



JUDICIARY OF
ENGLAND AND WALES

The Queen

-v-

Salma Begum

Suhail Uddin

Jhuhail Uddin

Jewel Uddin

Tohel Uddin

Rehena Uddin

In the Crown Court at St Albans

Sentencing remarks of Mr Justice Spencer

21st December 2015

You may all remain seated for the time being.

You have all been convicted by the jury after a trial lasting nearly ten weeks. Salma Begum, I have to sentence you for the murder of your sister-in-law Shahena Uddin and for your part in a conspiracy to pervert the course of public justice by impeding the police investigation into the circumstances of her death. Suhail Uddin, Jhuhail Uddin, Jewel Uddin, Tohel Uddin and Rehena Uddin, I have to sentence each of you for causing or allowing the death of your sister, Shahena, and for your part in the same conspiracy to pervert the course of justice.

For murder there is only one sentence, life imprisonment, and that is the sentence I shall pass in due course upon you, Salma Begum. I am required,

however, to determine the minimum period which you must serve in prison before you are eligible even to be considered for release on parole.

When Shahena died on 11th October 2014 she was 19 years old, just a few days short of her 20th birthday. She died in her own home at 96 Leavesden Road, Watford in circumstances which none of you have had the humanity and common decency to explain. I am quite sure that all of you know the true circumstances in which she died. The steadfast refusal of all of you to reveal those circumstances is a shocking, selfish and disgraceful perversion of family loyalty which dishonours the memory of your dead sister. By contrast, the youngest member of the family, Sabina, eventually found the courage to reveal what she knew of the circumstances of Shahena's death. You had always been fearful that Sabina might do just that, and that is why all of you quite cynically and quite dishonestly sought to keep from the police the fact that she had been present in the house that night, or even (in all but one case) the fact of her existence. Before the police arrived in response to the 999 call which was eventually made at 9.11 am on the Saturday morning, steps had been taken to remove Sabina physically from the house. She was put in the family car, which had been parked out of sight of the house, and told to stay there. It is a revealing insight into the dynamics of this family that Sabina did exactly as she was told and was still in the car some 16 hours later, having been deprived of food and drink and the use of a lavatory throughout that period.

The offence of causing or allowing the death of a child or vulnerable adult was introduced by parliament in the Domestic Violence, Crime and Victims Act 2004 precisely to cover the situation in a case like this where a family member living in the same household as the victim must either have been involved in causing the victim's death or in allowing the death to happen, but it cannot be proved which applies. Allowing the death to happen means failing to take reasonable steps to protect the victim when that defendant knew or ought to have known from past experience that the victim was at risk of serious physical harm within the household.

In the case of all of you, except Salma Begum, it remains impossible to say whether you fall into the category of causing or (in the sense I have explained) allowing Shahena's death. The law is clear that the judge, when sentencing in such a case, is not permitted to second-guess the category into which a defendant falls. The very essence and purpose of the offence, unusual as it is conceptually, is to ensure that a defendant can be punished properly for his or her involvement in the death, where otherwise that defendant might be acquitted unmeritoriously of any such involvement.

The position in your case, Salma Begum, is very different. By their verdict in convicting you of murder the jury were sure that you were party to the deliberate and unlawful infliction of the injuries which led to Shahena's death and sure that at the time you participated in that way you intended that Shahena should be caused really serious bodily harm.

Before I turn in detail to the circumstances of Shahena's death and the individual culpability of each of you I need to set out my findings in relation to the relevant background. You, Suhail, Jhuhail and Jewel Uddin, were born in Bangladesh and came to this country when you were children. You, Tohel and Rehena Uddin, were born in this country. All of you had a miserable upbringing here, living with parents who were violent and abusive to you. When Suhail married Salma Begum and brought her to live here she too was subjected to violence at the hands of her mother-in-law. It became so bad that Suhail and Salma moved out of the family home to live with friends for two years before acquiring their own home, 96 Leavesden Road in 2003. Two years later a second family home was acquired at 39 Middle Ope. Both properties were owned outright, on mortgage. All the male defendants were in employment, and Salma Begum. And there was no shortage of money or material comforts.

One might have thought that the example of domestic violence which all of you endured in your formative years would have caused you to set your face against such conduct once you were free of it. Instead, sadly, you all came to subscribe to an unpleasant and corrosive culture of punishments and beatings

within the family home, behind closed doors, which ultimately resulted in Shahena's death.

I accept that you, Suhail and Salma, showed genuine compassion and proper family loyalty in taking on the responsibility of providing a home for the youngest siblings under a special guardianship order made in 2010. But certainly by the end of 2011 this regime of punishments and beatings within the family had been established, as the letters written by Shahena, Sabina and Rehena pathetically demonstrate all too clearly. The girls craved your love and affection, Salma Begum, and you manipulated their feelings and bent them to your will. The video clip of Tohel's birthday party in June 2012 provided a glimpse of the family dynamics, with an all pervasive sense of gloom and foreboding on what would, in any normal household, have been a joyous and inclusive occasion.

