



JUDICIARY OF  
ENGLAND AND WALES

**Oxford Crown Court**

**The Queen**

**-v-**

**Fiaz Munshi**

**Sentencing Remarks of Mr Justice Spencer**

**25 July 2014**

Fiaz Munshi, you may remain seated for the time being.

I have to sentence you for your part in causing the death of two children, seventeen years ago in 1997. They were asleep in their family home in Oxford when the house was deliberately set on fire shortly after 3 o'clock in the morning. There could easily have been more deaths. Another five occupants of the house managed to escape with comparatively minor physical injuries. But the psychological and emotional scars of that night will remain with them and with every member the family for ever.

Anum was only 8 years old. Majid was only 15 years old. They were the youngest children of the family. In their short lives they brought great joy and happiness to their parents and to their brother and sisters. I have read in full the harrowing victim personal statements made by members of the family. Those moving statements reveal very clearly the depths of the sadness and desolation the family felt and still feel at the loss of these two precious much loved children. Those feelings are as raw now as they were 17 years ago. No sentence I can pass will ease that pain.

Six of those involved in this wicked plan to set fire to the house were brought to justice at the time. In 1998 five men were convicted of murder, one of them your boyfriend Haq Nawaz. In 1999 your sister Riaz was, like you, convicted of manslaughter. She was sentenced

to 12 years imprisonment. That sentence was upheld by the Court of Appeal, which described it as manslaughter of a particularly serious and horrifying type. The Court of Appeal concluded that though a severe sentence, it was fully justified.

By the time those six defendants were arrested and charged in December 1997 you had left the country and travelled to Pakistan. You remained there for several years, making a new life for yourself with a husband and children. In 2004 you returned to this country living openly in Sheffield and then in Oldham. It was only in October 2013 that you were finally arrested and brought to justice.

The jury acquitted you of murder but convicted you of manslaughter. These are nevertheless very serious offences which must attract a very substantial sentence.

You and your sister travelled that night from Letchworth to Oxford in a car driven by your boyfriend Haq Nawaz. You were only too willing to make that long journey late at night in order to seek out and fight with one of the Khan/Akhtar sisters with whom you had already had two serious physical confrontations in Oxford. But there was another more sinister plan, of which I am quite sure you were well aware, a plan to set fire to the family home. Two young men, Liedl and Swanton, had been recruited specifically to carry out the act of starting that fire. They were travelling in the other car, driven by your boyfriend's brother, Mohammed Nawaz. I reject entirely, as I am sure the jury must have done, your assertion in evidence that you never noticed these two young men that night. Had you noticed them, and had you truly been ignorant of the plan, you would have been bound to ask why they were there. You knew perfectly well why they were there. That is why you never asked.

I am quite sure as well that it was you who bore the greatest grudge towards the family. You had been in love with the eldest son of the family Amjad Ali Khan. It had been a deeply close and emotional relationship. When he was arrested for dealing in Class A drugs and sent to prison, the family blamed you and your sister, and your sister's boyfriend Haroon Sharif, for the bad influence they believed you had exercised over Amjad. You resented that. Your resentment increased when the family tried to stop you seeing Amjad in prison. Your resentment grew to anger and spilt over in two unseemly episodes of violence, one at your home, the other in Oxford city centre in broad daylight. I am quite sure, having heard all the

evidence, that you were particularly aggressive in both those episodes, whatever the role played by others.

Your resentment and anger grew even more when, as a result of the second of these incidents, you and your sister were ordered out of your family home in Oxford by your brother, and had to go to live in a women's refuge in Stevenage. You and your sister began a campaign of harassment of the family, making nuisance phone calls at all hours of the day and night. The billing proves that such calls were made on your sister's phone. I accept the evidence the jury heard from members of the family that on occasions there were calls in which the voices of two girls could be heard. I am quite sure that it was this simmering resentment and anger towards the family which was the motivation for the fire that night.

In the light of my directions in the summing up as to what had to be proved, the jury by their verdicts must have been sure that there was a plan to set fire to the house while the family were at home asleep, and sure that you were a party to the plan or at least knew of the plan. The jury must also have been sure that you deliberately encouraged others involved in the plan to carry it out. I am quite sure on all the evidence that your encouragement took two of the three forms alleged by the prosecution.

