus on a complainant's state of mind at the time of the particular activity alleged.

Ten, consent to sexual activity on a previous occasion does not necessarily mean there is consent to sexual activity on a later occasion.

Reasonable belief in consent. If the prosecution have proved that the complainants [Person B] or [Person A], as the case may be, did not consent, they must also prove that the defendant whose case you are considering did not reasonably believe she consented. This involves two questions; (a) did the defendant genuinely believe or may he have genuinely believed that the

complainant, the alleged victim, consented, and (b) if he did or may have done so, was his belief reasonable?

Thirteen, if you are sure that the defendant did not genuinely believe that the complainant consented, this element of the offence will have been proved and so the question of whether belief was reasonable will not arise.

Fourteen, if you decide that the defendant did genuinely believe that the complainant consented, or may have done so, you must decide whether his belief was reasonable. Whether or not his belief was reasonable is for you to say having considered all the evidence, and you must decide whether an ordinary reasonable man or woman in the same circumstances as the defendant would have believed she was consenting. This includes looking at any steps the defendant took to find out (to ascertain) whether she was consenting or not.

Fifteen, the fact that a defendant whose case you are considering gave evidence that he thought it was reasonable is something for you to take into account, but the question is whether in your view it was reasonable, not whether the defendant thought it was.

Now I am going to just beg your indulgence as I would like to not get this over with, it is not an ordeal – well I hope not – but the final document that I need to take you through before I turn to a, all being well, a review of the evidence, which is simply reminding you from my notebook what the essence of the witnesses and defendants are saying, okay, I have to do that, but the final part of my legal directions, I hope, is just to take you to the routes to verdict, and you have that document, yes, please file it as appropriate, politely I hope, but where you can get hold of it.

I take it the document, Miss Melly, Mr Iqbal, Mr Moulson, contains the little footnotes that we put in, yes?

MISS MELLY: In the routes to verdict?

JUDGE DURHAM HALL: Yes?

MISS MELLY: Notes are on there?

JUDGE DURHAM HALL: Yes.

MISS MELLY: Yes.

JUDGE DURHAM HALL: Good.

All right, routes to verdict, you know what a route to verdict is, it is something to help you, I hope without being too pompous and pretentious, to work your way through this. If it does, great, if it does not, matter for you, but it is an accepted way of assisting a jury in, and all of us, to focus on the steps, sequential and logical hopefully they are, in a case of this size and nature, which is unusual in terms of its size and its length.

So one, rape. Please answer question one first and proceed as directed. Question one. You now see why I read out the Act of Parliament don't you? Question one, did the defendant penetrate the vagina or mouth of the complainant with his penis? If you are not sure that he did, verdict not guilty. If you are sure he did proceed to question two. See how it works?

Question two, did the complainant consent to the act of penetration? Now I am sorry, we have become very clever here. See note one below. A complainant consented only if while having the freedom and capacity to make the choice she agreed to sexual intercourse. You will need to consider whether the complainant was in any condition while under the influence and/or cocaine to make and exercise a choice, and whether she did in fact exercise a choice. If she did agree to sexual intercourse it was not necessary for her to communicate that agreement to the defendant provided that in her mind she was agreeing.

Question two then, did the complainant consent to the act of penetration? If you are sure she did not consent, proceed to question three. If you conclude that the complainant did consent or may have consented, verdict not guilty.

Question three, did the defendant believe that the complainant was consenting – see note two. If the defendant was aware that the complainant was in no condition to exercise a choice or that she was making no choice, then he did not believe that she was consenting. If you are sure that the defendant did not believe that the complainant was consenting, verdict guilty. If you conclude that the defendant did believe or may have believed that the complainant was consenting, proceed to question four.

Question four, was the defendant's belief reasonable in the circumstances? If you are sure it was not a reasonably held belief, verdict guilty. If you conclude that it was or may have been a reasonably held belief, verdict not guilty.

I have added note three. If you are sure that the complainant was asleep or otherwise unconscious at the time of the act of penetration and that the defendant knew she was asleep or unconscious, then the complainant is taken not to have consented to the act of penetration of her vagina unless there is sufficient evidence to raise an issue as to whether she consented. Furthermore, in such a case the defendant is to be taken not to have reasonably believed that the complainant consented unless there is sufficient evidence to raise an issue as to whether the defendant reasonably believed that she did consent.

Aiding and abetting. Fahim Iqbal, Count 22. Before considering the case against Fahim Iqbal you must first consider whether Kieran Harris is guilty or not guilty of Count 22(?), rape. If you find Kieran Harris not guilty of Count 22, rape, then you must also find Fahim Iqbal not guilty on Count 22 of aiding and abetting Kieran Harris to commit rape.

Only if you find Kieran Harris guilty on Count 22, rape, should you go on to consider the case against Fahim Iqbal by answering question one and then proceeding as directed.

Question one, are you sure that Fahim Iqbal intentionally assist Kieran Harris to have sex with [Person A]? If you are not sure then your verdict in relation to Fahim Iqbal should be not guilty. If you are sure, go on to consider question two.

When Fahim intentionally assisted Kieran Harris, are you also sure that he, Fahim Iqbal, knew that [Person A] was not consenting to have sex with Kieran Harris, and (b) that Kieran Harris had no reasonable belief that she was so consenting. If you are not sure, then your verdict in relation to Fahim Iqbal should be not guilty. If you are sure, then your verdict in relation to Fahim Iqbal should be guilty. I will come back to his case when I review his evidence in fact to see with you whether that approach is as I recommend to be followed, but also can be modified.

Three, attempt rape. You know this applies only to Mr Hussain, Miss Kelly's client, on that last of the cases he faces. Please answer question one first and proceed as directed. Question one, did the defendant, Izar Hussain, attempt to penetrate the vagina of the complainant

[Person A] with his penis? If you are not sure that he did, not guilty. If you are sure that he did, proceed to question two. See note one below. For you to find that the defendant, Izar Hussain, was attempting to penetrate the vagina of [Person A] with his penis you must be sure that he intended and was in the process of trying to penetrate her vagina but was unable to do so, and that the steps he had taken to achieve penetration were more than mere preparation for the act.

Question two, did the complainant consent to the act of penetration? If you are sure that she did not consent, proceed to question three. If you conclude that the complainant did consent or may have consented, verdict not guilty. Note two says if you are sure that the defendant, Izar Hussain, was attempting to penetrate the vagina of [Person A] with his penis, you must be sure that [Person A] did not consent to that penetration and that Izar Hussain did not reasonably believe that she was consenting in accordance with the directions given earlier as to the absence of consent and reasonable belief in consent already given in relation to the offence of rape.

Question three. Did the defendant believe that the complainant was consenting? If you are sure the defendant did not believe that the complainant was consenting, verdict guilty. If you conclude that the defendant did believe or may have believed that the complainant was consenting, proceed to question four.

Question four, was the defendant's belief reasonable in all the circumstances? If you are sure it was not reasonable, a reasonably held belief, verdict guilty. If you are sure that it was or may have been a reasonably held belief, verdict not guilty.

Just bear with me, the final few, then we will break, have a good break, okay?

Four, assault by penetration. Answer question one first, proceed as directed. Question one, did the defendant, Basharat Khaliq, intentionally penetrate the vagina of the complainant [Person A] with his finger? If you are not sure that he did, verdict not guilty. If you are sure that he did, proceed to question two.

Was the defendant's penetration of the complainant's vagina sexual? If you are not sure that it was sexual, verdict not guilty. If you are sure that it was sexual, proceed to question three.

Did the complainant consent to the act of penetration? Note one, if you are sure that the defendant, Basharat Khaliq, intentionally penetrated the vagina of [Person A1] with his finger and that such penetration was sexual you must also be sure that [Person A1] did not consent to that penetration and that Basharat Khaliq did not reasonably believe that she was consenting in accordance with the directions given earlier. If you are sure that she did not consent, proceed to question four. If you conclude that the defendant(?) did consent or may have consented, verdict not guilty.

Question four, did the defendant believe that the complainant was consenting? If you are sure the defendant did not believe that the complainant was consenting, verdict guilty. If you conclude that the defendant did believe or may have believed that the complainant was consenting, proceed to question five.

Question five of course repeats earlier, the earlier positions. Was the defendant's believe reasonable in the circumstances? If you are sure it was not a reasonably held belief, verdict guilty. If you conclude that it was or may have been a reasonably held belief, verdict not guilty.

Penultimate, last but one. Sexual assault. Question one first. Did Zeeshan Ali intentionally touch the complainant [Person A]? Not sure he did, verdict not guilty. Sure he did, proceed to question two.

Was the defendant's touching of the complainant sexual? Not sure that it was sexual, not guilty. If you are sure it was sexual, proceed to question three.

Question three, see note one below. If you are sure that the defendant, Zeeshan Ali, intentionally touched [Person A] and that such touching was sexual, you must also be sure that [Person A] did not consent to that touching and that Zeeshan Ali did not reasonably believe she was consenting in accordance with the directions given earlier.

So question three, did the complainant consent to the act of touching? If you are sure she did not consent, proceed to question four. If you conclude she did consent or may have consented, verdict not guilty.

Four, did the defendant believe that the complainant was consenting? If you are sure the defendant did not believe the complainant was consenting, verdict guilty. If you conclude the defendant did or may have believed that the complainant was consenting, question five.

Was the defendant's belief reasonable in the circumstances? If you are sure it was not a reasonably held belief, verdict guilty. If you conclude that it was or may have been a reasonably held belief, verdict guilty.

Finally, causing or inciting child prostitution. Question one, between 9 July 2009 and 8 July 2011 was [Person A] under the age of eighteen? Since she was born on 9 July 1993 and did not become eighteen until 9 July 2011, proceed to question two.

Between 9 July 2009 and 8 July 2011, eighteenth birthday, did the defendant, Saeed Akhtar, reasonably believe that [Person A] was aged eighteen or over? If you are not sure that Saeed Akhtar did not reasonably believe that [Person A] was eighteen or over, verdict guilty. If you are sure that Saeed Akhtar did not reasonably believe that [Person A] was eighteen or over, proceed to question three.

Question three, did Saeed Akhtar intentionally incite [Person A] to become a prostitute? Incite means ask, induce, persuade, cause or make another person to do an act or series of acts. If you are sure that Saeed Akhtar intentionally incited [Person A] to become a prostitute (prostitute or sell herself for drugs), verdict guilty. If you are not sure that Saeed Akhtar intentionally incited [Person A] to become a prostitute, verdict not guilty.

Note two, the defendant must intentionally, have intentionally incited [Person A] to become a prostitute which means to offer or provide, to provide sexual activity in exchange for money or some other benefit or expectation of gain for herself or another, which includes getting drugs.

Twenty three seconds past one o'clock. Can we meet again please, how long would you like? Can I say, are we okay for quarter past two? All right, thanks very much. See you then. Making very good progress, thank you. Okay, quarter past two, thanks very much. Thank you very much.

(In the absence of the Jury)

JUDGE DURHAM HALL: What I've done, Mr Iqbal, Mr Moulson, Miss Melly, is no more or less than to highlight what I think are the features, often quite a lot of the features of [Person B1] and [Person A1]'s evidence. I have then, for example in your case, incorporated the cross-examination, and then gone straight to your client's evidence, all right?

MR MOULSON: Yes.

JUDGE DURHAM HALL: And that's what I've tried to do in each case. Look at the DVD's of [Person A1], but when I come to your cross-examination, Mr Moulson, full as I can, but then also remind the jury of your client's case.

MR MOULSON: Yes.

JUDGE DURHAM HALL: Before moving on to Yasar and so on and so forth. All right, that's the way I intend to do it. A bit boring I am afraid, but I think we'll have this jury out earlyish tomorrow morning, all right. Anything about the law please, at the moment, I will be saying other things in due course. We will have a chat Mr Dallas, Mr Wilson, about your problem later on. No problem? No, okay.

MISS MELLY: No. I put in one email earlier, it is not controversial at all, and I wouldn't have asked for it to be in written directions, but of course any penetration, it doesn't need to be----

JUDGE DURHAM HALL: Such an easy mistake to make isn't it? I will remind the jury of that.

MISS MELLY: Yes, I think just in terms of the definition of penetration.

JUDGE DURHAM HALL: I think two things, I think two things I need to remind the jury of. The complexity of this case, perhaps I can be forgiven at least for messing up this, no, missing. Slightest degree of penetration, ejaculation.

MISS MELLY: Yes, certainly, thank you.

JUDGE DURHAM HALL: Okay, shall I deal with that briefly?

MR IQBAL: Yes.

MISS MELLY: Thank you.

JUDGE DURHAM HALL: Okay, why not, thank you.

(Adjourned for a short time)

JUDGE DURHAM HALL: Thank you. All right, thank you very much, ready to go, thank you.

(In the presence of the Jury)

JUDGE DURHAM HALL: Thank you. Ladies and gentlemen, in 2013, the timeline will confirm, police officers looking at an entirely unrelated operation, Keller Abbey, which has long been, as I understand it, dealt with through the court process, were going to see folk and [Person A1]'s name came up, and you know that Detective Officers Gatenby and Taylor went to see her, and the incident report was compiled and the officers noted [Person A1] was frustrated and anxious describing experiences of sexual exploitation, "Hundreds of them grooming me. I didn't know their real names". She referred to names from [Location B] including [Person B], so you see how the evolution arises, relevant also to the compensation issue, say the prosecution the chronology shows that [Person A1] was saying things before any solicitors were involved and so on, but that is as it may be.

[Person A1] said to the officers she got money, cocaine and alcohol. "I thought they were being nice, some weren't, and it started in [Location B]". She said she was off her face on drugs and self-harmed, talked of her number being passed out, being offered coke. She knew a Madge, Sid's brother. She used to go to a house, thirty people would come every night, [Sid's address], Allerton. She said she tried to distance herself from all this in May 2012, telling callers who persisted it would appear to, if I may quote, "To fuck off". She said she had been variously abused and assaulted. She made the following comments to you, well to the officers who presented her comments to you. She said Parvaze Ahmed and friends groomed her most, and she mentioned Pav, Billy, Sid, Nav, [REDACTED], T, and she thought about thirty of them who had groomed her, and attempts to get away did not work.

You remember the incident report that was read out to you. I cannot remember if you have a copy of this.

MISS MELLY: No they don't.

JUDGE DURHAM HALL: They don't. You remember what – that was read into the record, however. "They always tried grooming me. Got money off them. They gave me cocaine, got addicted, alcohol problems, liver problems. Groomed for a huge period, [Location B]. I thought they were being nice, some were, some weren't", and she said she knew a group of groomers, Billy Jo Jo, [REDACTED], Manningham, five brothers, "He tried raping me". Izar Hussain, real name, Parvaze Ahmed. [REDACTED], the big terraces, "His brother rescued me, took me to a hotel", that is Billy Jo. "He had a house, [Billy Jo Jo's address].

Saeed, Papa Sid, fifty, all happened at his home”, and then she ventured, apparently, the officers recorded, “They keep girls apart, make you feel special and that you’re the only one. They get you hooked on alcohol and cocaine, take advantage of vulnerable girls”. That was her take generally, as far as she was concerned, she said, “They ruined my life”, and that is how it started, ladies and gentlemen. Detective Officer Gatenby heard her say, “I just wish there had been someone there for me”.

So that was the first witnesses you heard and read, and then [Person C], because the way the prosecution understandably presented the evidence was to try and show you how it all started, and how from [Person A1] talking about [Person B1] obviously the enquiry opened up. [Person C], you remember, the friend, the one who befriended, whose family befriended [Person B1], and of relevance to this case of course [Person B1] talked of a boyfriend called Bash. That was in the summer of 2008. Now [Person B1] was born 7 September 1993, she was fourteen 7 September 2007. Summer 2008, fourteen nearly fifteen is [Person C1]’s calculation.

It was, [Person C1] understood, a sexual relationship, unprotected because they were trying for a child, so she was told. “All her hard work seemed to have fallen way. I was worried about social services attitude of complacency and [Person B1] was talking about Bash kissing her stomach and saying, ‘We have a little soldier’, they would have a little soldier in there soon”. Remember what one person says to another is not capable of independently verifying or proving what was said or the truth of it, but clearly it is relevant to know that apparently that was [Person C1]’s understanding. “She really loved Bash and regarded herself in a relationship”. [Person B1] knew his age. She was very strong, very strong minded and articulate, really loved Bash”.

Mr Iqbal clearly was putting to [Person C1] that a central plank of their case, that anything like this, any sexual activity certainly, was over sixteen, highly relevant for the purposes of criminal offending, or certainly relevant in some respects. Bear in mind it is a fallacy that you cannot consent under sixteen, but Mr Basharat Khaliq’s case is nothing(?) happened over sixteen, and [Person C1] wholly disagreed with the suggestion that she was over sixteen at relevant times. Equally [Person C1] thought that [Person B1] was not doing anything against her will.

The timeline was then introduced, ladies and gentlemen. I have not gone through that, and you will forgive me for not doing so now. Will you take it with you when you retire and use it as you see fit, but you know the relevance of the timeline. If you want to use it at all, it has some relevant dates. [Person A1] moved to [Location B1] 15 April 2008. [Person B1] moved, you remember, 8 May 2008, and so on. The timeline shows single and joint absences, no issue there. Missing. The move through accommodation. The plan moved to Dewsbury in [Person A1]'s case, 6 June 2010. The harbourers warning, Mr Saeed Akhtar, 10 November 2010. The supported tenancy in Halifax for [Person A1], 24 November 2010. You know that on 17 March 2011, according to police reports, at the [Location E1] address, Zeeshan Ali and other males, and no question about her admitting to heavy cocaine use and heavy drinking. That was recorded June 2011, and that was in the run up of course to the incident with Mr Usman which was 30, alleged incident at her home, [Location C], July 2011. The Keller Abbey link to [Person A], we see from the timeline, was in fact 30 January 2013, so that was not long after these events, but as I say, agreed facts, interviews, timelines, you have got all those. You have got written directions now to add to your reading.

Now the social workers were called, why were they called? Well they were called for a number of reasons weren't they, perhaps one can see why it is that some people are a little concerned about the level of care shown, but there it is. According to [Person D], turning back to [Person B1]'s case, [Person B1], he thought, he is a residential social worker, was open about her relationship with Bash, her boyfriend. "She would tell me Bash was waiting outside in his car. Prior to going out to meet Bash she would be agitated and pacing and wouldn't engage". Clearly very committed to Mr Basharat Khaliq.

Further social workers, [Social worker 2], you remember, [Person B1] would leave, go missing, not come back. "She was adamant when she had to go and meet Bash. I often asked her questions about going out late and her age and she said we couldn't stop her. She said she was fine. She said he bought her things". This was all shortly after [Person B1] arrived at [Location B1].

Other social workers, you remember, to assist you with the chronology, gave evidence. I do not need to remind you, if I am asked to in due course I will with pleasure, but this is a summary of the evidence in relation to the issue, and the issue between the prosecution and the defence primarily to begin with is when the sexual activity started.

[Residential practitioner 2] started in October 2008, so that would be just after [Person B1]'s fifteenth birthday, and there was [Person B1], quiet, polite, modest. Now according to that social worker, and you have to be cautious as ever about things said by one person to another, she inferred that once she gave him oral sex. The social worker was perhaps basing that inference on the fact that she demonstrated with her tongue and giggled, you remember that evidence, so does that sort of evidence assist you with the primary but fundamental questions in that case.

[Residential practitioner 3], an important witness on any view, because when [Person A1] was there, he was aware that she was seeing this older man, Bash, a couple to three weeks after arriving, and you know when that was. It was a live topic in the home, and it was Mr Ward who saw him, the Asian gentleman, and spoke to him several times when he came at night in different cars. Mr Khaliq, we will come to his evidence on this of course in a moment, does not deny that he spoke to somebody, who it was of course he challenges to some extent. "I talked about her age, told him. It was a children's home. Where was he taking her? [Person B1] was a child". These are the things that Mr Ward suggests that he told Mr Khaliq, that Mr Khaliq came across as fine with that. He said they were going to the airport to watch planes land.

His evidence obviously continues with other references to both [Person B1] and [Person A1] coming back, looked like – this was in June 2008 – looked like they had been drinking alcohol. They were spoken to about the dangers but did not, I quote, he said, "Grasp the idea". Mr Iqbal asked questions. "Bash told me who he was. He was polite, non-confrontational, unlike many who came. No sign of drink or drugs", and she clearly did not come back drunk with him, or from him.

[Care support worker 2] tried to make [Person B1] understand. She was the residential practitioner from July 2008. She understood that [Person B1] was already seeing Mr Khaliq. "I tried to make her understand how wrong the relationship she was having with Bash was. She could not see it, although the thought", and you remember this piece of evidence I am sure, the thought that she, the social worker, might have a relationship with a fourteen year old, she could see that and thought it was disgusting.

[Person E], again, this evidence is called, amongst other things ladies and gentlemen, to assist you with dates and timings. May 2008, so that is just before the fifteenth birthday of [Person B1], and [Social work assistant 1] was the placement for some days, seventy I think, doing her master's degree. "I asked [Person B1] whether it was a serious relationship". In particular she asked [Person B1] whether it was a sexual relationship. "She said no, but she described him putting his head on her tummy and said was a baby growing in there". There were other comments in August 2008, just before the fifteenth birthday, [Person B1] saying how her boyfriend keeps her in control, and in particular how she enjoyed his company. If she is talking about Mr Khaliq, of course that is relevant, but again it is [Person B1] talking to a third party, but one under a duty to record what was said. Clearly the impression is being given of, whether somebody who got it or not, of a strong willed, articulate young lady.

The first of the DVD's, the pre recorded evidence of [Person B], that was captured on 7 September. I will have to look back at the date of the first DVD, it may not be entirely relevant, but in the first of the two I think DVD's you heard, pre recorded testimony that the police officers captured from [Person B1], she told them, told you that she was sent to [Location B1]. She could not understand how the staff can possibly be said to have cared, "If they cared why would they let you out at midnight to go out with Asian men?". Clearly this is a, now a young woman, or older woman, looking back.

She remembers [Person A1], remembers being out with [Person A1], she told the police when they went out the first time, ostensibly for a cig, but then ran off into town, and one night when they went out in town, a couple of months after being in the home, and you know when that was, again to remind myself because I have forgotten, [Person A1] 15 April 2008, [Person B1] 8 May 2008, so a couple of months after being in the home, you can work that out with great respect. They went out, asked, as it turned out, Bash for a light, and then got in his car. Taken to the petrol station, "Got us a lighter", she says, some vodka and cigarettes, and it just started from there, and from there [Person B1] meant Bash regularly meeting them at night, they sitting at the bus stop waiting for him. Of course then [Person A1] met someone else leaving her alone with Bash, and she describes being collected at midnight, driving around, getting food, parking up and, "We'd like have sex".

She used her pocket money to get cigs and vodka, drinking on the street, walking, in town, in cars, feeling drunk. She remembers the first meeting, drinking vodka, she argues he brought,

from the bottle. Being dropped off about 6am, and she estimated that because CBeebies, some of us may have an idea what that is, had just started, “And then one time when he dropped me off really early in the morning he said, ‘I love you’”. She describes, with respect, his bullshit stories and later refers to having her tummy touched and the references directly given to you, to the police officer, to, “Our little soldier in there”.