It is the letters, and the evidence of Sabina, which confirm that the substance of what Shahena was telling her friends at school about life at home was true. During her formative teenage years, right through until the sixth form, she was desperately unhappy at home. The punishments came and went in phases but she told her school friends, and Sabina's evidence confirms, that they included the following: being made to lick the toilet, having to drink water from the toilet, being made to lick her own faeces and eat her own vomit, having her access to the bathroom restricted, having to stand for hours instead of sleeping, being forced to slap herself. Many of the punishments, at least in the early days, revolved around meal times. She would be forced to eat large quantities of rice which she did not want or need. There would also be punishment for not eating in a ladylike manner.

Shahena's school friends were concerned and distressed by what she told them. On occasions they saw bruises on her body and once she let slip that it was her sister-in-law and eldest brother who were responsible, that is to say Salma and Suhail. She explained periods of absence from school on the basis that she had bruises that she did not want to be seen at school. She told her school friends she would get beaten if she disagreed or argued back. Sabina

never saw bruises on Shahena at home, but Shahena always covered herself up at all times. Even though she was sharing a bedroom with Sabina and Rehana the girls did not dress or undress in front of each other and they wore their day clothes even in bed. I have no doubt on all the evidence that Shahena did receive bruises on regular occasions at the hands of her family.

I also accept the evidence of Sabina that makeshift weapons were used on occasions. There was a glowstick which Sabina had been given for her birthday but which had long outlived any pleasurable use and was resorted to as a weapon to beat or threaten Shahena. The plastic baseball bat from a Wii computer game was used and Sabina spoke of an occasion when Salma and Shahena emerged from the bedroom having apparently punished Shahena with that weapon. Sabina's description of a cricket bat being broken and the pieces having to be picked up is too graphic and bizarre not to be true. Sabina also described the more sinister use of a spirit level which had been left behind by builders, and which on one occasion at least Suhail was holding in a threatening manner to induce fear. Sabina's account was confirmed by the finding of an abandoned spirit level at 39 Middle Ope.

Shahena's school friends describe her, despite all these troubles, as a witty, intelligent and feisty girl at school, with ability enough to pass her GCSE's and complete her A levels and a talent for singing and writing songs. One of the documents she wrote which was found in the house after her death, probably written around 2011, appears to be a song lyric: "Kicking, punching slapping, whacking. You see all the bruises on my body. You think I am going to be a wimp and fear this. Don't you know I'm stronger, you will have to hear this". They were prophetic words.

Her school friends encouraged Shahena to report this domestic abuse to staff, and the girls did so themselves. The mother of one of her school friends was so concerned upon hearing of the abuse that she immediately visited and e-mailed the school. The problem was that when staff confronted Shahena she vehemently denied that any of it was true. The only inference from her denial of what was plainly true is that she was fearful of worse consequences if she

disclosed what was happening at home. She was torn as well, I have no doubt, by family loyalty, and by her love and respect for her brothers and sisters, and for Salma as her surrogate mother.

When Shahena left school in June 2013, 15 months before her death, she became completely isolated from outside life and her world barely extended beyond the walls of 96 Leavesden Road. She had never been allowed to see or contact her friends out of school. She appears to have made no use of a mobile phone that was available to her, or an e-mail account. Aged 19, she did not even have her own key for the house she lived in.

By October 2014 Shahena's plight had become desperate. She was only permitted to visit the lavatory to open her bowels once a day. In your own evidence, Salma Begum, you tried to make out that this was somehow to protect Shahena from herself because she had threatened to drink bleach or white spirit kept in the bathroom. I reject that entirely. Not only was Shahena forbidden to visit the lavatory when she needed to. You also encouraged the girls to spy on each other and report any transgressions to you, which the girls were pathetically willing to do simply in order to gain your attention and affection. There was an extremely revealing text message by Shahena to you, using Reheena's phone, at 4am in the morning on 19th December 2013 begging you to allow her to go to the toilet and assuring you that she was not disobeying you and would never argue with you again.

In August 2014, just two months before she died, there was a particularly unpleasant incident, vividly described by Sabina, which demonstrated very clearly the potential for violent punishment. Desperate for the lavatory but banned from using it, Shahena climbed up onto the kitchen sink to defecate and having done so broke the drawer on the kitchen unit as she tried to get down. As Sabina put it, everyone got angry and was hitting her. Salma, Reheena, Suhail and Tohel were certainly there. Sabina was punished herself, quite unfairly, for supposedly allowing it to happen. I have no doubt that Shahena received severe physical chastisement on that occasion. She was even made to eat her own faeces. It became a very violent episode altogether. You

Salma Begum kicked Sabina downstairs in the aftermath, causing Sabina to sprain her wrist. I am quite sure that all of you were or became fully aware of this incident, whether or not you had been present to witness it, and fully aware of the potential for an explosion of even more serious violence in the event of a repetition.

