

**IN THE CROWN COURT AT SHEFFIELD**

**Case No: T20167001**

**CAO No (if applicable): \_\_\_\_\_**

**The Combined Court Centre,**  
**The Law Courts,**  
**50 West Bar,**  
**Sheffield S3 8PH**

**Date of hearing: Thursday, 2nd February, 2017**

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**Before:**

**HER HONOUR JUDGE WRIGHT**

**R E G I N A**

**-v-**

**NASAR DAD**  
**BASHARAT DAD, TAYAB DAD**  
**AMJAD ALI, MOHAMMED SADIQ**  
**-and-**  
**MATLOOB HUSSAIN**

**For representation please see page 2**

**SENTENCING REMARKS**

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**Section 2 of the Sexual Offenders (Amendment) Act 1992**

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**REPRESENTATION:**

**MS L. MCBRIDE & MS S.H. DRAKE** appeared on behalf of the prosecution

**MR BRADLEY** appeared on behalf of the defendant **BASHARAT DAD**

**MS AHKGAR** appeared on behalf of the defendant **NASAR DAD**

**MS HUSSAIN** appeared on behalf of the defendant **TAYAB DAD**

**MR BOTTOMLEY** appeared on behalf of the defendant **ALI**

**MR HUGHES** appeared on behalf of the defendant **SADIQ**

**MR BAIRD** appeared on behalf of the defendant **HUSSAIN**

Thursday, 2nd February, 2017

JUDGE WRIGHT: The defendants can sit down thank you. The defendants can remain seated for the moment, thank you.

In sentencing these defendants I will not refer to the victims of these offences by name, I do not intend any discourtesy to them at all but as these remarks will be published in the public domain I am concerned to preserve their anonymity.

Nothing must be published by the media or by the public on the internet or elsewhere in the public domain that might lead to the identification of any of the victims in this case. To do so would be a very serious criminal offence.

Matloob Hussain, Mohammed Munir Sadiq, Basharat Dad, Nasar Dad and Tayab Dad, you have each been found guilty by the jury of serious sexual crimes. Amjad Ali, you pleaded guilty to sexual intercourse with a girl under 13 at the adjourned Pre-Trial Preparation Hearing on 5<sup>th</sup> February 2016.

The offences involve the exploitation and abuse by five of you of the same young and vulnerable girl in the Rotherham area in 2000-2001 when she was just 12 years old. In addition you Basharat Dad and you Tayab Dad have also been found guilty of offences involving the exploitation of another young and vulnerable girl who was just 14 years of age, again in the Rotherham area between 1999 and 2001.

The victim of you, Matloob Hussain, Mohammed Munir Sadiq, Basharat Dad, Nasar Dad and Amjad Ali, victim one, was extremely vulnerable, she was just 12 years old. Until she was 11 years old she was a normal happy child, her school attendance was good and she spent time with her family however she then became friends with older girls and began to stay out late from home. By the age of 11 she was having sexual intercourse with a number of males, she was plied with alcohol and drugs and sexually exploited.

Victim two was just 14 years of age when she was abused by you Basharat Dad and you Tayab Dad, she too was a vulnerable girl. She had little parental control, she began to truant from school when she was about 13 and would stay out overnight. She was also plied with drugs and alcohol by a number of men and sexually exploited.

As the Court of Appeal has previously said grooming is not a term of art, but it suggests cynical and manipulative behaviour designed to achieve a particular sexual

objective, where the exploitation is of a girl who is of an age where she does not or may not have the capacity to understand the full significant of what she is doing and in particular whereas here there was evidence of acquiescence or acceptance rather than positive consent.

Having heard the evidence I conclude that both victims perhaps out of embarrassment or some other reason unwillingly went along with acts which they did not in fact wish to engage in. Each of the victims in this case were vulnerable, coerced and intimidated, your victims were given alcohol and/or drugs and each of them was given attention.

