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IN THE CROWN COURT AT SHEFFIELD

Case No. T20177634/T20180365

Order No. 201805062*C5*1

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

Friday, 16 November 2018

Before:

HER HONOUR JUDGE WRIGHT

R E G I N A

- v -

MOHAMMED IMRAN ALI AKHTAR
NABEEL KHURSHID
IQLAK YOUSEF
TANWEER HUSSAIN ALI
SALAH AHMED EL-HAKAM
ASIF ALI

**REPORTING RESTRICTIONS APPLY:
SECTION 2 OF THE SEXUAL OFFENCES (AMENDMENT) ACT 1992**

SENTENCING REMARKS
APPEARANCES

MR P HAMPTON and MS L MCBRIDE (instructed by the Crown Prosecution Service) appeared on behalf of the Prosecution

MR HUSSAIN QC appeared on behalf of the Defendant Akhtar

MS SMART appeared on behalf of the Defendant Khurshid

MR D MCGONIGAL appeared on behalf of the Defendant Yousef

MS N HARFORD-BELL appeared on behalf of the Defendant Tanweer Ali

MR I HOWARD appeared on behalf of the Defendant El-Hakam

MR CONWAY appeared on behalf of the Defendant Asif Ali

(Transcript prepared without the aid of documentation)

Friday, 16 November 2018

(2.19 pm)

JUDGE WRIGHT: The defendants can remain seated for the moment. In sentencing the defendants I will not refer to the complainants by name. I do not intend any discourtesy to them 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 complainants in this case. To do so would be a very serious criminal offence.

Mohammed Imran Ali Akhtar, Nabeel Khurshid, Iqlak Yousef, Tanweer Ali, Salah Ahmed El-Hakam and Asif Ali, you have each been found guilty by the jury of serious sexual crimes. The offences involve the exploitation and abuse of young, vulnerable girls in the Rotherham area between 1998 and 2005. Each in your own way perpetrated, facilitated or encouraged the sexual abuse of these young girls.

Complainants 1 and 2 were sisters, very close in age and very close to one another as teenagers. They lived with their grandfather, having been effectively abandoned by both parents. The girls were enthralled by older males who had cars and seemed exciting to them.

They now appreciate they were being exploited but at the time thought they were living the high life. They did not come from a stable or protective background and so were extremely vulnerable to those who set out to exploit them. They became beyond the control of their grandfather who turned to Social Services for help. They were frequently reported missing.

The girls believed that they were loved because they were receiving attention. They were exploited by a large number of men from an early age, probably from when the eldest was about 12 to 13 years of age and her younger sister aged 11 to 12. By the time they encountered you, Mohammed Imran Ali Akhtar and you, Tanweer Ali, they had already been corrupted. They had no sense of protecting themselves and I am quite sure you targeted them because of it. I am satisfied that you both knew full

well that they had already been exploited by many men.

These sisters, like so many of us, were easy to exploit because of their need to be loved. They were flattered by your attentions. Complainant 1 describes in her victim impact statement how the men who abused her destroyed her and feels that some parts of her can never be fixed. The offending against complainant 2 has had a substantial impact upon her education. She feels she lost her childhood and it has impacted upon her relationship with her own children.

Complainant 3 was exploited by all six of you. By the time she encountered each of you she too had already been the subject of targeted grooming and sexual abuse and had no proper appreciation of safe relationships or how to protect herself. She had stopped going to school, had poor relationships with people in authority and would lie to protect those who were in fact exploiting her. It is clear from the records produced in this trial that she was a very troubled child who struggled with behaviour at school and at home. She was extremely vulnerable. She now has complex mental health problems as a result of the traumatic stress she suffered and the level of her intellectual functioning made the assistance of an intermediary necessary in order for her to give evidence. Such is the trauma that she suffers that she felt that making a victim impact statement would make her feel worse than she does currently.

Complainant 4 was also as a child sexually exploited by many men. She describes how the men would get bored with girls and then they would get passed on to someone else. She described the shame she felt about what had happened to her when she was young. Having seen her give evidence, I am in no doubt that she has suffered severe psychological harm as a result of the substantial abuse that she was subjected to.

