

IN LEEDS CROWN COURT

Case No: T20207770

Courtroom No. 8

The Courthouse
1 Oxford Row
Leeds
LS1 3BG

10.09am – 12.23pm
Wednesday, 31st July 2024

Before:
HIS HONOUR JUDGE PHILLIPS KC

R E X

-v

AMJAD HUSSAIN
EBRAHIM PANDOR
AMRAN MEHRBAN
MOHAMMED MIRA ZADA
DAJI & OTHERS

MS VEALE appeared on behalf of the PROSECUTION
MR M HARDING appeared on behalf of DEFENDANT HUSSAIN
MS C CALLINAN appeared on behalf of DEFENDANT PANDOR
NO APPEARANCE by or on behalf of OTHER DEFENDANTS

SENTENCE

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the court of ice or take legal advice.

SENTENCE

JUDGE PHILLIPS: Amjad Hussain, you are tried in your absence, and you are being sentenced in your absence. Your case is listed for sentence for the offence of rape, count four of the trial indictment. You were convicted by the jury on 7 June of this year. This offence occurred in the period 18 October 2008 to 17 October 2010 when the complainant was 18-19 years of age and you were 29-30 years of age. The victim in relation to these offences is [Person A] who was born on [date] 1990. She has provided a victim personal statement. In approaching sentence, I have had regard to all the applicable guidelines including the guidelines for the substantive offences. The prosecution has identified the applicable guidelines in their assessment for your individual offence. Having observed the evidence at trial, I am in a strong position to assess where the offence falls with reference to the applicable ranges. I confirm that I have had careful regard to other sentences passed in connection with Operation Tourway as an investigation in relation to other defendants who have offended against this complainant. Considerations of parity, where appropriate, between defendants have been applied although each individual offence and each individual offender, yourself included, requires separate and individual consideration.

Amjad Hussain, you are 44 years of age. Your offending against [Person A] involved you plying her with drink and drugs. The jury heard that when you orally raped her at her house at St Bartholomew's Court in Lupset, Wakefield, you acted in a manner that was aggressive and brutal towards her as you raped her. You have shown no remorse. You had known her when she was a child.[Person B]was particularly vulnerable in consequence of the previous grooming behaviour and the history of abuse to which she had been subjected and the evidence is such that the Court is sure that you were aware of her level of vulnerability. Alcohol and drugs, I find, were used to your knowledge, to facilitate the offence.

The rape of [Person A] is, in my assessment, correctly categorised by the prosecution as Category 2 harm and culpability A. As is made plain in [Person A]'s victim personal statement, she suffered severe psychological harm in consequence of this offending. Rape is punishable by life imprisonment. The starting point on count four, with reference to the sentencing guidelines, is 10 years' imprisonment and the range is nine to thirteen.

Aggravating factors include the fact that you ejaculated and were yourself under the influence of alcohol and drugs and the location and the timing of the offence.

In her victim personal statement, dated 9 January 2023, at T6 on the digital case system, [Person B] states that as a young child she had suffered sexual abuse in the family home. She describes how her life became chaotic as she sought unsuccessfully to find places that were safer than home. Tragically, her vulnerability increased. She describes herself as an easy target for abuse. Her situation was desperate. She made multiple suicide attempts. At the age of 14 years and eight months, she was put into secure accommodation for a period in excess

of six months by the Local Authority for her own safety. She states that she has been diagnosed with complex Post-Traumatic Stress and Borderline Personality Disorder caused by the trauma of the abuse that she suffered at the hands of a number of males, yourself, Amjad, included. She describes her existence as a constant state of grief. She cannot escape the horrors of her past. The process of recounting to police the abuse that she had suffered was itself traumatic and prompted a return to alcohol and self-harming. She had fled England in fear. Her fear factor and anxiety behaviour have impacted on her children and their family life. Leaving her home continues to cause stress for her. She experiences self-hate. She feels that her fear and mistrust of others will be permanent. She describes the court proceedings as having scared and overwhelmed her. She struggles to sleep. She experiences flashbacks. She does not want anyone else to be put through what she is experiencing.

For the avoidance of doubt, I observe that you, Hussain, were one of a number of men who abused [Person A] when she was a vulnerable young adult. You are not responsible for her suffering as a whole but you are responsible for the extent to which elements of her suffering have been caused or contributed to by your offending against her.

