



JUDICIARY OF
ENGLAND AND WALES

IN THE CENTRAL CRIMINAL COURT

Mrs Justice McGowan

13 June 2025

R -V- Hasaan Arshad Sentencing Remarks

1. I will deal only with the facts heard and recorded in open court proceedings, any future review will require reference to the closed material heard by the court. A record of that part of the proceedings will be held securely and made available to the Court of Appeal Criminal Division, if required.
2. Deprivation order in terms agreed, outstanding disputes to be resolved at a future date.
3. Sexual Harm Prevention Order, in the terms agreed. I consider such an order to be necessary to prevent the commission of any further sexual offences in the future.
4. As these are sexual offences the Defendant will be subject to continuing requirements to notify the Police of his address.
5. Surcharge in the sum of 228.
6. Hasaan Arshad is now 25 years of age. He has no previous convictions recorded against him. He is a highly intelligent graduate. He has been undertaking a number of placements of the type in this case since 2019. It was the combination of his intellect and education that secured him a place on this internship scheme at GCHQ. He started this placement in 2022 when he was 22 years old. Whilst on this placement, in August 2023 he committed the offence for which he is to be sentenced contrary to s.3ZA of the Computer Misuse Act.

7. It was a condition of working in that placement that;
 - a. His access to material was controlled and
 - b. He could not take in to those premises any device that might be capable of recording any material.
8. He was fully aware of those requirements and the trust that been placed in him. He signed undertakings under the Official Secrets Act and more generally about the terms of his employment. He knew he could not take or share any of the material. He understood the restrictions under which he worked. He had received training during induction courses specifically dealing with the security restrictions under which he was to work. I do not accept the submission that there was anything analogous to contributory negligence in his being employed. An internship is, by definition, for young people to see and experience different forms of work. His intelligence was such that not only did he know the importance of the work but he also understood the requirements and restrictions of that work.
9. He was provided by GCHQ with a mobile telephone for his use at work. In August 2023 he used it to remove top secret material and take it home, with all the obvious risk of loss. He downloaded that material onto his own system at home, that system was more sophisticated than many domestic systems but still wholly inadequate. The material was stored on a domestic device which was open to the internet. His actions put the security of the material and others working at GCHQ at risk.
10. He knew that this was top secret material. He stored that material on a device at home in his bedroom. It was connected to the internet and had no adequate protection, it was vulnerable to being accessed.
11. The Government Protective Marking Scheme is a system used by UK government bodies, including GCHQ, to protect sensitive information. There are three classification levels: OFFICIAL, SECRET and TOP SECRET. The control on the use, and transfer, of material is governed by its classification.
12. The material in this case is Top Secret material, that is; "Exceptionally sensitive HMG (or partner's) information assets that directly support (or

threaten) the national security of the UK or allies AND require extremely high assurance of protection from all threats. This includes where the effect of accidental or deliberate compromise would be likely to result in any of the following:

- a) Lead directly to widespread loss of life.
- b) Threaten directly the internal stability of the UK or friendly nations.
- c) Raise international tension.
- d) Cause exceptionally grave damage to the effectiveness or security of the UK or allied forces, leading to an inability to deliver any of the UK Defence Military Tasks.
- e) Cause exceptionally grave damage to relations with friendly nations.
- f) Cause exceptionally grave damage to the continuing effectiveness of extremely valuable security or intelligence operations.
- g) Cause long term damage to the UK economy.
- h) Cause major, long-term impairment to the ability to investigate or prosecute serious organised crime.”

13. The risk created by this conduct was at the highest level.

14. I accept there is no evidence of any intention to sell, disclose or ransom the material. The risk was obvious and the actual damage that might have followed is incalculable.

15. I have carefully read the reports provided and the letters written by the Defendant and his family. I accept that there is some evidence of neuro-diversity. I recognise that such a condition may make the sentence to be served more difficult for him than others.

16. However I do not accept that it diminished his appreciation of risk. Those risks were taken because of the Defendant’s intellectual arrogance, he believed he knew better than others, he believed he could finish the project alone and therefore that the rules did not apply to him.

