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IN THE CROWN COURT AT SHEFFIELD Case No. T20197124

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

Friday, 13<sup>th</sup> March, 2020

Before:

HIS HONOUR JUDGE SLATER

R E G I N A

- v -

SHANGAR IBRAHIMI  
KAWAN OMAR AHMED  
NZAR ANWAR

SABA MOUSSA MOHAMMED

JASIM MOHAMMED

**REPORTING RESTRICTIONS APPLY**

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MR P. HAMPTON (instructed by the Crown Prosecution Service) appeared on behalf of the Prosecution.

MS V. SAXTON appeared on behalf of the Defendant Ibrahim.

MR R. SHELDON appeared on behalf of the Defendant Ahmed.

MR J. BAIRD appeared on behalf of the Defendant Anwar.

MR J. GOULD appeared on behalf of the Defendant Saba Mohammed.

MS Z. ALAM appeared on behalf of the Defendant Jasim Mohammed.

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## SENTENCING REMARKS

(Transcript prepared without the aid of documentation)

Friday, 13<sup>th</sup> March, 2020

(11:50)

JUDGE SLATER: The defendants may remain seated until I indicate otherwise. You five defendants now fall to be sentenced for those offences of which you were convicted by the jury. Before sentencing each of you in turn, I shall make some observations based on the evidence in the trial that apply to this sentencing process as a whole.

First of all, in relation to the complainant, [Person A]. During the period covered by this indictment, namely between the 7th of September 2010 and the 31st of December 2012, [Person A] was between 15 and 16 years of age. For most of that time she was in local authority care; she had been known to Social Services since 1999. In 2010 she arrived in Sheffield, lonely and friendless; having been, effectively, rejected by her family. She was already the victim of serious sexual abuse at a very young age and now harboured thoughts of suicide. She was on any view at that time, before any offence was committed towards her on this indictment, an extremely vulnerable and troubled young girl.

It is helpful to be reminded at this stage of what Miss Jennifer Jessop said in evidence. She was involved with the complainant as a social worker in 2010, and she described her in the following way whilst giving evidence for the Crown, evidence which was not the subject of any serious challenge: "I do have a good memory of [Person A]. She was never aggressive or abusive to me; she was a nice young person. I remember how lovely she was. She just wanted people to like her and love her. She had very complex issues dating back to childhood."

Her evidence continued later: "Her needs made her very, very vulnerable, because anyone who showed any interest in her, she would try to cling onto anyone who tried to be nice to her; she could not see that some people did not have her best interests at heart. I think she was very immature, but she felt quite streetwise and grown-up because of what she had experienced. She was very childlike and overly trusting; she could not see how she might put herself in

vulnerable situations by her own behaviour." Mrs Beighton, who gave her a work placement at her business premises, was so impressed by her that at one stage she and her husband thought of trying to become her foster parents by fast-tracking; that didn't come about.

Despite the best efforts of those trying to help her professionally, the complainant began, to all intents and purposes, living on the streets of Sheffield, desperately seeking company, friendship and affective affection. As time went by she became increasingly reliant on alcohol, and sometimes drugs, to get her through her daily routine. Not long after she arrived in Sheffield she encountered Amanda Spencer, who sexually exploited her for a period of time, and Taleb Bapir, who raped her on one occasion. She had frequent short-lived sexual encounters with mainly, but not exclusively, Kurdish males with whom she associated. Some of these encounters, she told the police, were consensual, but most were not.

So, it is within this context that you five fall to be sentenced. I make it clear that the sentence I will pass in due course on each of you is not influenced by the actions of others towards the complainant who are not before this court; each of you will be sentenced in accordance with the evidence against you that was given at trial, and nothing more.

In accordance with the principles enunciated by the Court of Appeal in *R v Chall* [2019] EWCA Crim 865, I make a finding of fact based upon the evidence that I have heard that the complainant has suffered, and continues to suffer, severe psychological harm as a result of your individual offending, notwithstanding that that harm may have been significantly contributed to by others.