You were tried and are now being sentenced in your absence. At trial, the jury were not informed that, in your case, a bench warrant had been issued on 22 August 2022 and that you had been and remain wanted on that warrant since that time. You had denied the allegation in interview and in your defence statement. I have addressed these remarks to you in the expectation that as and when you are apprehended and brought before the Court to serve the sentence I pass, a transcript of these sentencing remarks can be available in order that the complainant, the public and you will understand how sentence was approached.

In terms of ancillary orders, a restraining order is made in the terms uploaded on the digital case system prohibiting you from contacting the complainant, [Person A], directly or indirectly and that will remain in place until further order of the Court.

The offence at count four on the indictment occasions an indefinite notification requirement sexual offenders. There will also be a victim surcharge and collection order in relation to the offence at count four.

The custodial sentence I pass on this indictment is the shortest necessary commensurate with the seriousness of the offending. For those defendants who have been convicted on multiple counts, consistent with what was stated in the case of *R v Ayo* [2022] EWCA Crim 1271, the important question has been what total sentence is just and proportionate for the offending as a whole. In your case, there is a single count and I have that in mind when considering issues of parity with other defendants.

When, having served your sentence, you are released on licence, you will be liable to recall if you breach the terms of your licence or if you commit a further offence during the licence period. I have had regard to the passage of time. Amjad Hussain, on count four, rape, the sentence is 10 years' imprisonment.

JUDGE PHILLIPS: I believe that addresses all matters outstanding so far as Amjad Hussain is concerned.

MS VEALE: Your Honour, yes. The only matter that I have been asked to raise in due course in respect of both defendants is the removal of the reporting restrictions in

JUDGE PHILLIPS: Yes, if that

MS VEALE: -respect of the defendants.

JUDGE PHILLIPS: -has not been done previously and I seem to recall it may have been addressed previously. There being no reason for a reporting restriction to remain, the reporting restriction is lifted save of course for the automatic prohibition that I have referred to at the outset of these sentencing remarks, protecting the identity of the complainant in this case.

MS VEALE: Thank you.

JUDGE PHILLIPS: Thank you, Ms Veale. Thank you, Mr Harding. No need for you, Mr Harding, to remain. Do we have an update, please, as to whether Mr Pandor has arrived yet?

THE CLERK: I'm just checking.

JUDGE PHILLIPS: Thank you.

Clerk makes telephone call.

Pause.

THE CLERK: Your Honour, they're just on the phone to Hull. Sorry for the delay.

JUDGE PHILLIPS: Thank you.

MS CALLINAN: Your Honour, just while that's being checked, I don't know if Your Honour has seen, in the sentencing section, two letters from family members have been uploaded.

JUDGE PHILLIPS: Yes, from Mr Pandor's partner and also from his son.

MS CALLINAN: Your Honour, yes.

JUDGE PHILLIPS: I have read those.

MS CALLINAN: Yes.

JUDGE PHILLIPS: Thank you.

MS CALLINAN: And Your Honour will have seen well what was read during the trial

JUDGE PHILLIPS: I have

MS CALLINAN: -and character references

JUDGE PHILLIPS: -re-read-

MS CALLINAN: -as well. I'm grateful.

JUDGE PHILLIPS: -each of the references from the trial. For the avoidance of doubt, those, I think, are the references from Mr Colson[?], Mr Kagwar[?], Ms Akram[?] and Ms Latif[?].

MS CALLINAN: Your Honour, yes. Thank you.

JUDGE PHILLIPS: Thank you.

THE CLERK: Your Honour, 15 minutes.

JUDGE PHILLIPS: Right.

MS CALLINAN: Your Honour, I would ask that I have even just five minutes with him when he arrives

JUDGE PHILLIPS: Yes, of course.

MS CALLINAN: -purely I haven't seen him in a while.

JUDGE PHILLIPS: What is your position this morning?

MS CALLINAN: Your Honour, I'm available all morning.

JUDGE PHILLIPS: Right, and Ms Veale?

MS VEALE: I'm available, Your Honour.

JUDGE PHILLIPS: Right. Well, I think in the – I suppose we have the link to think about. I think the appropriate course, it is unfortunate that is out of my hands, if Mr Pandor is not here, I cannot pass sentence and I know it would not be appropriate to have the case opened or mitigated of course but I do have a jury waiting to come into court. So I think the best course for me is to move to the trial, to continue with the witness who is part-heard in that trial and at the conclusion of that witness' evidence, we will take a break in the trial. I will then interpose Mr Pandor's case. I do not know how long that will be. I would have thought it will be less than an hour's time, hopefully about half an hour and I think that is the appropriate course. So I will rise for a moment for those arrangements to be put in place and I will look forward to seeing all those interested in Mr Pandor's case hopefully within the hour. Thank you.