Probably around the same time, in August 2014, Shahena was also violently punished for wetting the bed. At that time she was sharing a bed with Sabina. Reheena was also sleeping in the same room. Shahena wet the bed twice. You, Salma Begum, had forbidden Shahena to drink water at will and she had to resort to subterfuge by secreting water in bottles which she hid in the bedroom. Whether this is what caused her to wet the bed or the general emotional and psychological damage she was suffering, is unclear. Sabina graphically described the family's response when Shahena wet the bed. Reheena reported the transgression to Salma. Salma got one of the brothers involved, then all the brothers became involved one by one, hitting Shahena and shouting at her and telling her off. Thereafter Shahena was not permitted to sleep in a bed at all. Instead she had to sleep on a rug on the floor next to the bed, with only a rough blanket over her. Again, the violence of this episode only weeks before her death demonstrates very clearly the potential for an even worse explosion of violence should the rules be broken again.

It is against this background, on overwhelming evidence, that the jury, by their verdicts reached a number of conclusions about the risk to which Shahena was exposed and the awareness of each of you of that risk. By their verdicts the jury were sure that Shahena was a "vulnerable adult" on the night she died, in that her ability to protect herself from violence, abuse or neglect was significantly impaired through the state she was in as a result of her previous treatment within the household. The jury were also sure that on the night she died there was, objectively, a significant risk of serious physical harm being caused to Shahena by the unlawful act of one or more of you. The jury were sure too that any of you who were not involved in causing her death that night were or ought to have been aware of the risk to Shahena of serious physical harm.

I turn to the events of the fatal night. As usual for a Friday, all six of you were together at 96 Leavesden Road that evening. Suhail was already in bed, having worked a very early shift that day. Tohel was the first to leave, shortly before midnight. He returned to 39 Middle Ope where he spent the night. Jhuhail and his wife Laila left 96 Leavesden Road at around 12.30am to return to Middle Ope which is where they slept. Salma and Jewel remained downstairs watching TV in the living room where Salma slept. She and Suhail no longer shared a bedroom. The marriage had broken down completely. Salma had been having an intimate relationship with Suhail's younger brother Jewel for several years, to everyone's knowledge in the family. Sabina had retired early to bed, tired from her day at college. It is unclear when Rehena and Shahena joined her, all three of them still sleeping that night in the same bedroom.

The precise sequence of events thereafter in relation to Shahena's death will probably never be known, or the precise circumstances. The medical evidence demonstrates that at some point that night, and certainly well before the arrival of the emergency services at around 9.20am next morning, Shahena was brutally beaten, quite possibly on more than one occasion. The overall effect of the injuries she sustained was eventually to render her unconscious. In her unconscious state she vomited and was unable to clear the obstruction, with the result that she choked on her own vomit and died.

The severity of the beating she received is distressingly illustrated in the medical graphics and the post mortem photographs. There were multiple blows to the head, on both sides and to the top, probably with a fist or fists resulting in bruising all over the head and deep into the tissues beneath. Outwardly she had very prominent black eyes for all to see. There were extensive multiple blunt force injuries to the shoulders and upper arms and the upper back. There was extensive bruising to the hands and forearms indicative of defence injuries as Shahena attempted to ward off the attack. Although she was only 4ft 11inches she was powerfully built, weighing 13 stone. She would not have been a compliant victim. Disturbingly there was very extensive targeted bruising to both breasts, and visible in the bruising to

the right breast were tramline marks consistent with the use of a parallel sided weapon. There was a forensic match between some of this bruising and the grooved plastic handle of a metal floor mop recovered from the bathroom. There was also targeted tramline bruising to the outer thighs, left and right, and to the lower left leg, with a probable forensic match to the glowstick which was recovered from the dining room. The injuries are consistent with a sustained attack, with fists and weapons and almost certainly the attack was the work of more than one assailant. It is a safe inference from the location and angle of the injuries that Shahena must have been lying on the ground for at least part of the attack or attacks. It would have been the effect of the head injuries in particular which resulted in concussion and ultimately led to unconsciousness and death, but there is no reason to think she would have become unconscious immediately. The pathologist's view was that she lost consciousness hours before death, and that only once she lost consciousness would vomiting and the collapse of breathing probably have followed fairly soon.

I am sure on all the evidence that it is a safe inference that the early part of the beating, at least, took place sometime around 1 o'clock in the morning. Sabina was woken by shouting and screaming and thudding from downstairs. She heard your voice shouting, Salma Begum. She heard Shahena screaming. Sabina's memorable description was of unusual noises you would not want to hear. Sabina tried to shut out the noise and turned over and went back to sleep. The neighbour next door heard a thud around this time, consistent in my judgment with violence towards Shahena. Rehena was absent from the bedroom when Sabina woke up.

At 1.08am you, Salma Begum, made a 4½ minute phone call to Jhuhul Uddin at Middle Ope and within minutes he had driven to 96 Leavesden Road. He remained at the house for an hour. On the account you gave police, Jewel Uddin, you were still up and about at that time, although you made no mention of seeing Jhuhul. You, Salma Begum, claim to have been asleep throughout the time Jhuhul was at the house. You, Jhuhul and Jewel, chose not to give evidence and gave no account to the police of events during this

period. I have no doubt whatsoever on all the evidence, including your unwillingness to face cross-examination, that the reason why Salma made that phone call and Jhuhhal came to the house was because there had already been a substantial assault on Shahena and that you, Salma Begum, wanted the benefit of Jhuhhal's advice, knowing that he had some expertise in first aid.

