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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

Wednesday, 27th February, 2019

Before:

HIS HONOUR JUDGE DURHAM HALL QC
THE RECORDER OF BRADFORD

R E G I N A

- v -

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

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

SENTENCING REMARKS

APPEARANCES

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

MR F ARSHAD appeared on behalf of the Defendant Khaliq

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

MR R FRIEZE appeared on behalf of the Defendant Naveed Akhtar

MR A BELL appeared on behalf of the Defendant Ahmed

MS G KELLY appeared on behalf of the Defendant Hussain

MR G J WILSON appeared on behalf of the Defendant Harris

MS F HERTZOG appeared on behalf of the Defendant Ali

MR A T DALLAS appeared on behalf of the Defendant Iqbal

MR R FERM appeared on behalf of the Defendant Usman

(Transcript prepared without the aid of documentation)

Wednesday, 27th February, 2019

(12.49 pm)

JUDGE DURHAM HALL: Now, I intend to deal with this matter now. I am not breaking for an adjournment now. We will have a lunch later. Anybody who wants to leave can go but I am not delaying this. Secondly, the defendants know this is not personal. The jury have spoken and as I pass sentence as I see fit, if the dock officers feel it right to kindly take any defendant or group of defendants down, that may be the better course but it is up to you. You are the professionals. Do you understand me?

Now, no major city in England and Wales, the jurisdiction in which I preside, not outside of course, seems to have escaped this problem - the scourge of blatant, persistent targeting and grooming by older men acting together or alone. The court is usually dealing with grooming caused by individuals, made only worse when people are together, of course.

Grooming of vulnerable young persons and both together and alone, Mr Khaliq on the one hand and the defendants up to and including Mr Parvaze Ahmed on the other, alone and acting together evident here and whether this is the case or not as the knowledge of the opportunity to take advantage of a clearly damaged young lady in a desperate position spreads or not it is not unknown for others to join in, as here, the misery, raping without blandishment but with violence.

Your primary victim, without diminishing the position of [Person B] for one moment, sits in court and that lady, [Person A1], has shown the utmost courage and no doubt for years she felt she had no voice, that she was powerless. Well, she has got a voice now, gentlemen, and whether this experience is healing or empowering for her I do not know but she has provided a lesson that others can follow. She knows the criminal justice process, I hope she knows, are here for the likes of her.

With great respect to all of you, you appear not to have shown in the offences or in the trial, with some exceptions of course, any respect for even the minimal standards of decent behaviour in this community and of course your offences show the utmost respect for the rights and wishes of the likes of [Person A] never mind [Person B]. Two victims in this case,

yet another grooming case, and in respect of the latter it is quite clearly summed up that [Person A] was treated by you or some of you as a toy or a commodity to be used.

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Now, we have heard the impact of your behaviour: [Person B]'s victim statement read out and that was moving; [Person A]'s statement read by her, coming into court as she, with our support, was quite right to do so and the severe psychological impact which will be lifelong but I hope lessening over the years has been demonstrated beyond doubt and it is all down to you, building on the damage she had already suffered, leading her and indeed in slightly lesser proportions [Person B1] into care.

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So, hopefully the message will be heard but your behaviour has been as wicked as it is incomprehensible to all in our society and in particular all in this community and the point seems to be this: the court has no confidence that even now after a trial, when this jury with the most clearly extreme patience and analysis has convicted nine of you, in the trial it was clear you did not get it and I doubt whether you do now. Nor sadly do some, not all, of your families and friends who left court last night and I only refer to that because any bad behaviour cannot possibly reflect upon you but the damage and hurt you have caused for your sexual pleasure has been revealed to all and the lengths some of you went to groom and corrupt certainly [Person A1] clearly into acquiescence, even addicting that young lady to alcohol and certainly to cocaine, are truly appalling and then to threaten and violently rape her beyond description.

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Now, the way in which authority dealt with your use of the victims, those of you who groomed, has been part of this case and I say no more about that but clearly in this case your victims have had to re-live their ordeal. I will come back to that in a moment.

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Today is 27 February 2019. This trial and indeed re-trial started on 7 January. The fact that it has finished significantly within our expectations is only due to the focus and professionalism of all concerned, your barristers and lawyers. Nothing has been ignored. No argument has been curtailed and no evidence has been overlooked in pursuit of a conclusion but the jury have spoken.