Complainant 5 was another highly vulnerable child who suffered from low self-esteem. When her parents discovered she was being exploited they were unsupportive and verbally abused her. If she was home late she was in trouble and often locked out. She was passed from one group of males to another and over time was very seriously abused by a large number of men. She describes in her victim impact statement that the exploitation of her did not stop when the perpetrators walked away. They made her feel that abusive behaviour was normal and she was not, therefore, able to recognise and stop further exploitation of herself. The investigation has taken over her life. Giving evidence was traumatic and she has had to re-live her abuse.

Each of the complainants in this case were groomed, coerced and intimidated. Some were given alcohol and/or drugs and each of them was given attention and lured into a way of life that was highly damaging for them. Each of them was groomed. Each of you groomed. 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 withstand the full significance of what she is doing and in particular where, as in some instances here, there was evidence of acquiescence or acceptance rather than positive consent, having heard the evidence I conclude that each of the complainants, perhaps out of embarrassment, out of a lack of self-esteem or for a variety of complex reasons, went along with that which they did not in reality wish to engage in and would not have engaged in if it were not for their immaturity.

I commend wholeheartedly the courage of all the complainants in this case. All five have shown immeasurable bravery in coming forward to give their accounts. They showed strength of character in relating their experiences to the police and then giving evidence in court, having to re-live their traumatic experiences from many years ago in such an open and public forum. They gave evidence knowing it would be extremely embarrassing and distressing for them. Each has shown bravery beyond measure in speaking about such intimate and traumatic experiences and exposing themselves to intrusion and questioning. Each has been concerned, not just with justice for themselves but with a desire to protect others from this sort of abuse in the future.

I reiterate what I have said previously in relation to other cases. The childhood and adolescence of each of these victims can never be reclaimed. I was able to assess each of them as they gave their evidence. They have, I find, each suffered severe psychological harm. They continue to suffer considerable trauma and will continue to suffer throughout their lives as a result of your actions. Your offending has not only impacted upon them but also upon their families and loved ones and the wider community. You have each caused immeasurable suffering and far-reaching harm.

The offences for which I must pass sentence today took place many years ago at a time when the maximum sentences for many offences, including indecent assault, were considerably lower than that which is now available 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 case of *R v Forbes and Others* [2016] EWCA Crim 1388, particularly in relation to paragraph 9 of Annexe B indicating that immaturity goes to culpability rather than personal mitigations.

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 into 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 the complainants felt unable to speak up out of fear and out of a sense of shame. One had spoken up previously but nothing had been done.

Where it is necessary to do so I must consider how the offences you have committed would be characterised under modern legislation and modern guidelines. For example, many of the offences of indecent assault with a maximum sentence of ten years' imprisonment would now be charged as either rape with a maximum sentence of life imprisonment or sexual activity with a child category 1A carrying a maximum sentence of 14 years. All but one of the sexual offences predate the Sexual Offences Act 2003.

I do have measured regard to the relevant Sexual Offences Definitive Guidelines. The grooming of each of the complainants involved a significant degree of planning. Each has suffered significant psychological harm. The prosecution have helpfully set out in a document for sentencing the identified categories for each equivalent offence under the 2003 Act. I broadly agree that the offences may fall within the categorisations for the reasons helpfully and fully set out in that document.

In relation to the offences, the extreme nature or one or more of the category 2 factors including severe psychological harm, violence and particularly vulnerable victim may elevate the offence to

category 1. There are overlaps between the categories. Each of the offences of rape might now be a category 1/2A offence. Indecent assaults might now be either sexual activity with a child or rape category 1/2A. Count 28 is a category 2B offence. The starting points are for a single offence.

Although I do have measured regard to the guidelines, given the nature and extent of these offences, the fact that this offending was of such an unusual and serious character of a type rarely encountered by the courts, the mindset of each of you in committing these offences and the far-reaching damage that you have all caused, these extraordinary offences could well fall outside of the current sentencing guidelines.