I have no doubt either that the initial beating (at least) took place downstairs. Precisely what Shahena's transgression was on this occasion to trigger such a brutal attack can never be known for sure unless and until one or more of you choose to reveal it. In all likelihood, she had gone downstairs once again to use the kitchen sink as a lavatory. You, Rehena, were to tell Sabina later on that there was "poo everywhere in the dining room". When Sabina woke for a second time, you Rehena were absent from the bedroom again. Sabina heard Shahena struggling upstairs, banging against the walls at the sides and breathing with difficulty. The inference is that she was now very seriously injured. Sabina saw that Shahena's trousers were down, exposing her bottom. Clothing of Shahena's which was thrown away soon after and before the police arrived as part of the cover up was stained with faeces. I am quite sure that you, Salma Begum, were well aware of all these events and the jury plainly rejected your account that you were asleep throughout.

The timing of the probable later beating is impossible to determine. It may well have been around dawn (06.49am) or even later. What is clear, I am sure, is that before the emergency services were called there was a concerted effort to cover up the circumstances in which Shahena had died. Two sets of Shahena's clothing were disposed of in separate bins outside the house, at the front and the back, including the trousers and knickers stained with faeces. A listerine bottle and a cosmetics bottles in which Shahena had been secreting water to drink, and from which she had probably been drinking that night, were also disposed of in the bin outside at the front of the house, as was the vomit stained blanket which was Shahena's only covering when she slept on the floor. Significantly there must have been concern that the red rug on which she slept might attract the interest of the police. There were blood stains on it, probably representing passive drips from bleeding on an earlier

occasion, and some vomit stains. The double bed was deliberately moved out towards the centre of the room from its position against the wall in order to cover the rug. To move that heavy bed was at least a two man job.

At 9.01am you, Salma Begum, made a phone call to Jhuhul. Sabina's evidence, which I accept, is that you told Jhuhul in that call that Shahena was dead. I am quite sure that by now it had already been decided that Sabina was likely to have seen and heard too much of the night's events, and could not be trusted to stick to a lying story if she was spoken to by the police. The cynical decision was taken to remove Sabina physically from the house so that the police would not find her, and to make sure no-one even mentioned to the police her existence as a family member living at 96 Leavesden Road.

It was for that reason, I am sure, Jhuhul Uddin, that when you drove to Leavesden Road you did not park directly outside the house and rush in as you would have done if you had genuinely thought Shahena's life could still be saved. Instead, as the CCTV shows, you turned down a side road looking for a strategic place to park, emerged back onto Leavesden Road then took another side road, Shakespeare Street, where you parked the car out of sight of the house but close enough to get Sabina there quickly and quietly. That is what happened, with the consequences I explained at the start of these sentencing remarks. It was you, Jewel Uddin, who took Sabina to the car and left her there on the instructions of Salma.

Only when it was considered safe to do so was the 999 call made to the police by you, Jhuhul Uddin. You may have nursed a forlorn hope that by some miracle Shahena could be revived, but in reality the CPR you administered was a charade for the benefit of the ambulance control room, whose call handler was giving you instructions over the phone. It was not at all surprising that when the paramedics arrived soon afterwards they deemed it appropriate still to continue CPR, but those of you in the house all knew the true position. Shahena was dead, and had been dead for some time. It is highly significant that none of you in the house phoned 999 as soon as it was realised that

Shahena was unconscious, badly injured and in obvious need of emergency assistance.

When the police arrived and wanted to know what had happened none of you gave them any assistance, selfishly putting your own interests above those of Shahena and the interests of justice. When you, Tohel, were phoned at work by Salma and summoned to return to 96 Leavesden Road you joined the conspiracy of silence in relation to Sabina's presence in the house that night. All of you were interviewed at length that day as significant witnesses who ought to have been able to shed light on Shahena's death. Instead you revealed nothing, and you all studiously excluded from your narrative accounts to the police any mention of Sabina's presence in the house the night before. This was not, I am quite sure, for the purpose of protecting Sabina as has been asserted on your behalf in the absence of a credible explanation on oath.

When the four of you male defendants were arrested and interviewed as suspects for a period of days there was a revealing conversation between you in the police van on 14th October, which was covertly recorded. Although voices cannot be identified, I have no doubt it was you Suhail Uddin who was taking the lead in advising the others to keep quiet and not to tell the police anything. One of you who cannot be identified asked "Whose fault will it be?", only to be told by you, Suhail Uddin, "Don't say".

