



**Regina**

**v.**

**Nazir AHMED  
Mohammed TARIQ  
Mohammed FAROUQ**

**Sentencing and Disposal Remarks**

1. Nazir Ahmed, the jury have found you guilty of one count of buggery of a boy and two counts of the attempted rape of a girl.
2. I hope that the victims of your offences will understand if I refer to them simply as the boy and the girl or, as they now are, the man and the woman, because what I am about to say will be reported and the law provides that no matter relating to either of them shall during their lifetime be included in any publication if it is likely to lead members of the public to identify them as the victim of your offences.
3. As for the count of buggery, the occasion on which you inserted your penis into the boy's anus was in the period from 24 April 1971 to 26 November 1972, when you were 14 or 15 and the boy was 9 or 10.
4. As for the attempted rapes, you pressed your erect penis against the girl's vagina in an attempt to penetrate it on two occasions in the period from 7 September 1973 to 30 October 1974, when you were 16 or 17 and the girl was 4 or 5.
5. All three offences were committed at night in a bed either in their home or in yours, at a time when you were staying in their home or vice versa.
6. Mohammed Tariq and Mohammed Farouq, at an earlier stage in these proceedings the court considered a number of medical reports and decided that, by reason of your mental illness, you were each unfit to stand trial. Indeed, so unwell are you that I have not required you to attend court today in person.

7. Consequently, you have not been tried and you have not been found guilty of any criminal offence. However, the jury have determined that you committed the acts with which you were charged, namely indecent assault of the same boy: on four occasions in the case of you, Mohammed Farouq; and twice in the case of you, Mohammed Tariq.
8. On each occasion, the nature of the assault was that you placed your erect penis between the boy's legs or buttocks and rubbed it on them, often to the point of ejaculation.
9. The jury have found that you, Mohammed Farouq, first did this between 18 July 1968 and 18 July 1969, when you were 17 or 18 and the boy was 6 or 7. You then did it twice in the period from 18 July 1969 to 18 July 1971 and once in the period from 18 July 1971 to 26 November 1972.
10. The jury have found that you, Mohammed Tariq, did this twice in the period from 6 January 1970 to 26 November 1972, when you were 14, 15 or 16 and the boy was aged between 7 and 10.
11. Your actions have had profound and lifelong effects on the girl and the boy, who have lived with what you did to them for between 46 and 53 years. The statements which they have made express more eloquently than I ever could how your actions have affected and continue to affect their lives in so many different and damaging ways.
12. I will deal first with you, Mohammed Tariq and Mohammed Farouq. Since you have not been convicted of a criminal offence, you do not fall to be sentenced today. Instead, the law provides that there are only three orders which I can make in your case, none of which is intended as a punishment. I have to decide which is the most appropriate order.
13. To help me with that decision, I have considered a number of medical reports, including those previously produced and more recent reports which address your current state of health. I also bear in mind that neither of you has been convicted of any sexual offence in the decades since you committed these offences.
14. I need not rehearse the contents of the medical reports, since all parties agree that, in the light of those reports, the most appropriate order for me to make is an order for your absolute discharge. Having carefully considered those reports, I agree with that assessment. The alternatives are either a hospital order, but you do not require hospitalisation, or a supervision order, but no proposals have been put forward for supervision, which would serve no useful purpose.

15. Accordingly, in relation to each of you, I make an order for your absolute discharge.
16. As your lawyers have no doubt already advised you, you must, for 5 years from 5 January 2022, keep the police informed at all times of your personal particulars, the address at which you are living and any alteration in the name you are using. You will be given full details of these requirements at the end of this hearing, if you have not been given them already.
17. You, Nazir Ahmed, have been convicted of three criminal offences and so I turn now to sentencing you for those offences.
18. I start by making two obvious points. It is a terrible thing for anyone to commit crimes of this nature against children. On the other hand, you were a child yourself when you committed these crimes. Striking the right balance between those two considerations makes sentencing cases of this nature extremely difficult.
19. The fact that it all happened so long ago also adds to the difficulty. I am grateful to all counsel for their help with the legal issues to which that fact gives rise and I make clear that I have taken account of all of the statutory provisions and decided cases to which they have referred.
20. There is an important legal issue which I need to address at this stage. The guideline on sentencing children and young people addresses the situation of defendants such as you who have passed a significant age threshold between the date on which they offended and the date on which they are sentenced.
21. The guideline says that the court should take as its starting point the sentence likely to have been imposed on the date at which the offence was committed. It also says that, when any significant age threshold is passed, it will rarely be appropriate that a more severe sentence should be imposed than the maximum which the court could have imposed at the time the offence was committed.
22. In relation to your offence of buggery, I will sentence you on the basis that you were 14 when you committed the offence. The maximum sentence which the court could have imposed in 1971 or 1972 for your offence of buggery was life imprisonment. That is also the maximum sentence for the modern equivalent, which is the offence of rape of a child under 13. In that respect, therefore, there has been no change.
23. However, in order for a 14 year-old defendant in 1971 or 1972 to be given a custodial sentence of more than 6 month's duration, it would have been

necessary for the court to conclude, under the law then in force, that “none of the other methods in which the case may legally be dealt with is suitable”. Although there is a dispute whether I have to decide this point, I have no doubt that a court at the time would have reached that conclusion.