Her evidence is that Mr Khaliq knew her age. She said she never lied to him about that and she describes the first sexual experience when she was, she said in fact thirteen or fourteen. “We pulled up at the place in Keighley, it’s like in the middle of nowhere. He said, I can’t remember how we started talking about it, but I can remember while he was sat there taking his pants off, he said it would make us feel closer together”. “Did any discussion take place between you about sex?”, “I can’t remember”. “What kind of sex did you have?”, “Just sex like he was on top and that was it. He takes his pants off, I take my pants off, he put his penis in me, my vagina”. “So he had penetrative vaginal sex with you. Did you consent to that sex going on?”, she said, “Yeah”. There is the fallacy about you cannot consent which Mr Iqbal was rightly exercised about. “Did ejaculation take place?”, “Yeah”. “Where did he ejaculate?”, “Inside me”. “Was any protection worn?”, “No”. “How long did that sex last on that first occasion?”, “I don’t know, I can’t remember”. “And how did you feel afterwards?”, “Strange, like I should have done it”. “What position were in in the car?”, “Lying down on the passenger seat, he climbed over”. “You said he took his pants off and you took yours off?”, “Yeah!”. “Did anything else sexually happen?”, “Not that night”.

“And then what happened after that sex had happened?”, “Go home, back to the care home”. “How old was he?”. “Twenty seven I think”. “After that first time on how many other occasions did you have sex with Bash?”, “Nearly every time I saw him”. Once a week, last time when she was seventeen, just with him, always in the car or her place in Little Horton, various locations, always ejaculated, oral sex. No drink involved or drugs, and no violence of course, save the occasion about which you know. “And would you say that on every occasion you were okay with having sex with him?”, “Yes”. “So you were fine?”, “Mmm. I thought I was in love with him. I didn’t want to leave him”.

She mentions her, [Person A1] and Bash going to a hotel in Manningham, The Plaza obviously is the hotel in mind, it is suggested, and sharing a big bed. [Person A1] said next day, remember this is a complaint, this is what [Person A1] is saying to [Person B1], [Person

B1] was unaware of any of this, asleep or whatever, [Person A1] said the next day Bash had touched her. This was before anything sexual had happened. [Person A1] said he tried to put his fingers up her.

In the second of the pre-recorded DVD's, 6 October 2015, I have got that date right I think, she said if sex was in the car it was always on the passenger seat, whether in Keighley, Leeds/Bradford Airport car park, Riddlesden Industrial Estate, the bypass towards Skipton and so on, on a Friday or Saturday over a three year period. "Near enough every time I saw him we had sex". Sometimes she would be on top, there was no protection. "The oral sex was only four or five times. I treated mine and Basharat, Mr Basharat Khaliq's relationship as a normal relationship, because at the time I didn't see anything wrong with it. We also went to Sid's with [Person A1]", she said, but did not give any more information save what [Person A1] told certain things, certain things had happened but [Person B1] did not see anything, but she mentioned certain names, Khalid, Yasar, Billy, the one she does refer to in due course as somewhat weird or scary, Madge or Macca. "What do you think back, looking back, what do you think about the relationship you had with Bash?", "Disgusting. It just happened". "Did you want to have sex with him?", "I don't know".

Now Mr, Miss Melly in fact asked some supplementaries about what was recovered from Mr Khaliq's home and you know what they were, including the knickers, the collage, "I love you", made, the photographs, and the DVD through the post and so on.

But Mr Iqbal asked, understandably and rightly, asked questions. You know that Mr Iqbal's case, or his client's case, the client instructs the barristers, that is how it works, it is not Mr Iqbal making anything up, he follows his client's instructions, but you know Mr Basharat's case is very clearly and put very squarely is that no sex before sixteen. In his closing speech Mr Iqbal Queen's Counsel, he did not actually pay in, but he rather anticipated, without making any concession, that you might find there was some sex before sixteen, and that was a pragmatic position, but the reality is, whatever Mr Iqbal does or does not say, [REDACTED] There was no hotel. There was no [Person A1] in the bed, definitely no fingers down the knickers, and everything.

Now that is obviously a fundamental question, and we will see how it was addressed in the issue. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] I have to say concentrate on the issues, I suppose people do lie, if it is a lie, for all sorts of reasons, but there it is, it is a fundamental problem. If Mr Khaliq is right, [Person A1] is lying, and so too is [Person B1].

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
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[REDACTED]  
[REDACTED]

The hotel incident was considered. The purpose of going, she stresses they went, and the purpose of going was Bash was tired, and [Person A1] said things about what had happened later the same day. She will not have it that she has got it wrong about them going to the hotel. [REDACTED]

[REDACTED]

Mr Iqbal was not the only person to ask [Person B1] questions, Miss Kelly asked certain questions on behalf of Izar Hussain. I say for some reason, but she did, and I am sure there was a reason. Yes, the reason is [Person A1], is what [Person A1] was saying, I have just cottoned on to the fact. That is why Miss Kelly asked questions. "He was weird and scary", said [Person B1], due to the physical appearance and demeanour. "[Person A1] said she'd had sex with Billy Jo Jo. She definitely told me this at the time, when it happened, not later, although she repeated this saying he made her watch animal porn and smashed the head off bottle tops".

MISS KELLY: Bath taps.

JUDGE DURHAM HALL: Bath taps. Oh yes. Bath taps, my writing, sorry.

Miss Melly asked some questions in cross-examination. She was, [Person B1] said she was picked up from [Location B1] certainly, and elsewhere. This is about [Sid's address], never been there without [Person A1]. Never less than ten, more than a handful she thought, and there was drinking, drugs, spirits, drinking, drugs, spirits on the table in the living room, once was another female, "Usually just me and [Person A1]", five to seven men, never had to pay. So again you see the cross over between these two girls, because a lot of that is very much in issue between [Person A1] and others at [Sid's address].

[REDACTED]

Now that is not an end of it because Mr Basharat Khaliq gave evidence, and as I indicated to the barristers, and I think with their consent, what I am dealing with, as you can see, [Person B], questions asked of her in cross-examination, especially by Mr Iqbal, and then I thought it right to remind you what Mr Khaliq actually said in evidence, and it was about two, two odd weeks and the rest later.

Now Mr Khaliq is now thirty eight years of age. He admits the caution for battery. He makes no secret, he told Mr Iqbal, he is now married to [REDACTED] whom he met in 2002. She is only three or four years younger, thirty three, thirty four, something like that, and they were a couple, he says, through this period. Met [Person B1] and [Person A1] in 2008 at a cashpoint, they wanted a light, and he indicates they were insistent, and he drove them to find a light but did not leave them there, they were chatty, swapped names. "They said they were seventeen and left my car after six or seven minutes". There is a tension there. The thrust of the evidence from [Person B1] and [Person A1] I think, from what we have heard and will hear, is that they were in the car quite a bit longer than that.

Coincidentally, Mr Khaliq says, they met two to three weeks later. Met again, drove around for some time at night and dropped them off a short walk, as it was, from [Location B1].

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

He was cross-examined, clearly. “I am not denying it was a chance meeting with the teenagers in early 2008”, and that is not the point, it appears to have been a chance meeting. Presumably the issue is what happened and the intensity thereafter and when the sex took place. Mr Khaliq argues that it was not him pursuing or grooming them, they were persistent and put him under pressure, “But I agreed to take them. Didn’t really want them. I was a helpful citizen, [REDACTED]

[REDACTED]

Now he was the first of the defendants to be asked this why question, “Why has she done that?”. “Maybe compensation. I have no idea why. I am baffled. It is certainly not how she felt before”. Now it is the perfectly legitimate question, isn’t it, to ask of a witness, “Well why is she saying that this happened at fourteen and fifteen and so on, why is she saying you took them to The Plaza Hotel, had some arrangement”, I think [Person A1] said it looked like with the manager, because otherwise it is not easy, is it, one imagines, to get into a hotel with two young girls, but there it is.

The why question, and it is a question legitimately put, but do not fall into the trap that it transfers the burden to the defendant, to in some way come up with an explanation. There are situations where of course you cannot explain why somebody is saying against you. Remember the burden of proof is on the prosecution to prove guilt, to prove involvement and to prove, in relation to Count 1 and the specimen Count 2, involvement, [REDACTED]

[REDACTED] But the prosecution say you cannot answer the why question if the witness is telling the truth, and that is their, of course, position.

Why are her lies confined, what did Miss Melly mean by that? She meant,. [REDACTED] [REDACTED]?, “I don’t know”. “Both [Person B1] and [Person A1] are lying about the hotel?”, “Yes”. “[Person A1] says she told [Person B1] about all this back in 2008?”, answer, “They’ve got their heads

[REDACTED]

together”. “Why is [Person B1] telling the police nothing happened to her, and she didn’t even believe [Person A1]?”, talking about the hotel, answer, “I don’t know”. Mr Khaliq denies manipulating. “I didn’t fancy her all that time”, although he accepts she was stunning.

That, ladies and gentlemen, was in truth, well my note tells me in truth, or in fact, the evidence [Person B] and the questions asked of her, and in due course the evidence given by Mr Khaliq. Just going back to my note, no further evidence was called. You closed your case, Mr Iqbal, after calling your client?

MR IQBAL: Yes.

JUDGE DURHAM HALL: Thank you.

Let me just move on, please, clean line, we are moving from [Person B1] to [Person A1] in terms of the evidence which I must remind you. You can see this bit is, it is not taking me as long as perhaps you feared, certainly not as long as I feared, perhaps not as long as the barristers feared, but clearly [Person A1] was spoken to a lot more, so let me make a little start, not too much for this afternoon, and remember that it is not just [Person B1] and Mr Khaliq, all the others had a say, so let us just make just a little start, all right.

Now that is somebody setting off fireworks, in February, in Bradford, which has a particular significance, I am sure, but what? All right. The same happened yesterday.

Can I start in an obvious place with [Person A1]’s case, [Person F], the gran, grannie, and basically [Person A1]’s grandma has picked [Person A1] up after [Location B1], after the [Location B1] placement, all over, in the early hours, and at or near [Sid’s address], Allerton, outside the hotel on [redacted], and so on, any time between 12 and 4am. “She would phone me, sometimes crying and frightened, sobbing her heart out. She was in a state, made no sense, but was relieved”. It seemed to grannie she had been left to find her own way home, including outside a hotel in Thornbury. “When she came home she’d want a bath”. She saw cars with Asian gentlemen in, they looked expensive or new, bringing [Person A1] back to hers, grannie’s. She once saw [Person A1] and [Person B1] in a car, and once another white girl with older males. “[Person A1] showed me gifts. She said she’d been to Birmingham, to Nottingham. She showed me bruises on her arms and legs, quite a few,

outside and inside her thighs. She said she'd fallen. She had a black eye once, said she'd slipped".

So what is the picture? "I tried to talk to her but it's not very interesting", she said, "staying in with gran when you're being plied with alcohol and coke". That is gran's take on it, clearly, but what gran did describe, grannie, she was sniffing, had a bleeding nose, and of course the family were concerned about the liver damage. The sniffing and the bleeding nose may be consistent with taking cocaine, there is no evidence on that, may be common knowledge, I do not know.

"When she was placed in Dewsbury I visited her. She saw lads there, under the influence she was during this period". She would see empty bottles, and not empty, vodka, her gums would be bleeding and so on. "I saw [Person A1] when she was drunk. Heard the phone ringing a lot. When she said she was with her grandma they didn't seem to believe her until I went", and [Person F] was describing the self-harming and [Person A1] was saying it was to punish herself and she did not feel worthy. "There was a call, very persistent, on one occasion, from an accented voice, looking for her, and this man was getting threatening". So that is the situation, as grannie perceived it.

Make every allowance of course for the fact that gran, just as Billy Jo's mother came, very supportive, obviously very close to [Person A1], but you saw the lady, she seemed a no nonsense grandma you may think, there it is.

[Social worker 4], the social worker, was called, talked about the many, many problems leading up to [Person A1] being taken into care. A different order of problem you may think from [Person B1], although [Person B1] was bad enough. Whilst at [Location B1] major problems, going AWOL, missing, being at risk, alcohol issues, problems at school. Nobody doubts that [Person A1] was a clearly very intelligent young lady, but perhaps it was not working out too well for her at that period. Further social workers came to give evidence, and we will leave it at that.

The next series of witnesses you may think, in terms of bluntness and concern, impressive witnesses, were those working for CMS. I cannot remember what CMS means, but this was the placement after [Location B1], you remember that. [Location G], Dewsbury. They were

reporting [Person A1] missing to social services and the police, [Person G] was, and eventually they were told not to bother, they were not interested. They could see that [Person A1] was constantly on the phone, had numerous phones, a relevant fact, the prosecution say, I imagine to the demands being put upon her and the quantity of people. “What time you picking me up?”, buying cigs, different men, she told her. She always remembered Sid, or the name Sid, and [Person A1] saying she was really close to him, used his name all the time, and spoke highly of him, this older man. There were other names mentioned.

“I don’t know where the phones came from, she didn’t have any money”, and [Person G1] wanted [Person A1] to use her own phone so that they could try and check who was calling and get the numbers, and [Person A1] would disappear, sometimes for days, and when she came back she looked terrible, rough, and she was sixteen. Looked under the influence, open about her cocaine use. Again it is a complaint, [Person A1] saying that this was the problem, does anybody really deny that or challenge, but that is what she was saying. Is she telling the truth? She was blatant, said she had been off her head, had so much cocaine provided for her.

Now [Person G1] was the one who spoke to Sid over the phone. “He said I sounded sexy, that he was coming to pick [Person A1] up. I wanted to meet him and get his registered number, and he did pull up and introduce himself, quite openly”. Mr Moulson no doubt stresses, quite right, that. “Sid was nice, chatty, asked if [Person G1] was married”, there we are, and [Person G1], that witness had also picked [Person A1] up in Bradford, and on that occasion [Person A1] had laid down in the back of [Person G1]’s car, clearly frightened, for some reason, but anyway [Person G1] was told to stop picking her up as well by management.

The spot checks at [Person A1]’s nearby independent living flat, never went in, looked through the front window, that is up [Location E1], November 2010, March 2011, two or three times a week. She saw a room full of seven to eight, she says, seven to eight Asian men, eight out of ten times, “But I was checking frequently, and a lot of the men were closer to her age”. I cannot remember what, we never asked [Person G1] what her age was I don’t think, but you saw her, and [Person G] makes this point, “[Person A1] just didn’t understand where I was coming from. She protected them, she craved this, she just wanted this and found it in these men”.

[Social worker 5] became a key worker, remember the other CMS worker who worked in [Location G], mainly in bed in the day, went out at night until the early hours, or all night. The pattern you know. Sometimes all weekend. Regularly reported. She noted the different vehicles and how open, quite open [Person A1] was about Sid. "Trying to talk to her was difficult, she'd clam up, lose her temper, smash things. She said she'd been to Sid's address", no issue there. "She would meet up with other people there, including a [Person B1]. It was mainly Sid who was mentioned", a man whom we know, mid to late thirties then, or thereabouts.

It was to that witness, [Social worker 5], that [Person A1] mentioned the point of hiding in a wardrobe which she found funny. "She had come back under the influence of drink and drugs, said she had taken cocaine and MCAT, and she saw nothing wrong with what she was doing. She thought it as normal and right. She thought she was in control because she was getting what she wanted. She said she had sex with people, numerous people, and would be given drink and drugs to be able to do that". This is all [Person A1] telling this lady. It does not provide independent support, but it does echo what [Person A1] told you, no issue there.

"This was said to all of us. [Person A1] described them all as parties. She mentioned Sid's, the [REDACTED] Hotel, and when missing for a while she went to Birmingham with a lot of men, and she came back from Birmingham, she said she'd had sex with lots of men", and of course it was to [Social worker 5] that she said she had had sex with Sid. Again, clearly an important factor in this case, it is at the heart of one of the counts. Remember what [Person A1] was saying to this witness is not evidence of the fact but it can be used, one imagines, and clearly in law it can, in some way to show consistency, because [Person A1], it is exactly what [Person A1] was to go on to say later in the interview. "She said she was happy. She thought a lot about him, but equally she would self-harm, cutting the top of her legs and often be in the bath for ages".

In cross-examination, "She never complained of being raped by Sid, nor referred to working the streets or getting drugs for him", and so on.

Finally, today, [Youth support worker 1], interposed, she could not come in her proper order. She was a CMS worker. Again saw [Person A1] on her return, [Person A1] open about drinking,

taking drugs given by male Asian friends. “She mentioned Sid’s, never said she was forced. I said how could it be, she was saying it was consensual”, and the witness [Youth support worker 1] was asking her, “Well how can it be consensual?”, and [Person A1] said she knew what she was doing. She dressed provocatively, apparently, but said, “Where I’m going it pleased her friends, but she wouldn’t give me names and addresses. She said her friends wouldn’t hurt her”, which is an issue you will have to determine.

Now, ladies and gentlemen, tomorrow, I am going to deal with [Person A1]’s DVD’s and interpose the, obviously, the cross-examinations of [Person A1] and the evidence, where it was given, from the defendants, because [Person A1]’s, the spectrum of [Person A1]’s case covers, you know, [Sid's address] all the way through to her own flat and 30 July 2011, a fairly big period, but we can do it quickly. You know what the points are, but I have to and will do that tomorrow.

Can we start at ten o’clock, so that I have some expectation of finishing within the morning, that is my plan, fingers crossed, and we will see where we go? All right. Very important you do not discuss the case, not that you have done, obviously we are coming to a critical period. I am hoping tomorrow you will be in retirement. I am hoping you will be in retirement before lunchtime. I appreciate there is quite a bit to cover, but it should not take too long, all right. Have to do it. You know I have to do it. I am going to have a chat with the barristers now about whether there are any matters they are concerned about, they want me to add or pull back from, do you follow. I am always open to, if not criticism, to complaint. I appreciate being fallible is very difficult, but I do like to know if I am getting something wrong. Okay. See you tomorrow, ten o’clock.

(In the absence of the Jury)

[REDACTED]













[REDACTED]

(Court adjourned to the following day)

(15.44)

Wednesday, 20 February 2019

(10.04 a.m.)

JUDGE DURHAM HALL: Thanks very much, ladies and gentlemen; are you warm enough? Well 'ish, okay. I suppose with only one person talking the hot air isn't as much as it was, but if anybody has a problem we will try and turn the heating up; I'm very sorry.

Ladies and gentlemen, I am going to tell you about [Person A1] and intersperse defence evidence and then that will be it, all right, from me. I will do it as quickly as I can; I apologise, but you know I have a job to do. I am sure you understand.

Just finishing off from yesterday, when [Social worker 5] and [Person G] described the man they thought was Sid, or called himself Sid or whatever, turned up in Dewsbury. I appreciate this is a matter in dispute between the defence of Saeed Akhtar and these two ladies. I will give you the description so that you can consider -- not their estimate of his character, but his age and size. [Person G1] thought Asian, stocky, mid to late-twenties, short hair. [Social worker 5] found him mid to late-thirties, an Asian gentleman obviously. I didn't make any further note of her description.

Now, ladies and gentlemen, coming onto [Person A1], we may have the lead up to [Person A1] from social workers and CMS personnel. You know that there were 16/17 video-recorded interviews; that young lady had to think about a lot and was asked a lot of questions. The DVDs you heard were a summary or in parts, and I am going to give you even more of a summary rest assured, but it is important to know that the first DVD wasn't January/February 2019 it was the 23rd of September 2014, and the DVDs went 2014 into 2015 and they were spaced out as the investigation increased.

The first DVD was useful; you know the question is, is she telling you truth obviously that is

the issue here, but it was an overview and she started talking about Mr Khaliq, "Bash, got us a bottle of vodka" as she was then broadly describing, bottles of Lucozade. So there may be some confusion, the vodka in the Lucozade, but be that as it may cigarettes, a lighter and she said, [Person A1] said "That's what he used to get us every time. He drove us about all night, just talking to us." So there is a tension there between Mr Khaliq saying not so long dropping off, "All night dropped us back and gave us his number saying 'I hope we can be friends from now on.'" So you know that there, very early on, the two sides are setting out their stall.

The prosecution say [Person A1] is describing the start of grooming behaviour, Mr Khaliq insists it was much briefer than that; friendliness, no more. She said "One day we went to a hotel, we were quite drunk; he put his hands down my pants and fingered me basically. I told [Person B2]. We were 14." [Person A1] discussed as she saw it Bash being a bit weird, inventing personas and stories on Facebook and so on, used to tell [Person B2] about having a baby.

She then moved on in this overview to her experiences you remember but it was some time ago when these DVDs started, at the end of January I think, Thursday the 17th of January when we were playing them to you and me. She moved on to describe her experiences with others and being given drink, food, alcohol and drugs and she said, "That's kind of the way things worked back then, like we'd all ring each other when one of the guys wanted another girl."

So the prosecution argument that really this was a commodity, treated as a commodity starts from her evidence. She mentions of course Mr Khaliq, another Pav in that overview back in September 2014. She mentioned Mr Parvaze Ahmed, this Pav, Khalid or Khaliq, Maj or Nav or ██████ Yasar, ██████, ██████ ██████, whoever he was, and ██████ as you know the one she says raped her in the bath, the trip it is alleged with Yasar -- with Zeeshan Ali, I beg your pardon. ██████ as you know is not here, I am sure if there was evidence or whatever he would be, but he isn't. There is no -- don't concern yourself with who is or who isn't here. She says ██████ raped her as well, be that as it may. She said everything got so much worse from about 16 after [Location B1], and she mentions in the overview going to [Sid's address].

Sid, 40 or 50 she thought, Saeed, regularly she went. She mentioned [Person B1] going as well, no issue there. Other names Yasar, T, Billy Jo Jo; a confused history of getting she said passed onto another, "Once we had sex a couple of times then it would be over and then it would be another one of them." Her impression is she told you that Sid used to get the girls to the house and get older men, who would buy or bring and buy drink and drugs; that is Sid got the drugs and the drink because he got the girls.

That was the general thrust of her evidence in this overview. You appreciate the officer let her have her say, and then in subsequent interviews it all got more specific as the officer month by month asked questions about specific people, but her impression is exactly that, he would get the girls and other men would bring drink and drugs. At times there were about 15, 20 of them in the house and others were invited up as she said from London, from Birmingham, from Rotherham, from Rochdale and Oldham. The question is -- this is all again seriously disputed by defence or defendants.

She talked of sleeping with Nav before, as she thought, he passed her on. She said, "Sid were trying to pressure me into getting more girls. I bet there were over 50 different guys that came there to Sid's from all over." She talked even then of Billy, Izar Hussain, presumably she meant Billy Jo Jo being weird "Proper makes my skin crawl." There was reference to him "Trying to get us to sleep with a doctor or the doctor even back then. If I said no he would start getting really violent, call me a little slag." He smashed her phone, made her watch animal porn, pinned her to the bed. Rescued by Billy Jo's older brother we come to learn and that would be, if she is right about any of this of course you will judge that is why you are here, that would be [Person Q]. She talks of hotels, other hotels, the [REDACTED]. She mentioned in that overview Mani and being raped. She mentioned [REDACTED] n, pulling her tampon out and raping her in the bath with the blood down her legs and the bruises on her arms, and that is of course in the CMS period.

This is a free and open court and I welcome anybody coming to join us, ladies and gentlemen, as long as they do it quietly.

She mentioned Kieran; he came to her house with a car full of people. She mentioned in the overview of course other names like Fahim, [REDACTED], [REDACTED], and [REDACTED]. She, if it is -- and you know the issue, if it is the right Kieran -- she thought Kieran was really twisted "I was meant

to be having sex with Fahim from behind", she mentioned being given drink but there it is, "When I looked around it was someone else" and she describes Kieran having sex with her and others watching. So that was the overview and that was the 23rd of September.

