



JUDICIARY OF
ENGLAND AND WALES

REX

v

JAVED SHEIKH

Sentencing remarks of the Honourable Mr Justice Saini

At Bristol Crown Court

On Tuesday 30 January 2024

1. Javed Sheikh, on 29 January 2024 you were convicted following a 2 week trial before a jury here at Bristol Crown Court of aggravated stalking which caused serious harm or distress to your victim. You are now aged 43. The victim of your stalking for over 5 years between 1 January 2016 and 9 June 2021 was His Honour Judge Simon Oliver.
2. It now falls to me to sentence you for this offence. Where I state findings of fact in my sentencing remarks, I am satisfied of those facts on the evidence called before the jury to a standard which makes me sure of them. Your acts of harassment of Judge Oliver led to civil proceedings brought by him against you in the High Court. In those proceedings you were found guilty of contempt for breach of the High Court's injunctions restraining your acts of harassment. I will need to return to the civil proceedings later in my remarks.
3. As I will describe in more detail in a few moments, your stalking took the form of creation, operation and widespread distribution of a Blog with the name *Judges Behaving Badly*. Not only did you author the highly offensive contents of the Blog but you, within the Blog, created a forum for the posting of hateful and false comments by others about Judge Oliver. You yourself added such comments to the discussion pages in the Blog.
4. Your campaign against Judge Oliver ran for some 5 years of the Blog's operation between 2016 and 2021. Your defence at trial was that the Blog had nothing to do with

you. The evidence that you were the creator and author of the Blog was however overwhelming. The focus of the Blog was events and claimed events in a private hearing which concerned only you. Nobody else would have had an interest in those proceedings. I will begin by describing that Upper Tribunal case and then the development of the Blog.

5. You were at some point employed by the Royal Brompton and Harefield Hospital NHS Trust. Your employment there ended in June 2009. In January 2010, this Trust referred you to the Independent Safeguarding Authority (ISA) - which was later replaced by the Disclosure and Barring Service (DBS). As a result of your conduct when working at the Trust, you were added by the DBS to the Adults' Barred List and to the Children's Barred List. You appealed these decisions to the Upper Tribunal (Administrative Appeals Chamber), as you were entitled to do.
6. Although Judge Oliver was the DFJ at Reading at the time you appealed, he was asked by the Chamber President to hear this case. This was no doubt because of Judge Oliver's substantial judicial experience going back over some 20 years in a wide variety of courts and tribunals.
7. In due course, the appeal was heard on 23, 24, 25 and 26 June 2014 before Judge Oliver and two lay Specialist Members at Bream's Buildings off Chancery Lane. This was a private hearing. The DBS was represented during the proceedings by a barrister and GLD solicitor. You represented yourself and gave oral evidence. You behaved courteously and appropriately throughout the proceedings. On 31 July 2014, in a detailed and comprehensive written judgment, the Tribunal dismissed your appeal. It held that you were not suitable to work with children or vulnerable adults. You thus remained on the Barred Lists.
8. Initially, you used the normal appeal processes to challenge this decision. You were not granted permission to appeal, and your applications to set aside the decision failed. You then made a complaint to the Chamber President, Charles J, about Judge Oliver's conduct of the hearing. That complaint was dismissed.
9. Having failed to challenge the Upper Tribunal through the conventional appeal routes, you resolved to attack Judge Oliver through an online hate campaign. So began your 5 year campaign of harassment and stalking using the Blog. I turn to the Blog.
10. I stress at the outset that what I say in these sentencing remarks cannot, within a reasonable length, capture the horrendous nature of what you said in the Blog about Judge Oliver and his family, or the nature of the personal threats they faced as a result of your conduct. I must however summarise some of the material in order to explain my approach to sentencing you.
11. Judge Oliver gave evidence. As one would expect, he remained calm and composed. However, it was clear to me that very substantial distress had been caused to him and his family by the Blog and its distribution. I will come back to this but in outline, not only were highly offensive personal attacks made on Judge Oliver, but you included his home address, photographs of his house, and photographs of his children and grandchildren in the Blog.

