

IN LEEDS CROWN COURT

Case No: T20217357

Courtroom No. 12

The Courthouse
1 Oxford Row
Leeds
LS1 3BG

12.18pm – 12.45pm
Friday, 16th September 2022

Before:
HIS HONOUR JUDGE MARSON KC

R E X

-v-

MOHAMMED HANIF, NAZAM HUSSAIN, ANSAR QAYUM,
MOHAMMED QAYUM & ZAFAR QAYUM

MR R J DOSWELL & MR D M BROOKE appeared on behalf of the PROSECUTION
MISS K PIERPOINT, MISS K MCNEILL & MISS K COLLEY appeared on behalf of the
DEFENDANT

SENTENCE

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SENTENCE

JUDGE MARSON: All the defendants can remain seated. Lest this matter is considered elsewhere, I add at the beginning that I have already discussed the guidelines and my approach with advocates. There is no descent to that approach. I have also addressed the question of dangerousness.

Zafar Qayum, you have been found guilty of the following offences: the rape of [Person A] in a car in a carpark on 9 October 1999, when she was 15 years old, count 1. The indecent assault of [Person B], by forcing her to perform oral sex on you when she was 13, count 10. A further indecent assault of [Person B] by forcing her to perform oral sex in the car when she was aged 13 to 15, count 11. Indecent assault of [Person B] involving digital penetration, when she was aged 13 to 15, count 12. The first occasion of vaginal rape of [Person B], in a car when she was 13, count 13. A multi occasion charge of at least five further vaginal rapes of [Person B], when she was aged 13 to 15, count 14.

The incident assault of [Person C], by forcing her to perform oral sex on you when she was 13 or 14, count 17. The indecent assault of [Person C] by forcing her to lick your anus, count 18. The first occasion of vaginal rape of [Person C] in your car when she was 13 or 14, count 19. A further allegation of vaginal rape of [Person C] when she was aged 13 or 14, count 20. A multi occasion charge of at least five further vaginal rapes of [Person C] when she was aged 13 to 15, count 21. Aiding and abetting your brother, Jabar[?] [0:21:12], to rape [Person C] when she was 13 or 14, count 22. Aiding and abetting your brother, Ansar, to rape [Person C] when she was 13 or 14, count 25. Aiding and abetting unknown men to rape [Person C], count 32.

Ansar Qayum, you have been found guilty of the following offences: the vaginal rape of [Person A] in a carpark, when she was 15 or 16, count three. The attempted indecent assault of [Person A] when she was on her period, aged 15 or 16, count four. The vaginal rape of [Person C] when she was 13 or 14, count 26. The anal rape of [Person C] when she was 13 or 14, count 27. A multi occasion charge of at least five further anal rapes of [Person C], count 28.

Mohammed Zabar Qayum, you have been found guilty of the vaginal rape of [Person C] when she was 13 or 14, count 23. A multi occasion charge of at least five further vaginal rapes of [Person C] when she was 13 or 14, count 24.

Over the last weeks, throughout the course of this trial, I have listened to many hours of interviews with these victims who were aged between 13 and 17. I have seen them in the

witness box and observed the profound psychological harm which has been caused to each of them by their abuse. Their families, too, suffered. They were vulnerable, not only by reason of age, but also by personal circumstances. They were targeted, and groomed, for sexual degradation by the offer of alcohol and drugs, and a more exciting way of life. They were paid insincere compliments. [Person A] was raped in your car, Zafar. Other offences were usually committed in isolated areas. I accept that [Person B] was meeting with Asian men before she met you, Zafar Qayum. However, you embarked upon, and continued, a grooming process in the way I have described.

At one stage, [Person B] became pregnant and had an abortion when she was 14. Who the father was is not known, but her pregnancy was against a background of aiding and abetting offences against her.

UNKNOWN COUNSEL: For the record, it's [Person C] that -

JUDGE MARSON: I am sorry, [Person C]. Forgive me. [Person B] was so vulnerable that she believed that she was in genuinely loving relationship with you, even though you were violent and controlling. The reality could not have been further from the truth. Over a period of years, you controlled, abused her physically, degraded her and used her for your own sexual gratification. Matters only came to an end when you completely destroyed the contents of her flat. There was no charge in relation to that, but you admitted doing it as an act of revenge. It was total destruction, and involved even cutting out the crotch of her knickers. No doubt, a sign of the way you regarded her. I have no doubt that had [Person B] been in the flat that night, you would have caused her significant physical harm. It is clear that she suffered significant psychological harm and has even attempted suicide. You groomed and preyed on [Person C] over a period of time. Indecently assaulting her, and raping her. You aided and abetted our brothers to rape her, by taking her to them and offering her up for rape. You offered her to other, unknown, men at the snooker club where she was raped and degraded by these men in your car. Your treatment of her was cruel and inhuman. The totality of your offending was over a period of years. And in the case of both [Person B] and [Person C], there was ejaculation and no contraception. You have plumbed the depths of depravity. You, Ansar Qayum, played your part in the grooming of [Person A] and [Person C], being involved in the provision of alcohol and drugs. You took advantage of these girls, as did your brothers, when they were significantly under the influence of alcohol and drugs. You raped and indecently assaulted [Person A]. You repeatedly raped [Person C] on occasions when she was provided to you by your brother, Zafar. You were well aware of the degradation to which she had been subjected by your brother, and you were content to use her for your own sexual gratification.