24. I turn now to the current sentencing guidelines for the offence of rape of a child under 13. The guideline for that offence requires me to consider, first, the harm which you caused to the boy and which of three categories it falls into.
25. There are two factors which, it is suggested, might put that harm into the middle, rather than the lower, of the three categories.
26. First, I have to consider whether the psychological harm which you caused was severe. An offence of this nature almost inevitably causes considerable psychological harm and, in my judgment, the harm suffered by the boy in this case was significant.
27. On the one hand, he has lived with the consequences of your action for about 40 years and his mental suffering was evident both when he gave evidence and in his statement. On the other hand, he has not required medical treatment for any mental illness and I have to bear in mind that you were only convicted of a single instance of buggery, whereas he has been affected not only by that, but also by the actions of your brothers, which began when he was much younger.
28. On balance, and without in any way minimising the terrible effect which the conduct of all three of you has had on him, I do not consider that, in the context of this offence, the harm which you caused was severe. The second question which arises in relation to the harm which you caused is whether the boy was particularly vulnerable due to extreme youth. Since the guideline only applies to offences committed against children who are 12 or younger, the fact that the boy was 9 or 10 when you buggered him means that he was not someone whose youth was extreme in the context of this particular offence.
29. It follows that I assess the harm in this case as falling within category 3.
30. Next, I have to assess your culpability. The guidelines place offences into two categories. The only basis on which it is suggested that your offence fell within the higher, rather than the lower, category is that you used previous violence against the boy.
31. However, I have to be faithful to the jury’s verdict, and the jury only found you guilty of one offence against the boy. There was evidence which might

have led to you being charged with other offences against the boy, but you were not charged with any such offences and I do not propose to treat you as if you had been convicted of offences with which you were not charged.

32. Your offence therefore falls within what is known in the guideline as category 3B, for which the starting point for an adult offender would be 8 years' imprisonment, with a range from 6 to 11 years' imprisonment.
33. Although I have decided that the harm which the boy has suffered is not severe, it has been significant enough to be treated as an aggravating factor. I do not consider that any of the aggravating factors identified in the guideline were present.
34. The principal mitigating factor is your youth and lack of maturity when you committed the offence. That is a significant factor. On the one hand, I have heard no evidence that you were particularly mature or immature for a 14 year old. On the other hand, someone of that age is undoubtedly immature and the guideline on sentencing children and young people rightly stresses the importance of that consideration.
35. You had no previous convictions when you committed this offence, but that in itself is of little weight, since you could not in those days have been convicted of an offence of this nature committed before you were 14.
36. I have been referred to aspects of the life which you have led since the early 1970s, and I bear them in mind, but I bear in mind also that that life may well have been very different if it had been known that you had committed these offences.
37. Another principal mitigating factor which has been advanced on your behalf is that you are the main carer for your wife, who has significant medical issues. I do bear in mind that your imprisonment will have a substantial effect on her.
38. I turn next to your offences of attempted rape. In doing so, I bear in mind that you were convicted of attempted rape rather than the completed offence. I sentence you on the basis that you were 16 when you committed these two offences.
39. Again, I have to consider the effect of the provisions of the guideline on sentencing children and young people to which I have referred. Whatever the current offence-specific guidelines may say, the maximum custodial sentence which you could have been given for your offences against the girl when you committed them was 2 years' Borstal training.

40. I have to consider whether this is one of those rare cases in which I should give you a longer sentence than you could have received when you committed the offences against the girl. I do not consider that this is one of those rare cases.
41. That is the context in which I consider the current sentencing guideline for the equivalent modern offence, namely the guideline for rape of a child under 13.
42. Again, I have to consider the harm which you caused. As with the boy, I consider that the psychological harm which you caused the girl was considerable, but not severe in the context of this offence.
43. However, she was only 4 or 5 when you attempted to rape her. She was, in my judgment, particularly vulnerable due to her extreme youth. For that reason, the harm which you caused falls within the middle category.
44. There was no factor present which placed your offences in the higher, rather than the lower, category for culpability.
45. Your offences of attempted rape fell within category 2B of the guideline, which indicates a starting point of 10 years' imprisonment for an adult offender, with a range from 8 to 13 years' imprisonment.
46. I have already addressed the aggravating and mitigating factors.
47. I am also required to bear in mind what is known as the totality principle. I am obliged to impose a total sentence which reflects all of your offending, but it must be no more than is just and proportionate.
48. Your offences are so serious that only a custodial sentence can be justified. The least possible sentences I can impose, having regard to the aggravating and mitigating factors of the case, are as follows:
  - (1) On the count of buggery, I sentence you to 3 years and 6 months' imprisonment.
  - (2) On each of the counts of attempted rape, I sentence you to 2 years' imprisonment, on the basis that those sentences are concurrent with one another, but consecutive to the sentence which I have imposed on the count of buggery.
49. Your total sentence is therefore 5 years and 6 months' imprisonment. You will serve up to one half of your sentence in custody before you are released on licence. You must abide by the terms of the licence and commit no

further offences. Otherwise, you will be liable to be recalled and you will then serve the remainder of the sentence in custody.

50. As your lawyers have no doubt already advised you, you must, for the rest of your life, keep the police informed at all times of your personal particulars, the address at which you are living and any alteration in the name you are using. You will be given full details of these requirements at the end of this hearing, if you have not been given them already.
51. If the statutory surcharge applies, I am required to impose it and the order can be drawn up in the appropriate amount.
52. The prosecution have applied for an order that you pay the prosecution costs incurred since the Court of Appeal handed down judgment on 23 June 2021. I will deal with that application on a subsequent occasion.

**Mr Justice Lavender**  
4 February 2022