12. I find these were all part of the campaign to recruit others to cause Judge Oliver and his family harm both online and by encouraging personal violence. Amongst other things, you accused Judge Oliver of operating a system of taking bribes in his judicial role including in the Upper Tribunal case which you portrayed in totally false terms. You accused him of being a racist, a rapist, and a murderer. Judge Oliver came out as a gay man in 2015 and separated from his wife. The Blog heavily implied that, because of his sexual orientation, he used male prostitutes and was a paedophile. I will return to this point later.
13. The overwhelming majority of the comments by you and third parties on the Blog repeated or referred to these allegations against Judge Oliver. One comment made by you in April 2018 made the suggestion that anthrax should be sprinkled over a venue that Judge Oliver was due to attend. When this was referred to in the civil proceedings following a witness statement from Judge Oliver, the comment was removed but you then deliberately twisted events in order to make the allegation on the Blog itself that Judge Oliver had made a false accusation against 'a medical practitioner' (you) of planning an anthrax attack.
14. Because Judge Oliver's home address and pictures of it were contained in the Blog and remained on it, a panic alarm was installed and the address was included on a police rapid response list. When she lived at the address, his ex-wife would have to check each day to see whether there was anyone outside before she left. When he came to live there in 2018, the alarm was monitored on behalf of the Ministry of Justice. He explained that every time he entered or left the address, he had to make sure there was nobody he did not know around, as the Blog suggested people might come and attack him. The comments also show that he and his ex-wife and granddaughter were being followed on the weekends in Reading. You also made totally false allegations about Judge Oliver's son, who is a solicitor, accusing him of corruption and naming his firm.
15. Like all judges, Judge Oliver has to accept criticism of his judicial decisions. Judges have to have a broad back. But there can be no justification for the offensive personal comments and personal photographs, and statements about his ex-wife, his sons and his daughters in law and his grandchildren.
16. Judge Oliver and his family had come to feel that they could not do anything as a family. They had all taken down their social media accounts. At his younger son's wedding an announcement had to be made to all guests requesting them not to post photographs on social media. There was a genuine fear and anxiety amongst him and his family that someone might search for such material and put it up on your Blog.
17. As to the dissemination of the Blog, the fact Judge Oliver stood accused of serious offences and misconduct affected him in practical terms. People would always tell him about the Blog. It undermined his confidence as a judge. Lies were being peddled consistently, without him having any ability to respond to them. He effectively felt that he could not have any private life at all because anything he did would be found and published.
18. Judge Oliver's concerns were justified. These days the first thing any litigant or indeed lawyer does when they are told who is hearing their case is to look up the judge online. As Judge Oliver described in his evidence, being a judge in the sensitive family

jurisdiction and having to deal with self-represented litigants, he was faced on occasion with such persons arriving in his court armed with the contents of what they had just read on the Blog.