None of you can argue that you are not responsible for causing severe psychological harm to the complainants. By exploiting those who had already been exploited and had already suffered psychological harm or by exploiting and damaging those that went on to be exploited by others, you are all responsible for causing that severe harm which I find each complainant has suffered.

I will take into account where appropriate the identified aggravating and mitigating factors, being careful to avoid double-counting.

I take into account that when committing these offences some of you were still teenagers yourselves. I have regard to that when assessing your culpability. However, these offences were committed using sophisticated grooming of your victims. They were well-planned. You can have been in no doubt that the complainants were vulnerable in the extreme.

You were clearly not immature, evidenced by the fact you all 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 sentences. I am careful to only sentence for the matters you have been convicted of. If I were to pass the appropriate sentence for each offence though the total in some cases would be out of all proportion. I will, therefore, apply the totality principle in all cases and to pass sentences which are just and proportionate, reflecting the totality of the gravity of your offending.

I move to deal with the offences. Mohammed Imran Ali Akhtar. You, Mohammed Imran Ali Akhtar were a ring-leader who would befriend young girls and introduce them to your friends. You met complainant 1 when she was just 14 or so. You would have been well aware of her vulnerability. You indulged in admitted sexual activity with her on many occasions. When she was approximately 14 or 15 and you were approximately 17 or 18 years of age she performed oral sex upon you. This was not a relationship. This was child sexual exploitation.

Some time later you moved on to exploit her sister, complainant 2. Again, you indulged in admitted sexual activity with her on many occasions. She would have been about 14 or 15 and you were about 20 when you attempted to get her to perform oral sex upon you. It is of note that when she became pregnant you used Nabeel Khurshid who was particularly unpleasant and Iqlak Yousef to threaten and intimidate her. You tried to persuade her to have a termination and left her.

By December 2002 complainant 3 had been the subject of targeted grooming and sexual abuse with no proper appreciation of safe relationships or how to protect herself. It is clear she had no or very little self-esteem. You, Mohammed Imran Ali Akhtar, targeted her when she was about 14 or 15 years old and you were about 20 or 21 years of age and you engaged in admitted sexual activity with her. Again, in evidence you sought to categorise these sexual encounters as some sort of relationship between equals. It was certainly not that but rather an exploitation of her where you subjected her to humiliation and degradation for your own ends.

I find that you lured her initially with kindness, with alcohol and illicit drugs and then expected her to comply with your sexual demands. You raped her, forced her to perform oral sex upon you and you took her to meet other men who would then have sexual intercourse with her. You would threaten to leave her in remote or distant locations if she did not comply, on one occasion abandoning her on the motorway for a short time.

You expected her to engage in sexual activity with Nabeel Khurshid and Iqlak Yousef, among others.

You took her to a secluded location under a bridge and there, in what was clearly a premeditated attack, forced her to have sexual intercourse with your cousin, Tanweer Ali.

Even after she had managed to distance herself from you, sometime later when she called on you to rescue her from what was clearly a threatening situation, you sexually assaulted her in the car on the way home. Your attitude to her was amply demonstrated by your own admission that your words to her at that time when she was upset and vulnerable were, "Are you going to sort me out?"

On 10 July 2015 you deliberately sought her out when you realised that you may well be arrested in relation to your activities. You were seeking information about whether she and others had spoken to the police. You were trying to suggest that she was equally to blame for what had happened and were clearly trying to influence her not to pursue any allegations.

Nabeel Khurshid. You, Nabeel Khurshid, were introduced to complainant 3 by Mohammed Imran Ali Akhtar. You worked together with him and Iqlak Yousef giving her drink and/or drugs. You would then rape her or force her to perform oral sex upon you. You committed these offences when you were between the ages of 17 and 19. You were described as the bully, the nasty one, the one others would turn to if she did not comply. As a result of the hold you had over her and your reputation, Mohammed Imran Ali Akhtar would threaten her with calling you if she did not comply with his demands.