Whilst all of you were being interviewed as witnesses over a period of many hours that Saturday, Sabina remained obediently in the car for hour after hour. She must have been terrified at having been abandoned in this way. None of you took any steps for her welfare by telling the police she was there and asking for their assistance. That would have undermined the whole purpose of the conspiracy of silence. When eventually you, Salma and Rehena were released from police custody some time after midnight and Sabina was finally freed from her confinement in the car you, Salma, declined the offer by the taxi driver Mr Hussain to ask the police if he could be permitted to accommodate Sabina overnight. Instead she was taken to stay with Rina in Luton. Still fearful that Sabina would reveal what had really happened to

Shahena you, Salma Begum, instructed Sabina to tell the police the false story that she had spent the night at Middle Ope. It is clear as a matter of inference that this must have been the agreed fall back position if the police discovered Sabina's existence, because it is the account that Suhail and Rehena also gave the police in their interviews under caution. That did not come about by coincidence.

I have set out my findings at some length because this has been an unusual case in which, through the refusal of all you to reveal the true circumstances of Shahena's death, it has been necessary to piece together what happened from all the circumstantial evidence. I turn now, and much more shortly to each of you individually.

Salma Begum

You are 32 years old, according to your passport, although you may in fact be somewhat younger. By the jury's verdict on count 1, you were party to the deliberate and unlawful infliction of the injuries which led to Shahena becoming unconscious and you thereby caused her death. You probably did not take any part, or any great part, physically in joining in the attack, although I am sure you were not as poorly or disabled that night as you make out. Despite your medical problems you had worked a full day and in the CCTV footage of the Asda shopping trip earlier that evening you appeared fit and well, directing operations. You know perfectly well who took part with you in that beating downstairs which Sabina heard taking place but you have chosen not to reveal it. That is your choice. But it means that you alone fall to be sentenced for Shahena's murder.

Having observed you in the witness box over a period of five days, and from all the other evidence, I am driven to the conclusion that you have shown yourself to be a cruel, manipulative and deceitful woman. You were instrumental in the ill-treatment of Shahena over a period of years. During much of that time you

and Suhail were her legal guardians. You showed her kindness some of the time and she plainly had affection for you.

The starting point for your minimum term, under the statutory provisions, is 15 years. There are three aggravating factors under paragraph 10 of the relevant schedule. First, Shahena was particularly vulnerable for the reasons I have already explained. Second, there was a gross abuse of your position of trust. Although you were no longer Shahena's legal guardian as she was over 18, in the unusual circumstances of this family you remained, for all practical purposes, her surrogate mother. As your counsel rightly conceded, the whole background of Shahena's treatment at your hands can properly be taken into account as generally aggravating this offence of murder. It goes to Shahena's vulnerability and to your abuse of trust. The third aggravating factor is the mental and physical suffering inflicted on Shahena before death. I am satisfied on the evidence there was a significant delay between the initial beating and her death, during which time she must have been terrified and in great pain.

The combination of these aggravating factors justifies an increase from 15 years to 21 years. But there are also mitigating factors. First, and most importantly, there was no intention to kill, nor has it ever been suggested there was such an intention. Second, I accept that there was a lack of premeditation, in the sense that this was an outburst of violence which occurred spontaneously and which was undoubtedly far worse than anything that had happened before. The mitigation of that factor is, however, reduced because the history of Shahena's ill-treatment within the family demonstrates there was every likelihood of violence being triggered by a repetition of her breaking one or more of the rules you had imposed upon her. I also take into account the general mitigation of your previous good character, the abuse you yourself suffered in the past, and the fact there is a caring side to you as well, which was demonstrated by your generosity of spirit in supporting and helping your sister-in-law Rina with her child care issues for almost a year. All these mitigating factors together justify a reduction in minimum term from 21 years to 16 years.

Your minimum terms must, however, also reflect the separate criminality of the offence of conspiracy to pervert the course of public justice, count 9. It is common ground that the appropriate course is to increase the minimum term by a figure which reflects one half of the determinate sentence which would otherwise have been passed for that offence, which would undoubtedly have been but cannot be, imposed consecutively.

I have been referred to a number of authorities which give general guidance, in particular *R v Tunney* [2007] 1 Cr App R (S) 91, *R v Dawkins* [2009] 1 Cr App (S) 103 and *R v Mercer* [2010] 1 Cr App R (S) 104. It is well established that the court should have in mind the following three matters: first, the seriousness of the substantive offence to which the perverting of the course of justice related; second, the degree of persistence; and third, the effect on the course of justice of the attempt to pervert it. Here the substantive offence was murder, the killing of your sister-in-law in the family home. It could not be more serious. Second, there was a significant degree of persistence in relation to the exclusion of Sabina from all accounts to the police. It was a determined attempt to prevent the police speaking to a very important witness. I am satisfied that you, Salma Begum, were the architect of the conspiracy. I have no doubt it was you who instructed Rehena to throw away the two sets of Shahena's clothing with the tell-tale signs of defecation, and the bottles and blankets which were also discarded. You must also have been involved in the decision to move the bed in order to put the police off the scent.