Court rises at 10.37am.

Court resumes at 11.41am.

Defendant identified at 11.41am.

THE CLERK: Thank you. Please sit down.

JUDGE PHILLIPS: Ms Veale, this is a part two of this morning's sentencing hearing. Unfortunately, through no fault of his, of course, Mr Pandor was not produced here for 10 o'clock when the case was listed for sentence. He is not disadvantaged by that other than the fact that he has had to wait until the Court could take the case. We are just checking to see if the complainant, [Person A], who has been in attendance over the remote link, is able to hear us at the moment. I am just making an enquiry about that. Not yet.

Discussion sotto voce.

JUDGE PHILLIPS: Right.

Discussion *sotto voce*.

Pause.

THE CLERK: [Person A], can you hear the Court?

Pause.

THE CLERK: [Person A], can you hear the Court?

Pause.

THE CLERK: [Person A], would you disconnect and redial, please?

JUDGE PHILLIPS: Ms Veale, do you know if someone has a means of contacting [Person A] over a mobile phone? It may be that her, whatever device she is listening or observing the hearing on it may not have a microphone or it may be disabled, the microphone.

MS VEALE: Your Honour, yes.

JUDGE PHILLIPS: Right.

MS VEALE: I'm sure that can be facilitated.

Discussion *sotto voce*.

JUDGE PHILLIPS: Do take a seat, please

MS VEALE: Thank you.

JUDGE PHILLIPS: -Ms Veale.

THE CLERK: Morning, [Person A], can you hear my voice?

JUDGE PHILLIPS: Yes? Right.

THE CLERK: Yes, Your Honour.

JUDGE PHILLIPS: She can. Very good. Thank you very much. Ms Veale.

MS VEALE: Grateful, Your Honour. At the outset, in the intervening period, the draft restraining orders have been uploaded to Q95 and Q96.

JUDGE PHILLIPS: Thank you.

MS VEALE: In respect of Ebrahim Pandor, he was convicted of one count of trafficking [Person A], count three on the trial indictment, and was, of course, there at the outset of the abuse that [Person A] went on to suffer. He is now 44 years old and was aged between 24 and 25 when he committed the offence.

The maximum sentence for such an offence is 14 years and the sentencing guidelines at page 99 of the definitive guideline indicate that this, the guidelines, also apply to pre-2013 offences. The prosecution would categorise this offence as Category 1 harm given that she

was under 18 at the time, and culpability B. As regards an offence committed when the complainant was a child, the guidelines indicate at page 30 that sentences should have particular regard to the fact that these offences are not only committed through force or fear of force but may include exploitative behaviour towards a child, which should be considered to indicate high culpability. Given that [Person A] gave evidence that Mr Pandor arranged for others to come to the location for the purposes of abuse, this, in my submission, has features of culpability A but it is conceded that it perhaps sits more comfortably within culpability B. If, of course, the Court accepts [Person B]'s evidence, then this behaviour occurred at more than one location, at Manchester and Bradford and this was not an isolated incident. As far as aggravating features are concerned, the Crown would submit that there has been exploitation of a victim from a particularly vulnerable background, use of drugs and alcohol to secure the victim's compliance and she has been encouraged to participate in unsafe and degrading sexual activity, which it is conceded that that last factor is one of the factors that would place it in Category 1 in any event as far as the harm is concerned. Your Honour, a starting point for this category is six years with a range of four to eight years.

Mr Pandor has no previous convictions and the Court will be aware that he's called character witnesses. The Court is referred to the Length of Time Since Offences Guidance that is set out within the sentencing note. Your Honour also sought an indication of those others that have been convicted of trafficking within Operation Tourway, I don't know whether the Court would be assisted in those being outlined at this stage.

JUDGE PHILLIPS: Well, there is a range, is there not? There is

MS VEALE: Yes.

JUDGE PHILLIPS: Ms Callinan has had an opportunity of considering that information because your note was helpfully supplied. It is dated 17 June

MS VEALE: Yes.

JUDGE PHILLIPS: -so over a month to consider it, I would expect, and in those other cases, there are references to trafficking in different cases ranging from five years to eight years. The five-year sentence was for an individual who operated under direction of another and worked as or was involved as a driver. That was alongside a 13-year sentence for rape. The eight-year sentences were also in conjunction with other offences, one defendant having a total of 15 years, another having a total of 24 years and another having a total of 17 years, all receiving eight-year sentences.

