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IN THE CROWN COURT AT SHEFFIELD

Case No. T20170042

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

Thursday, 16th November 2017

Before:

HIS HONOUR JUDGE DIXON

R E G I N A

- v -

ZAHEER IQBAL
SAJID ALI
RIAZ MAKHMOOD

**REPORTING RESTRICTIONS APPLY:
SECTION 39 OF THE CHILDREN AND YOUNG PERSONS ACT 1933
SECTION 2 OF THE SEXUAL OFFENCES (AMENDMENT) ACT 1992**

MISS S. DRAKE (instructed by the Crown Prosecution Service) appeared on behalf of the Prosecution.

MR G. PARSONS appeared on behalf of the Defendant Iqbal.

COUNSEL appeared on behalf of the Defendant Ali.

COUNSEL appeared on behalf of the Defendant Makhmood.

SENTENCING REMARKS
(Transcript prepared without the aid of documentation)

Thursday, 16th November 2017

(14.50)

JUDGE DIXON: Gentlemen, you can remain seated for the moment. In sentencing you I'm going to refer to the victim of these offences simply as [Person A], to provide some degree of anonymity to her. Albeit the press, of course, if they're present will know there are considerable restrictions on her being more widely described.

These are very serious offences. Sajid Ali, Zaheer Iqbal, Riaz Makhmood, you've each been found guilty, by the jury, unanimously of serious sexual crimes. The offences involved the exploitation and abuse, by all three of you together, of what, at the time, was a young and vulnerable girl.

In my judgment, having heard the trial and heard from all of the witnesses, I take the view that she was about 13 at the time these offences took place. There is some ambiguity over exactly how old she was. On a widest interpretation of the evidence it could fall somewhere between 12 and 14 years, in my judgment. However, I shall sentence you on the basis that she was 13 because that's the most just way to balance all of the interests here. If she were younger you would fall within a different sentencing regime that would be, perhaps, more extreme. If I sentence on the basis that she was older some of you would be adults and, again, that would have an effect on sentence and, therefore, I fix 13 on the basis of the evidence but also, bearing in mind those factors, to ensure a just result.

Each, in your own way, perpetrated, facilitated and/or encouraged the sexual abuse of a vulnerable young girl. She was vulnerable because of her age, but also because of her own feelings of her own self-worth. Rightly or wrongly she thought that she, perhaps, wasn't as attractive as others, wasn't as worthy as others. Certainly not as popular as others and like anybody in that sort of situation she wanted to be liked and she was targeted by you to exploit that vulnerability.

Sadiq Ali, despite your young chronological years, you sexualised and subjected her to repeated, manipulated and contrived acts of abuse. Your two co-accused equally so. She was groomed, coerced and intimidated. She was told that she was rubbish at the acts that she was performing upon you. She was called abusive names and treated as a "thing", a "thing" that you could pass amongst yourselves. She didn't feel able to tell anyone of what had happened to her, because of the control that you'd put upon her because of the way you'd made her feel, until nine years or so later, when only because of the television programme, that we all know about concerning the abuse within Rotherham, she started to feel that she wasn't the only one.

In my judgment, the abuse of [Person A] was carefully orchestrated. Initially after you, Sadiq Ali, deemed her an appropriate target you started a grooming process. You chatted to her, initially about the sorts of things that young people would. That was with the sole purpose of building a rapport. After a period of only, perhaps, a few weeks you then moved onto the second stage whereby you then, with the assistance of your other co-accused, provided her with alcohol and tobacco. In my judgment, that was to make her feel wanted but also, crucially, to lower her inhibitions. But the control that followed is control was what you wanted, meant that [Person A] wanted to return. She wanted to feel people liked her. She wanted to prove to you that she was good at what you were asking her to do. You'd manipulated her to that extent. Like many, she simply wanted to be liked and you preyed on that. But that was always your intention, the three of you acting together, to make it clear to her that you encouraged and built those feelings within her so that she was readily available

for your perverted sexual desires.

Sadiq Ali, as I said, you were the one that started things, despite being the youngest in years. The fact that you did that, and were able to manipulate her in the way that you did, shows a maturity, in culpability terms, well in excess of your actual chronological years.

Zaheer Ali(sic), it was you that behaved towards her in the worst way. Your abuse and treatment, whilst non-violent, was psychologically the most demeaning. Calling her abusive terms, telling her that she was not very good and yet, at the same time, being able to get her to come back, to want to come back, shows a level of culpability, again, beyond your years.

You, Riaz Makhmood, were, perhaps, if “nice” is the right word, certainly that’s the word that [Person A] used during her interviews, were the nicest of the three. At times you showed, perhaps, a degree of compassion towards her, indicating that she drank too much, or matters of that nature but yet, still, you returned to her many many many times.

[Person A]’s victim impact statement has been read to me today and it’s clear from that, and indeed from her evidence generally, that she struggled with various issues in her life. At times feeling a lack of control; low self-esteem; depressed. All of which, perhaps, without any doubt at all comes back to what you did to her and the way that you controlled and manipulated her all those years ago. She looks back now and sees her teenage years lost. The time, perhaps, that most of us look on with a degree of fondness, the three of you took from her. Not only that she became more distanced from her parents and looking back with the guilt of thinking that she might have been at some time, or in some way, to blame for this. Memories still haunt her and that revolving guilt and trying to resolve internally that it wasn’t her fault, as quite clearly it was not. She was not to blame or in any way responsible for what you did to her. You took away her innocence.