Most important of all, you were instrumental in arranging for Sabina to be taken to the car and kept out of the way. You must have instructed Jhuhal to park out of sight of the house and it was you who instructed Jewel to take Sabina to the car. The effect of this conspiracy on the course of justice itself was not as great as it might have been in the sense that the attempt failed. The clothing and other items were readily found by the police, the movement of the bed was spotted, and Sabina was seen and spoken to. But the insidious nature of instructing this vulnerable young girl to lie to the police is in a different category. Her reluctance to reveal the truth lingered for many

months. You well knew that she would obey instructions from you or any other senior family member. But for the support and counsel she received from her foster carer, away from your influence and that of the family, it is doubtful whether Sabina would ever have found the courage to speak out as she did not long before the trial. Had she not done so, the course of justice would have been seriously perverted in a very real sense.

Taking into account all these factors the appropriate consecutive determinate sentence on count 9 would have been at least 4 years imprisonment, of which you would have served half. Accordingly I increase your minimum term from 16 years to 18 years, taking into account totality.

Salma Begum, stand up please. On count 1 the sentence is life imprisonment. You will serve a minimum term of 18 years, less the 223 days you have already served on remand or whatever the correct figure proves to be. When you have served that period in custody it will be for the parole board to decide whether, and if so when, you should be released, and if and when released you will remain on license for the rest of your life. On count 9 there will be a concurrent sentence of 4 years imprisonment. You may go down.

Suhail Uddin

You are 35 years old, nearly 36. You have been acquitted of murder and manslaughter but convicted by the jury of causing or allowing Shahena's death, and of conspiracy to pervert the course of public justice. As I made clear at the outset of the sentencing remarks, neither you nor any of the defendants are to be sentenced as perpetrators of the violence which caused Shahena's death. Rather, you are all to be sentenced for allowing the perpetrators to act as they did. The Court of Appeal in *R v Ikram and Parveen* [2008] 2 Cr App (S) 114 confirmed that this is the proper approach in such a case.

The maximum sentence for the offence of causing or allowing the death of a vulnerable adult is 14 years imprisonment. I have to assess in the case of each of you the appropriate sentence for this offence to reflect your culpability. I am satisfied that determinate sentences are appropriate for each of you, and that it is not necessary to invoke the dangerous offender provisions of the Criminal Justice Act 2003.

As you readily acknowledged to the police when you were interviewed under caution, you, Suhail Uddin, were the head of the household and ultimately responsible for discipline. Sabina's evidence confirmed, as you told the police, that there was a hierarchy of discipline. Salma would come to you if she was not able to deal with the situation herself. I accept that there is evidence that you generally had a good relationship with Shahena. Sabina said as much and it was borne out to an extent by Shahena's own letters in which she speaks of you with some affection, as indeed she does of Salma.

However, I bear in mind that Shahena told her school friends, and I accept, that you and Salma were responsible for punishing her physically on occasions. You were no stranger to violence within the household. You were prepared to use the spirit level as a threat, for fear as Sabina put it, and it would have been a fearsome weapon. You were present at the aftermath of the episode when Shahena defecated in the kitchen sink which led to violent retribution. You were one of those who joined in hitting Shahena and shouting at her when she wet the bed. By the jury's verdict you were or ought to have been aware of the real risk that she would be caused serious physical harm sooner or later in being punished for some transgression. Another such episode was entirely foreseeable.

To an extent you had separated yourself from the rest of the household because of the unsocial hours you worked and because of the breakdown of your relationship with Salma. It cannot have been easy for you to live in the same house as her and your brother Jewel when they were conducting a longstanding affair. But, because of your shared culture, you still commanded respect and obedience from the two of them as well as from the remaining

defendants. You had it in your power to bring to an end this totally unacceptable regime of violent punishments of the girls and in particular Shahena . Instead you let it carry on. What makes your position far worse is that you have brought all your influence and authority to bear on the remaining defendants not to disclose the true circumstances of your sister's death, so as to impede the police investigation.

I do not sentence you on the basis that you were involved or present at the beatings of Shahena that night or morning. But rather than call the emergency services yourself as soon as you saw the state Shahena was in, unconscious and very obviously beaten and bruised with black eyes, instead you readily lent yourself to the conspiracy to keep Sabina away from the police. That was not out of concern for her welfare but to prevent the police discovering what had really gone on and how Shahena had met her death. You readily told the police the enhanced lie, the fall back position, that Sabina had not even stayed at Leavesden Road that night. You instructed the other male defendants not to tell the police what had happened, as the recording in the van confirms.

I take into account your general good character, your good work record and the abuse you yourself suffered at the hands of your own parents. I take into account the positive assistance you provided for the family in assuming responsibility for your youngest brother and sisters under the guardianship order. But you woefully abdicated that responsibility as time went on and you above everyone failed to protect Shahena as you could and should have done.

I have considered carefully the authorities to which I have been referred, namely *Ikram and Parveen* [2008] 2 Cr App r (S) 114; *R v Su Hua Liu* [2007] 2 Cr App R (S) 12 and *R v Watt* [2011] EWCA Crim 1325. However, they are not guideline cases in any sense and each of them turned on its own facts. In passing consecutive sentences upon you I have very much in mind the principle of totality.