The contents of the complainant's victim personal statement that I have read, and which have been read out in court, have in my view in no way been contradicted by her demeanour or content of her evidence at trial, whether through the numerous ABE interviews between 2011 and 2017 that were played to the court, or by her necessarily lengthy period of time in the witness box. A diagnosis of post-traumatic stress disorder dating back to at least 2016, and confirmed in June 2019 as continuing, is evidenced by the statement of Beverley Knight, dated the 28th of February 2020; that witness being a community psychiatric nurse.

I should say at this stage that each of the offences of which you have been convicted by the jury is so

serious that only an immediate and significant term of custody is appropriate in accordance with the sentencing guidelines to which I have been referred. In serving such a sentence you will each serve up to one half of it before being released on licence. Should you fail to comply with the terms of your licence, or commit further offences, then you will be liable to be returned to custody to serve the balance of the sentence. I bear in mind the principle of totality of sentencing in arriving at the sentences imposed.

In each of your cases there will be a restraining order in relation to the complainant in the terms sought by the prosecution; that will be for an indefinite period of time, until further order of the court. Should you breach its terms you will be liable to a prison sentence of up to five years duration. In addition, in relation to Jasim Mohammed there will be a similar restraining order in respect of the witness [Person B](?) as requested.

I will now turn to one final matter, which is that that has been raised in mitigation in terms of delay. It is true that this investigation has taken a long time; in no small part that was the result of what occurred in 2011, when a contemporaneous complaint was made, but not proceeded with. I am quite satisfied that there has been no undue delay during the course of the current investigation, as Mr Hampton has outlined. It seems to me that delay in a case of this sort is an element which is to be expected, having regard to its factual context, and so I do not regard the fact that there has been such delay as founding any significant point in mitigation such as to justify a reduction in sentence.

I now will turn to the individual sentences to be imposed in indictment order. Shangar Ibrahimi, you are 30 years of age. You have previous convictions dating back to 2009 when you were 19; they were mainly for offences of shoplifting and were all dealt with by the magistrates court. In March of 2019 you appeared before Great Grimsby Crown Court, and for an offence of dwelling house burglary, to which you pleaded guilty, you received a sentence of 40 months imprisonment which was your first experience of custody; this sentence will run concurrently to that.

You fall to be dealt with for a single offence of rape in Count 7. The prosecution contend that this is a 2A type offence, with a starting point of 10 years and a sentencing range of between nine and 13. In their sentencing document they point to what they say are aggravating features, namely the specific targeting of vulnerable victim, ejaculation and no contraception being used. It seems to me that the first is already included in the categorization of the offence, so I

do not take it into account as an aggravating feature.

I see no need to disapply the starting point of 10 years, which I increase by three years to reflect the fact of the two aggravating features of ejaculation and no contraception. In terms of your mitigation advanced, I find it of a limited nature, but I reduce that term by a further 12 months to reflect it.

The sentence upon you, therefore, is one of 12 years imprisonment.

Stand up please. Just Ibrahim please -- just Ibrahim -- no, just Ibrahim. In relation to Count 7, there will be a sentence of 12 years imprisonment. I have indicated the conditions pertaining to licence and early release, and also the restraining order in relation to the complainant. You may go down.

I now turn to Kawan Ahmed. You fall to be dealt with for Counts 10 and 11 on this indictment, two offences of rape. The prosecution contend that each of those offences -- again he may remain seated for the time being -- the prosecution again contend that each of these offences are category 2A types within the guidelines. I agree, as does the defence, there are aggravating features present, in my view, of ejaculation and no contraception used in each of those allegations of which you have been convicted. The starting point for each of them is, therefore, one of 10 years. I agree as a matter of totality that the sentences imposed should be concurrent, not consecutive. I have regard to the matters advanced, relating to your medical condition in particular, advanced by Mr Sheldon.

As far as the offence in Count 10 is concerned, there will, accordingly, be a starting point of 10 years, which will be increased to 13 having regard to the aggravating features I have described already. That will be reduced in terms of your mitigation, again limited in my view, but to 12 years imprisonment. In relation to Count 11, the second offence for which you are to be dealt with, the concurrent sentence will be one of 18 years; making a total of 18 years imprisonment.