That interview continued in the second DVD. She describes an incident at Sid's, him saying "I've treated you really nice. You've done everyone else so you need to do me now." She describes an inner voice saying, "You can't get out of this. I just closed my eyes and beared (sic) it; vaginal sex a few minutes and it were over." She refers back to incidents with Bash and [Person B2]; this wasn't a structured interview, the officer was I presume letting her talk. She refers back in that overview to an incident with Bash and [Person B2] at the Plaza Hotel, clearly an important issue in this case as you know in relation to the case for and against Mr Khaliq and the tension that he has between [Person B1] and [Person A1] on that incident, a fundamental question. He says "Never went to the hotel." What did she say? "We went to the Plaza Hotel." She described being quite drunk. [Person B2] would have none of it she thought, her inference or her take, but she said he fingered her she said looking at [Person B2] at the same time. "I just thought it, sex was something----" This perhaps is reverting back to the wider picture not the Plaza Hotel, but she said "I just thought it, sex was something you had to do to keep the other people happy."

She slept with Yasar once, so Yasar makes an appearance in that first overview video of September 2014, she said things like "It was the way I had been brainwashed." She slept with Parvaze Ahmed. She doesn't even know who some were who she slept with, "They would get me drunk" she said. She really blamed Sid she said for pimping and giving her alcohol and coke and diazepam.

Billy Jo Jo she said had sex with her after she said no, and became quite violent. So there is a difference in her evidence in that regard as you know. It happened a couple of other times at Billy's family home when the brother ran in and so forth.

As far as Mohammed Usman is concerned, Mani presumably, one of [REDACTED]'s lot not Sid's. So Mr Ferm is quite right come what may to place him outside the [Sid's address] team. He was scary. He started just turning up at my house with bottles and he would be quite violent saying 'I want to hit you.' He would get me to have sex with him. He were really scary. He used to hold the vodka bottle as if to use it. He had sex about 3 times all at [Location C]. On

the fourth visit she rang the police, and you know when that was.

You know what the issues are between Mani and [Person A1]. [REDACTED] she came back to in her bathroom saying "Come on" molesting her. She said she was on her period, he pulled her tampon out, "He pushed me into the bath" she said "and forced sex." That is rape, ladies and gentlemen; if that is right that is, of course, sexual intercourse with violence. So the point is I think, Miss Melly says she knows the difference.

Kieran had just moved to Dewsbury, met him on Facebook. I don't think from Kieran's evidence, this Kieran, there is any doubt about that, but you know that his identification is in issue and you will have to look at it carefully, but they both agree they met on Facebook. By this point she said everything had got so tiring, "I just didn't have any strength left to argue with any of them. Met him once okay, and then he came with loads. He told me to put sexy clothes on." She was meant to sleep with Fahim, but they swapped. "Kieran was really aggressive, smashed my TV." Another time she was out of it he had sex when others were watching, and she thought recording it. So that is the overview, that is September 2014.

The next DVD you saw was in fact taken on the 12th of May 2015 and it traces amongst other things the evolution, the development of her complaint. She describes in more detail [Location B1] and being there as a result of an abusive upbringing and a complete lack of attention, something she was to say from time to time she craved. She said things like this, for example, and I quote "They, the men, made you feel like you were wanted, and then when the bad bits happened, the aggressiveness or the sex, it just at the time was summat that came with the package." That's her case. "If you wanted to have a friend you had to do the other stuff as well."

She mentions, again be very -- not cautious, but be very careful about what [Person B1] says to [Person A1] and [Person A1] says to [Person B1], but it is not independent support of the truth of the allegation, of course it can't be -- but she said that [Person B1] in [Location B1] told everyone she had sex with Bash. So that is relevant again to as the parties know the case between Bash and [Person B1], her consistency of what happened before she was 16.

Then we move the same day, the 12th of May -- no, I think it was 16. No it wasn't, it was the same day; I have made a mistake. There were two interviews that day, the 12th of May and

later on in the day another tape refers to the problem of cars always pulling up when she was just walking, even to the point of blocking their way -- presumably a reference to [Person B1], but not clear. What she was saying was it was an everyday occurrence; cars pulling up and accosting, asking, chatting, whatever. She describes then a little more detail about Bash, Mr Khaliq, approaching him and asking him for a lighter and Mr Khaliq offering to take them for a -- to take them to buy one, but then he drove about with them she says all night as far as Bolton Abbey. You know where Bolton Abbey is, on the road up towards Blubberhouses; anyway quite a way, north of Skipton. This happened it seemed often she thought, and I quote her evidence "Half of the time I would be too drunk and fall asleep in the back. Mr Khaliq was really nice that first night, first few times we met, he didn't like act like he wanted anything sexual."

Going to the Plaza Hotel was maybe 4 weeks later she thought. They, speaking for herself and she thought [Person B1], had never been to a hotel before and she ventures the suggestion [Person A1] does that it rather put her off hotels, although in her evidence she did go to others. She thought Bash had been there before and knew the Asian owner or manager. They were drinking from a Lucozade bottle. She remembers his hand on her leg, this is Count 6, then down her pants fingering her, and kept on fingering her. She demonstrated I think to you he had undone her button and zip, put one hand in and out -- one finger in and out, sorry -- and later took them back to the care home. Before that there had been no discussion or permission. Because as you look at each and every allegation you ask fundamental questions, is she telling you the truth, who is telling you the truth, but you have to be satisfied that sexual assaults or rape or assault by penetration happened as the routes to verdict say without consent and with no reasonable belief.

There is in reality a stark -- as in so many of these cases, certainly were any violence or threat is used or alleged -- there is a stark question for you; if it happened where is the evidence that she was consenting and so on?

She believes and says the police stopped them in the car once, and that's when Mr Basharat Khaliq found out they were 14. As regards the exercise or activity, if any, in the hotel, if any, "I never said 'Yeah', I never said 'No', I never -- nothing was discussed, I was drunk. He knew my age." So that is her case in a nutshell. You know Mr Khaliq says he never went to the hotel at all; where have they got that from?

Now [Person A1] says she later told [Person B1] about the fingering, something [Person B1] in her evidence mentions. Her, [Person A1]'s impression, was that really Mr Khaliq wanted to go out with [Person B1] alone, and in due course [Person B1], [Person A1] says, told her that she had slept with him. Again, be careful about what people are saying, and you know the issue of dates is important.

Well now we do move to October 2015, and I am already into DVD 6; so, so far so good. What did she say? That DVD deals with Pav, Macca, not here, [REDACTED] and all sorts of things. It talks especially about when she and [Person B1] were dumped on Baildon Moor. Well we all know where Baildon is, so presumably the moor is somewhere around there. Macca, Nav or Maj, and Khalid -- is it Khalid or Khaliq, does it matter -- picked them up. She said "That were the night they took us to Sid's house." So you know all this but I have to remind you; that's the evolution, the reason of getting to Sid's house. They were 16, she says 16 possibly 15 years of age at that time, and at [Sid's address] she had 20 lines of coke. In due course in a later DVD she said, always allow for confusion as to the visit or whatever, she counted them "Me and [Person B2] were absolutely mashed." She can't remember how she ended up going there so much. Most people are linked to [Sid's address] from later on or from then on.

She introduced in that October 2015 interview, "Sid used to send me out to drug dealers." So we are into the Count 7 and 8 territory there. "So many people all together, all one big group, including the doctor that Billy were trying to get me to sleep with. Everything just spiralled out of control" is her case, "Every time, every house----" I'm sorry I'm trying to read my writing, and I quote she said, "From then on every house I got, every time I had a fresh start they'd end up coming up. They would pick me up, we would drive around and then they would like 'Can we come back to yours?' And it's like the same with the sex, you'd say no for so long but then you just can't fight no more." Now that is her case I'm summarising; you saw all the evidence. Of course, the cross-examination and evidence of the defendant I will come to very shortly, no fear.

Moving then to December 2015, she is giving a full description or clearer description of [Sid's address]. Thinks they are there from maybe 15 to 17, 15 years old to 17, maybe just into her 18th year. Sometimes she was there over days and there was Khalid, Macca, Nav and of course Sid. "How often did you go to [Sid's address]?" said the officer. Answer, "All

the time I; lived there more than I lived at CMS." Of course you can tie in that sort of assertion with the evidence of the CMS ladies, [Person G1] and [Social worker 5], which you heard last night me summarise at least. Police came a lot. Police also came to Billy Jo Jo's house she believes. She admits she was mostly drunk or high, "They bought me alcohol and they gave me drugs." She mentions Yasir again going with her to buy stuff in that October 2015 interview -- I beg your pardon December, this was the 1st of December 2015.

She mentions the parties and meeting Billy, Izar, and his brother [Person Q]. She said "Sid once sent me to his dealer, Bindi." Count 7, Bindi Khan; she had oral sex with Bindi at Sid's request; she said "You'd get passed off to more and more people." That was the process involving sex, although nothing sexual happened, she said, for the first month. This is her evidence, I keep repeating you know this is all in dispute. You will be looking at the detail, looking at what has happened, applying your common sense to every bit of evidence; who is telling you do you think the truth, or not? She used to be made to feel and she used these words, "All protected and special. It were like being with friends to start off with." The more they saw her getting addicted, in her opinion, the more sexual it got, "I never felt like I had a choice, it was always after drink or drugs, and to be fair I wasn't in any state to say no."

Now that clearly, Miss Beattie and Miss Melly say -- Miss Melly has been detained with a slight problem, no problem there. That to be fair is what the prosecution say is relevant, that is they say the description of grooming and also being in a condition where quite frankly capacity to say yes was they say out of the window. The defence you know, as we will come to in a wee while, say none of it and especially Sid is stressing nothing like that ever happened at [Sid's address]. If drugs were used or available, he thoroughly and utterly disapproved of it. She said, "They pretended to go out with me, slept with me two or three times then the next person would do the same." This is a theme she had mentioned in the overview way back in September 2014, "It was a case of 'You have done it with everyone else so it's my turn now.'" The drugs she insists mainly came from Sid and the other Pav and Parvaze Ahmed, the [REDACTED]. Sometimes she says Nav and Yasar would get it, that's Naveed here the brother of Sid and Yasar Majid is what she is saying.

She said, "Sid also said once I've done everyone else, it was his turn." You know this is Count 9 I think. She said "No." In her DVD to you he said he had treated her so nicely, he just wouldn't stop going on. She was scared, he wouldn't let her stay. Her mental health was

poor; she just didn't have any fight left. That is her evidence, "I just come accustomed to doing what I had to do."

That is Count 9, and you remember that [Person I], A.K.A. [Person I1], came to give evidence much later on in the case, but tying it in there, both her evidence-in-chief and remember cross-examination, what did [Person I1] say or [Person I]? Most evenings there were others, this is at Sid's, you know she lived there and you know she was Sid's partner for a while. There was wild partying taking drink, cocaine, cannabis a couple of times a week every weekend, 8 or more people men and women, his brothers including Nav, other friends. Most of the time it was just in terms of the family Akhtar, just Sid and Nav. Nav was always there she thought. Drugs came from Sid and Nav and others and she met [Person A1] at Sid's.

[Person I1]'s evidence is, and again remember the limited value of a complaint to another person or saying things to another person, "[Person A1] had told me Naveed had slept with her and Sid, and Sid said 'She's nowt but a little slag we've all been through her.'" So this is [Person I2] saying that Sid said to her matters that clearly may or may not be relevant to your view of the consistency if nothing else of [Person A1]. The issue is, is she telling -- are both [Person I2] and [Person A1] telling the truth, but that is it, "When Sid told me he had slept with her I was a bit pissed off, nothing I could do. [Person A1] also told me in front of Sid that she had slept with Sid all in our bedroom. I was in the situation at that time that's how it were, that's how it was."

Mr Moulson obviously wanted to test that, it is not Sid's case that he has ever slept with [Person A1] at all. Question, "Sid never said she's a slag and so on, Sid never supplied cocaine?" Answer, "Yes, he did." She told Mr Moulson in fact that she had only asked [Person A1] about who, including whether Sid had slept with her, "Because Sid had told me."

Mr Frieze for Naveed asked some questions, "I am sure" said [Person A1] "Nav brought cocaine." That is in dispute. "Last time I said, in the last trial I said everybody brought it; they knew where to get it from the dealers. I used to go and collect coke from the dealers, cocaine, with him, Naveed, and take them back to Saffron." The drugs did not come with her, Naveed and others brought the drugs to Saffron, that is what she says. Indeed, again it is a theme of her evidence of detail, whether she is telling the truth remains the constant for

you, that she had gone on a number of trips, never mind to give herself, to get drugs.

Anyway, back to [Person A1]'s evidence. She ended that interview number 7 on the 1st of December 2015 by saying a number of things, summing it up really. In relation to Sid she said, "Yeah, I went to his bedroom. I thought that if I lay down and pretended that I were really out of it, you know really drunk and high and stuff, he might leave me alone. But then he didn't, he would just like 'Oh [Person A1] wake up, wake up'. Then he got on top of me, he'd pull my pants down just enough and then he put a condom on and put his penis in my vagina. It lasted a few, probably about 2 minutes and then he just rolled off and went to sleep. I can't remember if I stayed in the bedroom or if I went into the other bed."

Question, "Did he ejaculate?" Answer, "I don't know." Ejaculation is not relevant to the issue of penetration. The law requires -- I am sorry I forgot say it the other day, yesterday, it seems so long ago -- the law requires some actual penetration; it doesn't require either full or certainly not ejaculation. She was asked "How far inside you did his penis go, can you remember?" And all she said is, "It were small." Now that was what she said, it's not meant to denigrate anybody. It is presumably a detail upon which the prosecution rely, because the issue in this case is who do you believe; Sid absolutely resists the evidence from both [Person A1] and what [Person A1] said to and was repeated by [Person I2].

She finished that first -- moving from Sid very quickly -- she if finished that interview of the 1st of December 2005 with certain comments. Again, Mr Moulson has, in fact, reiterated these very properly because it is consistent with the evidence, Sid never threatened her or forced her. You know that that is not the issue necessarily when you consider consent, whether you consider her capacity in any event never mind grooming alleged or drink and drugs, he never threatened her. But she moved on in comparison to say "Billy Jo Jo used to threaten me with it, with violence or force all the time, but not Sid."

So then we move to January 2016, and we are getting on in this summary quite well I am pleased to say, but that January 2016 DVD was the first reference I think to [Person K1] being at home with [Person A1], and them being hungry and men would Facebook them and come and pick them up.

She then swapped back to [Sid's address], the Count 10 allegation against Yasar Majid, she

said "I slept with him." She said this, ladies and gentlemen, this is important clearly the detail is important here, because there is no dispute that sexual intercourse -- Yasar Majid doesn't deny that he had sex with [Person A1] in [Sid's address]; others may, others may not but that's a matter for them, each case is separate and you will decide it. But her view was sleeping with Yasar the once, the first, she thinks they put pressure on him to do what they were doing, they called him gay. She said "One night we were drunk and high" -- she uses the word "we" -- "I ended up sleeping with him. He's not the same as them, but because I slept with him then that's how they used me to sleep with others; he's the start of it all." She went on, "I know we had sex." However, you will have to consider and you judge these cases, ladies and gentlemen, as you see fit. I keep saying you have got to take emotion and sympathy for any party out of it, it is a matter for you of course how you approach it, but the best way is according to the law of rape as defined in the *Act* and the routes to verdict, you know that.

You know what the prosecution say and you know what Miss Batts says very eloquently in her case, but [Person A1] said "I know we had sex" this is Yasar "but I were quite out of my head on drink and drugs they bought. I was 15 or 16, everyone knew." She then moved on in more general terms, "At the time I thought going out with them and splitting up after a few weeks were normal. I'd never been in a proper relationship. At the time I thought they were proper relationships, when I look back it's just laughable, they were saying 'I love you' and stuff. You feel that because you're in a relationship with them you should be having sex."

She thinks the sex with Yasar was consensual. Question from the officer, "Were you in a position to consent to that sex?" Answer, "Not really, I were really drunk and really high. I can't remember it properly." She says Yasar was there at [Sid's address] clearly, but also most of the time she was.

She moved on in that January 2016 to talk a little more about Nav, Naveed Akhtar. She says she had sex a couple of times with Nav, she thought 3 times. She was drunk, she was 16. "Did you consent to sex with Nav?" asked the officer. Answer, "I don't know, I were really drunk and on coke. None of it were ever personal, it were just----" This is more I think general, not aimed at Naveed, "None of it were ever personal, it were just doing the deed so it were over and they'd leave me alone. I never felt comfortable. It were just like pulling my pants down, letting them do what they had to and then I could go to sleep. To start off they

were all so nice."

Now the 23rd of January 2016 saw another DVD, the second in January and two in one day. She was asked why she didn't tell the police, she said "I didn't tell the police because it was a part of my life. Nav and Parvaze didn't get on. Parvaze suggested to piss Nav off." I'm quoting, to "Piss Nav off" she could sleep with him, and quote she said "Then at the time I were drunk and stuff so I slept with him." She met Parvaze, this Pav at [Sid's address]; she thought she was about 16. There was the showing of the driving licence, I can't remember whether that is in dispute or not, it hardly is relevant. He used to pick her up "And we'd just get drunk and high and I'd end up sleeping with him without protection." He'd text her sometimes at 3 a.m. to visit her. She said she had feelings for Pav and he brought her cocaine. Question, "Did you want that sex to happen?" Answer, "I think so, I don't know. I became really attached to him. I like to think he didn't use me, I liked him." Question, "Even though he was part of what was going on?" Answer "Yeah."

Now sex with Pav she was saying at that time, there may be some room for error here [Person A1] perhaps would be the first to say, but sex with Pav 10, 15 times going over a period of certainly months if not more than a year and at various locations up to when she was 17 with sex with others in between. She said there was never a time with Pav that she was not drunk or high and drugs were always provided for her. So you can see the stark tension between the case of [Person A1] and the prosecution and Mr Bell and Mr Parvaze Ahmed, which both sides have very, if I may say so, ably and clearly identified. Was that genuine consent, was she consenting genuinely? You know the law, you know Mr Bell says yes means yes, you know the prosecution say grooming is -- the whole purpose is to get what would normally be no into a yes. You know the issues.

She had thought Billy however, to move on to Count 17 and so on, "Billy Jo Jo were weird with scary eyes." So she comes back to that comment that she made first in September 2014. There was a question of sleeping with a doctor for money; this is the credit card business you may recollect. She refers to the fact that generally folk were good at picking her up and not so good at taking her home. You have heard from gran, [Person F1], to confirm that and indeed [Person A1] says she was reliant on her gran to collect her. One night when she refused to sleep with the doctor he, Billy, required her to sleep with him.

Her case against Billy, which again has been dealt with and none of this is admitted; is [Person A1] telling you the truth? You decide, you know what you are here for, nothing to do with us and you have taken an oath and you will do it properly and fairly as you see fit. She said he, Izar Hussain, "Just basically, he just basically intimidate you until you had sex with him." He called her a slag and so on, an ungrateful bitch, watching extreme porn.

She describes an incident, the incident of forced attempted sex, Count 20 I think it is, with Billy and she said there was biting, scratching and fighting as she says she didn't want that. Interrupted by the brother and the mum, and you have heard from mum and you will evaluate mum's evidence, it supports her son. It will be tried to say, as the prosecution say with great respect and balance as of course it would be, of course mum would come here to support. The reality is you have got mum's evidence; is she -- does she, how does she help? You will decide. She remembers Billy, Izar, saying to the brother and the brother is [Person Q] -- the other one?

MISS KELLY: On her account it is somebody with a name beginning with [REDACTED] she thought.

JUDGE DURHAM HALL: Who?

MISS KELLY: Imi.

JUDGE DURHAM HALL: Jolly good.

MISS KELLY: It is the defence case that the only other brother who was there was [Person Q].

JUDGE DURHAM HALL: Great, perfect; whoever he was, whoever he was. It wasn't the one who gave evidence though, was it?

MISS MELLY: We don't know, she says it was a brother called Imi; we called somebody called [REDACTED]

JUDGE DURHAM HALL: Oh did you? Yes, I remember. Much obliged; no quite right, very helpful, very helpful indeed. You know what [Person A1] says, she says that this defendant, Billy, said to whoever it was, [REDACTED], "I'm just fucking with her" in the sense of playing about, and the brother said "That's not fucking with her." That's the point; a brother interceded on her evidence.

She met Billy she says, Izar Hussain, when she was 16 and a few times, at least 3 she thought, once at the family home and twice at St Leonard's. There was basically she says violent rape, intercourse, force; that is her case. The first time when she said she wouldn't go with the doctor, and then as you know and she refers to him as getting "Right violent and stuff." It was unprotected sex in this case, vaginal sex. She was really drunk, she needed to

sleep, it was sex accompanied by threats. She said "Either I had sex or----" She didn't finish that off as I recollect in the DVD, "It was always like threatening, getting in my face, grabbing, pinning me" over she thought approximately a 3 month period. She was 16, she thought it was not consensual, there is no issue here of attraction, falling in love and the like; she thought Billy Jo Jo was disgusting, one extreme to the other.

So we move on to February 2016, coming to the end of the DVDs. [Person A1] makes a reference, the Crown say telling, to one man -- not one of these gentlemen here -- seeing her as his property, bragging that he had got [Person A1] onto coke. He remembers her and [Person B1] being really high, and certainly in her case before any sex with anyone being really high. It is in this DVD that she remembered counting the 22 lines of coke on the table, that was January the 19th -- the 7th of February 2016, the evidence was heard on the 22nd of January 2019. Further DVDs in February. She describes her perception if she reported this to the police that they would call her a slag, and her view was she -- and being told she deserved it and had brought it on herself. Well what [Person A1] is -- has she learned that from other cases or reports, or is a detail that is relevant as I have had to suggest one way or another to why she wouldn't complain? There it is, that's what she says.

She moved on in February 2016 in the interview to more detailed about T, the T she identified on a parade, you know the dispute. Miss Hertzog, regardless of whether people give evidence or not you know there may be consequences about that, but barristers are quite rightly obliged to put to a complainant their case, or they should, and we will hear Miss Hertzog's cross-examination in due course, as we will with the others. [Person A1] was saying in this DVD in February 2016 T came to her flat in Dewsbury; T of course is Count 21 only and it is the sexual assault, the only sexual assault on the indictment.

She comes back to T a bit later, but she then moved to Mani. Mani she said started turning up at her house in [Location C], he would be quite violent had got her to have sex she thought three or so times at [Location C], "He's the one who were really weird and scary." He grabbed her, said he wanted to hit her but couldn't because of her eyes. She was really high and drunk, "Mani would call me his girlfriend, he would be like 'Come on, we're going to bed now.' He wouldn't really give me no choice, he was so scary. He would get me to have sex with him, he was just so scary. Another time Mani urinated down the stairs; he was drunk and high." Question, "Was the sex with Mani consensual?" Answer, "I couldn't say no,

pinning me against the wall" etc. There was never a time she had sex with him when he wasn't violent.

So there are three of these defendants whom she puts in that category quite clearly; the tension is, bearing in mind everything said, is she telling you the truth? She had only met him once before they had sex and she was complaining about his attitude, "I want to have sex. Come on have sex, have sex."

In the next February 2016 DVD she talks of going to [REDACTED]'s for sex from Sid's, and she describes broadly T being there, trying to grab her. She was really drunk, she said; something that Miss Hertzog obviously relies on in terms not only of the accuracy of the account, but ability to remember it, but she says that is what T did. "Things stopped hurting me" she said in that DVD of February 2016, "Getting used and abused over and over again, feeling you deserve it. You just kind of turn off your feelings, my mind just went blank." The defence mechanism and she is clearly looking back, ladies and gentlemen, isn't she to things that happened five years or so before. "It's never going to go away, because every single one of them guys are constantly in my mind. I don't think they actually realise how much they hurt people when they do it; I don't think it ever crosses their mind."