Victim one had been having sexual intercourse with men many of whom were considerably older than her from the age of 11 and was groomed to such an extent that she thought that what was happening to her was normal. She described how at times she had felt embarrassed about what was happening and had felt at the age of 12 like a prostitute. She was drawn into a world of fear rape and abuse; she was stereotyped by others and isolated from her peers and their families.

Completely unjustly she was scapegoated by some for what had happened to her. Each of you who committed offences against her in some way groomed her directly and took advantage of the fact that she had been groomed by others.

Victim two said she felt that she complied with sexual demands in order to have a bit of attention for five minutes. She felt her abusers wanted to degrade her; she had been groomed from the age of 13 by men older than her to think that having sexual intercourse was normal. Both of you who committed offences against her groomed her to some extent and knew she had been groomed by others her vulnerability must have been plain to her abusers.

In 2001 victim one told the police the names of some men she had had sexual intercourse with. She was too embarrassed and ashamed to tell the full extent of what had happened to her and was not at that age able to fully appreciate that she had been exploited. At the time of the interview aged 12 she had just discovered that she was pregnant, she was still a child herself.

As a result of what happened to her, her childhood and adolescence was taken from her, she remarkably transformed her life from thereon putting her own child first. Hers is

a tale of the most astonishing dedication and bravery, that is not to say she has not suffered severe psychological harm. The fact that she has lovingly raised her own child does not detract from the awful consequences she has suffered as a result of your offending. She lost her education and her self-esteem as a result of what had happened to her, her pregnancy brought home to her the danger that she was in.

She describes that her whole adolescence was a negative experience, she worried about her baby being snatched, she has suffered with anxiety and mental health problems including panic attacks and paranoia. Having tried to suppress the most unpleasant memories for many years she has found the experience of having to give evidence extremely traumatic, her bravery was immense.

Victim two has also suffered severe psychological harm resulting from the abuse she was subjected to. It has had an impact on her relationships and she continues to suffer from feelings of anger and depression, it has impacted on her own parenting style. She describes how her childhood was ruined and how she has been deprived of a better life. Giving evidence was particularly distressing for her, this is not the first time she has had to give evidence and be challenged in court.

She showed bravery beyond measure in giving evidence a second time knowing what that would entail, she has suffered from depression and issues of self-esteem, she worries constantly about her own daughter given her own experiences, she will have to live with what happened to her forever.

When the police approached them in 2014 it would have been easy for both victims to have chosen not to speak to them. With remarkable courage though each of them selflessly told their stories and then put themselves through the trauma of giving evidence in order to help others. They have shown huge strength of character having to re-live their traumatic experiences from many years ago in such an open and public forum. Each of them has done so in order to bring these issues of child sexual exploitation to the public's attention in the hope that other children might now be protected.

As I have said previously in relation to these type of offences your offending has not only impacted and continues to impact upon your victims who must live with the effects for the rest of their lives but also impacts upon their families and loved ones and indeed the wider community; you have caused immeasurable and far reaching harm.

I am going to turn to the offences. Amjad Ali your victim was just 12 years of age in February 2001 when she discovered that she was pregnant, DNA testing in 2015 concluded that it was 60 million times more likely that you were responsible for her pregnancy rather than an unknown male. You were not one of the men named by your victim in 2001 as being one of the men who had had sexual intercourse with her. She did not name you in 2015 when she was re-interviewed, and when the DNA test results were known she did not recognise your name.

Your victim remembered being picked up by men in cars who would have sexual intercourse with her, she was given alcohol and drugs. She described in evidence that on occasions he had passed out under the influence of drugs and alcohol and so was not able to remember all the times when men had had sexual intercourse with her. I have no hesitation in finding that you had sexual intercourse with her when she was heavily under the influence of alcohol and/or drugs such that she was unable to remember anything. You pleaded guilty on the basis that sexual intercourse took place on one occasion, the condom split, and you believed her to be older than 12 possibly 15, you were aged 22 at the time.