You may stand. On Count 10, a sentence of 12 years imprisonment, on Count 11 a sentence of 18 years imprisonment concurrent, making a total sentence of 18 years imprisonment, together

with the restraining order I have already dealt with. You may go down with the officer, thank you.

The next defendant to be dealt with in indictment order, who may remain seated for the time being, is Nzar Anwar. You are now 41 years of age, you have two previous convictions. In 2004, for seeking to obtain leave to enter or remain in the UK by deception, you were sentenced to 180 days imprisonment. In May of 2018 you received a suspended sentence order of nine months imprisonment, suspended for 12 months, with an unpaid work requirement of 150 hours for producing a Class B drug, namely cannabis.

You fall to be dealt with for an offence of rape in Count 13 and one of conspiracy to pervert the course of public justice in Count 14, with which you are jointly charged with Saba Moussa Mohammed. The aggravating features, as far as this acknowledged category 2A type offence

is concerned, is that there was a perceived threat of a knife being used, coupled with no contraception. I adopt a starting point of 10 years as far as this offence is concerned, which I increase to reflect those aggravating features to 12. I reduce that term by 12 months to reflect your limited mitigation in my view, making a sentence on Count 13 of 11 years imprisonment.

The offence in Count 14 does not have any guidelines. The matter that I have to have regard to, first of all, is the substantive offence to which it related; obviously, a serious allegation of rape. How persisted in was the course of conduct? Well, it was a relatively short incident, but a frightening one, involving what the complainant thought was a hidden room in the restaurant. Ultimately, it may have occasioned some delay, but it did not affect the ultimate trial process, because the police indicated they were investigating in any event. It seems to me that the least possible sentence, having regard to all the circumstances of that offence, is one of four years imprisonment. It is a separate and distinct offence from Count 13, and that will be a concurrent sentence, making a total sentence in your case of 15 years imprisonment.

You may stand. On Count 13, there will be a term of 11 years imprisonment, on Count 14 a term of four years imprisonment consecutive, and again you have been told about the restraining order. You may go down with the officer, thank you.

The next defendant in turn is Saba Moussa Mohammed, who may remain seated for the time being. You are now 41 years of age. You have previous convictions of a dissimilar nature dating back to 2004 when you were 25; they were all in the magistrates court. Your most recent appearance, subject to a breach, was in 2015 when for offences of possessing a bladed article in public and criminal damage you received a suspended sentence order at the magistrates court for 16 weeks, suspended for 12 months.

You fall to be dealt with for the joint offence of conspiracy to pervert the course of public justice with Anwar. The same principles as I outlined in his case, I have had regard to in your case. I bear in mind this is your first custodial sentence, but I see no reason to differentiate between the two of you and the sentence is one of four years imprisonment.

You may stand. In respect of Count 14, four years imprisonment, together with the restraining order I have already mentioned. You may go with the officer.

Jasim Mohammed, you may remain seated for the time being. You are 38 years of age; you are of previous good character. You fall to be dealt with for Counts 15, 16 and 17, which are specimen counts representing 10 rapes upon this complainant over a 10 month period. Again, there is no dispute that each of these offences is a category 2A offence, with a starting point of 10 years and a sentencing range of nine to 13. In your case, I regard each of them as aggravated by the fact that you ejaculated and that no contraception was used. It seems to me, looking at the matter in the round, that any element of violence contended for is fulfilled by the sentencing range, and I do not incorporate it as an aggravating feature to avoid double accounting. It is said on your behalf that you are of previous good character, but I am afraid in relation to these matters, as the sentencing guideline points out, that is of little consequence in offences of this sort.

It is quite clear that during your association with [Person A], a period of at least 10 months, that people who came into contact with you were aware of the difference in ages between the two of you; [Person B] says she remarked upon it to you directly, Mark Kamara, at Woodside, remarked upon it to himself as we have heard from an agreed statement that was read out.

My starting point for each of these offences is 10 years, which is increased to reflect the aggravating features to 13. Your mitigation is limited, as I have indicated, and I then reach a term of 12 years imprisonment for each. Having regard to the principle of totality, it would be inappropriate and unfair to impose those sentences consecutively, either in total or count by count.