MS VEALE: Indeed, and the Court has highlighted that this is the only offence of trafficking within this operation, that it has been a standalone conviction, not in combination with other convictions for other offences. Your Honour, aside from reading the victim personal statement of-

JUDGE PHILLIPS: Yes.

MS VEALE: -[Person A], those are the submissions of the Crown in respect of his sentence.

JUDGE PHILLIPS: Yes. In relation to the victim personal statement, if you wish to read it

out in full, you can of course do that. [Person A] is listening in to the hearing. You will know from my sentencing remarks, and indeed she will as well, because she was, as I understand it, able to hear them, aware that I shall be making some detailed reference to the victim personal statement in my sentencing remarks which I shall reiterate for Mr Pandor's information, so whether you reiterate those points of the victim personal statement is a matter for you. I do not need to hear it myself and the public will hear it in any event in my remarks.

MS VEALE: Your Honour, on that basis, I'm content to not read the entire document out.

JUDGE PHILLIPS: No. Read those parts that I have not referred to and any other points that you particularly wish to mention on her behalf.

MS VEALE: Your Honour, yes, it may be simpler to read the full document

JUDGE PHILLIPS: Yes.

MS VEALE: -in that case.

JUDGE PHILLIPS: No problem.

MS VEALE: I don't have a copy of the exact remarks in front of me that were made in the sentencing remarks.

JUDGE PHILLIPS: No.

MS VEALE: Your Honour, this statement, the victim personal statement, is dated 9 January 2023 and reads, 'I am [Person A] and I was sexually abused as a child at the hands of multiple Asians. I am making this statement to tell you about the impact that this abuse has had on my life and continues to affect me to date today. I suffered abuse in my family home, which led to me spending as little time as possible at home. I would hang out in outside public areas because I thought it was a safer place than being at home. Little did I know that I was making myself more vulnerable and an easy target for further abuse. When the abuse by Asian males started, when I was a child, I was so scared and didn't understand what was going on. Moving on, as I got a little older, I kind of learned to live with it, like it became normal. I stopped going to school because my head was a mess and I was drinking and on drugs. I left school in the second year of high school. At this point in my life, I wanted to die and was quite happy to try and kill myself. I tried multiple times to end my life by slitting my wrists, jumping out of a window and took dangerous drugs with excessive amounts of alcohol, knowing it could kill me. I just wanted to get away from everything in my head, everything that was happening to me. I remember asking myself, "Why me? Why did it happen to me?" Before I went into secure accommodation, I tried to get back into school a couple of times, but the school refused to have me back. The school knew about some of the abuse I was going through. I have lost friends and family members because of lashing out through having tantrums caused by stress and frustration. I used to hang around with a friend, [Person C]. We were close. She didn't have the same lifestyle as me. She didn't take drugs or be excessive with alcohol. We ended up going our separate ways. I'd gone through things that she hadn't.

No one knew what I was going through and to what extent. I didn't really speak to anyone

about the abuse but on the other hand, I wanted everyone to know and understand. I was angry, so angry with everybody, with the world. Over the years, I've had therapy and been on medication. I've been diagnosed with complex PTSD and Borderline Personality Disorder caused by the trauma of the abuse. I don't live a normal life. I don't do anything, hardly ever go out. I have become a bit of a recluse. I suffer anxiety when I go out and don't like being around people. I'm frightened of strangers coming up to me because of fear that the abuse will start again, scared of men, specifically Asian men. If we order a takeaway that is delivered, I will not go to the door to accept it because I know that the likelihood is that the delivery driver will be Asian. I also avoid using taxis for the same reason. I try to avoid people in general.

I feel that I have an aura about me due to being wary of people and this then makes them wary of me. I've been told that I'm weird. If I have tried to make friends, they say I behave weirdly probably because I'm very guarded and lack confidence now in social situations. I shy away from finding out why they think I'm weird. I just withdraw. I struggle to keep a normal lifestyle. Each morning is a struggle to get out of bed and put a smile on my face and pretend that everything is okay. I find this is so difficult to do. It feels like a constant state of grief. It makes me feel sick knowing what happened to me and to try and pretend things are normal and live a normal life. The thoughts of what happened to me in the past are with me all the time. I can't seem to escape those thoughts. I try to shut it off when I've not spoke about it for a while and try to think of it as it happened to someone else and not me. I often change my appearance, the way I look and how I dress, to look like a different person pretending it didn't happen to me.