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It has been an ordeal not least for the jury, I am sure, and all in court but especially and overwhelmingly for the two victims: [REDACTED] [sic] and [Person A1],

A here, born we know July 2007 [sic] and together they found themselves as friends certainly in [Location B2] and from the age of 14 in care, vulnerable and damaged and no fault of theirs, they were relentlessly, within the confines of the jury's verdict of course, in the case of [Person B1] by one of you, Mr Basharat Khaliq, and in equally, in [Person A1]'s case, by the other eight of you, sexually abused following grooming in some cases (counts 1 to 16) and of course wherever there is or is not a connection with the groomers by blatant violence and threat in the cases of other defendants (counts 17 to 25) over a period of years starting from their fourteenth year into, in [Person A1]'s case, as Mr Ferm rightly argues, just into her eighteenth birthday. Those years must have been for [Person A1] a nightmare.

C Now, this gross example of child sexual exploitation came to light sadly in inquiries into another abuse case heard in Bradford by my predecessor, a former Recorder of Bradford, and of course it is as you know sadly the case that such cases have been recently dealt with across the country: Rochdale, Leeds, Rotherham, you name it, and it is a fact of this case of relevance that [Person A1] speaks of being taken by her groomers or some of them, perhaps not here, to other cities for the use of others and of course to [REDACTED] where the grooming really kicked-in in [Person A1]'s case, men from other cities being entertained.

E The ordeal suffered by the victim was re-lived in the lengthy and protracted pre-recorded interviews. Many hours, over 18 interviews over a period of time attribute to the skill of the interviewing officer, as the picture built up. The ordeal re-lived in the first trial aborted we know due to the impact of disclosure on the jury being able to complete their task and I am sorry but my predecessor, His Honour Judge Rose, must certainly receive my praise for the hard work he put in resolving those issues, making our task so much easier but in this trial, and this is the point, both [Person B1] and in particular [Person A1] had to re-live day by day almost the ordeal and that is not an attack on counsel who in my judgment put their instructions in a measured, proportionate and sensitive way, a model but they were the instructions some of you gave to them: to attack, to denigrate, to further humiliate, to call [Person A1] a liar and of course finally in three of your cases; Mr Basharat Khaliq's, Mr Saeed Akhtar and Kieran Harris specifically, you instructed your barristers to say this was a lie for the worst and most dishonest motive, namely money, and the jury have seen through that.

A The jury have seen, with great respect, this case for what it was: initially clear, determined and cynical insidious grooming of the vulnerable; grooming made so much worse in [Person A1]'s case not just the alcohol, the vodka given it seems when she ran out of money in almost an endless stream which led to her having cirrhosis of the liver by 18, but the real, the B addicting her to cocaine. Her first memory of [REDACTED], the 20 or 21 lines of cocaine given to her followed shortly after a period of lulling her into a false sense of security by the sexual use of her and she thinks of herself as a commodity.

C Now, what and importantly, as I come to precise cases briefly, what this jury in my humble opinion, coinciding with my reading of the evidence, have recognised that in the face of evidence of apparent consent, indeed it has been deployed fully by counsel, yes means yes. Indeed, enthusiastic yes. What this jury has recognised is that in these cases and this case of grooming the acts of you who did groom both [Person B1] and [Person A1] destroyed and was designed to destroy the validity of any consent from start to finish.

D The lawmakers must take note when grooming is proved and sexual intercourse follows how can that be consent. It simply will not work, as I am sure your barristers know, whether you get it or not, to say for the groomer to say, "There was no force. She consented. She liked it. She pressured me" and heaven forbid we have heard in this case, "I was the victim myself". E It is rape. There is no difference between rape following grooming of this proportion and rape with violence. The trauma is the same. The objective is the same and what did [Person A1] say as evidence has been touched on in the submissions about this.

F She described in her evidence, she was in fact talking about Sid (Saeed Akhtar) "I've treated you really nice. You've done everyone else so you need to do me." She described the inner voice saying, "You can't get out of this". "I just closed my eyes and beared it. They'd get me drunk. I just thought it, the sex, was something you had to do to keep the others happy."

G And as she moved to Dewsbury from [Location B1], "By this point everything had got so tiring I just didn't have any strength left to argue with any of 'em. They made you feel like you were wanted and then the bad bits happened, the aggressiveness or the sex. It were just summat that came with the package. If you wanted to have a friend you had to do the other stuff as well" and, of course, that sentiment was echoed in [Person I2]'s evidence and indeed H [Person K1] who came to assist their friend.

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And finally and towards the end, "At every home I got, every time I had a fresh start, they'd end up coming. They'd pick me up, we'd drive around and then they'd be, like, 'Can we come back to yours?' and it's like the same with the sex. You'd say, 'No,' for so long, then you just can't fight no more." No choice. No freedom and it is living with her to this moment.