Matloob Hussain you met victim one in November 2000 when she was 12 and you were 25 and working as a delivery driver, you had sexual intercourse with her at her own home in her sister's bed. When victim one was interviewed in 2001 she was too embarrassed and ashamed to say that intercourse had occurred in her sister's bed and told the police it had happened at your home. You befriended your victim and made her believe you were her boyfriend, you spoke to her mother and purported to be looking after your victim.

Mohammed Munir Sadiq you met victim one in December 2000 when she was 12 and you were 24, you befriended her and took advantage of her vulnerability and then had sexual intercourse with her in your car, you knew how old she was. Again she was too ashamed to tell the police the correct version of events when she was 12 and said sexual intercourse had occurred at your home.

Basharat Dad and Nasar Dad, you Basharat Dad met victim one when she was just 11 or 12 years of age. You were 15 turning 16 in the summer of 2000, she would come to your family's firework shop where she would see you and your two brothers, she

would be given alcohol and cannabis. On one occasion knowing she had consumed alcohol you took her to a flat that was being renovated at the rear of shops on Fitzwilliam Road, there you raped her, she was 12 vulnerable and under the influence of alcohol. She was in no position to consent to sexual intercourse and you knew it.

You Basharat Dad together with your brother, you Nasar Dad, who would have been 20 at the time took her to that flat on a second occasion when again she was given alcohol and/or drugs. There you Basharat Dad raped her again and allowed your brother, you Nasar Dad, to rape her; you Nasar Dad were aggressive and forceful and told her she would have to perform oral sex upon you. You both degraded victim one leaving her feeling ashamed embarrassed and humiliated, unable to tell the police at the time what had happened due to her acute feelings of shame.

Having subjected her to that ordeal you then left her locked in that flat which she described as squalid without food, water, electricity or any comforts; it was not until the following night that she was found there by her mother.

You Basharat Dad were also involved in committing sexual offences against victim two she was also the victim of sexual exploitation at the hands of others. She had been targeted groomed and exploited by the time she met you when she was 14 or so and was therefore extremely vulnerable.

She would come to the back room of the firework shop where she would spend time with you and your brothers and drink alcohol and smoke cannabis. Over a period of two months or so you would regularly rape her and make her perform oral sex on you in a room over the shop. She was plied with alcohol and drugs; she had been exploited by others and she was only 14. You were persistent in your demands; she was also therefore in no position to give a free and informed consent to this behaviour.

On occasions you also raped her at a flat at Gleadless where you would take her, on one occasion sexual activity took place after she had passed out due to the effects of alcohol and/or drugs leaving her with no recollection of what had happened.

Tayab Dad you were 18 or 19 when you took advantage of 14 year old victim two one night by persuading her to go upstairs with you. You sought to persuade her that your brother was not interested in her for a relationship but that you were, in that way

you specifically targeted a vulnerable girl you wore her down and raped her, after this incident you ignored her.

The offences for which I must pass sentence today took place many years ago at a time when the maximum sentence for indecent assault was considerably lower than that which is now available for oral rape and in relation to all offences on this indictment at a time when the sentencing climate was less severe than it is now.

There is clear guidance as to how I should approach this task set out in annexe B to the sexual offences definitive guideline and clarified by the Court of Appeal in the recent case of *R-v-Forbes & Ors*, [2016] EWCA Crim 1388 particularly in relation to paragraph nine of annexe B indicating that immaturity goes to culpability rather than to personal mitigation.

I must sentence you in accordance with the sentencing regime applicable today not at the date of the offence but I am limited to the maximum sentence available at the time of the offence. I must assess the seriousness of the offence and have regard to the current guideline which offers assistance to me in the assessment of harm and culpability as well as giving broad ranges in which sentences should appropriately fall. I must consider the relevance of the passage of time carefully and decide whether that is an aggravating mitigating or neutral factor.