Her perception looking back is only what they feel they deserve, and whether Miss Melly was or wasn't trying to get them, the defendant's to respond to anything like that I imagine the prosecution say that attitude is reflected in for example the count saying we were pressured, we were the victims there. You have to decide if the defendants were or may have been caught up by this girl, woman or whatever in lies or pressure that is fine, you will act on it; if not, you will balance the matter as you see fit.

What is clear is that the DVD moved to April 2016, and we come virtually to the end of it; the last DVDs were on the 14th of April 2016 and the 21st of April of that year. She dealt in more detail with Kieran; the issue in this case is has she got the right Kieran. If she has what did he do, and if it is not Kieran who was it if anything had happened. Mr Wilson's argument is you look at it in stages; has she got the right man, did anything happen, if it did was it Kieran, if it was Kieran what was it, was it consent and you know the logical, sequential way you work through this.

Kieran Harris she met on Facebook, she was 16 going on 17. He came to her house and later came with others, this is the CMS house or period, "The first time he asked for a blow-job, I refused. Can't remember exactly how many times he turned up, but he came then with others, some girls, [REDACTED] bringing loads of alcohol." All got drunk, she was in her pyjamas. She was told by Kieran, she says this Kieran is her case, to go and put sexy clothes on, manhandled by the hair, dragged by her hair, "Go and put fucking summat sexy on you little bitch" was the quote, and Fahim stopped it is her evidence. "I ended up sleeping with Fahim, doing me doggy-style----" this is Count 22 obviously "--in the dark, I was drunk." Quite consensual, no issue to demonstrate and both sides seize on it, [Person A1] could consent genuinely, "I ended up sleeping with Fahim doing me doggy-style in the dark, I was drunk. Looked backwards and it was Kieran who left." She said she had fell in love with Fahim.

Then one night completely drunk, her case is she thinks her drink was spiked for reasons she advances which are disputed of course. Kieran and the two mates were there, or two mates were there, Kieran pushed her against a wall, had sex. She ended up naked, blacking out, having sex with Kieran with other men/boys watching and she believes it was recorded. She believes her drink was spiked because she had -- she was a resilient drinker, which is why she says something was wrong because she only had two drinks and was out of it. She explains with Kieran she couldn't move her body, "He didn't ask to have sex when he put me up against a wall and went behind, I couldn't fight back." She hated him for it and turning up. [Person A1] thinks because Fahim was connected to Parvaze, this is her view and it is pure supposition really but is it a good guess, they all knew about her and her history. That is her view, but it is highly speculative you may think.

She said "As far as Fahim is concerned I were completely obsessed by him." She slept with him quite a lot, really fancied him, "Then he started seeing [REDACTED] and it proper broke my heart and I ended up sleeping with [REDACTED] ssa. Her view of that incident when there was she says the swapping is that they all thought it was funny. Her case is as you know, and this is what the Crown seize on, it was her opinion in April 2016 when she saw over her shoulder Kieran having sex, her view then was Fahim was in the room stood near watching. We will have to come back to that with care, you will bear in mind Mr Dallas's cross-examination, but she went on "I never wanted sex with him" Kieran, as she says it was "They all started laughing about it, [REDACTED] and [REDACTED] were stood near the door. They had all

had alcohol, Fahim were drunk." She said in terms that Fahim later told her Kieran was "Not nice" whatever that means, but her take was that "I was just a toy for everyone to mess about with." Fahim she thought was the sweetest guy ever, he was so nice, "But when people were about he were just a wanker."

So there it is, Fahim she clearly liked and Kieran she just couldn't stop turning up. In relation to that mattress incident she concluded he had sex with her up against the wall laughing while he did it. If she has got the right Kieran, whoever she has got, to think it is all a big joke obviously is not a terribly effective defence to violent rape, it doesn't matter what attitude or respect or lack of it you have to the person, it is what you did. Penetration, was she consenting?

Did she have the capacity and freedom to consent? Was there any belief and if so was it reasonable?

She said the sex was up against a wall, Kieran laughing. Before then she couldn't stand up anymore and it continued on the mattress where he told her to rub herself, she presumes whilst somebody filmed her, then sex on the mattress which he kicked. For her she said -- it is potentially relevant, we all this side know it is for you to evaluate -- for her the worst thing was being naked. Though she had always had sex she says clothed or in the dark, she was so self-conscious she told you and recording her whole body was something that really impacted upon her. She woke up really hurting and dehydrated. So the allegation is, is that right, this is the DVD?

Then there was finally the 21st of April the [REDACTED] Hotel, somebody trying to get her in a room, calling her a slag. She talks about Mani coming to [Location C], always being violent but never hit her; grabbing her arms, making her flinch, grabbing her throat, her face. Sex always violent she said, she had bruises. She thinks she had sex 3 times, definitely twice, 10 minutes duration. [Person K1] was around some of the time.

[Person K1] of course came to give evidence and she spoke -- [Person K1] introduced her own CSE, sexual exploitation experience, a catalogue of abuse and so on. Being taken by a man named Ali to a hotel, he was bagging cocaine. That resonates with something [Person A1] said or may have said in one of her DVDs, because during that visit to a hotel she met [Person A1] there, who said she had come to get away from a guy called Billy who had tried

to rape her. So that ties in -- [Person K1] is tying in, if any of this is true and not a complete conspiracy, collaboration or mistake or whatever -- that ties in with the attempt by Izar Hussain, the one interrupted by the brother.

She said Billy was related in some way to Pav, she was upset and emotional and they became friends. She told me some detail, she mentioned names, a guy, Kieran. The belief that she had been drugged, had sex with her when drugged, about having sex with Fahim and he left the room and there was a swap is what she said to -- that's what [Person A1] said to [Person K1]. [Person A1] was saying this happened with Kieran, but Kieran was there when the swap took place; she used the name "Kieran" anyway. She was very uncomfortable talking about this, saying she had been bent over in a dark room, Fahim left the room and Kieran came in and she realised it was Kieran. Which presupposes you are sure it is this Kieran of course, or that any of this happened.

Now [Person K1] directly, never mind passing on what she had been told about of which you have to be cautious, [Person A1] of course was associating with [Person K1] and [Person K1] met Mani at [Person A1]'s home on the occasion the police were involved, "Mani passed us, shouted to come, Mani said to [Person A1] 'Come home now' aggressively she thought. We discussed whether we should go home, but had nowhere else to go. She had prior to that told me that she had no choice with Mani, he was aggressive and intimidating, would just turn up. She was too scared, she didn't want sex, but he would do what he wanted, turn up when he wanted."

So again that is relevant only in terms of the question of is [Person A1] being consistent, no more than that. But she was there when Mani was outside in the car, [Person A1] was begging his mates to take him away but he stayed and came in under the influence, the aggression. The rest as you know is history, [Person K1] says he was throwing his weight about as if he owned the place, shouting and she heard as she thought the sound of peeing, and they ran a way of course and hid and called the police.

Mr Wilson asked questions of [Person K1], not surprisingly, "Kieran was the name" said [Person K1] "she gave me." Question, "Has someone, [Person A]" said Mr Wilson "Put you up to saying it was Kieran?" Answer "No."

Mr Ferm asked questions, "Did you see any physical contact at [Person A1]'s?" "I didn't see any physical contact, but I did hear something from the stairs on the carpet. We felt very intimidated; [Person A1] had a strong character, never seen her so intimidated by another person." The whole aura she told Miss Melly, the body language was so intimidating she was petrified, "I felt really unsafe." She had to avoid standing in what she thought was his wee on the stairs and we will leave it there with that evidence.

The last time [Person A1] was to tell you was when he urinated down the stairs. She makes the point, [Person A1] does, that Mani did something by way of she describes strangling her. Not something seen by [Person K1] at all, but [Person A1] says he was always very aggressive, always wanted sex. She was fully clothed, having her pants pulled down and she remembers a small detail of Mani neatly folding his clothes. She was drinking and taking cocaine and didn't care. This is about Mani, "He was nice on the phone but drink changed him." But in relation to Mani her concluding comment was, "I'd had worse from other people."

Now, ladies and gentlemen, we will have a break at this juncture and I will move onto the cross-examination of [Person A1] and interpose what each defendant said in as full a detail -- insofar as they have said something relevant to any issue I will remind you of it, no fear. Please bear in mind throughout this process that not long ago you heard 10 or more very full and considered closing speeches from the barristers which it is not my job you understand to rehearse, pick apart, contrast, uphold or rubbish, it is not my job. So you must bear them in mind, but at least everybody was kind enough and professional enough to very clearly dissect, you will agree with this, and analyze the issues.

So, thank you. Shall we say to give you a proper break, I think we can have 20 minutes? I hope to be finished before lunch, I don't see why I shouldn't be, but we will see. Okay, thanks very much.

(The jury left court)

[REDACTED]









[REDACTED]

(The jury returned into court at 11.49 a.m.)

JUDGE DURHAM HALL: Thanks, ladies and gentlemen. If I am not quite done by -- I can't move up a gear, not at my age -- if we are not quite done by 1 o'clock there is no harm done is there if you go into retirement shortly after lunchtime/dinner time whatever? Yes.

All right, can I just stress that you know that this is a summary; I'm doing it as efficiently as I personally and professionally think is appropriate. I don't wish to miss out anything that is important, but that is a subjective decision. You have to look at the -- you yourselves have the responsibility of looking at all the evidence. Do you remember my warning; if I don't mention something that you think is important you bring it back in? I am missing out things that seem to me right to miss out, but if you think something is important please bring it back into play, all right.

If I am factually inaccurate I will always correct myself, with or without the assistance of these very fine lawyers here. If I suggested, for example, that the allegation was that Kieran Harris had smashed the TV up, but I think the evidence was in truth, am I not right, that [Person A1] was saying it was a friend of Kieran, for example. You remember that, don't you? See, they are paying attention. Thank you.

Ladies and gentlemen, Mr Moulson on behalf of Sid, Saeed Akhtar, cross-examined [Person A1] first by clear sensible design. Now again I repeat, I will remind you of the thrust and the main parts of his cross-examination, but this is meant to be fair to both sides. I don't have a brief at all any more for anybody, other than making sure the jury are properly directed in law with an adequate summary of the evidence so that you can make the decisions.

[Person A1] admitted to Mr Moulson to start off with, "I lied about my age; I said I was 17, quite possibly 18." This is to the [Sid's address] people. "[Person B1] said she was 18." She also said she'd said to Bash, "I didn't tell Bash my true age, I said I was 17. [Person B1] said she was 18. I was, in fact, 14." She reiterates that she believes Bash found out her true age on the police stop, but in all cases people she says to Mr Moulson found out truth about age early on. She said, "Sid didn't like me telling others where I was, i.e. in a care home, but I did. I virtually had a room there at [Sid's address]. I didn't fully understand the situation I was in. I thought each brief association was a relationship."

I am summarising what she was saying in response to Mr Moulson's questions all right, this is a narrative, "I thought these relationships with older men were okay. They said they were family, I believed them. I didn't go to [Sid's address] towards the end of 2010. Sid was in a relationship with [Person I1]. She talks about with Mr Moulson her use of alcohol, her trusting bond with these people." She was she thought manipulated, "I craved someone to love me, they said they did. I thought it was all normal, I thought they cared about me. I was picked up, mostly they rang me. In August 2010 I did hide in a cupboard----" she told Mr Moulson "--when the police came to [Sid's address]. Police found me and a load of cocaine. I did not complain, I thought I was in a relationship."

She was criticised for not complaining, I again stress these are her answers to probing questions, she said "With hindsight I should have complained, but not then." The defence criticise her for not complaining on every opportunity. Academically bright, she said "Yes, but not emotionally bright. I could have complained, but I then didn't understand the abuse." She said to Mr Moulson, "Do you think I would stand here and say they had sex with me in that house and they sent me out to have sex with others for cocaine?" And that was in answer to the thesis, the point "You didn't have -- these things didn't happen in the way you describe?" Answer, "I refer to Sid indeed saved in my phone as 'Best mate.' I thought he

was my friend, that he looked out for me. As an adult I look back to the fact that in Sid's house I slept with so many; it was wrong." His number was in her contact list well before he, as she says, raped her.

She was critical of the care home not enforcing the leaves -- the rules about leaving and returning, "No-one really cared" was her position "I went from very strict rules at home to no boundaries at all. My will was overborne over time to the point I felt worthless, but not at first."

She was being challenged politely and in a balanced way by Mr Moulson, sensitively obviously, about the fact that basically she was lying, including about lying if sex with Sid. She said, "It was one of the last times at [Sid's address], I was 17 or over." She said also, "I saw him, I did go to his Manningham address at least once after this event." Question, "If a man has raped you why go and see him?" Answer, "Conflict of emotions. Spent so long with them saying I was family, I cared for them and I cared for them still. These people took the place of any parents, I had no family. They made a big impact on my life seeing them day in day out, saying they were going to keep me safe. They didn't do things straightaway, they built up a relationship." Question, "There was no rape there was no sex?" Answer, "Yes, I ended up saying 'Yeah' to Sid."

You know what her case is, she'd slept on the streets many times, she earlier had said she had a fear of homelessness, "I ended up saying 'Yeah' to Sid; he was persistent. I was taking drugs. I tried everything I could think of at that time. No, he did not force me upstairs, there were no threats or force. I pretended to be asleep, I said 'No' repeatedly. I felt under pressure, I felt either have sex or sleep on the streets." They were her responses to Mr Moulson's questions of it did not happen. She said, "I did not tell anyone, I didn't mention this in the Keller Abbey questions, but I didn't give a lot of detail there and I expected to give more detail later."

So Mr Moulson was laying the foundation for his case, and of course Sid gave evidence in due course. As far as the prostitution offences are concerned, again there is very strenuous denial of these matters. She said "I had Bindi's number. So did most of Bradford", she added as an aside perhaps. "Sid wanted me if necessary to do something to get cocaine for us. I met Bindi at the Etap, I went because I felt guilty because Sid had supplied me. No, I

didn't alert the authorities. I obtained 3 street deals, I performed a sexual act." She had said earlier oral sex and she went back to Sid. This is all denied by Mr Akhtar.

The second count in relation to prostitution, about a visit of men to [Sid's address] Sid's case is Mr Moulson said "Men visited, but he never encouraged you [Person A1] to do anything." Answer "He did. I never actually save Bindi had sex for drugs or money." The case is it seems to me one of encouraging her, "I was emotionally abused into thinking they cared. I came from an abusive background, my emotional intelligence was not as it should be." As far as compensation is concerned, Keller Abbey, I may need some -- I took a very limited note there Mr Moulson about the second count and what your questions were; Miss Melly can look at them in due course.

MR MOULSON: Yes.

JUDGE DURHAM HALL: All right, but she said "I never actually, save Bindi, had sex for drugs or money." Compensation, [REDACTED], this is Mr Moulson asking her, "I became aware of Rotherham cases and contacted the BBC." As you know, ladies and gentlemen, you have a schedule of the actions in this case. "I have lost everything for this trial" she says, "No amount of money will make any difference."

So her case is clearly -- certain defendants you know make the assertion that compensation, or the need for it or the wish for it is a factor in embellishment if not lying, "I have lost virtually everything for this trial, no amount of money will make any difference. Look North put me in touch with a solicitor. I've not put a claim in yet and my concern is with the local authority and their negligence." Question, "You are bigging up the case for more money?" Answer, "No, this is about failures of the local authority. I have not made this up for money, these people raped and abused me." I'm not sure whether I put "scarred" or "scared" but you get the point, "They showed me videos, bragged about connections; I was frightened."

Mr Akhtar went into the witness box to deal with this situation and to answer questions from his own counsel and leading counsel from the prosecution; let me tell you what he said. Now you know what his position in interview was, I have given you directions about these things, I need not repeat them please.

He told you, Mr Saeed Akhtar told you how he met [Person A1]. The timeline shows late 2009 early 2010, Mr Akhtar says it was April/May 2010. The last time he saw her was the

Harbourers(?) warning, or after November 2010.

He was aware of Naveed obviously bringing her to the house and [Person A] said could she stay until she had somewhere to live. This is about housing somebody in distress in terms, "I was a little concerned. I never forced her to come, there was no pressure. I used to have a social gathering, a party once. Never gave her cocaine. She took it, I wasn't very happy about it, she brought it. From the first meeting I thought they were 18. Never had sex, never told her to have sex or encouraged or incited her to have sex or give favours with or to others in return for cocaine and drink, not Bindi or nobody else. I was only looking after her because she had nowhere to stay. I never once said she was a slag, never said to [Person I2] 'We've all been through her.' Never used her to get drugs or females to my house or anything else like that. The police did come on many occasions, I was there 7 to 10. The police found her in the cupboard, the police were taking them back home, that was the 7th of August 2010, then brought them back."

His case is [Person A1] said regarding her age "Over 18, I told you so." There were no kilos or any cocaine hidden, and he stressed that his position in interview was on the advice of his solicitor. The "Why?" question, "I think she's doing it for money. She never came to my harm with me. Others asked questions and Naveed asked some. Others took drugs, I didn't approve; not me or Naveed. I was not aware of [Person A1] and Naveed having sex, only that they were close."

Now Miss Melly asked questions of Mr Saeed Akhtar, "I was acting out of kindness." I may be briefer in reviewing this part of the case, but it is important obviously for a balanced view I suppose, "Who came to your house?" Answer, "[Person Q], my brothers Nav, [REDACTED], Izar, Yasir. I can't remember who else." "Well anyone else?" said Miss Melly. Answer, "Well Parvaze Ahmed, Zeeshan Ali; none of the above brought cocaine."

Now Miss Melly, may I say this at this stage, as I recollect referred to Mr Saeed Akhtar, or referred him to his defence statement in these proceedings. You know what that means, you know what a defence statement is; can I tell you so that it is on the record so that we are all sure? A defence statement is a helpful document submitted by the defence in the course of the pleadings which identifies issues and important aspects of evidence where appropriate. The main purpose is to assist the court in managing the case, but also to indicate to the

prosecution that there are areas the prosecution may need to look at in the defence's interest. So it is a positive document and it has force, and it must be filled in with care and it is filled in clearly on the instructions of the lay client.

Mr Saeed Akhtar made a defence statement, submitted in October 2017, where he refers to people bringing coke and cannabis to his house and using it. Now he says, he says now in evidence "Cannabis was not brought and I stopped the use of cocaine in my house." Now Miss Melly says "[Person A1] had very limited funds, she was unemployed, how did she get cocaine?" Answer, "I never asked her, I never told her. No, I stopped it. I didn't want her there, because she was difficult, bringing drugs and argumentative. I let her come in out of the goodness of my heart." And then we have a statement here, "I'm the victim here" says Mr Saeed Akhtar. "The regulars at my social gathering were as above, but Yasar was not a regular. There was chat, TV, politics, only just passing time, although [Person A1] was sometimes there."

"She was a slim, pretty girl?" said Miss Melly. "Maybe, but I only looked at her as a person. I didn't think she was attractive, she was a pain. I only wanted to help. I knew she had gone through a hard time. I was not really interested." Question, "You got her addicted, you used her and abused her?" Answer, "I just wanted her out. I have never taken cocaine." Question, "She was just a commodity?" Answer, "She was just a pain. All I was doing was helping a homeless person. I was shocked when arrested, I took advice about advice about answering questions and followed that advice." Remember my directions. Question, "If the motive was compensation why are you named in [REDACTED] July 2013?" Answer, "I do not know."

Mr Iqbal asked questions also of [Person A1] -- of Saeed Akhtar. Mr Iqbal asked questions of [Person A1] following Mr Moulson's cross-examination on behalf of Saeed Akhtar. Please forgive me, as I am trying to put in what defendants said when they gave their evidence. I have made a very careful diagram so as not to get confused, and what has happened? All right, they will put me right.

Mr Iqbal cross-examined [Person A1] about the Plaza Hotel, obviously he has an interest clearly in that. For example, "You didn't mention to Officers Taylor and Gattenby the Plaza incident?" She confirmed that [Person B1] stopped going to [Sid's address], she was not

interested in their advances. They were feeding her drugs in the Plaza Hotel, "I was quite drunk." But she insisted to Mr Iqbal, "I remember him putting his hand down my 14 year old pants; other things may be a blur, but not that. I didn't know what to do; some old man had his hands down my pants. I felt guilty and confused." She explained that of course [Person B1] really liked him, "I spoke to [Person B1] a few days later when Bash wanted to go out with [Person B1] alone."

She is criticised in relation to what she said to ██████████ for not mentioning what Bash did, and she said "Well this wasn't like the DVDs hours of it, I didn't mention everything." Question, "There was never an incident at the Plaza Hotel?" Answer, "There was, he found out very quickly our true age in the presence of the police." This was before the Plaza Hotel in [Person A1]'s opinion.

Miss Batts, for Yasar Majid, asked [Person A1] questions obviously. [Person A1] said, "During the first month it was fun, a laugh at [Sid's address]; talking, having someone to be there for me to talk to, drink and drugs, but I would arrive sober. I had a choice to go out with Yasar, I chose to go out with Yasar. He flirted with me, I went out with him to piss Khalid off. I flirted back, we started a relationship, but not sexual. Yasir was all right, he was not aggressive or rude, he was nice to me. I lied to him about my age. He told me, however, and I told him personal details. He asked me to go out with him. One night I were drunk and high, I ended up sleeping with him. It was not forced, there was no pressure from him, the pressure was on him and me; people calling him gay before, during and after the sex. He didn't pester me for sex. I didn't want to, I didn't want it. The people in the house put me and Yasar under a lot of pressure and the pressure wasn't coming from Yasar. I didn't get undressed. I was on top. There was a relationship. Possibly I had phone contact with him after. I would have gone to the pub with him after." She couldn't really remember, but she did add "He gave me drugs."

Now Yasar Majid gave evidence, ladies and gentlemen, and the basis of his evidence can be summarised as follows. He is now 37; he was 27 or maybe 28, if that, at the time. Met Sid, went to his, drank there; he couldn't at home. This is not a court of morals or anything like that, remember that, the harsh reality of life is as he said he couldn't drink at home. He first met [Person A1] after a night out in Leeds, went to Sid's to carry on drinking about 2 a.m. An hour later -- I'm missing things out of course, but the balance of this evidence is here,

"[Person A1] came in merry, laughing and joking, and I went back into the----" His friend, [REDACTED] maybe left about Dawn, he went back into the bedroom, "[Person A1] had her top off. There was kissing. She took her trousers off, pushed me down, had sex unprotected. We laid in bed for hours, got a taxi and went home. Met a few times after. She wanted to go out with me and be my girlfriend; I said she wasn't good enough for me."

Well fair enough, you can't condemn somebody for thinking they are rather better than they most clearly are, we would all be in trouble there I think, ladies and gentlemen -- only speaking of the barristers in the case, of course. But he wasn't interested, "I didn't want sex again, it just happened."

He was cross-examined by Miss Melly, "I never saw drugs" he said. Question, "She says you brought drugs and were there from the beginning?" Answer, "No. In interview I say when she was brought back the police said 'Its okay she's over 16 enjoy your night, the care home don't want her.' Earlier police had said she's wanted from a care home, that triggered alarms; I was wired or weird out, freaked out, I wanted to know."