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Now, in your case, Mr Basharat Khaliq, the jury found you unanimously guilty on counts 1, 2, 3, 4 and 5 of rape and of course that is against [Person B] whilst she was under 16 and then over 16, as Ms Melly, the prosecutor, Ms Melly QC's very helpful document breaks it down. Some counts specific instances, the first vaginal and oral under 16, subsequent specimens of oral and vaginal and of course then a specimen following the sixteenth birthday. I repeat no trap here for me. I deal with you on the basis of five counts of rape, nothing more, nothing less.

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[REDACTED]

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How you managed to get them into the hotel (count 6) we will never know but [Person A] who is far from unintelligent, a very bright if I may say and very gifted young lady, she clearly recognised you had some deal or arrangement. How can you get two 14-year-olds into a hotel in Bradford without some assistance and of course [Person A1] comes into it, further contact between her and [Person B1], not just [Location B2], because together (count 6) you took them to the hotel and whilst you looked at [Person B] sleeping on one side you digitally penetrated, assault be penetration of the victim, [Person A1]. That is the first count in her case, the end of the counts in [Person B1]'s case.

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Now, I have had to look very carefully at your position, Mr Khaliq. I have, of course, the victim impact statement, the effect and I have the Guidelines which have been looked at exhaustively and with the consent of all I need not go through them again but there is no doubt in [Person B1]'s case, never mind in [Person A1]'s case, there was here as you came to

know very quickly a victim particularly vulnerable due to her personal circumstances and

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The assault by penetration has to be dealt with by a consecutive sentence, all agree. The principles that I have to deploy in your case are totality and proportionality. You are now 45 but even then you were significantly older than [Person B1] and [Person A1]. I cannot do other than impose upon you a sentence that is determined to reflect the gravity of your position.

C

On counts 1 to 5 concurrently with each other there will be sixteen years' imprisonment. On count 6, the assault by penetration, all reduced to some extent for principles of totality, there will be a sentence consecutively of four years' imprisonment. The sentence upon you, Mr Basharat Khaliq, is one of twenty years' imprisonment. You can, if appropriate, go down.

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Saeed Akhtar, you are now 55.

E

I am not going through previous convictions. They are self-evidently relevant where they are and where they are not and they do not significantly impact upon this sentencing process which, as invited, is trying to achieve the least appropriate sentences in each case. There are, of course, relevant previous convictions in relation to the supply and trade in drugs in the cases of Parvaze Ahmed and Izar Hussain but they can wait for the moment. Mr Basharat Khaliq, Mr Arshad insists, has very little in the way of previous convictions. I have noted that. You, Mr Saeed Akhtar perhaps have little more of relevance. I have noted that but you, Mr Saeed Akhtar, with great respect to the considerable efforts of your counsel following the jury's verdict, notwithstanding their efforts, permit me to say that you bear a very heavy burden for what happened to [Person A].

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It matters not how contact was made either with [Person B1] or [Person A1] but when your brother, Naveed, came across an abandoned [Person A1] and [Person B1] on Baildon Moor, where did Naveed Akhtar take them at a very young age, 15, possibly just into 16 or

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thereabouts? It was to [REDACTED], your home, where you primarily set about befriending her and lulling her, disengaging her from such parental control from the local authority as she

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had, if any; supplying drink and drugs so that within a few weeks she started to have sexual intercourse with others including your brother. You bear a very high degree of responsibility for the effective grooming and subsequent abuse of [Person A] and as you said to your partner, the young [Person I2] at the time, "Basically everybody else has had her. I've been through her as well."

B

You had intercourse raped her as the jury have found, quite cynically because it was your turn, your due and we have heard what [Person A1] said about that and of course, to make matters, because you truly were treating her as merchandise and your home as a place for people to party, to take drugs and have sex, you sent [Person A1] off to get drugs into the house, to [REDACTED], in exchange for oral sex with him, hence the charges on the indictment of inciting her to engage in child prostitution. You appear on two such counts, 7 and 8, the first with [REDACTED], the second was inciting, nothing happened, and then of course over this period, eight or more years ago, you raped her.

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The Guidelines in your case have been looked at on both sides exhaustively. This is clearly, as in so many, despite in some cases efforts to the contrary, clearly by dint of the overall position or indeed simple application to each rape of the Guidelines, category 1A. It is your fault as well as the others that [Person A1] suffered such severe psychological harm. It is down to you that this particularly vulnerable was plied with alcohol and drugs. It is down to you that sex, in your case without protection, took place.

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The course the court has to take to measure your particular responsibility is either to deal with you the rape and concurrently for the prostitution, the pimping of this young lady, but I prefer to deal with the rape as treat as aggravating further features the other offences.

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Mr Saeed Akhtar, notwithstanding your age on the rape that you face (count 9) there will be a sentence of twenty years' imprisonment. There will be concurrent five years on each counts of 7 and 8, nominal concurrently to reflect the position.

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You can go with the dock officer, if they wish.