When I made contact with the police and started being interviewed, initially, I started drinking and self-harming again. I was back in therapy and on medication. Everything came back to the surface, the trauma of reliving it was like going through it all over again. I fled England with a young baby due to fear of living around these people. I've lived in fear ever since thinking they may come and find me. I'm terrified of ever having to go back to the Kirklees area. I never want to go back there.

Even after moving, I still don't go out by myself. I won't leave the house without my partner, not even to do the shopping or the school run. I feel safer when I'm at home. This behaviour impacts on my children and family life. Sometimes I have so many thoughts in my head and my brain feels like it's going too fast. When the children are loud and there's so many voices all at once, I just need to find some peace and lose patience with my family.

Then immediately afterwards I feel upset and sorry that these all-consuming thoughts are the cause. The children are always asking to go to places such as the park, swimming, ice-skating, to a beach, more often than not, I will say no because leaving the house is stressful for me. When I do agree to going somewhere, I have to build up to it and plan ahead so that I can prepare mentally for it. I have to make sure that I sleep and rest as much as

possible before the event so that I will get through the day okay. I feel that the children are missing out because of this. I have a self-hate for myself and my behaviour. I have intrusive thoughts about myself, about how I feel about myself, about not wanting to go out or do anything. It's not fair on my family that I'm too scared to leave my home. It feels like that fear will always be with me now together with the fear of people and not trusting people. This is going to take a lot of therapy to help me move on but this will be something that sticks with me for life. It's never going to go away.

The court case has scared and overwhelmed me. It has brought back memories that I don't want to remember. I'm struggling to sleep. I've not had a chance to fully accept what I went through at court because I have been kept busy with my family but when I close my eyes at night, it comes flooding back to me and I get flashes through my mind like it's happening now, terrifying.

Once these men are convicted, I will be glad that they are off the street and can't do anything bad to anyone else. They can't put anyone else through what I'm going through'.

JUDGE PHILLIPS: Thank you for reading that on behalf of [Person A].

MS VEALE: Thank you.

JUDGE PHILLIPS: Ms

MS CALLINAN: Very good.

JUDGE PHILLIPS: -Callinan.

MS CALLINAN: Your Honour, just in terms of the sentencing guidelines, the defence position is that it is a Category 1B offence and we say that in relation to a Category 1B offence that the aggravating features identified that are in the body of the guidelines in terms of victim particularly vulnerable due to background and also the use of alcohol and drugs still squarely place it in a Category 1B because the other elements in relation to a Category 1A, for example, on a significant commercial basis or that type of nature isn't present in this case. I'm grateful to my learned friends for setting out the sentences that others received in this case but of course they all had other offences as well and child sex offences that were committed during the trafficking or in tandem with it. Clearly Mr Pandor was acquitted of the two other counts on the indictment including the child rape offence and in such circumstances, in my submission, it can be distinguished from the sentences that were passed in those cases, and the guideline really is the best way to operate in terms of sentencing him because it's not in conjunction with child sex offences that he personally committed himself in terms of a rape or any other sexual offences of those nature.

In terms of mitigation, I know that Your Honour, and I say this for the benefit of Mr Pandor, who's now here, has reappraised yourself with the mitigation documents that have been uploaded at item 27 and 29, which were letters from both his wife, Mrs Pandor and his son, Zinedine, who obviously did feature in this trial. And I know that Your Honour has also refreshed his memory in relation to the good-character statements that were read to the jury

during the course of this trial. Your Honour, clearly this offending took place some time ago. The position is that since the offending, he is not only a man of good character in terms of no previous convictions but he is one of those people, in my submission, that exceptionally has put what was going on back then behind him and moved forward and had a positive impact on so many lives around him since then. It takes him above and beyond someone who's simply of previous good character, which is reflected in those character references.

Also, in my submission, particularly in this case, clearly at the point that Mrs Pandor became involved with him, she would never have expected that this would happen. She wasn't familiar with him and didn't know him during this time, so to go on to marry him and have children with him, it was in circumstances in which she was ignorant as to what was to happen in the future. And, clearly, there is significant impact as to that in her letter to Your Honour on her. In addition, Zinedine in this case has featured and he, in my submission, is in a different position and in any case of this nature, there's always an impact on defendants' children because he is looking on incarceration and also the stigma of being convicted for the children but particularly, in my submission, in Zinedine's case, it is a distinct in relation to Article 8 and the impact of a custodial sentence on him because of his background, which is distinct from the other child whose parent is convicted of this type of offending.