It was submitted to the jury that honesty, fairness and bravery were features that the jury should look to in resolving this case and if I (inaudible) at this stage I commend [Person A] for all three. The honesty in terms of coming forward and telling her story. The fairness with which she gave her story and not, for one second, exaggerating what had happened to her. Not, for one second, seeking to blame anybody more than they deserved and, at the same time, saying, for example, Riaz Makhmood was the nicest of the three. But, more than anything, I commend her for her bravery. Coming forward to say this sort of thing is never easy. To come forward, after all these years, is never easy. To come forward knowing that you’re going to stand before a jury of 12 people, who you’ve never seen before, and tell them what’s happened is bravery of the highest order for which I commend her.

I also commend her sister-in-law, [Person B], for being there for her sister. Without her, it seems, [Person A] may not have had the bravery to come forward and that is a feature of note. But the childhood and adolescence of [Person A] that’s been taken can never be reclaimed. The psychological harm you’ve inflicted will, doubtless, remain with her for some time. Even now being able to talk about it and, perhaps, now, finally, get the degree of care and attention she needs, that the effects on her will be considerable for some time to come. But, of course, it’s not just her, as powerful as it is, it’s also her wider family.

The offences, of course, which I must pass sentence today, took place many years ago. At a time when the maximum sentences for indecent assault were considerably lower than now the sentences are. There’s clear guidance as to how I should approach this particular task, they’re set out within the Sentencing Council Guidelines, they’re also being further explained in the case of Forbes and I bear all of that, of course, in mind and whilst I must sentence you on the basis, having some regard to the current sentencing regime I must, of course, bear in mind the maximum sentences available at the time and there are competing interests in good aspects, or a good many aspects of that particular exercise.

It seems to me that what happened back then, if not rape, was very close to it. Am I able to say, for

certain, that a jury, having been given that task today, would've said it was rape? I don't know. I suspect they may, but (inaudible) "suspect" and out of that particular issue I take the view that the appropriate Guidelines to follow here are those of sexual activity with a child. Looking at that particular Guideline there is, of course, penile penetration of the mouth. In my judgment there'd been a degree of planning. It was offenders acting together. There was use of alcohol. There was grooming. But there was limited threats albeit, to an extent, not a factor I place a great deal of importance upon, but specific targeting of a vulnerable child. In effect, a Category 1A case with the highest possible culpability.

The sentencing range suggested, by the Council, for such offences, is between four and 10 years with a starting point of five for, of course, one offence. I bear in mind, of course, that a s.9 offence today carries a maximum sentence of 14 years. Indecent assault only 10.

Bearing in mind what I've said about this case, if I'd been sentencing any of you for what has gone on here, I've got to bear in mind totality and whilst if I imposed individual sentences for each of the offences that you have been involved in the sentence would be, somewhat, out of proportion and in my view the appropriate way to deal with the offending here is to lump it altogether, it was part of a continuing process, and look at the general criminality involved. On that basis, for an adult offender today, that being involved in this sort of offence, going on for the best part of a year, involving a child, as [Person A] clearly was, that my sentence would've been in the region of nine to nine and a half years. That reflects the difference between the s.9 offence and indecent assault but, even so, I would still have imposed that sort of bracket for the indecent assault. But, of course, at the time, if [Person A] was 13, as I find her to be, Sajid Ali would've been 16. The other two 17. That is a further factor in a further Guideline for me to take account of.

As already indicated, as far as Sajid Ali is concerned, whilst 16 may have been your chronological age the degree of planning and sophistication of the grooming, the calculated and manipulative behaviour you displayed towards [Person A], the humiliation you inflicted upon her shows to me a maturity, in culpability terms, well in excess of 16 and, on that basis, I propose to deal with you almost as if you were 18.

Zaheer Iqbal and Riaz Makhmood, you were 17. But, again, because of the level of culpability that's been described already, from the grooming process that you were clearly a substantial part of, again I propose to deal with you as if you were almost 18. But the effect of all of that is this; I bear in mind what I know about your individual ages. I bear in mind that since then you have all lead different lives. All three of you have been to prison for offences of perverting the course of justice. Riaz Makhmood has been to prison more recently for drugs offences but save to say that I'm going to ignore all of those offences, save to say you've been in custody before and are not men of good character and, therefore, the clang of the gates will not have the effect it might have had on some, there'll be no aggravation in terms of your previous character. But you were all involved in this. All involved in this sophisticated and long-lived offending.

I take the view, having considered all of the factors in this case, having set out the way I have, borne in mind the Guideline for young offenders, particularly not just your chronological age, but your maturity in terms of the way I've described it. Bearing in mind, of course, that you are now 38, 39 and 40 with families of your own for which these sentences will have a considerable impact where your youth has come back to haunt you.

The appropriate sentences for you will be as follows: stand up, please. Sajid Ali, on each and every count that you have been convicted of, bearing in mind the factors I've indicated, the appropriate term will be one of seven and a half years, concurrent on each.

For you, Zaheer Iqbal, you were slightly older, but you were more of a follower, but you were still the meanest of the lot and they factors, effectively, balance each other out, seven and a half years on each concurrent.

Riaz Makhmood, you were involved, perhaps the least, but you were involved for many many times. You were the nicest of the three, using [Person A]'s terminology even though that, perhaps, is a strange way of putting it. Allowance given for the number of incidents you were involved in in that lower role, six years nine months concurrent on each.

I considered dangerousness, I don't think it applies in this case. No orders are sought in terms of sexual harm, none would've been granted. Victim surcharge will apply in the usual way, if it does. But it doesn't, bearing in mind the age of the offences. But, save for that, those are the sentences of the Court. Take them down.

[Person A], having said all that publicly, personally I mean every word of the bravery. It takes a good deal to come forward to Court.

(15.08)

CERTIFICATE

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