Of course he does in the interview refer to his moral compass. Question, "She thought you were both being pressured into having sex, she was saying that?" Answer, "No, she just jumped on me, I had no choice about protection." Question, "Why not just leave with [REDACTED] [REDACTED]?" Answer, "I'd only just got there." Question, "You only said something in interview?" Well this is a fact of course "Something after you were positively identified?" Well that is to do with my directions on the interview.

What Mr Majid did before closing his case a little was to call of course [Person L], who had known Mr Majid for years; a nice, loyal, generous, intelligent caring man and eminently to be approved of. That goes of course to your estimate of his character which I dealt with at some length on Monday.

Naveed asked questions. Now don't -- even though somebody doesn't give evidence their barristers are not only entitled to ask questions, they are really obliged to do so, and Mr Frieze did so asking a number of questions to which [Person A1] said, "I thought I was in a relationship. I had sex 2, maybe 3 times." There is no issue again that Naveed had sex, although his case is two times maybe not 3, or not 3. This relationship was after Yasar and it

was she thought at one of the Eids, the holy festivals in September and November 2010, the major festivals in the Muslim -- or of the festivals amongst the major and therefore very memorable, as we know in Bradford. September/November 2010, so that really tries to fix that.

She said, "The relationship ended as he got back with his wife. I went out with him for a few weeks, we had a laugh yeah. He would text me. No major arguments." Question, "We know there was a lot of drink and drugs?" Answer, "Even when we watched TV."

The first relationship was Khalid, therefore, no sex. The second Yasar, for 3 weeks. The third relationship was Nav for 2 to 3 weeks she told Mr Frieze, and the first sex with Nav may have been nearer the September Eid 2010. She did tell Mr Frieze, "I feel exploited, it's not normal for a young girl to be in a relationship, pretend relationship with one much older man after another. I felt I had to do things, I felt I owed them. They made me like them, feel relaxed with them, trusted them. I was their family, their circle. I got on with Nav very well, there were some good times. It developed from a friendship into a romance just like the others. The sex was in the -- on the settee and in the bedroom the second time, full sex in both times. Then he kind of passed me on to Parvaze. It would be a relationship then an excuse and would be enough." Pav used the fact that she had broken up in her opinion, she said to Mr Frieze, with Nav "To get to me."

Now Parvaze Ahmed's barrister -- I can't interpose Mr Naveed's evidence in the witness box, the fact is he didn't as is his right, remember my directions, go into the witness box. There it is, so can I move straight on to Parvaze Ahmed and Mr Bell's cross-examination of [Person A1], "I liked Pav, I became quite attached to him; I was disappointed if he didn't turn up." "Been taking drugs and drink" this is the first time I think Mr Bell would agree "Been taking drugs and drink, it was early hours, needed sleep. The first time at Sid's on top. When Pav took cocaine he didn't sleep much. I was drunk and I slept with him and I got a bit attached. He brought alcohol to Sid's and to me at Dewsbury and he did give me cocaine." For that is very much at the heart of Mr Bell's argument that [Person A1] is not telling you the truth; she said, "He did give me cocaine."

The relationship was, however, closer to a year and sex was multiple times, she thought 5 to 10 times, "Until I was 18. I never had sex with anyone when I was not drunk." The sex 5 to

10 times, you see why the prosecution -- well why they have done it is a matter for them, but you see the fact is the prosecution have said that this was a multiple, after the first time multiple instance no fewer than 3. The evidence from [Person A1], her minimum in fact in evidence seems to be 5, it could have been more.

Now Mr Parvaze Ahmed did go -- took the walk from the dock to the witness box. You will not object, nobody will I am sure, of me reminding you that people sit in the dock, I have to be absolutely clear and fair about this and I know you will be, it is an arrangement of furniture. When they go into the witness box they don't take with them a burden of proving their innocence, but once anybody gives evidence, ladies and gentlemen, it becomes evidence in the whole from which the prosecution say you can be sure of this or that, the defence say the contrary.

Parvaze Ahmed is now 36. The first time he went to Sid's at 2 a.m. he was introduced to [Person A1] and some other girls, he wasn't paying much interest; everyone was having a laugh he says. "She was not lost, she was independent; she had a good aura, she was witty. The second visit she clearly took to me, I had a little bit of feeling for her and I was attracted. She said 'Come upstairs with me', I said 'All right then.' Having a laugh, had sex. She pushed me and got on top of me, woke up in the morning, had a laugh, proper getting on; I got forced more than owt. No-one was pressured or forced to do anything. Overall, we were in a sexual relationship 6 to 8 months, we had sex he says 3 or 4 times all above board, but I couldn't give her the time, I couldn't cope with the pressure, her being drunk. She used to love my company. I know Billy Jo Jo and [Person A1] didn't get on."

"You gave [Person A1] cocaine" Mr Bell said, is the suggestion. Answer, "Not at all. I liked a little drink, but not cocaine. I took my own drink to Sid's." But used more water, I think he was saying, to come down. "I didn't bring drugs to [Sid's address], and Billy didn't work for me in the drugs business or in relation to drugs. I never intended that [Person A1] should, as it were, go and have or be passed on whatever to have sex with anyone else. I had no solicitor in the interview, I had nowt to hide. I am a bit shy; I didn't want to talk about oral sex. I had oral sex with her at least once." Mr Ahmed regrets using the word "Slaggified", he had sex at [Sid's address], Dewsbury and in between. His case is "Always consensual, never incapacitated, never unhappy; I was good, that's how I am."

As far as cross-examination was concerned the prosecutor opened with the question, "Well in your interview you say Sid's was always packed drinking and partying." If I summarise, I am not going to apologise for it or start going into any greater detail, this is a summary. He said, "I said [Person A1] was there in interview all the time, the police were coming umpteen times, but I saw all this from [Person Q]'s house across the street."

His answers to the prosecutor were, "It was just about sex for me, not commitment. I was not supplying drugs. I disagree with having sex with anyone on drugs. By the time of these events I was squeaky clean." "Why did she think she was your girlfriend?" Answer, "She was pestering me; how can I have groomed her?" "Well she was high every time or drunk?" Answer, "No, she never took cocaine in front of me. I was only at Sid's 2 or 3 times, she was not that drunk." Question, "Billy Jo worked for you in a certain capacity?" Answer, "No. She and Billy didn't get on, but she had no fear at all, she was not vulnerable. I did say to her 'Look after Fahim good.'" They are related, of course. Question, "She knew exactly what you meant." He disagrees with the obvious interpretation being put on it by the Crown, he disagrees with that.

The next person to cross-examine [Person A1] was Miss Kelly for Izar Hussain. "I met him when I was 16", this is her evidence and this is in relation to Counts 17, 18, 19 and 20. "I knew him for 2 to 3 months. Met him at Sid's, nothing happened there until [REDACTED] until the other incidents. I saw him at [Sid's address] on 3 or 4 occasions." I think there was some, she said something about exchanging numbers then I've made a note, "He was drinking, smoking cannabis and he used cocaine" is her case she said to Miss Kelly "and gave me cocaine multiple times. He was----" Again the word, I didn't hear the word she used, he was a friend or associated with Pav, friends of [Person Q], the brother of -- who is [Person Q], the brother of Sid?

MISS KELLY: No, [Person Q] is the brother of Izar Hussain.

MISS MELLY: He has been mentioned as a friend.

MISS KELLY: He was mentioned as a friend of Sid, [Person Q] is.

MISS MELLY: Yes.

JUDGE DURHAM HALL: Quite right. There were large quantities of cocaine available at Billy's address she says where two counts, two of these offences took place. "There was a doctor there, friends of [Person Q]. Pav took us the first time, I went with Pav not looking for Pav." As far as Izar Hussain, she said to Miss Kelly "I hate him, scary, makes me proper cringe,

creepy. To start off he was more crazy weird, he got more strange, aggression, abnormal. Drink was freely available."

It is not -- nobody I think has, because this is all denied nobody has been going into why somebody would be behaving like that or why, but Mr Izar Hussain denies any of this ever happened apart from a more routine falling out. [Person A1]'s case is he was drug dealing for Pav, that's her assertion and there it is, based on presumably her interpretation of the phones and everything, but there it is. "Pav was never there at [Billy Jo Jo's address]?" said Miss Kelly. Answer, "He was, there were two occasions at St Leonard's. I picked Izar Hussain out on a Viper video identification parade. He raped me on the first occasion and he wanted me to have sex with the doctor. I was lured there. He was aggressive after I refused the doctor. I was drunk on drugs. I remember clearly the incident, not all the conversation."

What she told Miss Kelly she remembered was his violence and threats, and no doubt in her mind, "I did not want this; he scared me and made me angry." It happened the second time at [Billy Jo Jo's address] she told Miss Kelly, Miss Kelly is obviously denying that any of this happened. Question, "It is denied he had sex at all or anything at St Leonard's?" Answer, "He did and I went to [Location F] a few times, saw [Person Q], T, the older brother, Imi, not his mother. I saw porn there. He smashed and damaged my phone."

Miss Kelly said, putting Mr Hussain's case, nothing of any of this happened. Well she said in relation to the attempted rape, "I screamed. The brother grabbed Billy and took me to a hotel, he told me to get out into his car and took me to the hotel." Of course, there you have the meeting, it is alleged, with [Person K1]. "The brother in fact told me he had punched Billy. I think there was another incident, but it is very unclear what happened, I'm not 100 percent sure what happened, but it was him." It was put, "The attempted rape incident was no more than an argument at the family home?" Answer, "No he tried to rape me, his brother must have heard me screaming. Billy, Izar Hussain, tried to pin me to the bed." Miss Kelly again, with if I may say commendable clarity, put the defence case Rude and aggressive, maybe unpleasant perhaps, abusive sometimes, but nothing more than that and that she is lying because of the fact that Mr Izar Hussain was not nice to her.

It is important to note I think at that stage, not Miss Kelly's fault, that the witness became very distressed in dealing with the suggestion that Miss Kelly's client hadn't done certain

things to her. Can I just tell you, don't in any way be swayed by distress. It can be put on, it can't be, it can be genuine, it can't; it is not going to help you is it, in a case like this? Only where perhaps third parties see a witness independently very distressed, seen in the street after an attack very distressed do such things become relevant. I am not taking sides at all, that is not my job, but distress is not a good way to judge truth and accuracy.

Izar Hussain gave evidence, ladies and gentlemen, let me remind you of that, I hope appropriately, at this stage. You can see what I am trying to do, we are moving through the evidence with -- well, as quickly as I can. We are still on [Person A1], each barrister has cross-examined her and where the barrister then calls his client I am putting that in for you so that you have the whole picture; nobody objects. It seemed a good idea and I remain of that view.

Izar Hussain gave evidence, clearly. Now 32, never used cocaine he says, never saw [Person A1] using it. Met her at Sid's, where he went for a social drink; she said she was 16, 17. He was drinking his beers. He said, "She did attend at [Billy Jo Jo's address] a week after I met her, she turned up 3 or 4 times uninvited; no idea how she knew. She was looking where I was, she was looking for Pav. My brother's friend, the doctor, was there having a quiet drink. I was drinking, she joined in no problem. I only used Pav's phone for a takeaway, nothing to do with any nefarious purpose." I paraphrase, "I didn't even know of Pav's relationship. Never tried to get [Person A1] to have sex with the doctor, never had sex with her at St Leonard's, we were just good friends at first. It went downhill, our friendly relationship became more abusive. She went once to [Location F], the family home and I had social gatherings there. [Person A1] went for a drink. I was drinking a lot, she was drinking 6 times as much. We argued, she left. No porn, no attempt rape, I never ever touched her. From the first to last, 2010 into 2011, I never ever had sex. As far as the interviews are concerned I was confused, scared and baffled." And, of course, advised.

The prosecutor, Miss Melly, I think on this occasion clearly cross-examined him, nobody else did. No sex, he had no sex, he was not aware of any sex with Pav, Sid, Yasar, Nav, no-one ever mentioned any sex. He said, "No drugs, didn't see any, no addicts, I was just concentrating on my Budweisers. I know [Person A1] says Pav and I were dealers; we weren't. We never told her about our drug dealing convictions." Therefore, he admits she had no way of knowing, "I do not know how she knew of that. I only had benefits coming in,

it was difficult to live. She was a pain, she was a pain at Sid's and I didn't want her at all at St Leonard's" and so on.

Question, "She says you were weird, aggressive, intimidating, drinking?" Answer "No."

Question, "Even [Person B1] thinks this, why?" Answer, "I don't know, I can't explain why [Person A1] years after was telling [Person K1] about [Person A1] being scared." In the interview the question is, "You hadn't worked out what to say, that is why you went no comment?" Answer, "No, I was in shock and panic and advice; I didn't even know who they were on about." Although he did indeed in due course know who they, the police, were on about during the first interview. "I knew other [Person A2]. I accept it was my choice to say 'No comment.'" Question "Well why not then by the last interview, why not say you know [Person A1]?" He said, "Well I was stressed out, but I knew she'd threatened me in the past to get me in trouble, but I'd just forgotten."

Now [Person M] came along and we are very grateful to her; she gave evidence in support of her youngest son, Izar. She was never aware of this white female there, [Person A1], never aware of [Person A1] running out or being distressed, "I don't know much about the issues, I know Parvaze of course. Not seen my son----" I can't read my writing.

MISS KELLY: [Person Q].

JUDGE DURHAM HALL: It was [Person Q], but his true name was [REDACTED]

MISS KELLY: Massa.

JUDGE DURHAM HALL: [REDACTED], thank you so much, "Not seen my son [Person Q] for 8 years.

There were never any parties or social gatherings at my house, not much awareness of any drinking and my son doesn't drink cannabis."

Now [REDACTED] came, and he has a number of nicknames it was put to him, wasn't it?

MISS KELLY: He said he only had one nickname, which is [REDACTED].

JUDGE DURHAM HALL: [REDACTED] I think you tried a few on him but he stuck with [REDACTED] didn't he?

MISS KELLY: He said [REDACTED] yes.

JUDGE DURHAM HALL: [REDACTED] yes, quite right too. A perfectly straightforward gentleman came along to help. The point is that this one isn't [Person Q] I think, at least I'm clear about that. He said, "The police spoke to me about Izzi and dragging him off and taking her to a hotel in Thornbury, and I said I didn't know anything about it. I have seen him in drink." And of

course he said -- the mum says "I saw [Person Q] 8 years ago", [REDACTED] said he had seen [Person Q] the day before, which was Monday the 11th of February 2019, and he knows Pav and recognises Sid. So, that was Izar Hussain.

Now Zeeshan Ali was the next to cross-examine through his barrister, Miss Hertzog, [Person A1]. So let me deal with that, I won't be reminding you of what Zeeshan Ali said in the way I am putting this together because there is no doubt and you know Zeeshan Ali didn't give evidence, but Miss Hertzog asked questions of [Person A1], "At Sid's, that's where I met him, A.K.A. Twinny or T. I am sure it is him, I briefly met him at Sid's." That seems to be accepted. There was no real conversation, it was one evening and there may be no dispute that T was there. "Had a lot to drink, really drunk, no drugs. Went to Sid's at 10 o'clock, this could be the 4th of November 2010. I was stumbling, falling about. I can remember parts, the traumatic parts. I remember T's hands on my boobs" she said to Miss Hertzog "and I ended up in a position of being raped by [REDACTED] [REDACTED] led me upstairs to get me away from T, and then upstairs I was raped by [REDACTED]. I know what happened."

She said in the face of Miss Hertzog's very courteous denials of any of this, and reference clearly her case is to her being in a haze and confused and tired and mistaken and you will judge that, "My case is T touched my boobs in the back of the taxis to [REDACTED]'s where I was raped. He, T, was trying it on with me. I saw the T who touched me again in Dewsbury." I don't think there is any doubt T made a visit there, or if there is you will judge whether there is, that is where he went. "I had some trouble and T came around with two others in response to a text, this would be between the 25th of November 2010 and February 2011, and things were stolen. I am absolutely clear that T violated my body and I picked him out. There were others called T." Question, "Did you pick out somebody called T?" Answer "No."

What I don't intend to do -- just bear with me a second, I'm sorry. I'm sorry, please bear with me one second. No it's all right, thank you. Kieran Harris' barrister, Mr Wilson -- let me deal with this and we then we will have a break, all right?

Kieran Harris's barrister, Mr Wilson, of course cross-examined [Person A1]; we don't need to go over yet again the sequence in his case the issues that Mr Wilson very kindly and very clearly puts before you.

Mr Harris started with a chronology; on the 24th of November 2010 moved to [Location E1], Dewsbury. Insofar as in my summary I have given any impression that anything happened in the managed property in Dewsbury it was always I think in relation to the allegations against this Kieran in [Location E1], Dewsbury. The 28th of March -- November moved to Batley. Met Kieran Harris after 24th of November 2010 and, therefore, was about 17 and a half years of age. A very helpful chronology.

Said [Person A1] to Mr Wilson, "He visited I say 4 times over a short period of weeks, late November into December 2010. He never himself gave me drugs; there were drugs brought to the property. He was not at Sid's, I met him through Facebook. Fahim and [REDACTED] were the link to Sid, they were Pav's nephews." She said to Mr Wilson, and whether this was him paraphrasing her case or her confirming it, "Kieran Harris was blatant, violent, threatening, raped and humiliated me. On the third occasion spiked drinks; he raped me on the third not the fourth. He was not nice, there no grooming or build up, there was no emotional manipulation. It was always dark. The first time was brief, less than one hour, the others a couple of hours." Her case is 4 to 5 hours maximum in which to form the impression she does, or conveys in the face of strong insistence to the contrary, her case against Kieran Harris.

The issues Mr Wilson identified commendably clearly -- not commendably, he was doing his job -- never raped, no sex, no assaults, never violent, never spiked drink, never filmed; not him if any of that happened. No reference to Kieran in the Taylor/Gattenby, to social services, CMS, police and Barnardo's. "The first time you mentioned Kieran was to solicitors 17th of September 2014?" That is the question. [Person A1] said "Okay", but she says the police got called one night to [Location E1] when was causing trouble. It was said to [Person A1], "In the first trial you disclosed everything to Taylor and Gattenby?" Answer "Yes", and she said "I was ready to make a complaint but they didn't come back, but the reality is I didn't go into every detail."

"Kieran's name is missing as of and at the 12th of July 2013?" Answer, "Just like many others, until I went into detail in my DVDs." She said to Mr Wilson, "The reason I did not mention Kieran Harris was it was the worst, horrible most humiliating sort of thing; it took a lot more effort to talk about it. Memories of him keep me awake; it is memories of what he

did that make me sick." That's what she says in answer to the question, "Every time I rang the police I was left in a worse position, nobody did anything." Clearly, that is her case; doubt cast on it by the defence.

The rape with Kieran Harris compared to [REDACTED] was different. Well, what she actually said is that she was looking at the rape by the likes of as she says Kieran and [REDACTED] being different, "They were blatant they were violent, not like the others who made me feel family with the build up. When I complained of earlier rapes not a thing happened, why should I repeat the same pattern of failure?"

Mr Wilson wanted answers to the questions as you might expect, "Why didn't you complain at every opportunity?" Answer, "Nothing had happened, why should I repeat the same pattern of failures? I felt absolutely worthless, I had no strength left. I cut myself, I was drinking to forget. The reason I did not report Kieran Harris, I had been left to deal with this by myself. Once I was 18 I wanted to move on and build a life. I was happy; I did not want to report things then. I certainly told solicitors in 2014."

She, under investigation from Mr Wilson very properly, said, "My case is the first time a blow-job was requested, second time rape, third time spiked and raped, fourth time spiked. I told the solicitors Kieran had turned up with other men, what he did was very traumatic." She said to Mr Wilson, "He raped me, recorded it, showed it to his friends. I describe Kieran as pointy-faced, evil and horrible. He dressed smartly, as did the others."

She pointed out to Mr Wilson, who does take issue with the accuracy of the video identification parade, you know her mistakes in the [REDACTED] parade saying afterwards she had made a mistake. You know that after she picked out -- when she was asked the question "Is this the Kieran Harris?" on the parade upon which Kieran was, she said "Yes" it was, but afterwards she said words to the effect "I don't know anything anymore." So lacking in sureness, and upon that Mr Wilson very properly dwells.

So her case is "I did a lot of Vipers", she admits everything in relation to the chronology, but her case is "I know who raped me, I identified Kieran Harris. It was my choice to accept the friend request from Kieran and exchange details, but it was not my choice to get raped. After he came around he took my choices away. I faced a position as somebody in care, the police

didn't care." According to her the police had told her, this is what she told Mr Wilson in answer to his questions, "That I was a child prostitute making lifestyle choices."

She said "Kieran would bray and kick at my door." "Why let him in?" That really was Mr Wilson's question, "Why have anything to do with him?" Very, very solid questions if I may say and in answer to them she said, "Kieran would bray and kick at my door. I was trying to move on away from Sid's set. He did drag me by the hair, Fahim and [REDACTED] stood in between. He insisted on my putting something sexy on. I had sex with Fahim on all fours; he left briefly, I looked behind me and saw Kieran having sex. He did not have permission to have sex. I know 100 percent it was Kieran. Fahim is not the one who raped me." And she doubts whether he would harm her.

She told Mr Wilson because Mr Wilson's questions were long, comprehensive and covered a lot of ground, [Person A1] said more and more things. That is the way it goes, ask a question the witness says more stuff I imagine. She said, "You forget I have gone through years of abuse; my perceptions were warped. I know when my drink has been spiked." She said to Mr Wilson, "Drink and drugs did not wholly impair my recollection, I could distinguish reality. The people to whom I complained did not follow it up." She said, and I quote in answer to I think Mr Wilson's last question, "It is very, very hard to admit, to tell you are being abused; it tears you apart, it kills you. You can't sleep, and the trauma and the ABEs." And so on and so forth. So there we are, we will come back at 10-past-2 please, not much more to go. Thank you very much.

(The jury left court)

[REDACTED]







[REDACTED]

(Adjourned for a short time)

[REDACTED]

(Section from 2.11 p.m. to 2.32 p.m. previously transcribed under a separate order)

[REDACTED]

(The jury returned into court at 2.33 p.m.)

JUDGE DURHAM HALL: Okay, ladies and gentlemen, sorry about the slight delay. I have just been going over my notes to make sure, because you know you are going out in about the next 40 minutes you will be out in retirement. Not for long today, but to make a start and find your feet and roles and who is to be your foreperson and all that sort of thing, and get used to the idea of actually being truly in charge of your case. It must seem that that is far from the case, but I am afraid it is entirely what we are about here, and what we are about on this side is being as accurate as possible.

I am going to come on very shortly to Fahim's cross-examination of [Person K1], because of course Kieran, alleged rapist, and Fahim Iqbal are joined aren't they on one count. So it is right that I perhaps present as the barristers agree -- a matter for me I know, but they agree it is fine -- the cross-examination of Mr Wilson on behalf of Kieran Harris which I have just done. I will tell you in a moment about Fahim Iqbal's cross-examination of [Person A1], and then I will move to -- move to Kieran's evidence, and then of course the final witness, Mani or Mohammed Usman. Then I am not going to say any more because it is high time, having had this matter if I may say so presented to you so comprehensively, you started your work.

There was something in Zeeshan Ali's case that I had mis-noted, let me deal with it in this way. Miss Melly as you know re-examined [Person K1]; quite rightly, that is what counsel are there to do, especially when the evidence of the prosecution witness given in-chief is spread across years of police work and interview from 2014 to 2016. Therefore, re-examination is necessary to bring the strands of the prosecution's assertions, which they

must prove remember, into focus.