Suhail Uddin, please stand up. On count 3, causing or allowing the death of a vulnerable adult, the sentence is 7 years imprisonment. On count 9,

conspiracy to pervert the course of public justice, there will be a consecutive sentence of 3 years, making a total of 10 years imprisonment. When you have served one half of the sentence you will be released on licence. If you breach the terms of that licence or commit any further offence you will be liable to be returned to prison to serve the balance of the sentence. You may go down.

Jhahal Uddin

You are now 33 years old, nearly 34. You are the second oldest of the brothers. You were second in command in the household when it came to discipline. Sabina's evidence, which I accept, was that if misbehaviour by the girls got really bad it would be reported to you. I accept there is very little evidence that you personally were violent towards Shahena or to the other girls. But I am sure you were well aware of the regime of punishments that was in place in the household, even though you worked long hours during the week, and evenings at the weekends too. I am sure you were well aware of the violence that erupted when Shahena defecated in the sink and how she was punished for it, and you were one of those who joined in hitting her when she wet the bed. By the jury's verdict you failed to take the steps you reasonably could and should have taken to protect Shahena from the risk of serious physical harm of which you were or should have been well aware.

For the reason I have already explained, I am satisfied that you returned to 96 Leavesden Road in the early hours of the morning at Salma's request to advise her and to deal with the situation that had arisen from Shahena's being beaten, even though she was not fatally injured at that point. You did nothing to protect her then. You played a prominent part in the cover up. On receiving the news from Salma that Shahena was dead you calmly parked the car out of sight of the house so that Sabina could be taken there and kept away from the police. You were aware there was already a cover up in progress. You phoned the emergency services when it was safe to do so and I am driven to conclude that your attempts to revive Shahena, apparently following the instructions you were getting over the phone, were essentially a charade. When you were interviewed by the police as a witness you did not mention that Shahena had

been staying in the house that night and you continued to adopt this lie when you were interviewed as a suspect.

You are of previous good character, and you are a hard worker. I bear in mind the abuse and other difficulties you suffered in your own childhood. You now have family responsibilities, but these offences were committed when your wife Laila was within a few weeks of giving birth to your first child, and even that did not deter you. Your sentences will be consecutive but I have regard to the principle of totality.

Jhuhhal Uddin, please stand up. On count 5, causing or allowing the death of a vulnerable adult, the sentence is 6 years imprisonment. On count 9, conspiracy to pervert the course of public justice, there will be a consecutive sentence of 3 years, making a total sentence of 9 years. When you have served half that sentence you will be released on licence. If you breach the terms of the licence or commit any further offence you will be liable to be returned to prison to serve the balance. You may go down.

Jewel Uddin

Jewel Uddin, you are 27 years old, nearly 28, so substantially younger than your brothers Suhail and Jhuhhal. Although quiet by nature you were robust and self assertive enough to conduct an affair with your sister-in-law Salma under the very nose of your eldest brother, her husband Suhail. You stood up to him on behalf of Salma in 2011 in the incident where the police were called by Sabina. You lived and slept at 96 Leavesden Road. You were extremely attentive to Salma's medical needs and spent a great deal of time in her company. You were well aware of the regime of punishments in the household. You may not have taken much part in the violence yourself, but you knew it was going on. You must have been well aware of the violence in August 2014 when Shahena defecated in the kitchen sink and you were one of those who joined in hitting her when she wet the bed at around the same time. The e-mails you exchanged with Salma on 9th August 2014, in which you said you found her cute when she was angry, were not wholly tongue in cheek, as Salma herself confirmed in evidence.

Although I have no doubt that Salma was the dominant partner in your relationship you had the opportunity, had you been so inclined, to deter her from enforcing this oppressive regime on the girls and in particular on Shahena. Instead you went long with it. By the jury's verdict you failed to take the steps you could and should have taken to protect Shahena from the risk of serious physical harm, of which you were or ought to have been aware from the recent history of events in particular. It is illuminating that when you visited the school with your brother Tohel to discuss the problem of Sabina's personal hygiene you were forceful and indignant in blaming the school for not protecting Sabina from bullying. You knew perfectly well where your duty lay to protect Shahena from far worse bullying at home.

You were present in the house throughout the night that Shahena died. You told the police that you had remained downstairs until around 1.30 – 2 am. It follows that you must have been present when Jhuhhal returned to the house in the early hours, and I am satisfied that this was at a time when Shahena had already been beaten. I do not sentence you on the basis that you were one of those involved in that beating, but for the reasons I have explained already, you are to be sentenced for allowing her death by failing to protect her. You played a prominent part in cover up. It was you who took Sabina to the car and instructed her to stay there, knowing she would do exactly as she was told. When you were interviewed by the police as a witness you deliberately lied to the police and made no mention of Sabina as a member of the family.

You are a man of previous good character. You have a good work record. I bear in mind that you were yourself a victim of serious abuse in your childhood. In passing consecutive sentences upon you I have very much in mind the principle of totality.