19. I note that in order to give your false and abusive allegations against Judge Oliver maximum oxygen, you adopted the tactic of undertaking widescale distribution of the Blog to court staff, solicitors, and professional associations of which Judge Oliver was a member. The associations sought then to distance Judge Oliver. You also encouraged followers of the Blog to undertake widespread circulation.
20. Your aim was to encourage disgruntled litigants who had appeared before Judge Oliver to join your army of hate. Those people posted material, which you controlled as webmaster of the Blog. There were threats of appalling acts of sexual violence against Judge Oliver's former wife, physical attacks on his home and on his children and grandchildren, posting of where Judge Oliver was due to appear, and clear monitoring of his movements. When Judge Oliver was sitting in the Royal Courts of Justice, you posted the room number where he could be found. The purpose of this was to encourage physical confrontation, or attacks on the Judge.
21. I find that you adopted a particularly cynical approach of recruiting persons who had been unsuccessful litigants in family proceedings, particularly those in proceedings concerning young children and custody. Although your own case was not heard by Judge Oliver as a family judge, you calculated, rightly, that there was an audience for your bile amongst those who Judge Oliver may have come across in family care proceedings. The comments on the Blog, which exceeded 2000 posts, show this was a willing and gullible audience for your conspiracy theories about Judge Oliver. Their comments show they were ready to be persuaded that a judge who may have decided cases about their children against them was a vile and corrupt criminal.
22. All of your allegations about misconduct and crimes by Judge Oliver were totally false. No attempt was made to justify them at trial. Online stalkers like you have the ability to recruit an army of followers whose conduct massively expands the effect of your stalking. The multiplication effect of your stalking by online media meant in many respects your conduct was more serious than that of a conventional stalker.
23. Although you posted some of the most abusive and threatening comments, I find you responsible for all comments because you controlled what could be seen by visitors to your site. It is significant that you continued to maintain and develop the Blog, even during and after civil proceedings had been launched against you and even after you were found to be responsible for the Blog and were enjoined from any further publication by the High Court in late 2019. Indeed, far from desisting, and evidently triggered by events unfolding in the civil proceedings, you made changes to the Blog content in order to seek to put some distance between it and yourself for example de-personalising the way in which the account of the original Upper Tribunal proceedings in which you had been the litigant was given.
24. I turn to the Sentencing Guidelines. I start by recording my finding that on the evidence and based on the verdict, the offence began at the start of the indictment period but continued to be committed throughout the indictment period and in particular after 3 April 2017. The relevance of 3 April 2017 is that it falls within the period of the

indictment but is the date from which the statutory maximum sentence for the offence was increased.

25. I find that this was a continuing offence with acts which began before 3 April 2017 but continued thereafter ending on 8 June 2021. By operation of section 175(4) of the Policing and Crime Act 2017, your offence is deemed to have been committed after 3 April 2017. The maximum sentence is now 10 years' imprisonment, or a fine, or both.
26. Aside from this point, on the facts your wrongdoing, by a very substantial margin, post-dated the change in the law increasing the maximum sentence. The Blog iterations 1 and 2 pre-dated 3 April 2017 but all subsequent Blog captures in the evidence before me post-date 3 April 2017. There were substantial changes to the Blog from Blog 6 (14 April 2018) onwards, with the addition of new sections and new allegations. I also note that the agreed schedule of comments before the jury demonstrates that the overwhelming majority of comments relevant to the offending were posted after 3 April 2017. I do not consider any ECHR issue concerning retrospectivity arises and have considered the passage Counsel referred to in Archbold 2024 at 5A-658. I proceed on the basis that the maximum sentence is 10 years' imprisonment.
27. The Sentencing Council Intimidatory offences (Stalking involving serious alarm or distress) guideline applies (effective from 1 October 2018). The first matter for me is to determine the offence category and I must begin with the issue of **culpability**.
28. I find your level of culpability is Very High (A). Your extreme culpability is indicated by the combination of culpability B factors which serve to elevate the level. I have described my findings already but in coming to this conclusion on culpability, I rely on four main matters:
 - (1) First, I find that in creating and maintaining the Blog over such a length of time you intended to maximise distress to Judge Oliver. I refer to the following in this regard: you included such personal details on it such as Judge Oliver's home address, you made baseless and lurid allegations about his personal life; you encouraged and allowed threats of extreme violence to remain online; and you fostered the impression that the Judge and his family were being watched or monitored both at home and at work.
 - (2) Second, I find that there was a high degree of planning involved in the establishment, ongoing development over time, and dissemination of the Blog. Much effort was put into creating the Blog. In addition, I find the offence was sophisticated because of the use of digital methods designed to avoid detection. This included use of US servers and public wi-fi hotspots, and mining of the internet to find material about Judge Oliver from disparate sources. You also boasted in the Blog comments about the difficulty of closing down US-based sites.
 - (3) Third, I find the offending was persistent action over a long period of time.
 - (4) Fourth, I find that your offending demonstrated hostility based on the sexual orientation of the victim. When considered as a whole the Blog and comments repeatedly used Judge Oliver's sexual orientation as a foundation from which to deploy the offensive homophobic trope that he paid male prostitutes, was also a paedophile, and to suggest that he was unfit for judicial office as a result. To give just one additional example you accused him of using "rent boys", with

being “dirty or diseased” and commenting “...why doesn’t one of those rent boys just give that bisexual obese nipple twearer AIDS and end all our misery”. These references are hostile, derogatory and grossly offensive. They fall within section 66 of the Sentencing Act 2020 and make the offending more serious.