First, I am sure that by your presence in the car travelling to Oxford you intended to and did encourage others to go through with the plan. Secondly, I am also sure on all the evidence that when the cars arrived in Oxford they drove in convoy along Magdalen Road so that the house could be pointed out to Liedl and Swanton who were going to set fire to it. I am quite sure that you played a part in pointing out the house. You knew that house all too well. You therefore played an important part in the execution of the plan.

I am also sure on the evidence of Sunder Khutan and Sarah Moon that you were in an extremely aggressive mood that night, fired up for a physical confrontation with Shahnaz Akhtar and, by inference, for revenge on the family. That was in contrast with your sister Riaz, who seemed much more reluctant. The evidence is that you were egging her on. You must have known that the only reason there was such a long delay in Oxford until 3 o'clock in the morning was to ensure that the lights in the house were out and the family in bed before the fire was set.

By their verdicts the jury must have been sure that you intended or foresaw some physical harm to the family as a result of the fire, albeit not death or really serious injury. You can have been in no doubt, however, just how dangerous it was to start any fire in a house when the occupants were asleep.

I am quite sure on the evidence that you knew full well straightaway that night that the house had been set on fire. You lied to the police five days later in making a false witness statement denying that you had been in Oxford that night. That was a serious criminal offence in itself. You and your boyfriend Haq and your sister Riaz all put forward the same false alibi. Far from distancing yourself from your boyfriend, whom you now knew to be a killer, you chose to remain with him for the next four weeks.

I bear in mind your counsel's submissions that you were by now in an abusive relationship with Haq on top of the abuse you had suffered at the hands of your brothers. I accept that yours had been troubled teenage years, with family pressure to conform to traditions and customs alien to the life you wanted to lead. You had tried to take your own life when you were only 14 because you were so unhappy. But what stopped you coming clean with the police, as Sarah Moon did, was the fact that you knew you had been part of the plan to set fire to the house. You knew you were guilty.

Then on 23<sup>rd</sup> September 1997 you were arrested and interviewed as a suspect. You told the police the same lies. I am sure you realised by now that the heat was on and I am sure that it was for that reason, in part at least, that you moved to Sheffield. When the police pestered you in Sheffield, trying to break down your alibi and persuade you to become a witness, you must have realised that it was only a matter of time before you would be arrested again when the truth finally came out. That was always likely to happen. It took the courage of Sunder Khutan in the end to come forward and tell the police what had happened in Oxford that night.

There was no restriction on your leaving the country when you did. You were not on bail. It is true that your father was seriously ill in Pakistan. However, I have no doubt that it was more than coincidence that you left this country when you did and I have no doubt that your motive for doing so was not purely to look after your father. Your counsel accepted in the course of her submissions that it probably was no coincidence, but she submitted that it was

at the prompting of your brothers that you left when you did. Just two days after your departure your sister, your boyfriend and the other defendants were all arrested and charged. Had you remained in the United Kingdom you too would have been arrested and charged and tried along with the others in 1998. By 2004 you thought it was safe to return to this country. You did not expect to be brought to justice. But justice has a long reach and a long memory.

Your sister Riaz was sentenced to 12 years imprisonment for manslaughter. The judge, Mr Justice Jowitt, told her that sentences of up to 15 years imprisonment are passed for manslaughter by arson when there has been a plea of not guilty. That was in 1999. Later decisions of the Court of Appeal have confirmed this to be the appropriate level of sentence for manslaughter by arson: see, for example, *R v Jones* [2006] 2 Cr App R (S) 19, and *R v Mahmood* [2012] 2 Cr App R (S) 63. If the whole case had been tried now, rather than in 1997, it may even be that the level of sentence would have been somewhat higher, in the light of *R v Appleby* [2010] 2 Cr App R (S) 46. But I shall not go above the starting point of 15 years identified by Mr Justice Jowitt. To that extent the delay has, if anything, worked to your advantage.