It seems to me that there has been delay in bringing you to justice because as a result of your behaviour towards them your victims felt unable to speak up fully out of fear and out of a sense of shame, one had spoken up previously but to her mind nothing had been done, she had been subjected to threats, both felt intimidated.

Where it is necessary to do so I must consider how the offences you committed would be characterised under modern legislation and modern guidelines. For example, the offences of sexual intercourse with a girl under 13 would now be classed as rape of a child under 13. Indecent assault with a maximum sentence of 10 years' imprisonment where it reflects an act of oral rape would now be charged as rape with a maximum sentence of life imprisonment.

All sexual offences pre-date the Sexual Offences Act 2003, I do have measured regard to the relevant sexual offences definitive guidelines. Each of your young victims has suffered severe psychological harm and was particularly vulnerable due to her



personal circumstances as I have found them to be, all these offences are therefore at the least category 2 offences.

There are overlaps between the categories. In relation to you Amjad Ali I find that this would now be classed as a category 2A offence of rape of a child under 13, alcohol and/or drugs were used to facilitate the offence and your victim was groomed. The offence is aggravated by the fact that you made your victim pregnant, a factor I did not take into account when assessing this as a category 2 offence.

On count 1 relating to you Matloob Hussain and count 2 relating to you Mohammed Munir Sadiq I find that these offences would now be categorised as rape of a child under 13, category 2A, you were both considerably older than your victim and were clearly involved in grooming her.

In relation to victim one Basharat Dad the rapes in counts 3 and 5 would now be categorised as rape of a child under 13 category 2A as alcohol and/or drugs were used to facilitate the offence and there was grooming as I have found. In relation to victim two all offences save for count 22 would now be classed as rape category 2A, again drugs and alcohol were used to facilitate the offences and there was grooming.

In relation to you Nasar Dad count 10 would now be classed as rape of a child under 13 category 2A for the same reasons and in addition you specifically targeted your vulnerable victim knowing she had just been raped by your brother. Tayab Dad count 23 would now be classed as rape category 2A again, for the reasons set out above including the fact that you specifically targeted your vulnerable.

However given the nature and extent of these offences and the far reaching damage that you have all caused it could well be argued that these offences fall outside of the current sentencing guidelines. I will take into account where appropriate the identified aggravating and mitigating factors being careful to avoid double counting.

I take into account Basharat Dad that when committing these offences against victim one you were 15 or 16 years old and against victim two you were 16 or 17 years old. Given the probable dates of the offences against victim one I have concluded that if you were not 16 you were very nearly 16 when these offences took place, I find victim two was 14 when the offences against her took place and you would therefore have been 16 or 17 at the time, I have regard to that when assessing your culpability.

However all these offences were committed using sophisticated grooming of your victims, they were well planned, you were clearly not immature evidenced by your behaviour towards your victims. You subjected each of your victims to humiliation, you indulged in cynical manipulation and exploitation of your victims which showed a maturity well beyond your chronological age.

I do however reduce the sentence from that I would have passed on someone who was an adult at the time of these offences to some extent to reflect your age at the time. I also bear in mind the principle of totality and have proper regard to the parity between your sentence and that of the other defendants.

I find that your victim Tayab Dad was 14 when you raped her that would make you 18 or 19 years of age at the time, all the other defendants were adults when these offences occurred. Amjad Ali, Matloob Hussain, Mohammed Munir Sadiq and Nasar Dad you were aged 18 or over when you committed offences involving penetration of a girl under 13. You are therefore offenders of particular concern pursuant to Section 236A of the Criminal Justice Act 2003 and I am obliged to sentence each of you to a further period of one year on each relevant count to which you will be subject to licence. Basharat Dad you were under 18 when you committed the relevant offences, you do not therefore qualify for such a sentence.

I make it plain that I do not take into account the potential release dates for each of you given the nature of the sentences which I must pass. If I were to pass the appropriate sentence for each offence the total in some cases would be out of all proportion, I will therefore apply the totality principle in all cases to pass sentences which are just and proportionate.