Naveed Akhtar, two counts. You are 43. You have a record of sorts, none of you have in reality anything for previous sexual offending, and you have been convicted of two counts of

A rape and acquitted on the third and those acquittals in this case just demonstrate how clearly the jury followed the evidence. Two counts clearly you raped [Person A1] in your brother Saeed's party house during a period when she thought you and she were in a relationship and before she was, as it were, passed on. You were close to the grooming. You knew of the grooming. You knew what you were, as part of the team, securing her willing acquiescence regardless of the psychological harm on this particularly clearly vulnerable young girl.

B Grooming always involves a degree of planning and you were acting together with others in more than once sense, whatever the mischief aimed at in culpability A, to achieve this and of course you were well aware and party to the use of alcohol and drugs and you introduced her to [REDACTED] and so on. So, you are, without descending into the unseemly detail of C ejaculation of not, you finally and additionally face two counts of rape of, at an early stage, when [Person A1] 15 or 16 was in the care of you at [REDACTED]

D The least sentence I can impose upon you I regret is one of seventeen years to reflect the two offences on each count concurrently and that is the sentence in your case.

E Parvaze Ahmed, you provide many difficulties, more for your counsel than the jury, self-evidently, but where to place you in the scheme of things. The temptation is to place you in a very high degree of both harm and culpability.

F You are 36. You enjoyed the company of [Person A1] on a number of occasions, having unprotected sexual intercourse with her when she was under the influence of both drugs and the cocaine that you as I am satisfied, close to the drug trade, had ready access and in your case of course, the rapes: count 16 - vaginal, first occasion; count 15 - a multiple occasion G count, the jury were satisfied no fewer than three further occasions; and count 16 - a specific occasion of oral rape. I am dealing with you for in truth five rapes of this girl. As I say, a particularly aggravating additional feature is that you were clearly party to the continuing H addiction of this girl, as I with great respect call her, so that you could rape her on the occasions.

Mr Parvaze Ahmed, I can do no more than in each case in your particular circumstances concurrently with each other sentence you to seventeen years' imprisonment for this multiple category 1A offence.

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Izar Hussain, you appear now to be sentenced for a rape and an attempted rape. The jury acquitted you, again a testament to their analysis of the evidence, on the middle two rapes but we are moving gradually away from grooming. Although you were connected to [REDACTED] and to Parvaze Ahmed through your, I am satisfied, interest in the drugs trade, your offences did not bother with the grooming or any courtesy. It was blatant violent rape and an attempted rape. A rape that was very much in your mind and only disturbed by the intervention of your brother. You remember the evidence. You said, apparently, "I'm only fucking about with her, playing about with her," and your brother said (I am quoting) "The fuck you are". It was an unpleasant incident of attempted rape, as the jury have found.

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Now, what do I do with you? You are 32. The age difference was a little different and there is not two rapes but one attempted rape but [Person A] was very, in her parlous position, very frightened of you and you took advantage of that.

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The sentences reflect the situation that you face. On the two counts that you face the sentences are sixteen years' imprisonment concurrent with each other and that is on count 17 and count 20. Those are the sentences of the court.

E

Kieran Harris, your barrister, with commendable skill, sought to show this jury that the identification by [Person A1] of you as this particular, I quote, "Evil pixie-faced man," of particular violence, was somebody else. This jury would not agree with that at all and you have been convicted of two violent rapes on the counts that you face, one of them aided and abetted in the swap by Fahim Iqbal and of course in your case, as [Person A1] has said, with accuracy in my judgment, as the jury have found, not only it was you but that you were deeply unpleasant. There you have a victim particularly vulnerable, in her own home, violence used against her, pinning her and so on, spiking or some such of her drink, recording it - additional degradation and humiliation.

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I am looking at all the factors without isolating harm and culpability because it is quite clear that in your case the circumstances together place you in category 1A. Particularly unpleasant series of offences. I cannot, having read the moving testimonials and [Person A] will understand that there are others to a lesser degree than herself, far lesser degree, the

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families and others who thought so highly of you perhaps cannot recognise what you did but there it is.

A Notwithstanding the character references the least sentence I can impose on each count in your case concurrently for two deeply unpleasant rapes is one of seventeen years' imprisonment. You will have to go with the dock officer.

B Fahim Iqbal -- I am going to come back to Zeeshan Ali in a moment, Ms Hertzog.

C Fahim Iqbal, you cause some problem. [Person A] here really liked you, Fahim Iqbal and to her great credit, maturely, trying to look back, she did not her best to help you but did her best to try and convey to the jury what she thought may be the true position looking back but in her first pre-recorded interview some three years before she made it very clear you were there. You having withdrawn from the intercourse, Kieran Harris took over and the jury have found so that they are sure, notwithstanding Mr Dallas's very careful submissions and as careful a summing-up on this matter that you were aiding and abetting Kieran Harris, **D** standing by, permitting the swap to take place as [Person A1]'s head was buried in her hands.