So, for example, she cross-examined [Person A1] about Naveed Akhtar, about whom I have made some comment, and in that cross-examination, for example, [Person A1] talks of Parvaze. As far as Naveed Akhtar is concerned, [Person A1] told you in re-examination that she remembers two clear full times of sexual intercourse with Naveed. There are 3 counts, she thinks there was a third time. She's not clear about the detail, she can't say 100 per cent, but she says she is sure "There was sexual intercourse on the third time, I'm pretty certain." Indeed, she had said in her original DVD she has a recollection of sexual activity on the third occasion, and her evidence is essentially "What else would it be."

So there you will have to look at that third count with care, but the prosecution say there is nevertheless clear evidence of two full sex incidents; the issue, was this groomed consent or genuine consent. The third pretty certain, and you will determine whether in fact -- and I can't say "Yes" or "No" as a matter of law -- you will decide whether or not that is evidence of a third intercourse episode, query was it rape.

[Person A1] said to you "I tried avoiding strategies", and she can't ever remember using the word "No." He, Naveed, never inquired as to my attitude and I didn't fancy him. She said this then which is relevant to Mr Bell and Mr Dallas, "Apart from Pav and Fahim it was not a case of fancying them at all; I had no physical attraction. Only with Pav was there any attempt at romance, that is something normal, but always heavy drinking and drugs." Basically, therefore, in dealing with Nav's case she is saying all locations she is sure was in the front room, second sure upstairs in the bedroom, third not clear which bedroom but clear was sexual activity.

Parvaze Ahmed, you know his case when Miss Melly came to cross-examine [Person A1] about him, never mind Mr Parvaze himself which I have already summed up. You know that I've read out to you parts of [Person A1]'s ABE word-for-word, "Did you consent?" Answer, "Yeah." Indeed that ABE went on to ask another pertinent question, "On every occasion?" "Yeah, I liked him." You know what the issue is in his case. You know what he says, Mr Bell says, "Yes means yes." You know what the prosecution say and you have my written directions.

To Miss Melly about Parvaze Ahmed [Person A3], [Person A1], said "Pav knew all about my circumstances and me his. He brought large quantities of cocaine to the house, Sid's. Every time we had sex I was under the influence of drugs, I was under the influence of cocaine." She does confirm to Miss Melly -- whether this is right or not is the issue, the first talk of having -- was having a go back at Nav, but otherwise there was no talk or questions.

It is important I remind you of this, it is simply as to quantity or occurrences. She thought sex was over 6 to 12 months about she thought, this is her final estimate in re-examination, some time at the end of when was it January of this year in this trial about 10'ish times, minimum 7, maximum 15. That is on my calculation if it is a minimum of 7 first time and a minimum of 6, all right.

Now there is one thing I clearly misread, Zeeshan Ali does not dispute being at Sid's house in company with [Person A], no issue about that at all. But of course it is his case, as put to [Person A], that he denies being present on that important night when [REDACTED] was there and she was she alleges later raped by [REDACTED], allegedly. Of course, that is the night when [Person A1] is, as she says, clear there was this inappropriate touching.

Again in re-examination to Miss Melly, [Person A1] said "This isn't confusion with the other T", and I am going get into hot water again here, who she referred to as Billy's younger brother. Does that make sense? Good, phew. There is no confusion with the other T, but she does know another T, "That night I first saw him, this T, at Sid's. I was looking at him for half to one hour before we left. I had seen him on a couple of occasions beforehand. So I saw him at Sid's well-lit in the taxi, in the house and after sexual intercourse with [REDACTED]." I suppose that is before and after, and again she said a few months later. So you have got Miss Hertzog's point quite right, he does not deny presence that night, but equally [Person A1] says "I'm clear it is him."

Now before I remind you of Parvaze Ahmed's evidence, and there may be one or two matters that I need to come back to there, I cannot understand or absorb every argument in this case. You would have to be I regret to say a lot cleverer than me to carry in one's head, or in hundreds of pages of notes every conceivable argument and how things are constructed. That is why the barristers although not giving evidence have to be, as they have been, at such pains to weave together the threads of their argument, do you follow?

For example, to take Kieran Harris' case for example, there is not confusion, there is clear evidence that [Person A] has expressed the view, and maybe expressed it [Person K1], that [REDACTED] is Fahim Iqbal's cousin. She thought [REDACTED] did she not on that first ABE, was [REDACTED] -- was Kieran. That's right, Mr Wilson, isn't it?

MR WILSON: I have the note.

JUDGE DURHAM HALL: Well I had better have a look at it; give it to me now.

MR WILSON: You had better have the note, your Honour, it might assist your Honour.

MISS MELLY: Yes, we haven't had time to check that against the evidence.

JUDGE DURHAM HALL: All right, I will come back to that.

MISS MELLY: But I can pass it to you.

JUDGE DURHAM HALL: I will come back to it. There is a danger I won't come back to it, but I will deal with that. I am trying to help, ladies and gentlemen, trying to help but I am not here to re-mash the arguments in the case, other than to put the propositions for you to consider, do you understand? There is an issue in Kieran Harris's case, and how many times have you been told or do you need to be told that?

What I am going to do, before I tell you what Kieran Harris actually said in evidence without any spin on it, is that Fahim Iqbal asked questions of [Person A1] do you remember, and they are linked together, Kieran Harris on Count 22. He has an interest clearly in what was happening in that house, [Person A1]'s house on the night in question, and he comes here to be accused of aiding and abetting Kieran Harris to rape [Person A1].

Fahim was 17 and a half -- no, [Person A1] was 17 and a half and I think Fahim was about 19 and a half at the material time. They met in December 2010, there was a party. If cocaine was taken, she said Fahim didn't bring it. Fahim put a stop to nonsense with others, including Kieran Harris. Fahim used to try and come without Kieran. She didn't like being around him [Person A1] said, didn't approve of or like him. Fahim and Kieran only came together by chance that night, they were friends of friends. Of all those who came in those 3 cars one had Fahim and [REDACTED], Kieran was in another, and there was a third car with others with even more interesting nicknames. She said, "I was still in pyjamas. I was grateful for Fahim and [REDACTED] standing up for me. Kieran wanted me in some sexy clothes and pulled my hair. I changed to keep the peace, because Kieran would just have gone on. I ended up on Fahim's knee kissing and went to the bedroom, all voluntarily. I wanted sex with Fahim, it was 2 to 3

o'clock in the morning." There was no ambient lighting, whatever that means; it was dark presumably. "We mutually undressed and started sex from behind. There was a childish interruption, I saw [REDACTED] and [REDACTED] at the door laughing. There was another disturbance at the door, I was a bit drunk. I stayed in position whilst Fahim went to the door, this on our first time. We had sex later the same night, then nothing felt right. I looked behind, the door was open and I could see enough, but it all happened quickly. I heard Fahim say 'Bugger off' at the door. I immediately objected and Kieran stopped."

It's her case that that is what happened. The question, "How long was Kieran having intercourse for?" Answer, "Very short, maybe a minute or two. I know Fahim came at some point, he was stood there at some point, but I cannot say when; it could have been afterwards. I don't know where Fahim was earlier on. It could have been the humiliation by Kieran that confused me and caused me to make assumptions. I cannot say he was even in the room at the time. When he was there saying 'Sorry, sorry' I don't know, or then he was there. I do not think Fahim set it up. I do not blame Fahim, I blame Kieran; he raped me and I put my head in my hands and cried. I couldn't honestly say that he, Fahim, stood there and watched. Fahim got rid of everyone else, everybody kept saying 'I'm so sorry.' I said to everyone 'Fuck off' and that's it. I wanted Fahim to stay and he did, we had consensual sex. It was the start of a relationship. I was very keen on Fahim until [REDACTED] came. He seemed genuinely sorry."

Just on that matter, ladies and gentlemen, before I move on to Mr Kieran Harris's evidence, given you remember very carefully before you. Miss Melly wanted to test that version of events, which was on the face of it inconsistent with the evidence in the ABE; you know that, or apparently. She said to Miss Melly, "I was aware of Fahim stopping and taking his penis out. He said one minute and walked towards the door, I just waited slouched into my arms. The disturbance was outside, it was childish. As far as I was aware no-one else came into the bedroom. I heard Fahim saying basically 'Fuck off', when I knew it was not Fahim I moved and said myself 'What the fuck' and 'Get away'. Kieran just laughed. Put his penis in his pants and went away. It was the feel, the way he was doing it. I was humiliated, head in hands. Fahim went forward and backward saying 'Sorry, I'm so sorry, I didn't know.' I made assumptions about what he meant, i.e. 'I didn't know you didn't want him to join in or come in.' I cannot say that he was stood there watching, more time may have passed it could have been up to a minute later. As soon as I looked and saw Kieran I moved straightaway and covered myself. I'm sure it was Kieran when I told----" And apparently she said so later to

Fahim that it was.

Now, ladies and gentlemen -- is there just something you would like me to look at about this?

MISS MELLY: Yes please.

JUDGE DURHAM HALL: Just about Kieran Harris's case?

MISS MELLY: Your Honour, obviously there are two different handwritings.

JUDGE DURHAM HALL: Oh lovely.

MISS MELLY: The first comments are from----

JUDGE DURHAM HALL: Yes we will have a chat about this in a minute or two, it will take a while and I don't want the jury to be too distracted just at the moment, thank you. So just a moment if you don't mind, ladies and gentlemen. Whilst I do that, Mr Moulson you raised a point with me which I tried to convey to the jury, namely the second count in Saeed Akhtar's case.

MR MOULSON: The second allegation of----

MR DURHAM HALL: Prostitution.

MR MOULSON: Incitement.

JUDGE DURHAM HALL: That is, in fact, based on the evidence that I did tell the jury.

MR MOULSON: It is.

JUDGE DURHAM HALL: That there was in fact it was, it's trying or encouraging or asking; nothing actually happened.

MR MOULSON: Yes.

JUDGE DURHAM HALL: She didn't do it.

MR MOULSON: That is quite right.

JUDGE DURHAM HALL: All right, did you get that, ladies and gentlemen? I thought you had, but Mr Moulson out of a sense of extreme caution, quite rightly wanted me to deal with that. Right, ladies and gentlemen, the penultimate defendant who gave evidence was Kieran Harris. Now would you like to give that back to the parties, Mr English, I don't want it; I can't make head nor tail of it.

He is now 28, in November 2010 he was 20. He only knows Fahim from Dewsbury and in 2010 he knew of him via mutual friends. He knew of Fahim's cousin, [REDACTED], as well. He knows [Person A], not [Person B1] nor [Person K1]. He got to know [Person A1] through Facebook, about the same age. No dispute about that when you consider the evidence of who the person [Person A1] is talking about. In interview he told Mr Wilson "I thought Fahim

introduced me", but there it is. "I only ever went to the [Location E1], Dewsbury address after the 24th of November. I met her 4 to 5 times over a maximum of 3 weeks." He went with [REDACTED] and [REDACTED] one of the names indeed [Person A1] remembers. There could be 8 to 10 people in the house, a place to drink and mess about. Nothing happened, smoked and alcohol, nothing sexual. He only stayed he says 30 minutes to an hour. "I saw Fahim and his friends there, nothing happened, no falling out." He only stayed so little because people he says were stupid in the house, not him inferentially or directly. "I didn't ask for a blow-job; if it happened, not me. I didn't grab her by her hair and ask for sexy clothing; if it happened, not me. I didn't swap and rape her; if it happened, not me. There was no sexual intercourse with others in my presence; if it happened, it wasn't me. I didn't spike her drinks or rape her or film it or post anything on Facebook; if it happened, not me. I didn't spike her drink on the fourth occasion in [Person K1]'s presence; no nothing, not me."

"The police found your number?" He accepts that, Mr Wilson knows that's the case. The interviews were looked at, Mr Kieran Harris told you he had been advised by solicitors and after in later interviews, after he had been told he had been identified and answered questions he didn't know there had been a purported identification of [REDACTED] or as to the comments "I am not sure anymore", yet he answered questions.

As to the two allegations of rape and so on, answer "Not me, she's lying or mistaken." The obvious gold teeth, some present from 2007, and the neck tattoo all are relied on by both Mr Harris and his counsel to cast doubt on [Person A]'s assertion when she picked him out and always, certainly in this trial, the Kieran Harris she picked out is the one who did things to her.

To Miss Melly Mr Kieran accepted "She, [Person A1], has no reason to lie about me. I left [Person A1]'s because of the environment of bad behaviour. I was there on one occasion when police were called to the noise and behaviour and we were escorted out." In interview he said a few times, but there it is he seems to agree with that now, but memories are difficult and the stress of giving evidence of course must be awful. "Nevertheless, I went back on other occasions." He accepts in interviews, or in the interviews, there was no doubt -- he had no doubt who they were talking about. "I do not agree with [Person A1]'s description of me; pointy features, nipped eyebrows." You have the photographs. "In interview I knew her and she knew me, but I said 'No comment'. I mentioned my gold teeth." Put the way it was to

suggest that he didn't know [Person A1] and vice versa, he could see the argument but there it is. "She was attractive, but I wasn't attracted."

He says now in terms of the interview, "My head was all over place, I muddled my words, but only when I appear to say 'Introduced by Fahim.'" You have got the interviews, you make of them what you want, I cannot go through every argument. Question, "You were aggressive?" Answer, "No." Question, "Why did you go if not to drink?" Answer, "Only for half an hour, only for the benefit of my Muslim friends." Question, "You say you only drank once or twice, why go?" Answer, "Friends, to keep out of the cold." Question, "What was in it for you, especially as the police came multiple times, sex?" Answer, "No." Question, "Why go back, there must have been something in it for you, to use [Person A1]?" Answer, "Certainly not."

The last person to cross-examine [Person A], before calling his client, was Mr Ferm. Never met him before. She of course at that time was worried about [Person S], hoping she would come home. She was having contact, grandma closely involved and supportive. She confirms that on the time the police were called nothing sexual happened, nothing sexual happened when [Person K1] was staying. After the 30th of July Mani never came back to [Location C] at all.

Mr Ferm deals with a number of reports and other matters dealing with [Person S]. Question, "No mention of abuse?" Answer, "No, I was concentrating on getting my life back." This was in relation to drug and alcohol abuse counselling. [Person A1] said, "They didn't need to know; I wanted to get my daughter back. If they had asked me I may have told them. I was trying to rebuild my life, despite what these men did to me, years of brainwashing."

She is now a 25 year old, ladies and gentlemen, and she told Mr Ferm when he was asking her questions, "Seven years after I was last touched, twelve years after the first, I still struggle with my feelings for these men. I did not know how a relationship worked."

The next morning when Mr Ferm recommenced his cross-examination of [Person A1], she reports at the time that her focus was on [Person S], not going over other matters. Mr Ferm was putting to her the opportunities to talk to authority and those in positions of authority about this. She says, "I did not deliberately tell any health professional I had been raped. I

can only say I know the beginning and end date of this occurrence, which was with the urinating incident." In other words, her period with Mr Usman.

She referred to him, as Mr Ferm put, to the police as "My ex-boyfriend." She said, "He drank causing problems, being aggressive, threatening to break my jaw. The police log doesn't contain all the detail. I wanted him out of my property, that was my objective." That relates to what she said and didn't say, seized on very properly and professionally by Mr Ferm in relation to the urinating alleged incident. "In fact, he had tried to strangle me" she says. "All the police did was to take him away, I hardly spoke to the police. I called him my ex-boyfriend because that is what he wanted, I didn't think I had a choice; I was too scared to say no."

She told Mr Ferm, who very fairly was asking and obviously putting the client's case, which is that nothing happened sexual or truly violent on any occasion, "I didn't get given choices about who was coming to my house. I was threatened, beaten up, stabbed." It was suggested by Mr Ferm that [Location C] was a party house, she said "No." Question, "He was never violent, he was never threatening or abusive, he never raped you?" Her answer, "He did, they happened."

That was in cross-examination, what did the gentleman say in evidence when he came to the witness box? He dealt with his past, there is no issue at all to be drawn from his return from Pakistan, he wasn't evading detection I think, nor is it suggested. He has had real problems with alcoholism and drugs at the material time. He knows he was called Mani. His case is looking back he thought [Person A1] was 20 or 21. He thought it was common, or he says it was common for girls to ask for his number, and her number was stored as a dot because he was drunk, I presume drunk when he put it in.

About the first occasion, that was the first time he met her, when he got her number the second occasion "She'd text me to come around." In interview he of course said he felt sorry for her, there was no question of sex. "In interview I said I went to hers 3 times, the fourth occasion was the 30th of July. I was drunk, I didn't force my way in, but I had taken cocaine. I never spoke to her again."

Now Miss Melly asked some questions, not many -- was it Miss Melly or Miss Beattie; one of you did, somebody did? The first time he visited it was midnight with his friend Ibras. You remember [Person A1] said Mani was one of Ibras's mates or friends, so no problem there. "There were 14 or 15 people there, you could just help yourself to drink and cocaine. She wanted my number, I reluctantly took hers. The second time she invited me 2 weeks later. She just wanted to talk to me and take cocaine. I didn't want to take cocaine, she was disappointed. I was an alcoholic indeed at the time and taking cocaine. She was a young, attractive girl like the many asking for my number. She was not horrid, she made me food; she was pleasant. On the third occasion we were partying, me and Ibras went and arrived at 4 a.m. taking M-Cat, or people were taking M-Cat. I saw her walking down the stairs."

He didn't want the M-Cat, whatever M-Cat is, it's obviously a controlled drug. He left; he thought she was upstairs with somebody else perhaps, he can't recall. "Why do you say in interview 'After the third occasion I stopped going there.'?" "Thinking back, the fourth occasion I could only remember waking up in a police car. I remember going, but I was not violent." Question, "What did you do to make two girls leave the house?" Answer, "I don't know." Question, "Was she reporting, she was reporting she was scared you were back in her home, because of you?" Answer, "I was drunk and shouting." Question, "She was not doing that for money was she?" Answer, "No, but she's not telling the truth. That's not me love, I'm not violent. I was not interested in sex with this girl. I never harmed her, I was a friend, only one day of shouting. I don't know why she is lying about me."

Now it may be, ladies and gentlemen, unless there are any other small matters to be raised now, and there is one that I can deal with. Mr Ferm any matters?

MR FERM: No, your Honour

JUDGE DURHAM HALL: Thank you. I may have to come back to an issue of evidence, there was something I meant to say a little earlier, but are there any other matters? Mr Dallas, not from you -- are there any other matters?

MR DALLAS: Your Honour----

JUDGE DURHAM HALL: No, Mr Dallas, shush.

MR DALLAS: Apparently not, your Honour.

JUDGE DURHAM HALL: Are there any other matters that we can come back to later?

MR WILSON: There is just one matter that your Honour is going to come back to.

JUDGE DURHAM HALL: Okay, and I may come back to that tomorrow morning, ladies and

gentlemen. All right, whatever you may be talking about this afternoon in the short time that I am going to give you just to get settled in and rearrange the chairs, choose your foreman, foreperson, forelady -- ladies, you can let a man do it if you absolutely insist -- but you get my point, a democratic decision very important. There may be one or two matters -- you may have already decided -- there may be one or two matters that I have to tweak here and there, but I would rather do it in the morning when I have recovered my equilibrium and my voice a bit.

There is one thing I need to say to you just briefly. There was some, not argy-bargy but some genuine complaint for example that Mr Dallas hadn't put his case to a co-defendant, you remember that in the closing speech of the gentleman to Mr Dallas's right, Mr Wilson.

Can I just say this to you as matter of law, there will be no further discussion on this but just in case it is worrying anybody. Counsel for Fahim Iqbal put his case in cross-examination of [Person A1], and [Person A1] dealt with that and Mr Dallas was right to do that. Counsel for Fahim Iqbal was not obliged to cross-examine any other defendant, nor to put a case to them, and any suggestion to the contrary is wrong okay. So if there is any criticism of Mr Dallas I need to put that to bed straightaway, all right.

Now Miss Melly, Mr Iqbal, Mr Moulson, I intend to send the jury out now; not for long, I have repeated and I stress that I am not going to lock you up until 7 o'clock. In the old days, Mr Moulson, even before my day -- well juries were, you couldn't go home, when you went out that was it, either we all waited until you came to a verdict or we sent you to a hotel. Whether that was a good or bad thing I have no view, but we don't do that anymore. So I will ask you to retire in a minute and then I will give you separation, there will be no problem about that. I am going to do that now all right, just because we I am going to, all right. Okay, thanks very much.

Now look, ladies and gentlemen, you have heard over a somewhat reduced time but one of intense activity a lot of evidence. Nobody is expecting you to come to any conclusions until you have had all the time in the world to deal with this all right, but I do want you to retire because that is what you are here to do having heard all the evidence, having heard the directions of law, having heard and evaluated the speeches and my summing-up such as it was. If it was a canter I do apologise, but I am anxious that you retire and start to consider

your verdicts.

Now, ladies and gentlemen, what I have to tell you very solemnly at this stage is that in a trial you know your function, which is all 12 of you to have your say and work through this indictment count by count and come to a decision on each count, whatever it is. I am going to ask that you do, I am not sure it is enshrined in law it certainly is in practice, that you do appoint from your number -- well I think it is actually such old law that it is probably one of the firmest principles we know that a jury should select from its number somebody to chair your deliberations. You know why that is sensible, it makes sure that everybody who wants to have a say, who needs to have say, and you will in a case of this size, has a say; in other words, tries to make the process as efficient and sensible as possible.

That person can communicate with the jury bailiff, who will be sworn in for the start of your deliberations and every day thereafter. If you need any help from me I will, if you put it in note form, I promise you immediately address any problem you have. Your chair can communicate with the jury -- with the usher if you need mundane things, assistance with refreshment, water, pens, pencils that sort of thing okay.

The one thing your chair does absolutely importantly from my point of view is this, that when you at your convenience having worked through this indictment have come to verdicts on all counts with which you are all agreed, your chair will let me know through the bailiff and you will come back into court with your indictment and you will deliver those verdicts to me, all right.

There are some magic words there, you know you have to be sure and we have dealt with, but the important thing is verdicts upon which you all agreed. You will have heard of majority verdicts I am sure, but I cannot in law in this case accept any verdict from you on any count which is less than unanimous; the score in this case at the moment is 12-0, whatever it is. I will also say please that I cannot accept verdicts with which you are all agreed until you have verdicts on all counts, all right. So how you start, how you proceed that is how I am afraid the law is, all right.

Now you will take with you, and this is why I really want you to go and get settled in, take

with you your timelines and your agreed facts, a very important document. If I haven't addressed in my summing-up certain issues, it is because they are in the agreed facts. You will take with you the interviews and so on and so forth, and any other photographs and documents that you have been given in the case. Above all please when you go into your jury room, will you take with you your notes, very important, and perhaps even more important your own individual, soon to be collective recollections and impressions of this case, all right.

Now when the jury bailiff has been sworn in would you at least start. I will have you back, you know, within maybe 40 minutes or so give or take, but can we use the time even if that long to achieve at least the start of the deliberation, all right?

(Jury bailiff sworn)

JUDGE DURHAM HALL: Would you like to set off on your journey. See you shortly, thanks a lot.

(The jury retired to consider its verdict at 3.20 p.m.)

(Proceedings from 3.21 p.m. to 3.30 p.m. previously transcribed under a separate order)

JUDGE DURHAM HALL: Okay now what I would like to deal with, Mr Moulson -- I might as well deal with it now rather than go and have a lie down in a room with ambient lighting. Who used that word, it was you Mr Dallas, wasn't it?

MR DALLAS: Well for your Honour's note, I am sure it was your Honour's interpretation of my much simpler (inaudible).