17. While the evidence of neuro-divergence shows that he has difficulty in social situations, that does not amount to an inability to evaluate the risk of his deliberate disobedience of the rules. I do not accept that he lacked maturity in the sense of not understanding his actions or their consequences. This was not impulsive behaviour in the sense considered in *R v Clarke*. Rather it was a considered course of conduct.
18. I accept that his age and character are relevant factors. He has recently seen a cardiologist about health concerns but on the Defendant's specific instructions there is no application to adjourn to await the results of those tests.
19. There is no specific guideline for this offence. I have had reference to the general guidelines on sentencing and those for young persons, neuro-diversity, totality and affording credit for his guilty pleas. This is an offence contrary to s.3 ZA Computer Misuse Act 1990. Given the risk to life the maximum sentence could be life imprisonment.
20. I assess his culpability as falling between medium and high. He deliberately took the material, knowing what it was and knowing that it was unauthorised. He had signed the Official Secrets Act undertaking. Further it was deliberately stored in a system which was in fact insecure. He later re-set the mobile telephone to its factory settings in order to disguise the way in which it had been used. I do not accept that he did not know the risk of what he was doing.
21. The consequences are that all the material taken and anything linked to it is now valueless at best and positively dangerous at worst. It has been destroyed and alternatives have had to be found. There is a huge economic loss, additionally there is a loss of trust with our allies and damage to the standing of our security which can only be of benefit to others.
22. Additionally these acts have damaged the security of others working for GCHQ. Any mundane theft from an employer can cause damage to the trust between other employees and the employer. In this situation that position is greatly magnified. I have seen material about the consequences of this offending, the consequences were very serious for many others.
23. I am required by the Sentencing Act to consider the harm caused or risked. The harm risked in this case is at the highest level, although I recognise that

there will always be examples of greater damage. The harm actually caused is also at a very high level. There is also a need for general deterrent in sentencing for such an offence.

24. The case of R v Finch [2021] EWCA Crim 377 provides guidance, the facts are similar but not the same and the theft of material in that case caused or risked less harm. I must assess the overall seriousness of the offending, I do that in accordance with the guidance of the Court of Appeal in R v Finch, it is largely predicated by the harm caused or risked.
25. There was a late guilty plea, I have regard to the guidance in R v Plaku [2021] EWCA Crim 568. The Defendant's representatives did not have access to some material until this year, I make it clear that that was not caused by any failing in the disclosure exercise. The material was so secret that it was very difficult to find suitable expert assistance for the defence. That material allowed the defence representatives to understand the consequences of the offending. It is submitted that it was not until March 2025 that the Defendant understood the significant risk of serious harm that his conduct had caused.
26. The enormous cost of preparing this case for trial had largely been incurred by then but the trial and the necessary further cost and complexities have been avoided. Witnesses have not been required to attend. I do not find that 25% is the appropriate figure. Guilty pleas could have been entered on a basis, even if the level of risk was not accepted. The taking of the material has always been accepted. Calculating a precise figure is not straightforward but giving the benefit of that imprecision to the Defendant I will apply a reduction of 20%.
27. The Defendant was of good character, that is inevitable given the type of employment, his good character was a condition of his obtaining such employment. In any event this offending took place along side the downloading and storing of pornographic images of children.
28. I also have to pass sentence for a number of offences of the possession of pornographic images of children to which guilty pleas were entered in January 2023. All the images were videos:

- a. 40 videos were graded at Category A and depicted penetrative sex with children between the ages of seven and 13 by both male and female adults.
 - b. 4 images were graded at Category B and depicted non-penetrative sexual acts by children between the ages of seven and 13.
29. He had obtained the material by the anonymous use of the dark web through encryption. There was no legitimate purpose to the access or downloading of this material, which exists only because children are abused to create the sort of imagery of penetrative sexual assaults that adults like this Defendant find attractive.
30. Some of the images clearly demonstrate the pain and suffering of the victims of the penetrative assaults. They are category A offences, the range is 6 months to 3 years and the starting point is 1 year. I will pass a concurrent sentence on the Category B offence.
31. The fact that these are videos of children as young as seven being raped increases the seriousness. As appalling as the possession of such images is, an extended sentence is not necessary in all the circumstances of this case.
32. He pleaded guilty at the first opportunity. If the child pornography offences stood alone. I would have passed a sentence in excess of 30 months on both offences. I reduce that to 18 months to reflect age, character, guilty plea and totality.
33. Taking 8 years as the starting point for the principle offence bearing all matters in mind. I adjust that figure to reflect his age, his character, that his personality traits mean custody will be difficult, that he has waited a long time to be sentenced, his guilty plea and the fact that there must be a consecutive sentence for the child pornography offences. Accordingly I reduce that term to 6 years and impose that on the principle indictment and impose a consecutive term of 18 months on the other offences. That means that the total term to be served is 7 ½ years.