E Now, the basis upon which I sentence you must be, as [Person A1] herself argues, that you, Fahim, when together with the others were, I quote, not the likeable or adorable man you were on your own with [Person A1] but behaved like, I quote, "A wanker" and [Person A1]'s case is and my judgment the jury must have recognised this. Whether for a lark or a joke you thought it was okay to let Kieran take over. Well, that is, as you now know, rape. It is something that falls, however, in a different category. Clearly, [Person A1] was particularly vulnerable, not only because you would have recognised that on the general situation but also **F** because of her position at that time but I do not find culpability A in your case. It must be, in my judgment, B and I make therefore -- I also recognise that the age discrepancy was far less than in some other cases, absent the violent rape cases, of course.

G The sentence upon you, Fahim Iqbal, taking the starting point of eight years and reducing it appropriately to a sentence point is one of seven years' imprisonment. You go with the dock officers.

H

A Now, finally Mohammed Usman. Now, 41 or thereabouts. Again previous convictions but a blameless life lived, as with so many, in the ensuing years but your case again particularly troubling, particularly unpleasant.

B [Person A] was truly frightened of you because when you raped her at the end of her seventeenth year, into her eighteenth year perhaps, in her home, turning up uninvited and walking in, treating her and her property as yours to deal with, you were in a very dark place. You were not the man you are now, I appreciate, but you were particularly contributing to the severe psychological harm. You showed her violence and threat, arguably beyond that which is inherent in the offence and of course the second rape in your case must be seen against a background of violence shown in the first rape. She knew what was coming.

C There is a degree of uninvited entry into the victim's home in this case, dealing with harm, but clearly there is a high degree of vulnerability due to personal circumstances and in your case, yes ejaculation, of course; location of the offence and as you know, in due course, your behaviour was such that it did make her run away from her home but not on the occasion of the rape.

D It seems to me that I can do no more than place your involvement for two rapes, it would have been different of course in cases of an isolated offence, however appalling, into category 1A and in your case the sentence also for each case concurrently must be one of seventeen years' imprisonment and that is the sentence of the court.

E Zeeshan Ali, you have caused me some trouble. I cannot accede to the submission that for the sexual assault when you, part of the [REDACTED] crew, were with [Person A1], knowing of her condition, molesting her bottom and her breasts, I cannot accede to the submission that I can overlook that by a community penalty. It was in the context of what was going on an offence, out of character it may have been, against a vulnerable young woman who was under the influence, as you knew, of alcohol and drugs supplied to her and it may well be, if I understand the mission, that you were on a trip to secure more. That was with trip when you were with her going to Sully's(?) house that she ended up being very violently raped.

G H So, in my judgment this is perhaps arguably, yes, a category 2A case. It is not a category 2B case. It perhaps falls in the interim or between or on the cusp of one or the other. I am not at

A all persuaded by the psychologist's report that you are in some way deficient to the point of not understanding and indeed the psychologist, Mr [REDACTED] his evidence has been rather debunked by the prosecution expert and whatever problems you have with your thought processes, they have not stopped you committing offences over the years.

I take the view that the proper sentence in your case for this sexual assault, falling as it does between categories, is one of eighteen months' imprisonment.

B Now, you go, please.

We are going to stop there. We will come back to other matters at 2.30 pm.

C Ladies and gentlemen, sorry to put you through -- and [Person A1] -- the ordeal but this had to be done and done when it was. Everybody was focused on it. I am going to come back and deal with ancillary matters at 2.30 pm but they will be very technical matters, protective orders, commendations and the sort. So, if you want to go now and not come back, I truly understand and just coming down from the appalling need to deal with these men, which is my job, you do not worry about that. It is not on your conscious. You understand that, do you not? You have done your job in finding the facts and I have acted on your verdicts loyally but you have been absolutely wonderful in your attention to this case. Punctuality, efficiency, goodwill, [REDACTED], a wonderful jury. I just want you to know that. Thank you. See you later.

E (1.38 pm)

(Adjourned for a short time)

(2.32 pm)

F JUDGE DURHAM HALL: Thank you very much. Thank you. Now, Mr Moulson, Ms Melly, I didn't want to trouble your clients for obvious reasons whilst we deal with things, just the need for, if any, SOPOs, SHPOs or anything. Okay?

MR MOULSON: Yes. Thank you.

G JUDGE DURHAM HALL: Do you think, I am sorry, I don't wish to bring the defendants back up when they are probably in, as you are, a state of shock, Mr Bell?