JUDGE DURHAM HALL: Can I deal Mr Wilson's continued problem with----

MISS MELLY: The cousins.

JUDGE DURHAM HALL: His case, yes.

MISS MELLY: At this stage?

JUDGE DURHAM HALL: Yes. Does anybody want to go?

MISS MELLY: I would quite like to go, your Honour.

JUDGE DURHAM HALL: If any of the defendants want to go and stretch their legs, do so.

MR DALLAS: Can I go and take instructions from Mr Iqbal?

JUDGE DURHAM HALL: Do what you want, Mr Dallas, with pleasure. Gentlemen, I would like you back please for about 4 o'clock. Don't go home, the jury are in retirement you know that,

and I have to send them home before court closes.

JUDGE DURHAM HALL: Mr Frieze, would your client and Mr Iqbal like to go down? I do not require them again, not until we send the jury home, and even then I am not fussed. Miss Hertzog, did we deal with your problem, all right?

MISS HERTZOG: We did indeed thank you, I appreciate it.

JUDGE DURHAM HALL: Mr Bell, did we deal with your problem?

MR BELL: Your Honour, thank you.

JUDGE DURHAM HALL: Mr Moulson, did I deal with your problem?

MR MOULSON: Yes, your Honour.

JUDGE DURHAM HALL: Good, thank you, I can only commend Miss Batts' cooking, never mind her advocacy. All right, see you at 4 o'clock yes. Mr Dallas, I beg your pardon, but I take it that the matter I dealt with was the matter that was troubling you?

MR DALLAS: No, no your Honour, we are entirely happy with that thank you.

JUDGE DURHAM HALL: Good.

MR DALLAS: I am going to speak to him briefly about other matters.

JUDGE DURHAM HALL: That is fine, jolly good.

MR DALLAS: Mr Wilson has promised not to raise anything affecting my client.

JUDGE DURHAM HALL: I am sure he won't, there is no problem. Good, see you in 25, 30 minutes okay?

What I am trying to achieve, Miss Melly, is a form of words that deals with a matter that senior counsel says is very important, and I am very worried lest it be thought I am not grasping the point, I do grasp the point, or not grasping the need to make further reference to the jury about it. So is it right that I say something more to the jury about this in your opinion?

MISS MELLY: We would say that the matters that the defence wish the jury to have now as part of their evidence are not of such significance that they need to be included, but this has been raised now in front of the jury that there is this issue. Our concern is that what Mr Wilson asks for essentially is the drawing together of all of this evidence regarding cousins, which would amount essentially to a rehearsal of the defence speech at this stage.

JUDGE DURHAM HALL: Well I can't do that, but if I have omitted something factual, the witness said X or the witness said Y, I should include it, as I have in Mr Bell's case.

MISS MELLY: Well then it is -- the evidence that we think that perhaps Mr Wilson would stress of real significance then, is the fact that [Person K1] spoke of the cousin issue and that [Person

A1] spoke of the cousin issue, and that is that [Person K]'s evidence included her belief that Kieran Harris and Fahim Iqbal were cousins.

MR WILSON: No, that is not the evidence at all. I'm sorry; [Person K] has never mentioned the word "Harris."

MISS MELLY: Sorry, I'm using shorthand, "Kieran." I used first names only, I apologise.

JUDGE DURHAM HALL: Yes.

MISS MELLY: I have done it in initials, that's why. That is all I intended to say, that her evidence was a belief that Kieran and Fahim were cousins. But what is also important, and Mr Harris has omitted from what he asks this court to tell to the jury, is that [Person K1] went on to say that "It was them who used to call each other cousins."

JUDGE DURHAM HALL: Yes, that is what I thought.

MR WILSON: I think your Honour needs to look at the context of the interview, and I can hand up my copy if your Honour needs it.

JUDGE DURHAM HALL: Whose interview is this?

MR WILSON: This is [Person K]'s interview, and this deals----

JUDGE DURHAM HALL: Have I seen this before?

MR WILSON: Your Honour has, it will have been handed up when I cross-examined [Person K].

MISS MELLY: But what is really important is to focus on the note of what [Person K] said in this trial.

JUDGE DURHAM HALL: That's right.

MISS MELLY: Not on the ABE that she gave many years ago.

JUDGE DURHAM HALL: No.

MISS MELLY: So if we could deal with what the evidence was.

MR WILSON: Yes, we can deal with it in that way, but she relates the incidents that [Person A] has told her. She says, she is then asked----

JUDGE DURHAM HALL: Can I just say I only want to know what she said in front of the jury.

MISS MELLY: Well no, I mean she agreed with this passage, that is the thing.

JUDGE DURHAM HALL: Okay.

MR WILSON: So I put the whole passage to her, and what she said was "So the name Kieran, had you met this Kieran?" Answer, "Yeah, he's Fahim's cousin." And the important point being from the defence point of view, that she goes on to say that he was "The dodgy one", i.e. the one to whom [Person A] was relating the incidents. It has to be inferential, because although her evidence in this court is that she thought it was them calling themselves cousins, inferentially in this interview she is referring to what [Person A] told her; hence she is able to

say "It was that Kieran, I think it was that Kieran." Question, "Have you met Kieran?" Answer, "Yes he's Fahim's cousin." And the importance is that the first person she picks out on an identification parade as Kieran is [REDACTED] who we say is Kieran's cousin, and that has been said in evidence.

JUDGE DURHAM HALL: Is Fahim's cousin?

MR WILSON: Is Fahim's cousin, yes. That is the important issue, I don't need the rest of it quite frankly, but it is the point that [Person K] has said----

JUDGE DURHAM HALL: All right, I understand, I understand the point.

MR WILSON: Does your Honour the passage?

JUDGE DURHAM HALL: No, I don't.

MR WILSON: If your Honour requires me to draft something out again, I am quite happy to of course.

JUDGE DURHAM HALL: No I know you are, Mr Wilson. Miss Melly, I have to in some cases act as I instinctively and properly feel to be the case. I think what I am being able to do when I see the whole picture would be to step outside the role of summing-up and to be in some way trying to further an interpretation, inferences or whatever placed on a body of evidence which is far from clear and not all in evidence.

I in the circumstances of this case, Miss Melly, do not feel able to assist either of you on this matter unless there is some very clear, bold statement of the evidence which I can simply read out to the jury in two lines or so as I did with Mr Bell, as in the sense that I have missed something out.

MISS MELLY: Yes, we understand.

MR WILSON: Perhaps I will draft something, but it will be just along the lines that [Person K] had told police officers that Kieran was Fahim's cousin.

MISS MELLY: No, it really has to relate to what she said in evidence.

JUDGE DURHAM HALL: Yes.

MISS MELLY: I am sure that facilities can be allowed to allow Mr Wilson if he doesn't have a note, and I am sure he hasn't had assistance of a note taker so it is not meant as a criticism of him, but certain aspects of it he said such as "The dodgy one" and so forth are not contained in our note. I am not saying it wasn't said, but there does need to be a very clear indication to this court. If something was omitted from your Honour's factual summing-up, then I think the defence ought to be able to point specifically to what was said by the witness.

MR WILSON: Well I put the whole passage to her, she agreed that she'd said it.

MISS MELLY: But went on, as I am sure you are aware, to clarify that. So I think if the defence were asking for this to be returned to, or for this issue to be covered there does need to be a clear indication of a fair reflection of what [Person K] said about this.

MISS MELLY: Well I am quite prepared to do that, I am quite prepared to reflect what she said in evidence in as short a form as I possibly can. So I will draft something tonight.

JUDGE DURHAM HALL: That is fine, just all we are asking, I am asking is----

MR WILSON: I mean, I realise what your Honour wants.

JUDGE DURHAM HALL: Just----

MR WILSON: Your Honour wants to stay out of the drawing together of the threads, which I did in my closing speech, but your Honour wants to just be addressed on what part, what important part of the evidence your Honour may have left out in the address to the jury.

So I think we can do that and I am sure we can come to some form of agreement between myself and Miss Melly.

JUDGE DURHAM HALL: Yes, sure.

MR WILSON: So I will be working all night on it.

JUDGE DURHAM HALL: No you won't; look, we have time to deal with this. As long as Miss Melly and you agree without any caveat that I can once this has been resolved, and it will take some time and it would have been very unhappy to defer the sending out of the jury because you may have to listen to the DARTS recording system.

MISS MELLY: We will have to, yes.

JUDGE DURHAM HALL: You can do that at your leisure tomorrow. Don't spoil your evening, Mr Wilson; nobody is going to do that I hope. Mr Kieran Harris your lay client knows that within the bounds of the law and what is accepted, if there is a factual error or something has been missed out said in evidence, I will pop it back in.

MR WILSON: Yes, your Honour, certainly.

JUDGE DURHAM HALL: No problem.

MR WILSON: Thank you.

JUDGE DURHAM HALL: As long as it has been done by agreement, you understand that?

MR WILSON: Yes.

JUDGE DURHAM HALL: Nobody will criticise any of us if it is done by agreement.

MR WILSON: No, of course not.

JUDGE DURHAM HALL: Right, that is brilliant, thank you so much. Mr Harris, you can have your bail with pleasure, thank you very much.

(Short break)

JUDGE DURHAM HALL: Thank you very much. Mrs Beckley, if you would make sure the lady or gentleman foreman from now on takes a seat nearest us, would that be all right if you can do that and we will have them in? I am intrigued to know who it is.

MR DALLAS: Of course, they might still be part-heard in the selection process.

JUDGE DURHAM HALL: Oh, could be.

(The jury returned into court at 4.06 p.m.)

JUDGE DURHAM HALL: Well, thank you very much. True to my word Mr Foreman, ladies and gentlemen, my purpose was clearly only to start the process of deliberation after so much

hard work and listening. I want you to go home now and put the case from your minds as it were, and come back tomorrow at 10 o'clock. That is the overview.

A separation direction is quite serious, ladies and gentlemen. As I say, solemnly in the old days jurors were not allowed to separate; it is like special measures and other things a much welcome development over the last 10 or more years, probably much longer actually looking back. A judge can permit a jury to separate once they have started deliberating of course, but the rules are very clear. When you leave the room and the jury bailiff is de-sworn to look after you, you must not deliberate about this case. You must not and should not gather all 12 of you, or in groups, to discuss the case. You know why, the jury process is that when all 12 of you are together with a sworn bailiff in your retiring room do you deliberate.

Of course, insofar as any of you may wish to communicate with each other for any other reason that is perfectly fine, and if you do in any way say anything about the case to each other just be careful not to -- do not do anything that even remotely involves making decisions. Do you understand that is the real purpose here, that you only discuss the case and deliberate and make decisions when you are together in your room? So best no discussion at all about the case please and certainly no decision making; best avoided like the plague.

All the other rules apply of course, no going on to Facebook, no doing any homework or communicating with anybody, very important at this stage, this critical stage. Don't take your eye off the ball. I will give you a real I am afraid salient -- or is that right -- relevant

warning. I mean even in this building of late a jury had to be discharged just because somebody was doing research on the internet okay. Absolutely, absolutely unbelievable but it happens and people forget; please don't you forget. Come back tomorrow, don't forget to do that either.

What I am going to ask and the rules provide is please come back to the jury, to the room -- to the building sorry, with a view to coming back into court at 10 o'clock, but when you come back into the building do not gather together or in any numbers and start talking about the case. Do not start deliberating again or discussing the case until you are back in court at 10 o'clock, the jury bailiff has been re-sworn and you go out again and then you start. Okay so as of now stop and don't start again until you are back in court and I have re-sworn the jury bailiff and sent you out, okay. That is fine.

Now tomorrow I am happy to accommodate somebody who has got an appointment is that right tomorrow, is it tomorrow? Good that is fine. Brilliant, so we will sit until 3.30 tomorrow okay. At 10 o'clock we will have to work, the same thing 10 o'clock. Friday 10 o'clock, but again we will see how we get on; it is a Friday and people have to travel. Friday is an important day for all sorts of reasons, both religious and otherwise, and we are all tired. So you go, no more deliberating. Mrs Beckley will tell you where to meet up in the morning, she will bring you back into court for 10 and start again. Clear? Good.

(The jury left court)

[REDACTED]

[REDACTED]

(The defendants left court)

[REDACTED]

[REDACTED]

(Court adjourned until the following day)

Thursday, 21 February 2019

(10.05 a.m.)

JUDGE DURHAM HALL: Thank you.

MR WILSON(?): We haven't had an opportunity to listen to----

JUDGE DURHAM HALL: Well that's fine. Whenever. I'll----

MR WILSON: It may get to a stage where-- but we'll listen to it after your Honour has stood us down.

JUDGE DURHAM HALL: Whatever. I'd like to know the truth of the position obviously. Thank you.

(The jury entered the courtroom)

JUDGE DURHAM HALL: Morning, everybody. Thank you so much. Well, good, all present and correct. Well all that you need from me is for the jury bailiff, the usher who becomes a bailiff, to look after you.

(Jury bailiff sworn)

JUDGE DURHAM HALL: Thank you very much. All right, ladies and gentlemen. There are-- there is one little thing I'm just checking out which I may have to give you a further direction on but can you just-- that's just to warn you. If I ask you to come back into court it's-- there's no crisis, it's just that I may need to add or comment upon something, just a minor matter. If you don't hear from me it's gone away, ignore that but can you retire please and continue your deliberations with a view to letting us know at your convenience when you have verdicts on all counts with which you are all in agreement? All right, thank you.

(The jury retired to consider its verdicts at 10.07 a.m.)





[REDACTED]

(The defendants withdrew)

[REDACTED]

[REDACTED]

(10.14 a.m.)

(Adjourned whilst the jury were in retirement)

[REDACTED]

(A note was received from the jury and considered by the learned judge)

[REDACTED]

[REDACTED]

[REDACTED]

MISS MELLY: Yes.





[REDACTED]

(The jury returned to court at 12.01 p.m.)

JUDGE DURHAM HALL: Thank you, ladies and-- thank you very much. All present? Excellent. Mr Foreman, ladies and gentlemen, somebody, all of you, are very keen eyed. Thank you for the note. We've resolved it. I can read the note to you if I may for the record:

“Count 4 indictment reads, ‘Between 08/09/09 [okay] and 07/09/11 [essentially the 16<sup>th</sup> to 18<sup>th</sup> birthdays of [Person B1]]. However under section 5 [or for count 5, whatever] it reads 15 May 08 and 07/09/09 [which of course was her 16<sup>th</sup> birthday].”

I, in my summing-up, probably looking at the dates as you have, said, “Before 16<sup>th</sup> birthday on more-- on at least one further occasion.” That’s the specimen count, okay, yes. There’s a problem with the dates here, no more, no less. Can we just go back? We can deal with it. Mr Fuad Arshad, the learned advocate, the junior for Mr Iqbal who can’t be here just at the moment, is entirely in agreement with Miss Melly and I agree with them and you will. Count

1 and 2, no problem. It clearly deals between first and then specimen-- a specimen when she was under 16. No problem. Count 3 and 5, of course, deal with-- the first two are vaginal. Count 3 and 5 deal with the oral rape. Okay, no problem there. It might have been better to put 5 where 4 is and 4 where 5-- I'm sorry about that but no problem. We know count 4 is a specimen vaginal rape from 16<sup>th</sup> birthday until 18 or-- yes, 18, September '11. So count 3 is no problem. Count 3 is the first occasion. The prosecution stick to their guns, Mr Arshad knows that, you've dealt with this. That's the first occasion of oral sex and clearly before 16. So the problem is count 5, multiple occasions. Now there is-- what the prosecution's case is to you and Mr Arshad agrees is that count 5 is meant to reflect as a specimen any further unlawful oral sex after count 3 but whenever it happened, not just before 16. So you remember I said that dates aren't terribly relevant in these cases; in this case that's right but can I ask you without any formal amendment to treat 7<sup>th</sup> September '09 basically as 7<sup>th</sup> September '11, okay, but count 5 is meant to reflect a-- at least-- if you find it proved, one non-consensual and so on, oral intercourse/oral sex in addition to count 3 but whenever it happened, not limited to under 16, all right? Could I-- may I ask is that-- it seems clear to me, is that clear to you, ladies and gentlemen? Yes, you simply say yes or no.

THE FOREMAN OF THE JURY: No.

JUDGE DURHAM HALL: No. I love it.

THE FOREMAN OF THE JURY: Count 4.

JUDGE DURHAM HALL: Count 4 is fine, isn't it? Count 4 is a specimen of vaginal rape between her 16<sup>th</sup> and 18<sup>th</sup> birthday. Count 4 should be seen in line with count 1 and 2. Understood? It would have been much better, wouldn't it, if we'd done it in a different number but it's too late now. Count 1 is first occasion. The first occasion, vaginal rape. The prosecution say you must be sure under 16, 14/15. Count 2 is their case that you can be sure-- are you sure it happened on at least one further occasion, vaginal rape, 14 or 15. Count 4 comes in reality after count 2.

The prosecution say you can be sure - the question is are you - there was at least one further vaginal rape when she was 16 or 17 or until her 18<sup>th</sup> birthday, okay? One, two, three-- three allegations of vaginal rape. One, first. Two, specimen. Second specimen up to 16. Third specimen, 16 over. Okay? Count 3 and 5 hang together. It's a matter for you to say what you make of it. This isn't the purpose of my assistance. Count 3, the Crown's case is first occasion of oral sex, was it rape? They say 14 or 15, that's what they say quite clearly until

7<sup>th</sup> September '09. Count 5 is they say you can be sure it happened at least one more time throughout the whole period of the relationship (in inverted commas). Done? Clear?

THE FOREMAN OF THE JURY: Thank you.

JUDGE DURHAM HALL: My apologies. I was as confused as you when I-- but now I look at the date and have asked the barristers-- it's my fault but I was like you, reliant on that date, okay? But in fact that's not their case, it never has been and it's not the case, Mr Arshad, you have met?

MR ARSHAD: Indeed. That is the case.

JUDGE DURHAM HALL: Okay. Remember dates, save for birthdays and under 16 and over 16, aren't really relevant but they're wrong in count 5. Okay, clear? Ever so grateful. Thank you. Sorry about that. No problem, that's what we're here for. Would you continue your deliberations, ladies and gentlemen? Thank you so much.

THE USHER: We just need two more (inaudible)

JUDGE DURHAM HALL: Oh yes we do. Because Miss-- I think one of your ushers has also got to go to a dentist with a broken tooth I need another jury bailiff to seamlessly take over if Mrs Beckley has to leave. So thank you, Jackie, could you do the honours?

(Jury bailiff sworn)

JUDGE DURHAM HALL: Thank you very much, madam. Another very senior usher here. If you see another face you know why. Dentist for you, Mrs Beckley, and we will-- because of your appointment I'll have you back at 3.20 today. Does that give you enough time?

MALE JUROR: It will.

JUDGE DURHAM HALL: Okay. That's the plan. Thanks ever so much.

(The jury retired to consider its verdicts at 12.10 p.m.)

[REDACTED]

(The defendants withdrew)

[REDACTED]

(12.12 p.m.)

(Adjourned whilst the jury were deliberating)

(3.11 p.m.)

(A note was received by the jury and considered by the learned judge)

[REDACTED]





[REDACTED]

(The jury returned to court at 3.19 p.m.)

JUDGE DURHAM HALL: Thank you. Good. Two more notes, no problem. “Can we watch the VIPER ID identification of Kieran and [REDACTED]?” Or-- yes, Kieran and [REDACTED]. As we saw in court, no problem. We’re going to set it all up for you for 10 o’clock tomorrow morning. No problem at all. Quite right. Not an issue.

“Please can we have an A-Z showing Bradford and surrounding area to help with key locations, for example, [Sid's address], [Location B1], Plaza Hotel, [REDACTED]re or [REDACTED] Lane (the gun shop’s location).”

I am not being rude, ladies and gentlemen, at all. You remember my direction - don’t speculate about what evidence there might have been. And I told you that I have in reality no power to order, however willing they may be, to order the parties to put before you any fresh material. So the law is quite clear. I’ll say no more at the moment although the barristers may consider it overnight and advise further in the morning but don’t be surprised if the answer does not change from no because it would be the introduction of something not dealt with in the trial. And please, please, ladies and gentlemen, may I ask you, be advised by me,

judge this case on this issue if nothing else, judge this issue on the evidence you have heard in court.

You will remember I said the parties are in charge, they put before you the evidence that they think is relevant to the issues you have to decide and therefore you understand why my answer is no but also be very careful, do not innocently, guilelessly thinking it's no harm, do your own research on this matter. It would-- that would be-- I can't dress it up. That would be wrong, okay. Don't do it. Judge the case on the evidence you've heard, all right? Be self-protective. I haven't said this yet. Watch over each other and make sure nobody makes any mistake in the following of my directions. They are meant to help you and protect you and I mean that, as you know, all right. So we'll come back tomorrow at 10 o'clock and we'll start with the VIPER's, the two that we saw, exactly as we saw them. There'll be no comment, no further submissions. You will see them and then retire immediately after to consider you-- continue your deliberations.

It's the same separation direction as I gave yesterday. When you go through that door the jury bailiff is de-sworn. Stop deliberating. Come back tomorrow in the designated space. Don't start chatting about the case or deliberating. Come back into court, I will re-swear the bailiff, we'll see the video together in court, it has to be I'm afraid in court and then you will carry on the good work. Thank you. Thank you very much. Mr Foreman, ladies and gentlemen, much obliged. See you tomorrow at 10.00 a.m., 10.00 hours. Thank you. Good.

(The jury withdrew)

[REDACTED]



[REDACTED]

(The jury entered the courtroom)

JUDGE DURHAM HALL: Okay. Thanks very much, ladies and gentlemen. Just-- sorry for the slight delay, we've just been setting up the equipment to show you the video identification parades as you requested. A brief revisit to your other note. (Inaudible) in hindsight it could have been different, I think everybody is sorry about the A-Z. However, the parties stress to me that they all approach this case rightly on the basis that geography wasn't an issue at all in the case. Yes, looking back it might have helped you to add a bit more colour, I don't know, but the sad fact is there is no evidence and I'm not permitted and none of these folk here can find a way round the law. There is and was no evidence on the matter. I can't help you I'm afraid. I think, Mr Shakoor, there are perhaps photographs in the bundle----

MR SHAKOOR: Yes. Yes.

JUDGE DURHAM HALL: -- of locations so have a look at those by all means. What you've got is what you've got, okay. Right now, onto the video identification parade, okay. Are we ready to do that?

MISS MELLY: And I think we're going to play the [REDACTED] one first----

JUDGE DURHAM HALL: Yes, the first----

MISS MELLY: -- because that was in fact first in time.

JUDGE DURHAM HALL: Good, good, good. Yes. We're not going to make any more comment please.

MR WILSON: Well, no, it's just that your Honour will be happy-- we can't play the whole of it because the whole of it wasn't played to the jury.

JUDGE DURHAM HALL: Oh, Mr Wilson, as ever, I'm sorry. I'm just frightened that we say or do anything that isn't-- wasn't shown to you in the case. Quite right. My apologies. All right. Lovely.

(Recording played)

MR WILSON: Your Honour, I think we stopped the video about here. My recollection is a little hazy so if we stop it there because I don't think we---

JUDGE DURHAM HALL: I think so. Just stop it. Is that all right, ladies and gentlemen?

MR WILSON: That's my recollection. If I'm wrong then no doubt I'll be criticised.

JUDGE DURHAM HALL: No. Thank you. Sorry, just stop. What-- I can't-- this is-- we've moved to the second one?

MR WILSON: Yes, this is Kieran Harris.