My sentence, therefore, for Count 15, the start of this period and the first rape, is one of 12 years. My sentence in respect of Count 16, for the middle part of the period and by now several rapes, is 18 years imprisonment, and Count 17, to reflect the final rape of the 10, is 25 years imprisonment. Those sentences will all run concurrently, making a total of 25 years imprisonment in all.

Very well, you may stand. In respect of Count 15, 12 years imprisonment, Count 16, 18 years imprisonment, Count 17, 25 years imprisonment, all to run concurrently; a total of 25 years imprisonment. I have already dealt with the licence provisions and also the restraining order sought against you in respect of the complainant. In addition, there is one in respect of [Person B] as well, granted in the same terms. Very well, you may go with the officer, thank you.

MR HAMPTON: Just before you take them down, your Honour.

JUDGE SLATER: Can you just hold them?

MR HAMPTON: There is another matter that your Honour may not be aware of, but my learned friend Ms Alam is. There was a separate proceeding for----

JUDGE SLATER: Can you just bring him out again, and if the interpreter could interpret?

MR HAMPTON: I'm sorry, but it is best if we do it now whilst he's here.

JUDGE SLATER: Yes. Just take a seat Mr Mohammed please, would you? MR HAMPTON: Separate proceedings for Mr Mohammed relating to a perverting the course of justice; contact he'd had with Miss [Person B] and Mr Gulali.

JUDGE SLATER: Yes.

MR HAMPTON: Given the way matters panned out at the trial involving Mr Gulali----

JUDGE SLATER: Yes.

MR HAMPTON: -- we propose to offer no evidence.

JUDGE SLATER: Very well.

MR HAMPTON: And ask for a not guilty verdict in relation to those proceedings.

JUDGE SLATER: Yes. I think they were listed for trial as well.

MR HAMPTON: Yes, so that trial can be vacated.

JUDGE SLATER: That trial can be vacated. Very well, in respect of the allegation of perverting the course of public justice in relation to Gulali and Tiklesdon, the prosecution having offered no evidence, I enter a formal not guilty verdict and the trial date can be, accordingly, vacated. MR

HAMPTON: I'm grateful, thank you.

JUDGE SLATER: Thank you, Mr Hampton. Very well, you may go down. Any other matters in relation to sentence anybody wishes to raise?

MS ALAM: No, thank you.

JUDGE SLATER: Thank you. Then, may I finally turn to you, [Person A]. If I may say so, you have shown great courage in participating in this trial process. During the course of the trial, in extremely difficult circumstances, both you and those close to you have conducted yourself, if I may say so, with great dignity and admirable restraint. All I can hope is that things get a little better for you with the passage of time.

THE COMPLAINANT: Thank you, your Honour.

JUDGE SLATER: Thank you very much. Mr Hampton, I am going to rise now. MR

HAMPTON: Yes. Could I just ask your Honour to look at one final document?

JUDGE SLATER: Yes, certainly.

MR HAMPTON: I'm in your Honour's hands whether it's appropriate to deal with it now, or at a later stage.

JUDGE SLATER: Of course, yes.

MR HAMPTON: It's to do with the investigation, the current investigation. JUDGE SLATER: It is very easy to overlook, Mr Hampton, when a large trial like this proceeds, I think, as smoothly as it could have done, those who are behind the scenes and not in the front line, as it were. You rightly remind me of the contributions of these officers, which not only brought this case to fruition, but also have caused it to run as efficiently as it has. I do commend Detective Constable Sarah Dolby, Detective Constable Joe Lack, Investigating Officer Maria De'Pledge and Detective Inspector Rob Platts for their considerable hard work and expertise shown in bringing this case to trial.

MR HAMPTON: I'm grateful to your Honour. Could I mention that I have had very helpful media support from those instructing me, from Miss Davidson and Mr Jackson?

JUDGE SLATER: Yes, certainly.

MR HAMPTON: I'm grateful.

JUDGE SLATER: And I know that all defence counsel, by the way the case has been conducted, have had strong support from the people who instruct them as well. So, I am grateful to everybody. Do you want that back, Mr Hampton?

MR HAMPTON: Yes, thank you.

JUDGE SLATER: Well, that concludes the sentence.

(12:21) \_\_\_\_\_

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