And it's for all those reasons I ask Your Honour, and I know Your Honour will, to impose the least possible sentence because of the significant impact on those around Mr Pandor and associated with him, not just Mrs Pandor and the children that he has with him but more importantly with Zinedine, who has had a difficult time in the past with the circumstances of his background, and clearly this conviction has a significant impact on him emotionally, physically, as his father isn't there, and also in terms of coming to terms with his background and his past. So I ask Your Honour to take all those features into account when determining what the appropriate sentence is in this case. I'm not sure I can assist any further.

JUDGE PHILLIPS: No, thank you very much, Ms Callinan. You have said everything that I expected you would say on his behalf, not predictably in that sense but in other words. everything you could possibly usefully say to the Court. Thank you.

MS CALLINAN: Thank you.

SENTENCE

JUDGE PHILLIPS: You are before the Court for sentence for an offence of trafficking, count three on the trial indictment. Following a retrial, you were convicted by the jury on 7 June this year. This offence occurred in the period 1 August 2004 to 9 June 2005 when the complainant was 13-14 years of age and you were 24-25. The victim in relation to these offences is [Person A], who was born on [Date] 1990. She has provided a victim personal statement and is observing this hearing over the remote link.

Approaching sentence, I have had regard to all the applicable guidelines including the guidelines for the substantive offence. The prosecution has identified the applicable guidelines in their assessment for the offence. Having observed the evidence at trial,

including that of the complainant but also your evidence, Ebrahim Pandor, I am in a strong position to assess where the respective offence falls with reference to the applicable ranges. I confirm that I have had careful regard to other sentences passed in connection with the Operation Tourway investigation and in relation to other defendants who have offended against this complainant. Considerations of parity where appropriate between defendants have been applied although each individual offence and each individual offender, yourself included, requires separate individual consideration.

You are now 44 years of age. You are of previous good character. The Court has heard what others, including the character referees, have said about you. Your offending against [Person A] was committed in circumstances where she was trafficked by you and then I find, to your knowledge, plied with alcohol and drugs. A hallmark of your offending against [Person B] is that it was part of a catalogue of offending against her that has had life-changing consequences for her. Trafficked, as she was, by you to a hotel or apartment block, possibly an apartment hotel in Manchester and to a factory in Bradford for what I assess is a planned purpose by you, I am sure on the evidence heard at trial, with your connivance, knowledge and facilitation, she was then subjected by others to harmful sexual abuse including unsafe and degrading penetrative activity.

As is made plain in her victim personal statement, she suffered severe psychological harm in consequence of this offending and other offending against her when she was obviously, very obviously so, a vulnerable child at severe risk of sexual exploitation. You have shown no remorse. Your evidence in that respect was consistent with the contents of the defence statements and addenda that were served on your behalf. You denied giving [Person A] any lift in a car for sexual exploitation. The jury accepted [Person B]'s evidence and rejected your evidence in that respect.

[Person B] was particularly vulnerable in consequence of the previous grooming behaviour and the history of abuse to which she had been subjected and the evidence was such that having heard the evidence of trial, I am sure that you were aware of her level of vulnerability. Alcohol and drugs were used to facilitate offending against her that occurred in conjunction with the trafficking. You arranged for others to come to the locations where you trafficked her.

The trafficking of [Person A] is, in my assessment, correctly categorised with reference to the applicable sentencing guidelines by the prosecution as Category 1 harm and culpability B but with elements of culpability A. As is made plain in [Person A]'s victim personal statement, she suffered severe psychological harm in consequence of this offending. I am unable to reduce the sentence to reflect any contrition on your part because there has been none. That remains the situation.

Mindful of the jury's verdicts and your acquittal on counts two and five, I do not, of course, sentence you on a basis that you sexually abused [Person B]. Having regard to the evidence, I

find that[Person B]was trafficked to both locations by you and that she was sexually abused by others at those locations.