JUDGE DURHAM HALL: Okay with you? Good. Thank you.

(Recording played)

JUDGE DURHAM HALL: Thank you. Thank you, ladies and gentlemen. When the jury bailiff has been sworn in would you retire again and continue your deliberations with a view to letting us know at your convenience when you have verdicts on all these counts with which you're all agreed? Thank you.

(Jury bailiff sworn)

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

(The jury retired to consider their verdicts at 10.35 a.m.)

JUDGE DURHAM HALL: Thank you. Thank you, gentlemen. If you'd like to go and enjoy your bail in the building. We will do as we did yesterday. Assuming no developments, no verdict between 1.00 and---

MR IQBAL: 2.15?

JUDGE DURHAM HALL: Yes, 2.15.

MR IQBAL: Right.

JUDGE DURHAM HALL: Not a problem, Mr Iqbal. 1.00 and 2.15 and, to repeat, you can leave the building between 1.00 and 2.15.

(The defendants withdrew)

[REDACTED]





[REDACTED]

[REDACTED]

(10.43 a.m.)

(Adjourned whilst the jury were deliberating)

(3.01 p.m.)

[REDACTED]

(The jury returned to court at 3.02 p.m.)

JUDGE DURHAM HALL: Okay, thank you very much. Is-- good, everybody here. Is 9.30 Monday okay? Maybe Tuesday if necessary or Wednesday, that's fine. I'm very happy. End of a long week. Enough, yes? See you Monday, 9.30. You know the drill. Stop. Communicate with each other for any reason whatsoever, your choice, but not to discuss the case, all right? Absolutely a no, no. You know that. Watch over each other. Just make sure there's no problem and come back ready to come back into court when you meet up, no chat about the case. Come into court 9.30, bailiff sworn and on we go. Thank you very much indeed. Have a good weekend, really.

MALE JUROR: Thank you.

JUDGE DURHAM HALL: Thank you.

(The jury withdrew)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(The defendants withdrew)

[REDACTED]

(3.05 p.m.)

(Adjourned until Monday, 25 February 2019)

Monday, 25 February 2019

(9.31 a.m.)

[REDACTED]

(The jury entered the courtroom)

JUDGE DURHAM HALL: Good morning. Thank you. Lovely morning too but there it is, when the jury bailiffs are sworn in to look after you please retire, continue your deliberations and let us know when you have verdicts on all counts on which you're all agreed. Thank you. Okay, thank you.

(Jury bailiff sworn)

JUDGE DURHAM HALL: Okay. Just you, Mrs Beckley? That's fine, yes. Good, great. Thank you. All right, thanks a lot. See you later.

(The jury retired to consider its verdicts at 9.37 a.m.)

JUDGE DURHAM HALL: Okay, we'll see how we get on. I don't know what they're-- how they're working through. We may hear, we may not. We may hear sooner or later.

UNKNOWN SPEAKER: Of course.

JUDGE DURHAM HALL: It's a trite, ridiculous comment. Shall I simply say if no verdicts before lunchtime, no verdict between, what, 1.00 and----

UNKNOWN SPEAKER: 2.15?

JUDGE DURHAM HALL: Yes, why not.

UNKNOWN SPEAKER: Thank you.

JUDGE DURHAM HALL: Okay. All right, gentlemen, you can go. Thank you for being here. Mr Parvaze, however, I want to surrender to custody. Is he in the building?

MR BELL: I'm not sure, your Honour, but----

JUDGE DURHAM HALL: Thank you. You go.

MR BELL: I'll make enquiries.

JUDGE DURHAM HALL: I want him in court. Thank you. Thank you very much. Be on hand as you know but if nothing you can leave the building 1.00 and 2.15, okay? Thank you very much.

(The defendants withdrew)

JUDGE DURHAM HALL: All right. Mr Bell, if you can find him bring him into court at 10 o'clock.

MR BELL: I'll search the building, your Honour.

JUDGE DURHAM HALL: Obviously you will have to explain to him----

MR BELL: Of course.

JUDGE DURHAM HALL: -- that it is not right when everybody else----

MR BELL: Well there he is.

JUDGE DURHAM HALL: Well, Mr Parvaze, you're late.

DEFENDANT AHMED: I'm sorry, sir. I thought it was at 10 o'clock.

JUDGE DURHAM HALL: No, you didn't think that at all. That is completely ridiculous. You-- everybody else was 9.30, you know that, so-- but don't-- just don't do it again, hey?

DEFENDANT AHMED: Yes, sir.

JUDGE DURHAM HALL: Jolly good. Thank you, Mr Bell. Just-- yes.

MR BELL: I will have words with him.

JUDGE DURHAM HALL: That's right. Jolly good and off you go. Thank you. Are they all going to the gym or something? I'm a little confused. All right, thank you. No, Mr Bell, you tell your client obviously it is important.

MR BELL: I will speak to him----

JUDGE DURHAM HALL: Nobody else got it wrong.

MR BELL: -- in no uncertain terms, your Honour.

JUDGE DURHAM HALL: If you don't mind. It is vexing when we all have to----

MR BELL: Especially when we've all made such a special effort.

JUDGE DURHAM HALL: You've made an effort----

MR BELL: Yes and sweating for it.

JUDGE DURHAM HALL: -- and I had to-- and me too. All right. Jolly good. Smashing. No problem. I'll see you all later. Thank you.

(9.40 a.m.)

(Adjourned whilst the jury were deliberating)

(3.21 p.m.)

[REDACTED]

[REDACTED]

(The jury returned to court at 3.22 p.m.)

JUDGE DURHAM HALL: Welcome back. It's hard work, I know. The advantage of sitting at 9.30 is I have the pleasure of saying after six hours hard work enough for today. Agreed? Good. 9.30 okay tomorrow? Lovely, all right. We do appreciate your efforts. Could you-- really we do. Can we stick to the same plan? Through the door, stop. Come back tomorrow. Don't-- wait until you come into court at 9.30. Thanks ever so much. Enjoy the rest of a wonderful day if that's any consolation. Thank you. Thanks very much. See you later.

(The jury withdrew)

JUDGE DURHAM HALL: Thank you, gentlemen, very much. See you tomorrow. Mr Ahmed----

DEFENDANT AHMED: I know.

JUDGE DURHAM HALL: What's the time? Big hand, little hand. Thank you.

(The defendants withdrew)

[REDACTED]

(3.25 p.m.)

(Adjourned until the following day)

Tuesday, 26 February 2019

(9.38 a.m.)

JUDGE DURHAM HALL: Thank you very much indeed. Lovely. Sorry about that slight delay. I was just making some general enquiries about this, that and the other.

UNKNOWN SPEAKER: Thank you, your Honour.

JUDGE DURHAM HALL: Thank you.

UNKNOWN SPEAKER: Thank you.

JUDGE DURHAM HALL: Good morning.

MISS MELLY: Miss Melly apologises. She's been slightly delayed.

JUDGE DURHAM HALL: No problem and Miss Hertzog, good, okay?

MISS HERTZOG: Yes, much better, thank you.

JUDGE DURHAM HALL: Lovely. All right everybody? Thank you.

(The jury entered the courtroom)

JUDGE DURHAM HALL: Thank you very much, ladies and gentlemen. Thank you. All right. Well as soon as the bailiff has been sworn in again I must ask you to continue your hard work and you will let us know as and when you are ready. Thank you.

(Jury bailiff sworn)

JUDGE DURHAM HALL: Thank you very much indeed. Well thank you. There we are. Thank you.

(The jury retired to consider its verdicts at 9.40 a.m.)





[REDACTED]

(9.48 a.m.)

(Adjourned whilst the jury were deliberating)

(2.57 p.m.)

JUDGE DURHAM HALL: Thank you. Thank you. Can I give you the note for the file? Thank you.

(The jury returned to court at 2.58 p.m.)

THE CLERK OF THE COURT: Will the foreman please stand? Mr Foreman, please answer my first question “yes” or “no”. Have the jury reached verdicts in respect of all counts on this indictment upon which you are all agreed?

THE FOREMAN OF THE JURY: No.

THE CLERK OF THE COURT: Have the jury reached verdicts in respect of any counts upon this indictment with which you are all agreed?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 1 have the jury reached a verdict upon which you are all agreed?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 1 on the charge of rape do you find the defendant, Basharat Khaliq, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and that is the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 2 on the charge of rape do you find the defendant, Basharat Khaliq, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and that is the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 3 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of rape do you find the defendant, Basharat Khaliq, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and that is the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 4 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of rape do you find the defendant, Basharat Khaliq, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and that is the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 5 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of rape do you find the defendant, Basharat Khaliq, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and that is the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 6 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of assault by penetration do you find the defendant, Basharat Khaliq, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and that is the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 7 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of causing or indicting child prostitution do you find the defendant, Saeed Akhtar, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and that is the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 8 on the charge of causing or inciting child prostitution have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: Do you find the defendant, Saeed Akhtar, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and that is the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 9 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of rape do you find the defendant, Saeed Akhtar, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and that is the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 10 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: No.

THE CLERK OF THE COURT: On count 11 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of rape do you find the defendant, Naveed Akhtar, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and that is the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 12 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of rape do you find the defendant, Naveed Akhtar, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and that is the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 13 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of rape do you find the defendant, Naveed Akhtar, guilty or not guilty?

THE FOREMAN OF THE JURY: Not guilty.

THE CLERK OF THE COURT: Not guilty. You find the defendant not guilty and that is the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 14 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of rape do you find the defendant, Parvaze Ahmed, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and that is the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 15 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of rape do you find the defendant, Parvaze Ahmed, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and is that the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 16 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of rape do you find the defendant, Parvaze Ahmed, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and is that the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 17 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of rape do you find the defendant, Izar Hussain, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and is that the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 18 have the jury reached a verdict----

THE FOREMAN OF THE JURY: Yes. Yes.

THE CLERK OF THE COURT: -- upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of rape do you find the defendant, Izar Hussain, guilty or not guilty?

THE FOREMAN OF THE JURY: Not guilty.

THE CLERK OF THE COURT: Not guilty. You find the defendant not guilty and is that the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 19 on the charge of rape have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: Do you find the defendant, Izar Hussain, guilty or not guilty?

THE FOREMAN OF THE JURY: Not guilty.

THE CLERK OF THE COURT: Not guilty. On count 20 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of attempted rape do you find the defendant, Izar Hussain, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. On count 21 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of sexual assault do you find the defendant, Zeeshan Ali, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and that is the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 22 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of rape do you find the defendant, Kieran Harris, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and is that the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 22 on the charge of aiding and abetting rape do you find the defendant, Fahim Iqbal, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and is that the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 23 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of rape do you find the defendant, Kieran Harris, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and is that the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 24 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of rape do you find the defendant, Mohammed Usman, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and is that the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On count 25 have the jury reached a verdict upon which you all agree?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: On the charge of rape do you find the defendant, Mohammed Usman, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Guilty. You find the defendant guilty and is that the verdict of you all?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: Thank you. Please sit down.

JUDGE DURHAM HALL: Mr Foreman, ladies and gentlemen, you've delivered your verdicts. In relation to Yasar Majid I am going to give you the following direction. You have clearly spent a considerable time considering this matter. I will ask you in due course to retire again and in his case to do your best to strive to reach a unanimous verdict but if you cannot the verdict I can accept from you is one that is a majority but as I suspect you know a majority in our system is one with which at least ten of you are in agreement. The options are ten to two, eleven to one. You understand whatever they are but that is as the law prescribes. What I will do, ladies and gentlemen, is just ask you for a little while longer please to retire again today, concentrating only on his case, attempt to reach a unanimous verdict but if you cannot I will accept a majority in those terms, all right. If you would be good enough please to leave us and leave me to deal with other matters I will see you shortly, all right. Thank you very much.

(The jury retired to consider its verdict at 3.06 p.m.)

JUDGE DURHAM HALL: Now there it is. Yasar Majid, leave the dock please and wait outside.

(The defendant, Majid, withdrew)

JUDGE DURHAM HALL: Miss Melly, I do not know how matters are to proceed in terms of the jury but what I think we should do is I should deal with each of the defendants in turn now about bail or not and then come back to the jury and send them home for the night, all right?

MISS MELLY: Yes and then deal with sentence tomorrow morning? Is that your Honour's preference?

JUDGE DURHAM HALL: Well we will perhaps start the process. We'll discuss that in a minute.

MISS MELLY: Yes, thank you.

JUDGE DURHAM HALL: What do you think? We'll have a look at that.

MISS MELLY: There are some practical arrangements but I'll deal with that in a moment after your Honour has dealt with bail and remand.

JUDGE DURHAM HALL: All right. Mr Arshad, Mr Moulson and others, the jury have spoken. There it is. Now I do not intend to admit anybody who has been found guilty to bail. We

will come back tomorrow morning and take matters from there. If it's possible to resolve these matters tomorrow, so be it, we will, all right. Has anybody any better suggestion?

MR MOULSON: No.

JUDGE DURHAM HALL: All right.

MR MOULSON: Thank you.

JUDGE DURHAM HALL: I can say no more. All right, there we are. Mr Khaliq, thank you. Mr Akhtar, Saeed, Naveed, Parvaze Ahmed, Izar, Zeeshan Ali, Kieran Harris and Fahim Iqbal and Mr Usman, would you kindly go with the dock officers. I will see you tomorrow morning not before 10 o'clock. Thank you. (Shouting from the public gallery) All right off you go please. Thank you.

(The remaining defendants withdrew)

JUDGE DURHAM HALL: How terribly predictable that was. Mr Security Officer, those people will be excluded from the court. They will not return tomorrow and if they do I will arrest them all for contempt. I'm sorry, Miss Hertzog.

MISS HERTZOG: That's fine. [REDACTED]

JUDGE DURHAM HALL: All right. There we are, ladies and gentlemen, okay. Now let's just try and think ahead. Obviously people will be upset and that is only to be expected, including Mr Dallas and others I suspect but there we are. We'll have to see what happens with Yasar Majid. I have no intimation as to any thoughts either way, do you understand what I'm saying?

MISS BATTS: Yes. Yes, we do. Thank you.

JUDGE DURHAM HALL: Yes. So-- but we have to have a look at that.

MISS BATTS: Yes.

JUDGE DURHAM HALL: I shall have the jury back in 20 minutes I think and send them home.

MR MOULSON: Yes.

JUDGE DURHAM HALL: Enough is enough for today.

MR MOULSON: Of course.



[REDACTED]

(3.14 p.m.)

(Adjourned whilst the jury were deliberating)

(3.45 p.m.)

JUDGE DURHAM HALL: Thank you. Thank you. Thank you.

(The jury returned to court at 3.46 p.m.)

JUDGE DURHAM HALL: And then there was one, ladies and gentlemen, but no more deliberating tonight. You will stop. Same rules. You will go home, come back one more day, okay. Is 9.30 okay for you?

THE FOREMAN OF THE JURY: Yes.

JUDGE DURHAM HALL: Incredibly hard work. Okay, you stop, you go, relax, clear your minds, come back ready to come back, same drill. 9.30, all right? Thanks very much. See you tomorrow.

(The jury withdrew)

JUDGE DURHAM HALL: All right, thank you very much. Mr Majid, would you like to leave us and see you tomorrow. Thank you very much indeed.

(The defendant, Majid, withdrew)

[REDACTED]





[REDACTED]

(Adjourned until the following day)



(9.37 a.m.)

JUDGE DURHAM HALL: Thank you. Good. Thank you very much. Miss Melly - the jury in - I'm sorry about the upset in court yesterday and I know it doesn't reflect on Kieran's mum. She-- you're there, aren't you, or partner? All very distressing. But others did behave extremely badly.

MISS MELLY: And whilst we're on that subject, your Honour, may I just inform the court of a further incident that took place last night after the court had risen. Miss Beattie and I remained in the courtroom----

JUDGE DURHAM HALL: Yes.

MISS MELLY: -- for quite some time because emotions run high and I would never want to come into direct confrontation with the family of the defendants so we stayed in court for quite some time. When we left there was a group of people a little distance from the courtroom. We hadn't in fact realised they were connected with this case. As we walked past we took some words of abuse and at first----

JUDGE DURHAM HALL: Well what were those words?

MISS MELLY: I think they commenced with a slow hand clap and "well done", words about "corrupt" and being "tramps" and we ignored those but as we approached the top of the stairs Miss Beattie and I were called "slags" and at that point I decided that in fact the solemnity of the whole court building and our role as prosecutors meant that I ought to bring that to the attention of the police. So we walked back. They took that I think as a sign of trying to provoke but it was to walk back to go to the police room and we reported the incident. We were subject to further comments, including comments such as hoping that we would be raped and we reported those to the police officers. And we took the steps of having the officers identify those people to security so they wouldn't be permitted back into the building today and I hope that meets with your Honour's approval.

JUDGE DURHAM HALL: I of course this morning was made aware by my senior management of this. I didn't know it had been directed at you. It is in keeping with, sadly, as I said, the sad predictably of not the ladies present here who have behaved with dignity, you know who I mean, the family of Harris. And I think words such as "racist" were levelled at-- whether me or others. I mean the utter nonsense of such a comment when you bear in mind the significant proportion of distinguished Asian lawyers and advocates in the presence of the jury in Bradford where there are Asian members of the jury, you-- it beggars belief. I believe

then one of my staff, security staff, was physically abused. Is that right, Mr English(?) I think was it----

MR ENGLISH: I think (inaudible)

JUDGE DURHAM HALL: Well we'll say no more but then to find that somebody who's done no more than their job, who happens to be female, whatever that means, to be insulted in this way is absolutely outrageous. The press probably saw some of this.

MISS MELLY: I think it was some time after court rose.

JUDGE DURHAM HALL: Well, they're entitled to know about it and they're----

MISS MELLY: They are indeed.

JUDGE DURHAM HALL: -- also entitled to know that if and to the extent we can identify those responsible I will insist that their names are passed to the Attorney General with a view to their prosecution pursuant to the recent authority, the Lord Chief Justice's words arising from indeed a Leeds case, for the appropriate contempt, if it be a contempt. The police are aware and should take action to prosecute these people for racially aggravating and/or threatening behaviour, if not affray. So the powers that be must take action but I am so sorry, Miss Melly, that it happened to members of the independent Bar who have just done a job. Unbelievable.

MISS MELLY: I am very grateful for your Honour's words. Thank you.

JUDGE DURHAM HALL: All right. Well we need to just pop back to the matter in hand.

MISS MELLY: We do. We do. Thank you.

JUDGE DURHAM HALL: Mr Majid, this is no reflection on you, absolutely. Whatever else has or hasn't been said your behaviour has been impeccable and continues to be so and the jury are still considering your case, understandably. May I have the jury in please? May I beg that there is until there are-- this matter is concluded there's no reporting of any of the goings on, although your public would be very interested in this development in due course maybe. We need to have further words about security in a moment, all right?

(The jury entered the courtroom)

JUDGE DURHAM HALL: Good morning. Good morning. Good morning. Well done. Okay. Sorry to keep you. We were just trying to sort one or two little problems, probetas out, problems, all right. Brilliant. When the jury bailiff has been sworn to look after you would you retire and when you have a verdict with which at least ten of you are in agreement please let me know. Thank you so much. Thank you.

(Jury bailiff sworn)

JUDGE DURHAM HALL: Thank you, madam. Thank you, sir. Thank you, ladies and gentlemen. See you at-- when-- at your convenience, all right. You let us know at your convenience. Thank you.

(The jury retired to consider its verdict at 9.44 a.m.)

(The defendant, Majid, withdrew)

JUDGE DURHAM HALL: All right. Now as far as security is concerned the-- we'll call it-- the press box is full and will stay reserved for members of the press, the Probation Service and of course any lawyer who has been following the case, if they can find a seat that's fine in there. As far as the public gallery is concerned I am very anxious. I have spoken to my-- the managers here and indeed higher level. I'm very anxious that this is an open court. It will remain open to everybody, it must, not just because the senior presiding judge has encouraged us to remember we conduct justice in this country in the open, we don't exclude people unless there's a reason. So I'm very anxious that the police know that, for example, as I repeat for good reason, Kieran Harris' mum and partner and I think there's a close friend there, I'm not sure, they must be able to come into court come what may, all right. They won't-- they're not a problem. I'm sure there are others who are not a problem but there are some who are. I have ordered that insofar as security can identify those who caused a problem yesterday they're banned from the court.

MISS MELLY: Yes and I think there's been no difficulty this morning.

JUDGE DURHAM HALL: Excellent. I know we-- as it were, we are ready.

MISS MELLY: Yes. Yes.

JUDGE DURHAM HALL: Let them be assured we are ready to deal with----

MISS MELLY: Yes. There's a significant presence around the public areas of the building so----

JUDGE DURHAM HALL: Yes. It's a sad fact but then, as you rightly said, emotions are high and maybe people do speak or is it misspeak as somebody might argue, I don't know. But what else do you want me to do? For example, come what may victim statements----

MISS MELLY: Yes.

JUDGE DURHAM HALL: -- will have to be presented and if by a complainant, if they wish, you and I will insist that they can do so in court.

MISS MELLY: Quite, as of course----

JUDGE DURHAM HALL: Openly, whatever.

MISS MELLY: Yes and as of course is their right but may I take a little time this morning just because, whatever view is formed the night before, sometimes on the day views change so I'm going to discuss how we present that this morning with both complainants.

JUDGE DURHAM HALL: All right but what I have-- I haven't stressed to those who are mindful of my security and all these good people that if somebody insists, having shown the bravery that these complainants have, wants to come into court they will.

MISS MELLY: Yes. Thank you.

JUDGE DURHAM HALL: There will have to be very firm----

MISS MELLY: Yes.

JUDGE DURHAM HALL: -- rulings about what the public gallery may or may not do----

MISS MELLY: Yes.

JUDGE DURHAM HALL: -- because I would be down like a proverbial tonne of bricks obviously. I want you to consider if [Person A3], [Person B1] or [Person A1] want to come into court, how they do that----

MISS MELLY: Yes.

JUDGE DURHAM HALL: -- and what we should do with the public gallery generally, okay.

MISS MELLY: Yes. Yes, thank you. I just query-- I know not how large a public presence there is for the sentence hearing today. If there is an awful lot of family is there another court that-- live link-- that can be live linked to this court if there was a significant number of people who wish to be in the public gallery? Yes, there might be something that we could do, make arrangements to deal with----

JUDGE DURHAM HALL: Have a look at that.

MISS MELLY: Thank you.

JUDGE DURHAM HALL: All right. Well I'm going to leave. We're going to-- I'm going to rise as it were.

MISS MELLY: Yes.

[REDACTED]









[REDACTED]

[REDACTED]

(9.56 a.m.)

(Adjourned whilst the jury were deliberating)

[REDACTED]



[REDACTED]

[REDACTED]

([Person A3] entered the courtroom)

[REDACTED]

[REDACTED]

(The jury returned to court at 11.14 a.m.)

JUDGE DURHAM HALL: Thank you.

THE CLERK OF THE COURT: Would the foreman please stand? Mr Foreman, please answer my first question “yes” or “no”. Have at least ten of you agreed on your verdict in relation to count 10 on this indictment?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: Will you please answer only “guilty” or “not guilty” to my next question. On count 10 on the charge of rape do you find the defendant, Yasar Majid, guilty or not guilty?

THE FOREMAN OF THE JURY: Not guilty.

THE CLERK OF THE COURT: Not guilty. Thank you. Please sit down.

JUDGE DURHAM HALL: Thank you very much, Mr Foreman. Leave the dock, Mr Majid please.  
Thank you.

(11.15 a.m.)

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