You are described as being nasty. You, too, played your part in causing appalling harm. Save for one occasion, there was no contraception and there was ejaculation. Whether what you did can be classified as a campaign of rape, or a prolonged period of offending, nonetheless,

these are very serious matters.

You Mohammed Jabar Qayum repeatedly raped [Person C], again knowing that she had been subjected to repeated abuse by your two brothers. True it is, and I take into account, that you were spoken of as being the best of a bad bunch. And that on occasions you would not commit sexual abuse when you had the opportunity, but would talk and pretend that there had been sexual abuse. I have no doubt that you were, to an extent, under the influence of your brothers. But that does not excuse what you did, in playing your part in dreadful abuse and psychological harm. Again, there was ejaculation and no contraception. And even though at times you did not offend yourself, you were present when others did and you knew that they were. As [Person C] said, of being provided with alcohol, 'You're 13, you've never, like, been with anybody. And in a way, you like a bit flattered because you won't have ever have had a boyfriend. As vile as this sounds you trusted this person, then it all just sort of changed'. An example of the grooming process, and the way it can affect

young and vulnerable girls, as [Person B] said, 'When I started seeing Zaf, he knew my real age, he would want a blowjob, hand job and sex, and he said we're here to fuck all the white girls and fuck the government. We're over here to breed, we are going to take over, kind of thing'.

[Person B] saw that as a joke, but your intended treatment of these girls was no joke. These girls, as they have said, and the jury clearly found, had no capacity to give free and genuine consent to what was happening. I make it clear that each of you will be sentenced for what the jury found you did and not for what others might have done.

These girls, as is often the case, had been so abused and degraded, that they made no complaint. It was only when [Person C] saw the documentary, Three Girls, that she realised that what had happened to her could still be reported. And that way, this offending came to light. These victims have displayed great courage in coming forward and during those hours of interviews, and giving evidence against you. You, on the other hand, cowards that you are, refuse to express and acknowledge your guilt, but you chose to add to these girls' suffering, by putting them through the ordeal of this trial. I make it clear that I do not add to your sentence because you had a trial, but what it does mean is that I cannot give you the credit to which guilty pleas and an expression of remorse would have entitled you to. It is clear to me that your victims will never fully recover from what you did. Their experiences with you will haunt them and effect their lives in the future. The victim personal statements are testament to that.

Turning to matters of mitigation, in each of your cases, I bear in mind everything which I have read, and which has been said, on your behalf. I particularly bear in mind your ages at

the time of these offences, the difference in age between you and your victims, and where

appropriate, your lack of previous convictions or lack of convictions for offences of this type. You, Zafar and Jabar, have no relevant convictions and have not been to prison. You, Ansar, are serving a substantial custodial sentence. And whilst inevitably, there must be a consecutive sentence for this offending, I have very much at the forefront of my mind, the principle of totality, as I do in each of your cases.

I have considered the question of dangerousness, but have come to the conclusion that such a finding would not be appropriate. Although in your case, Zafar, I gave long and anxious thought to it. I have decided that determinate sentences are sufficient. Each of you will be liable to serve two thirds of your sentence, before being released on licence. If, whilst on licence, you commit a further offence, or breach the terms of your licence, you may be recalled to custody. The notification requirements are until further order. Turning now to each of you, and matters of mitigation to which I have not already referred. Zafar, you are now aged 42 and your offending against [Person A] and [Person B] began when you were aged 20; and your offending against [Person C] was when you were between 23 and 25. I have read the letter from your wife. I bear in mind the observations which have been made on your behalf about the violence. I have borne in mind the passage of time, the relevance of which is that you now have a family, a hard-working record, and that you have not offended in any relevant way since. I have borne in mind your age difference to the victims, and the fact that this will be your first custodial sentence.