MR BELL: [Inaudible].

JUDGE DURHAM HALL: Exactly. I need to deal with that, yes.

H MR BELL: But I think insofar as he is coming anyway I would invite your Honour to hear what is said about the SHPOs because I am submitting that the----

JUDGE DURHAM HALL: What are they, please? I have been thinking about this, the need. What -- it is perhaps a distraction. Maybe not. What over and above on the context of this case an order forbidding any contact with [Person A] and [Person B].

MR BELL: Yes.

JUDGE DURHAM HALL: What else is it argued the Crown need due to the passage of time and the often impeccable behaviour since and the context of this case which is targeting vulnerable children in care?

MS MELLY: The other request -- sorry, I assumed your Honour was asking the Crown?

JUDGE DURHAM HALL: I was. I was looking at Mr Moulson. Rude not to.

MS MELLY: He doesn't seek an order as I understand it. So, it is essentially having unsupervised contact with females under the age of 18, save of course for now their own children or people they have arranged contact with. It is drafted in a more detailed manner than that but essentially that is the other request the Crown have made. A matter for the court whether necessary in order to protect.

We appreciate there has been a significant passage of time but these are serious offences and we have limited it to, as we say, females under the age of 18 outside of their immediate family. So, it doesn't interfere with their own rights to private and family life in any way.

MR ARSHAD: Your Honour, just in relation to that order on behalf of at least Mr Basharat we think that the order sought is disproportionate when we look at his sentence. We have no problem with the not to contact the complainants in the case. That we see but we cannot see why the order should be extended to the extent that it is now being sought by the Crown.

If we look at the matrix and the background to this case, there is no previous offending by Basharat in any way or any information that he has been meeting young ladies under that age group or under the age of 18. From our point of view we think the order not to contact the complainant is sufficient and if the order is being sought, and it is, we say that it is disproportionate to the sentences as we understand them, on the information that we have.

MR MOULSON: Well, your Honour, of course we agree basically. The earliest date of release is going to be ten years hence. This happened in 2014. That is 15 years.

JUDGE DURHAM HALL: All being well, Mr Moulson.

MR MOULSON: You are quite right. That is the earliest date, yes. I agree with Mr Arshad really that the matrix isn't there really. Of course [Person A1] and [Person B1], absolutely

quite right but I think the problem is it's so easy to breach, the way it's been drafted, direct/indirect, it's got to be inadvertent.

A JUDGE DURHAM HALL: Well, the Crown are very generously inviting me to exercise a discretion.

MR MOULSON: Yes.

JUDGE DURHAM HALL: The people I need to protect are [Person A1] and [Person B1].

B MR MOULSON: Yes.

JUDGE DURHAM HALL: I do not -- it offends viscerally, never mind intellectually, a blanket prayer. I know what has happened. If these men groom any other children they will be facing life imprisonment and the purposes of a SHPO are not to -- is not to deal with re-offending, if you know what I mean but it is to deal with those who are proven present who pose a high-risk of predatory offending as of now.

C MR MOULSON: Yes.

JUDGE DURHAM HALL: I do not see it. I do not get it.

MR MOULSON: Thank you.

D MS MELLY: Well, all we can see is that when the defence say the factual matrix or the background here doesn't support the application----

JUDGE DURHAM HALL: Well, Mr Arshad is using words he has heard in another -- by others----

E MS MELLY: Yes, quite. I am sorry we just don't follow that. These are men who picked up girls who----

JUDGE DURHAM HALL: Well, I don't follow it either but it's a big word for an advocate.

MS MELLY: Picked up from the street two 14-year-old girls with whom he had no connection or knowledge. We would suggest that that particular factual matrix does rather suggest that there are people other than [Person A1] and [Person B1].

F JUDGE DURHAM HALL: Does anybody share the -- Mr Moulson's concerns?

MALE SPEAKER: Which particular concern?

MALE SPEAKER 2: All of them.

G MALE SPEAKER: What Ms Melly says is undoubtedly right but there has to be a proportionate use for the Crown to prevent a real risk of further offending and there doesn't seem to be in this case given the particular circumstances.

JUDGE DURHAM HALL: I cannot see how it is necessary. I cannot see how it is going to be workable. That is my problem. Anyway, it is all a bit complicated.

H

MALE SPEAKER: Particularly because they are going to all be on the Register for life pretty much.

A JUDGE DURHAM HALL: On the Register. I think we are going to have to go into a lot more detail, Ms Melly. I am not against you. I just wonder whether in this case, whether it is necessary. If they had been offending last month, last year, no problem and I cannot remember because I usually invite my colleagues to do them, what the outcome is in major B historic sex cases. I always make sure Judge Davy and Judge Hatton do them. I mean, what about other cases, very old cases, Judge Wright's case in Sheffield? Did she make SOPOs?