In her victim personal statement dated 9 January 2023 at T6 on the digital case system, [Person B] has stated that as a young child, she had suffered sexual abuse in the family home. She describes how her life became chaotic as she sought unsuccessfully to find places that were safer than home. Tragically, her vulnerability increased. She describes herself as an easy target for abuse. Her situation was desperate. She made multiple suicide attempts. At the age of 14 years and eight months, she was put into secure accommodation for a period in excess of six months by the Local Authority for her own safety. She states that she has been diagnosed with complex Post-Traumatic Stress and Borderline Personality Disorder caused by the trauma of the abuse that she suffered at the hands of a number of males. She describes her existence as a constant state of grief. She cannot escape the horrors of her past. The process of recounting to police the abuse that she had suffered was itself traumatic and prompted a return to alcohol and self-harming. She had fled England in fear. Her fear factor and anxiety behaviour have impacted on her children and on their family life. Leaving her home continues to cause stress for her. She experiences self-hate. She feels that her fear and mistrust of others will be permanent. She describes the court proceedings as having scared and overwhelmed her. She struggles to sleep. She experiences flashbacks. She does not want anyone else to be put through what she is experiencing.

For the avoidance of doubt, I observe that you were someone who facilitated her being sexually exploited by others when she was a child. You are not responsible for her suffering as a whole but you are responsible to the extent to which elements of her suffering have been caused or contributed to by your offending against her.

In approaching sentence, I have had careful regard to the points raised by Ms Callinan on your behalf. I have had firmly in mind issues of parity, where applicable, between defendants. In your case, you were presented to the jury as a man of positive good character, I have re-read the character references that were before the Court previously, including those of your employer, Neil[?] Colson, in the period 2011-2019, where you worked as an asbestos consultant and were highly regarded, and the reference of retired priest, Nelson Kagwar, who has known you and your wife for nine years and has a high opinion of you and of your abilities as a parent and stepparent, and the reference of your stepdaughter, Leila[?] Latif, who writes about her love and admiration for you, and the reference of your sister, Gulshan[?] Akram, who describes you as caring, kind and compassionate, a positive father figure and family man.

Additionally, your wife Salma[?] and your son, Zinedine, have both written about the background circumstances from their perspectives and your qualities as a family man and importantly about the profound impact your imprisonment will have on them and the family that you have supported and nurtured.

Your positive good character is a mitigating factor that I have factored in when considering the range of sentence available with regard to the culpability A and culpability B elements in your case, and also with reference to the aggravating factors that exist in relation to count three. These have been relevant considerations with regard to the range provided in the sentencing guidelines.

In terms of ancillary orders, a restraining order is made in the terms uploaded on the digital case system prohibiting you from contacting the complainant, [Person A], directly or indirectly and that will remain in place until further order of the Court. You are already subject to the sexual offender notification requirements on an interim basis. The offence on count three of the indictment occasions an indefinite notification requirement.

The custodial sentences that I have passed on this indictment are the shortest necessary commensurate with the seriousness of the offending. For those defendants who have been convicted on multiple counts, consistent with what was stated in the case of *R v Ayo* [2022] EWCA Crim 1271, the important question has been what total sentence is just and proportionate for the offending as a whole. In your case, there is a single count, and I have that firmly in mind when considering issues of parity with other defendants. When you are released on licence, you will be liable to recall if you breach the terms of your licence or if you commit a further offence during the licence period. The period of time that you have spent remanded in custody since conviction will count towards the sentence to be served. And I have had regard to the passage of time. Ebrahim Pandor, on count three, trafficking, the sentence is six years' imprisonment.

JUDGE PHILLIPS: Ms Veale, I believe that that concludes all matters in relation not only to this defendant but this indictment unless there are any other matters that need to be addressed.

MS VEALE: No, thank you, Your Honour.

JUDGE PHILLIPS: Anything further from you, Ms Callinan?

MS CALLINAN: No, thank you very much, Your Honour.

JUDGE PHILLIPS: Thank you. You may take him down.

THE CLERK: [Inaudible].

JUDGE PHILLIPS: I am sorry. No because of the age of the case. I think – Well, I have already said a notification requirement and I have said that is indefinite. In relation to statutory surcharge, I do not think there is a collection order in his case but barring, yes, and notification I have already dealt with that. They are indefinite. I will rise for the moment. Thank you. Thank you very much.

Court rises at 12.13pm.

Court resumes at 12.18pm.

MS CALLINAN: Your Honour

JUDGE PHILLIPS: Yes.

MS CALLINAN: -I'm so sorry, Your Honour, it's been brought to my attention that

JUDGE PHILLIPS: Yes.

MS CALLINAN: -Mr Pandor was legally aided

JUDGE PHILLIPS: Yes.