Ansar, you are now 45, you were 22 when you raped [Person A]. You were between 25 and 27 when you raped [Person C]. You are currently serving a sentence of nine years' imprisonment for kidnapping. Again, I bear in mind, but in your case to a very limited extent, the passage of time, which has elapsed since this offending. As you have continued to offend. But nonetheless, I bear in mind, as I do in all your cases, that you have families who will also suffer as a consequence of your imprisonment. I have borne in mind the relevance of the disparity of your ages. But really, in your case, there is little that can be said by way of proper mitigation, other than you have not offended in a sexual way in the intervening period. Jabar, you are now 41 and were aged between 21 and 23 at the time of your offending. I have borne in mind the reference which I have read from the social worker, the medical letter speaking of your arthritis and medical problems, which will make custody somewhat harder for you, and your daughter's letter, as well as that of your wife. You have a daughter who suffers from significant disability and you assist in her care, and care for your parents. I bear in mind that you have been convicted of offences against one victim, the passage of time since, and your conduct since. During which time you have sought to provide for your family and have not offended. Also, bear in mind that this will be your custodial sentence. I have also considered sentences which I have passed in the many other cases of this type, and which have been considered elsewhere. But I make it clear that each of your cases turns on its own facts and the sentences reflect only those facts.

Rather than passing any consecutive sentences, I propose to aggregate your offending, as I have indicated, and pass concurrent sentences to reflect your criminality. The sentences will

be the minimum commensurate with your offending. And in each case, as I have said, I have

taken into account the principle of totality. I have borne in mind that the maximum sentence available at the time for indecent assault was 10 years. The surcharge provisions do not apply in this case. The sentences are as follows.

For you, Zafar, whose offending I am entirely satisfied comes towards the top end of the scale in my experience. In relation to counts 10, 11, 12, 17 and 18, five years' imprisonment. In relation to count one, 15 years' imprisonment. Counts 13, 19, 20, 22, and 25, 18 years' imprisonment. In respect of counts 14, 21 and 30, 30 years' imprisonment. I have reduced that from 33 to reflect your mitigation and reduce the 30 years to reflect totality. All those sentences will run concurrently with each other, making a total sentence of 30 years' imprisonment.

In your case, Ansar, on count four, four years' imprisonment. On count three, 15 years' imprisonment. On counts 26 and 27, 17 years' imprisonment. And on count 28, 20 years' imprisonment, which I have reduced from 24 years to reflect the principle of totality and the little mitigation there is.

In your case, Zabar, on count 23, 11 years' imprisonment and on count 24, 13 years' imprisonment. All the sentence, as I say, will run concurrently, in your case making 13 years in all. I have reduced that from 16 years to reflect totality and matters of mitigation. In your case, Ansar, the sentence of 20 years' imprisonment will run consecutively to the total sentence to which you are currently subject. And unless there is any other matters you may all go down now, thank you.

Pause.

JUDGE MARSON: Mr Brooke?

MR BROOKE: Your Honour, I know that you've now presided over two of the trials in this operation, and I know that Your Honour may not, in fact, reside over any other remaining trials [inaudible] [0:41:17] -

JUDGE MARSON: Neither do I.

MR BROOKE: Quite. But I think I would be remiss if I didn't ask to bring to your attention the conduct of the officers in this case. In respect of [Person C], she came forward in 2017. And the officers who were present in Court have been part a team that have been dealing with this case. And I may say this in the sense from an investigative point of view, this is the tip of the iceberg. And certainly, Mr Doswell and I have been very aware of the absolute dedication

that they've all given. Led by the team by Detective Sergeant Wright[0:41:454] who gave evidence. There are other officers present including the retired police constable [inaudible] [0:41:58] Harrison and police investigator Simon Thomas, and Joe Stinger. And the disclosure officer Marlyn Simpson. All of whom have worked tirelessly on these cases. It seemed appropriate to me to ask the court the Court to consider commendation in their cases.

JUDGE MARSON: Well, Mr Brooke, you know as well as anybody how for us, and I mean me, and the advocates involved, including the solicitors, how very difficult and draining these cases are. And they take a heavy cycle of psychological toll. Those who investigate these offences have an extremely difficult job to do. I am entirely sure that the psychological drain on them is very great as well, because they have to deal with victims at close hand over very many hours. And because of the nature of offending of this type, trying to get to the bottom of exactly what happened is extraordinarily difficult. And I can only speak of my admiration for the way this part of the case has been investigated. Officers have gone above and beyond their normal duty, and I have no hesitation in commending each and every one.

MR BROOKE: Thank you, Your Honour.

JUDGE MARSON: Thank you very much. Now, I do not want to part from the case without saying to all the advocates who have appeared and are present here in Court, and of course Miss Randal who is absent, how grateful I am to you for the appropriate and careful way in which each of you has dealt with the case. Those who represented the defendants did it admirably, putting before the jury every single piece of information required to each and every one of you, I am very grateful. Thank you very much indeed.

MR BROOKE: Your Honour, finally, although it doesn't concern as I say -

JUDGE MARSON: I have looked at it and I say nothing about it other than I know that you will consider the matter expositionally[?] [0:44:15]

MR BROOKE: Of course.

JUDGE MARSON: All right.

MR BROOKE: Yes. Thank you.

JUDGE MARSON: Good. Well, thank you all very much indeed. Yes, all right. Well, I will [inaudible] [0:44:21] then.

End of sentence.

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