MR ENGLISH: [Inaudible].

JUDGE DURHAM HALL: Very helpful, Mr English.

C MALE SPEAKER 2: Well, I can help with that because I was in Kellerrabbey as was Ms Kelly. They were specific to the complainants and there is no, can be no objection to that but there has to be evidence of a current propensity I would submit.

D JUDGE DURHAM HALL: Anyway, the defence to the proposed SHPOs in the form they are. Therefore, I will make the SHPO in an interim form, potentially final, forbidding any contact howsoever with [Person A] and [Person B] and if necessary we will have to come back to the rest. I am not shutting the door on Ms Melly. That would be rude, never mind unwise, but I need further assistance.

MS MELLY: Yes. We appreciate that.

E JUDGE DURHAM HALL: All right?

MS MELLY: Thank you.

F JUDGE DURHAM HALL: It is all right. It is not just that we are all tired. I need to be able to get my head around that bit of it. Okay? So, that is on the backburner, gentlemen. I will have to adjourn that sine die pending further application.

G The SHPO that I do make and confirm forbids, as drafted, any contact with the two named complainants but if the safeguarding team and/or Ms Melly are really concerned about this and can back it up I am afraid one or more of you on behalf of the others will just have to come back and argue the whatever you call it. Okay?

MS MELLY: We are very content with that.

JUDGE DURHAM HALL: Is that all right?

MS MELLY: Thank you, your Honour.

H JUDGE DURHAM HALL: I am sorry, Ms Melly.

MR MOULSON: Ideal for Mr Shakoor, your Honour.

JUDGE DURHAM HALL: Yes. I would have thought so.

A MS MELLY: Dealing with the perhaps more straightforward matter of registration, if the periods need to be announced then it would be an indefinite period there. The defendants bar Zeeshan Ali.

JUDGE DURHAM HALL: Yes.

MS MELLY: So that the---

B JUDGE DURHAM HALL: What is it for him?

MS MELLY: Ten years.

JUDGE DURHAM HALL: Ten years. Indefinite term.

MS MELLY: For the others, yes.

C JUDGE DURHAM HALL: Reporting, save Zeeshan.

MS MELLY: Yes. I know there is the other PTPH but I am not instructed or involved in that but I -- may I just check, when we do come onto that, is the reporting restriction in respect of that remaining?

JUDGE DURHAM HALL: All lifted.

D MS MELLY: Right.

JUDGE DURHAM HALL: There are no more reporting restrictions. You are aware, gentlemen, aren't you that because I went down to do administrative work that [Person A] has waived anonymity.

E MS MELLY: She has.

JUDGE DURHAM HALL: The court staff are anxious that I should sign a form. Well, we don't actually have a form for that. It is entirely a matter for [Person A1] and Look North were asking whether I would sign a form of something. Is there a form (rhetorical)? There is not.

MS MELLY: There is no form.

F JUDGE DURHAM HALL: She has waived anonymity.

MS MELLY: She has waived anonymity.

JUDGE DURHAM HALL: End of.

MS MELLY: She is aware that that is something that she cannot get back and that is her personal decision, as many others make in her position.

G JUDGE DURHAM HALL: And Ms Melly, you and others have given her some advice, have you, or is she aware of the pros and cons?

MS MELLY: As I understand it, she is aware of it and she understands the implications but it is a personal decision that she has made, having really quite detailed consideration of the matter.

H JUDGE DURHAM HALL: Excellent. Well, it is in keeping with her determination.

MS MELLY: Yes.

JUDGE DURHAM HALL: Impressive. To come into court.

A MR DALLAS: Your Honour, would you hear me on something on which you have directed
without seeking the views of effected counsel and that is the question of reporting restrictions
on the new case, on the drugs case? I am not seeking any restriction of reporting of the
principal case but in my respectful submission the reporting restrictions on the drugs case
B should remain in place, postponed for the time -- until the determination of them.

Mr Iqbal is pleading not guilty. There will be a trial in his case and in my submission whilst
inevitably the fact that he was in a trial, in a dock at the time of the alleged conspiracy being
C carried out, what he was in the dock for is not or may not be relevant or something that is
imparted to the jury on the grounds that it is prejudicial rather than probative and to preserve
the position of the trial judge and the defence in that respect, I submit the reporting of those
proceedings should remain for those reasons restricted.

JUDGE DURHAM HALL: What, the drugs matter?

D MR DALLAS: Yes, just the drugs matter.

JUDGE DURHAM HALL: I don't see it. I don't see any force in that argument, for this reason:
the publication of his conviction of this offence has already gone.