Jewel Uddin, please stand up. On count 6, causing or allowing the death of a vulnerable adult, the sentence is 5 years imprisonment. On count 9, conspiracy to pervert the course of public justice, there will be a consecutive sentence of 3 years making a total of 8 years imprisonment. You will be

released on licence when you have served half that sentence, and if you breach the terms of your licence or commit any further offence you will be liable to be returned to prison to serve the balance. You may go down.

Tohel Uddin

Tohel Uddin, you are now 24 years old. You are the youngest of the four brothers. You generally slept at 39 Middle Ope but you spent almost all your time at 96 Leavsdn Road when you were not at work. You were well aware of the regime of punishments in the household. You had a very close relationship with Salma, who regarded you almost as her own son. You could and should have brought to bear on Salma, and your brothers, your influence in dissuading her from this oppressive regime on punishments for the girls and in particular Shahena. None of the brothers were punished physically. But like your brothers you did nothing to stop it. In your case too it is instructive that you were well able to criticise the school in aggressive and forceful terms when you and Jewel were complaining that nothing was being done to protect Sabina from bullying. What was happening at home to Shahena, as you well knew, was far worse than anything at school. By the jury's verdict you could and should have taken steps to protect Shahena from the real risk of serious physical harm. I am sure on all the evidence that you yourself used the glowstick on occasions as a weapon, although never inflicting serious injury yourself. You were well aware of the violence that ensued when Shahena defecated in the kitchen sink and I accept Sabina's evidence that you struck Sabina on that occasion. You were one of those who joined in hitting Shahena when she wet the bed. These incidents took place only a matter of weeks before her death. You must have known that things were getting worse.

I accept that you were not involved in causing Shahena's death. I am satisfied that you had already left 96 Leavesden Road and returned to Middle Ope when the first violence occurred. It is impossible to say what, if anything, you saw of Shahena in her injured state when you returned briefly to Leavesden Road at around 6.05am on your way to work. I strongly suspect, but cannot be sure, that in your prepared statements to the police you invented the suggestion you had seen Shahena from the back, outside the bedroom, and

did so in an attempt to demonstrate she was still alive when you left. In those prepared statements you mentioned for the first time seeing Shahena with some sort of injured eye several days earlier, which chimes exactly with what Salma falsely told the police. I am sure that was more than coincidence.

When you were called at work and returned to Leavesden Road you immediately joined the cover up by deliberately omitting Sabina from your account to the police. That was not for Sabina's protection, but to pervert the course of justice and you persisted in that when you were arrested and interviewed as a suspect. I am quite sure that, like your brothers and sister, you know perfectly well who was responsible for causing Shahena's death and are refusing to say.

You are a young man of previous good character. You are a good worker. You were the victim of abuse at the hands of your parents. I take all these matters into account in your favour. Your sentences will be consecutive but I bear firmly in mind the principle of totality.

Tohel Uddin, please stand up. On count 7, causing or allowing the death of a vulnerable adult, the sentence is 4 years imprisonment. On count 9, conspiracy to pervert the course of public justice, the sentence is 2 ½ years consecutive, making a total of 6 ½ years imprisonment. You will be released on licence when you have served half that sentence. If you breach the terms of your licence or commit any further offence you will be liable to be recalled to serve the balance. You may go down.

Rehena Uddin

Rehena Uddin, you are 22 years old and the youngest of the defendants. You were yourself the victim of violence and abuse within this household. I accept that you had genuine love and affection for Salma as your surrogate mother. You suffered serious physical and emotional abuse from your own mother. You were, however, the eldest of the three sisters. You had some life outside the household in that you had gone to college and studied child care. You knew of the obligation to report and deal with child abuse. You knew it was

happening in your own home. Instead, no doubt craving Salma's affection and approval, you acted as spy and an informant in relation to any transgressions by Shahena of the oppressive rules that had been set. You knew that this would result in violent punishment for Shahena.

You were present in the house throughout the night Shahena died. I do not sentence you on the basis you took part in causing Shahena's death, although I strongly suspect you were downstairs when it happened if not present and watching. Rather, I sentence you on the basis that you allowed Shahena's death by failing to take any steps to protect her. You know far more about the true circumstances of Shahena's death than you have been willing to disclose.

You took a prominent part in the cover up. You admit you disposed of the bottles. I have no doubt that you were involved in disposing of the clothing, and at least pointing out the need to move the bed. You went along with the lie that Sabina had not been present in the house that night, and told the enhanced lie that she had been staying at Middle Ope.

Against this, I bear very much in mind your damaged emotional state and the extent to which you were under the influence of Salma Begum. The sentences I pass will be consecutive, but I have very much in mind too the principle of totality.

Rehena Uddin, please stand. On count 8, causing or allowing the death of a vulnerable adult, the sentence is 3 years imprisonment. On count 9, conspiracy to pervert the course of public justice, there will be a consecutive sentence of 2 years, making a total of 5 years imprisonment. When you have served half that sentence you will be released on licence. If you breach the terms of that licence or commit any further offence you will be liable to be returned to prison to serve the balance. You may go down.

-ENDS-