Stand up please. Amjad Ali you are now 38 years of age, you have previous convictions but none for sexual offences, you pleaded guilty in the face of overwhelming evidence to one offence against a vulnerable victim although I note that you denied the offence in interview.

I sentence you in accordance with your basis of plea, nevertheless it must have been overwhelmingly obvious to you that your victim was extremely vulnerable and either drunk or under the influence of drugs.

I do not accept that your victim consented to the sexual intercourse, she was a vulnerable child who was unable to consent to such behaviour, you were 22 years old at the time. I do take into account that this offending was many years ago but as I have already said your victim was unable to name you as she had no recollection due to the influence of alcohol and/or drugs. Your offence is severely aggravated by the fact that you made your victim pregnant.

I have read two references which speak highly of you, I do give you approaching full credit for your early guilty plea. If I had been sentencing you after trial the sentence would have been in the region of 15 years' imprisonment, the sentence I pass upon you is a custodial term of 11 years' imprisonment extended as it must be under Section 236A of the Criminal Justice Act 2003 by a further period of licence of one year.

Matloob Hussain you are now 42 years old; I have to sentence you for one offence committed against an extremely vulnerable victim, you have no relevant previous convictions, you are hardworking and in a stable relationship, you have essentially led a blameless life since this offence. The sentence that I pass upon you is a custodial term of 13 years' imprisonment extended as it must be under Section 236A of the Criminal Justice Act 2003 by a further period of licence of one year.

Mohammed Munir Sadiq you are now 40 years old; I have to sentence you for one offence committed against an extremely vulnerable victim, you have no relevant previous convictions. Since 2001 you have cared for your mother and supported your sister who has her own difficulties. The sentence that I pass upon you is a custodial term of 13 years' imprisonment extended as it must be under Section 236A of the Criminal Justice Act 2003 by a further period of licence of one year.

Basharat Dad I sentence you for a total of 12 offences committed against two vulnerable victims. Your first victim was just 12 years of age and you indulged in a campaign of rape against your second victim. You are now 32 years of age, you have previous convictions although none for sexual offences, you are now married with a young family of your own. I bear in mind the principle of totality and your relative youth at the time of the offending to the extent to which I have already indicated.

In relation to each victim I therefore make the sentences concurrent taking into account the aggravating factors and the number and nature of the offences. The

sentences I pass upon you are as follows: counts 3 and 5 11 years' imprisonment and count 13 three years' imprisonment all to run concurrently; counts 14, 16, 18 and 20 nine years' imprisonment and counts 15, 17, 19, 21 and 22 eight years' imprisonment all to run concurrently with each other but consecutively to the sentence on counts 3, 5 and 13 making a total of 20 years' imprisonment.

Nasar Dad I have to sentence you for three offences committed against a vulnerable 12 year old. You are now 36 years of age, you raped your victim after your brother, humiliated her and then locked her in a flat. You are the eldest of the brothers, you have no relevant previous convictions, you are married and have children. I take into account the principle of totality and am careful to avoid double counting.

The sentences that I pass upon you are as follows: count 10 14 years six months' imprisonment, count 12 five years' imprisonment and count 13 three years' imprisonment all to run concurrently making a custodial term of 14 years six months' imprisonment extended on count 10 as it must be under section 236A of the Criminal Justice Act 2003 by a further period of licence of one year.

Tayab Dad I have to sentence you for one offence committed against a vulnerable victim whom you knew was being sexually exploited by your brother. You are now 34 years of age, you have no previous convictions at all, I have read two references which speak highly of you. You had speech and learning difficulties when young, you are now a family man with young children, in work and volunteering within the community; the sentence that I pass upon you is one of 10 years' imprisonment.

You will each be subject to the notification requirements and your counsel will explain to you the effect of those sentences. Take them down please.

**Marten Walsh Cherer hereby certifies that the above is an accurate and complete record of the proceedings or part thereof.**

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