MS MELLY: Yes.

E JUDGE DURHAM HALL: Already in the public domain, the sex offending. The news agencies
no doubt are already dealing with it. What is the harm to the drugs matter?

F MR DALLAS: None at all. For the drugs -- oh, sorry, for the drugs matter? Well, the jury in the
drugs matter will, of course, be told not to do internet research and to do the case based on
what they are told in court and it will or may be the case that they will not be told what he
was in the dock for when these events were carried out.

G If the drugs proceedings are reported concurrently with the main rape matter, then the two
people are identified together potentially in the same articles and potential jurors will be able
to see the concurrence of the two matters in a way which would not be so if the other case
with less public interest is not reported for the time being.

JUDGE DURHAM HALL: Well, in a moment we are going to have a PTPH when I anticipate
Mr Frieze's client, if he understood it correctly, is going to plead guilty.

H MR FRIEZE: He is going to plead guilty, yes.

A JUDGE DURHAM HALL: That will be published. I see -- I do not see any problem with reporting everything, Mr Dallas. The trial of your client will be lightyears away and I cannot see any overriding objective to be served by further fettering the Press in any way, shape or form.

MR DALLAS: Well, the Press are already restricted in what they can report pending proceedings in any event, so it is not as if we are preventing them from publishing a story so that----

B JUDGE DURHAM HALL: The Press can normally report. Once somebody is charged they have full authority to publish. Am I right? Secondary----

MR DALLAS: Parameters restrict that. They can only publish certain things after a trial. They cannot publish the details----

C JUDGE DURHAM HALL: Only certain things, yes. Name and address. They are going to be able to publish the plea of Mr Naveed in this case.

D MR DALLAS: But if you allow it and that brings me to a second and better point that there will, in my submission -- that there are likely to be arguments in the other trial as to whether or not the guilty plea of the co-conspirators is something which the jury should not be told about and if that has been published that is potentially prejudicial. As I say, the story is only the limited details that a pending proceedings can report and that postponing that until any risk of prejudicing that trial is a relatively minor matter, greatly outweighed I submit by the public interest of a fair trial without minimising the risk of prejudice.

E JUDGE DURHAM HALL: What would the Press normally like to publish in relation -- the grooming case is in the public domain. End of. No question. The subsequent allegation is going to be admitted by Mr Naveed Akhtar and the issue will be the role of Fahim Iqbal. What would you normally publish?

F THE PRESS: I think, your Honour, we might be under some difficulty when the pleas vary, as Mr Dallas says. If it wasn't such an interesting case on the back of this one, for instance, if it was just one I'd turned up to normally, we would see that as a difficulty. We would let it roll.

JUDGE DURHAM HALL: Sorry, that means in...?

G THE PRESS: We would wait until the outcome of the trial or in case the second defendant pleaded on the day of the trial, which of course often happens.

JUDGE DURHAM HALL: All right. I think the Press are minded to adopt a cautionary approach, as you are. Is that what you mean? Yes?

H THE PRESS: Yes. I am saying that in the normal circumstance, your Honour, I've got to be honest, we probably wouldn't touch it at this stage.

JUDGE DURHAM HALL: Good.

MR DALLAS: But she doesn't represent all the Press.

JUDGE DURHAM HALL: No. I know she doesn't but she is by far the most experienced member of the Press who has far more experience than many. So, I think, Miss Beattie, you would perhaps, having heard that, share Mr Dallas's concerns.

MS BEATTIE: Yes, the prosecution would share Mr Dallas's concerns because of course the reality is that there is going to be extensive publicity in relation to this case and attached then to that publicity would be potential publicity in relation to the drugs allegations and Mr Dallas is not seeking a prohibition on publication ultimately. It is simply a postponement of a----

JUDGE DURHAM HALL: The 14(2).

MS BEATTIE: -- of a s.14(2).

JUDGE DURHAM HALL: All right, yes. Well made, Mr Dallas. I tend to be rather more -- not cavalier about these things. The reality of life now is that everybody knows everything and understands everything except usually the judge. So, you have got, yes, a cautionary approach. There is a prohibition temporary on any reference to the drugs matter. Yes?

THE PRESS: Yes, your Honour. I don't know whether the BBC -- I don't expect they'll be bothering. This is my colleague here, so he is with me anyway.

JUDGE DURHAM HALL: Well, that is fine. Well, the order is made. I am sure they're not bothered. Okay, so that is -- in your case as well, Mr Frieze? No reporting of it probably is right, probably as well.

MR FRIEZE: Yes. It is neutral really. There is no prejudice likely to become him but I think it would be impossible to report one without the other.

JUDGE DURHAM HALL: Yes, I agree. All right.

(2.51 pm)

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