In the case of your sister Riaz Mr Justice Jowitt passed a somewhat lesser sentence than 15 years because he thought it possible that she was to some extent talked into participating by others. He was satisfied that she had played an important part in the offence because it was her telephone that was being used to relay messages between those in the two cars and Haroon Sharif, who was watching to see whether the lights were still on in the house.

For the reasons I have already explained, you too played an important role in the offence. But I am quite satisfied, in addition, that unlike your sister you were not talked into participating in the plan by others. You were very much up for it and needed no persuading at all. You were 4 years younger than your sister, but you were nearly 22 years old and a mature intelligent and articulate young woman, who had been aspiring to a career in the police force and had embarked on training as a paralegal. Despite the submissions of your counsel, in my judgment your culpability was greater than your sister's, and the starting point for your sentence must be somewhat higher than the sentence passed on your sister Riaz.

You have shown no genuine remorse whatsoever, either at the time, or when you were arrested last year, or during the course of the trial. The way in which you gave evidence, and the way in which the trial was conducted on your behalf, with all manner of serious allegations against members of the family, only added to the distress of the family. Your sentence will not be longer on that account, because as a matter of principle that would be wrong. But it does mean that you can pray in aid no mitigation of any admission of responsibility and no mitigation of any profession of remorse now.

In your favour I take into account that you have no previous convictions. As I have already mentioned, at the time of these offences you were only 21 years of age. But you were by no means the youngest of those involved. All those convicted of murder, except Haq, were younger than you. You are now 38 years old. You have made a new life for yourself. You have four children whom you have not seen since you were arrested in October last year. For understandable reasons the view was taken that it was better for the time being that your children did not know that you were in prison and why you were there. Your children are further victims of your own serious criminal conduct. But you must have known in your heart of hearts, when you married and had children, that there might eventually be a day of reckoning resulting in a long prison sentence.

I have considered carefully the extent to which the 17 year delay should impact upon the sentence you receive. For the reasons already explained, I am quite sure that part of your motivation in leaving the country when you did was the expectation that if you remained you would be arrested again. Your evidence to the jury was that your father told you he would return with you to the United Kingdom in due course. He died in February 1998. You did not return. You were not married until 2001. I am prepared to accept that you were under pressure from your husband and your own family not to return to this country. You and they must have known that if you returned to the United Kingdom before the trial of your sister and the other defendants, or soon after their trials were over, you were likely to be arrested and charged as well. In the result you have enjoyed years of freedom and family life that you should never then have had. The day of reckoning has now arrived.

You should have been arrested 7 or 8 years earlier than you were in fact arrested. That was the result of a highly regrettable error on the part of the police in 2005, when an e-mail from another police force was missed. That email gave information that you were back in this

country and living in Sheffield. I take into account that period of delay, but it must be seen in the context of my finding that, albeit no doubt with the encouragement of your family, you had deliberately absented yourself in Pakistan in the first place.

You have four children, now aged 12, 11, 6 and 4. You are a good mother. That is evident from the testimonials and medical reports I have read. The eldest two children have significant health problems, which are well documented in the papers before me. Your husband has also been in poor health, suffering a heart attack two years ago. I bear all these matters very much in mind. The sentence will be hard for you, living apart from your children, particularly knowing that the elder children have these additional health problems. The sentence will be hard for your children and hard for your family looking after them. I have taken into account the article 8 rights of your children, and of yourself and your husband as parents. But in view of the seriousness of these offences, and the need to impose appropriate punishment, I am satisfied that it is proportionate to impose the sentence I am about to pass. You cared nothing for the most fundamental human right of all, the right to life of the two children whose deaths you helped cause.

13. Taking all these matters into account, I have reached the conclusion that the proper starting point in your case would have been 14 years. I reduce that by one year on account of the delay and the personal mitigation to which I have referred.

Stand up

Fiaz Munshi, for the unlawful killing of these two children the sentence is 13 years imprisonment.

Because the offence was committed in 1997, your sentence will be governed by the previous regime for release and parole. That means you will serve two-thirds of your sentence before you are entitled to be released on licence. You will be eligible to be considered for parole after serving one-half, but that will be a matter entirely for the decision of the parole board. The time you have served on remand will count towards your sentence.