You were introduced to complainant 5 when she was about 14. She was another extremely vulnerable child who suffered from low self-esteem. Her parents were unsupportive and verbally abusive to her, often locking her out if she was late home. She had... she had been passed from male to male and very seriously abused. You gave her alcohol and cannabis. You had sex with her on a regular basis. She thought you were her boyfriend and was enthralled to you. The reality is that you were exploiting this vulnerable child for your own sexual gratification.

It was against that background that on one occasion you took her to Sherwood Forest, along with Iqlak Yousef and another man. She had been smoking cannabis. She was warned by you to do as she was told or she would be left there. You each had sexual intercourse with her on the ground, one after the other, when she was in no position to be able to consent to such behaviour. This was a planned group attack upon her.

She became pregnant and was forced by her parents to have a termination, causing her great psychological trauma. She was particularly distressed when recalling this event in evidence.

Iqlak Yousef. You, Iqlak Yousef, were also introduced to complainant 3 by Mohammed Imran Ali Akhtar. You worked together with him and Nabeel Khurshid giving her drink and/or drugs. You would then rape her and force her to perform oral sex upon you, calling upon Nabeel Khurshid if she failed to comply.

You met complainant 4 when she was about 14 or 15. She had already been sexually exploited by many men. She described how the men would get bored with girls and then they would get passed on to someone else. She thought she was your girlfriend. She described how calling someone her boyfriend made her feel better, although the reality was that they were never really boyfriend and girlfriend and the man would also be having sex with other girls.

You took her to various locations in your car and she performed oral sex upon you. She described you as quite compared to others and how having sex with you was not as rushed or forced as it was with others.

You were also one of the three men who raped complainant 5, one after the other, at Sherwood Forest, a planned group attack upon her when she had been threatened that she would be left there if she did not comply. You committed these offences when you were between the ages of 17 and 19. Tanweer Ali, you met complainant 2 when she was around 14 years of age. She performed oral sex upon you and you digitally penetrated her.

You were introduced to complainant 3 by Mohammed Imran Ali Akhtar. You can have been in no doubt that this young girl was particularly vulnerable. He took her to a remote location under a bridge where she was forced to have sexual intercourse with you against her will. On another occasion you took her to an empty house. You would not let her leave and you raped her in that house. You committed these offences when between the ages of 17 and 20.

Salah Ahmed El-Hakam, victim 3 was only 14 or 15 when you engaged in sexual activity with her. You were known as Dean. She was an incredibly vulnerable young girl and she was being sexually exploited by others. You had sexual intercourse with her when she was too drunk and in no position to consent. You committed these offences when you were between the ages of 21 and 23.

Asif Ali, victim 3 knew you at a time when she was spending time in Rotherham Town Centre when she was between 12 to 15 years of age and was being sexually exploited by many others. You forced her to perform oral sex upon you on two occasions in an alleyway. You were forceful and she was terrified. You committed these offences when you were between the ages of 15 and 18.

Will the defendants please stand? Mohammed Imran Ali Akhtar, you are now 37 years of age. You have been convicted of offences committed against three vulnerable victims. I do take into account in respect of all of you that this offending appeared to cease many years ago but as I have already said, your victims felt unable to pursue a formal complaint against you until now, partly because of the enormous affect your offending has had upon their lives and the trauma and psychological harm they have suffered.

You have no previous convictions for sexual offences. I do have regard to the fact that you, Mohammed Imran Ali Akhtar, were a young man yourself at the time you committed these offences and to the extent that I have already outlined and to your family and personal circumstances at the time. You now have a family of your own, including a disabled child. I heard evidence from a neighbour of yours that you have been kind and generous to her. You are patient and caring with your father who has mental health difficulties and you have a loving relationship with your family.

However, this was not just one incident as far as you were concerned. It involved repeated offending over a period of time and in relation to victim 3 it involved rape, indecent assault and causing her to engage in sexual activity with other men. In sentencing you I reflect the total gravity of your offending in the sentence I pass upon count 12.

The sentences upon you are as follows: counts 3 and 6, six years' imprisonment on each; count 13, eight years' imprisonment; count 14, two years' imprisonment; count 19, twelve years' imprisonment; count 28, two years' imprisonment and count 12, twenty-three years' imprisonment. All those sentences to run concurrently. That makes the total sentence upon you, Mohammed Imran Ali Akhtar, one of twenty-three years' imprisonment.