MS CALLINAN: -and he has his property, his residential property, that obviously his wife and children live in-

JUDGE PHILLIPS: Yes.

MS CALLINAN: -and so he has a property that the Legal Aid Agency will make enquiry of. The position is that he has been paying contributions but there is a cut-off limit so because the legal costs in this case will be over what he's contributed, it's likely that he's got assets that they will return. I understand that under Regulation 26 that an application can be made to the trial Judge or another Judge who deals with apportionment of costs for an order in case where a defendant has been convicted of one but not all of the offences charged to apply to the Judge for an apportionment of the legal costs in the case. And so I make an application to you given that he was acquitted of two of the counts on the indictment that there is an apportionment of one third of the costs in this case. They're not prosecution costs; they're the costs of representation for both the solicitor and myself.

The other issue is as well, of course, as Your Honour will know that he had a hung jury in the original trial and that trial went on for a substantially longer time period than anyone expected and through no fault of Mr Pandor's, there were all sorts of issues, so I would ask a nil order for costs in relation, nil apportionment in relation to that case because whilst he wasn't acquitted, it was a hung jury and his conduct, he was always here on time; he's not responsible for why it went on for four or five months, which is huge legal costs in the case for his defence team, as clearly I billed for and my instructing solicitor did. So that's the application that I make.

JUDGE PHILLIPS: Yes thank you. Well, I do not have time to look into the matters in detail now but I would think that the appropriate course is for you to submit that application-

MS CALLINAN: I'm grateful. Thank you.

JUDGE PHILLIPS: -in writing

MS CALLINAN: Thank you.

JUDGE PHILLIPS: -and with some figures involved because it may be I need to know what he has paid to date, what is outstanding and what the effect of an apportionment of one third of this trial and the pre-trial costs would be as against the whole which is presumably a claim by the Legal Aid Agency in relation to 100% of all costs of both the first trial, the second trial and the preparation. I do not know that I would agree that it would be appropriate

to make one third of the costs because not all the costs will have been in relation to this trial, would have been divided quite so easily as that, in other words, all the preparation work, an awful lot of that would have been applicable to this count of which he stands convicted in any event. But I hear what you say about some apportionment. I will not give an indication of what my position would be until I have heard what the figures are and what has been paid and what is outstanding and so forth.

MS CALLINAN: Your Honour, yes. We will put it in writing and

JUDGE PHILLIPS: Yes.

MS CALLINAN: -I understand, I've just seen now that there is a form so if we direct it to Your Honour, we can submit it next week. The reason why it was drawn to my attention is it has to be, the application has to be made within 21 days of sentence and

JUDGE PHILLIPS: Yes.

MS CALLINAN: -so there is no – if the Court doesn't have any-

JUDGE PHILLIPS: Can I suggest it is submitted very promptly?

MS CALLINAN: We will.

JUDGE PHILLIPS: Because I am working next week but not thereafter

MS CALLINAN: Well, we will submit it next week.

JUDGE PHILLIPS: -into September.

MS CALLINAN: Your Honour, thank you very much. Can I just also, just so that Your Honour understands, the Legal Aid Agency have not contacted him to ask him to pay anything to date.

JUDGE PHILLIPS: Yes.

MS CALLINAN: It's that because there is a family home

JUDGE PHILLIPS: Yes.

MS CALLINAN: -it is likely that they will at some point, and it could be in six months' time

JUDGE PHILLIPS: I understand.

MS CALLINAN: -come back so in terms of figures, it may well be difficult but certainly myself and my instructing solicitor know how much we have billed for the case.

JUDGE PHILLIPS: Yes. And you will be able to say what he has paid to date.

MS CALLINAN: Your Honour, yes.

JUDGE PHILLIPS: Yes, all right.

MS CALLINAN: Thank you very

JUDGE PHILLIPS: I have got

MS CALLINAN: -much, Your Honour.

JUDGE PHILLIPS: -that information. And if you could set out in your application what it is the order that you would seek in terms of the Court's position

MS CALLINAN: Thank you, Your Honour.

JUDGE PHILLIPS: -in detail. Thank you very much.

MS CALLINAN: I'm very grateful.

JUDGE PHILLIPS: Good day, Ms Callinan.

MS CALLINAN: Thank you.

End of sentence.

Transcript from a recording by Acolad UK Ltd
291-299 Borough High Street, London SE1 1JG
Tel: 020 7269 0370
legal@ubiquis.com

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