Nabeel Khurshid, you are now 35 years old. You have no previous convictions for sexual offences although you do have a conviction for conspiracy to supply cocaine in 2005 committed together with Iqlak Yousef for which you were sentenced to ten and a half years' imprisonment. You have

been married for some years and have a family of your own, your own business and have been involved in some community and charity work.

I have to sentence you for offences committed against two vulnerable victims. You were particularly intimidating towards your victims, forcing them to comply and I reflect that in the sentence that I pass. I bear in mind totality and reflect the gravity of your offending in the sentence that I pass upon count 15 [sic].

The sentences I pass upon you are as follows: count 16, eight years' imprisonment; count 27, eleven years' imprisonment and count 5, nineteen years' imprisonment all to run concurrently, making a total of nineteen years' imprisonment in all.

Iqlak Yousef, you are now 34 years of age. You have no previous convictions for sexual offences but you do have a conviction for conspiracy to supply cocaine in 2005 committed with Nabeel Khurshid and for which you received a sentence of twelve years' imprisonment. You were described by your victims as the quiet one but you were not averse to calling upon Nabeel Khurshid to intimidate your victims into complying with your demands. I have read a number of references speaking to your good character and of the support that you give to your family and to charity.

I have to sentence you for offences committed against three extremely vulnerable victims. I take into account the principle of totality and reflect the total gravity of your offending in the sentence I pass in relation to count 17.

The sentences I pass upon you are as follows: count 18, eight years' imprisonment; count 26, six years' imprisonment; count 27, eleven years' imprisonment and count 17, twenty years' imprisonment, all to run concurrently making a total of 20 years' imprisonment in all.

Tanweer Ali, you are now 37 years old. I have to sentence you for offences committed against two vulnerable victims. You have no previous convictions for sexual offences. I heard various character references speaking of you both at the time of these offences and subsequently as friendly and pleasant, quiet and calm, polite and respectfully and from one young woman in particular who said she had never felt threatened by you when socialising with you as a teenager. You have now expressed some remorse for your actions.

I have read the psychiatric report prepared by Dr Hillier. He concludes that you suffer from paranoid schizophrenia or schizoaffective disorder as well as mental and behavioural disorders secondary to substance misuse. You have a history of being detained in hospital under the Mental Health Act. You clearly have significant and complex mental health problems. You take a variety of medications and your communication and concentration is poor and you have problems with your memory. I bear in mind your mental health difficulties when sentencing you.

Bearing in mind the principle of totality and reflecting the gravity of your offending in the sentence I pass upon counts 19 and 21, the sentences that I pass upon you are as follows: counts 4 and 5, six years' imprisonment; count 20, two years' imprisonment and counts 19 and 21, fourteen years' imprisonment on each, all to run concurrently. Making a total of fourteen years' imprisonment in all.

Salah Ahmed El-Hakam, you are now 39 years of age. You were approximately 21 and a post-graduate student when you committed offences against your 15-year-old, extremely vulnerable victim. You have no previous convictions for sexual offences. I have read a number of references speaking of your good character and commitment to your children. However, these rapes were committed against a young girl who you knew was in no position to consent to sexual activity with you.

The sentence I pass upon you in relation to count 7 is one of fifteen years' imprisonment.

Asif Ali, you are now 34 years of age. You are married and now have six children. I have to sentence you now for two offences against one extremely vulnerable victim.

I have previously sentenced you for a well-planned rape of a vulnerable child to twelve years' imprisonment. I, therefore, bear in mind the principle of totality.

The sentence I pass upon counts 23 and 25 is one of five years' imprisonment on each to run consecutively with each other making a total of ten years' imprisonment, that sentence to run concurrently with your current sentence.

You will each be subject to the notification requirements.

Your counsel will explain to you the effect of these sentences.

I make restraining orders in the terms requested but given the conditions that will be imposed upon licence on release I do not consider it appropriate to make Sexual Harm Prevention Orders.

Take them down, please.

(2.56 pm)

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