29. The next issue is the level of **harm**. I find that the level of harm falls into category 1 because of the very serious distress caused to the victim, demonstrated by the evidence which I have summarised. It is plain that he was caused to make considerable changes to his lifestyle. This included checking outside his home address each time he entered and left; family-wide withdrawal from all social media; feeling unable to engage in normal family activities; changes to his working life as a result of feared and actual disruption; security arrangements including installation of a home alarm; and a prescription of medication to deal with psychological consequences.
30. This is accordingly a category 1A case. The starting point is 5 years’ imprisonment with a category range of 3 years’ and 6 months’ to 8 years’ imprisonment. I next address adjustment to this starting point for aggravating or mitigating factors.
31. You have a previous conviction but I do not consider it of relevance given the nature of the historic offence and the time since the offence.
32. However, avoiding any double counting of matters which were factored into to my determination of the offence category, there are a number of statutory aggravating factors:
 - (1) First, the impact of the offence on Judge Oliver’s wife and children, whose personal details were disseminated and about whom baseless allegations were made. In addition, when Judge Oliver’s ex-wife lived at the home address published on the blog, she was obliged to check when entering and leaving who was outside the address. She faced serious security concerns.
 - (2) Second, the fact that the offence was committed against a person providing a service to the public. The offending plainly had an adverse impact on the administration of justice. Judge Oliver’s evidence was to the effect that he felt that, on occasion, confidence in him (particularly from self-represented litigants) had been adversely affected. As a Judge, he had no ‘right to reply’ to the blog. I also consider judges who sit in the family jurisdiction are particularly vulnerable. That is demonstrated by the hostility shown to Judge Oliver by those who commented on the Blog. Such judges are public servants who consider the most sensitive issues concerning children, care and custody, on a day to day basis. As I have found, you cynically exploited Judge Oliver’s role as a family judge to recruit an army of persons to join the abuse. Public officials, and particularly judges, cannot enter the public arena to seek to respond to abuse and lies spread about them online. That makes them more vulnerable than private citizens.
 - (3) Third, there is aggravation in your breach of the High Court’s orders in the civil proceedings. I will return to that matter.
33. In addition to these three statutory aggravating factors, I consider there is a fourth matter of aggravation. I find that when you found your Blog would be taken down by reason of the civil proceedings, you gave followers (in your comments on the Blog) a step by

step description of how to copy its contents and post it on a new URL. You asked the followers to “keep copying this website and keep spreading the word through social media channels”. Someone did in fact copy and reproduce the Blog contents. It remains available online although you have been in custody. I cannot be sure that whoever did this acted in response to your instructions. But I consider the very fact of the instruction to be a matter aggravating your wrongdoing although this has some overlap with flouting of the orders in the civil proceedings. I bear that point in mind when deciding on final sentence.

34. As to mitigation, Mr Walker KC realistically accepted that there is little that can be said on your behalf. He and his junior Mr Taylor have represented you throughout this trial with skill and moderation. You cannot be treated as a person of good character given the serious findings of contempt against you in the High Court. You have expressed no remorse and accept no responsibility. I did not find it necessary to seek any Pre-Sentence Reports and your Counsel did not suggest such reports would be of assistance. I was however provided with psychological and psychiatric reports from 2022 which appear to have been produced while you were serving the sentence for the contempt. They set out your personal and family background. I am not satisfied that anything in the reports concerning provisional diagnosis of personality impairments lessens the seriousness of your acts or provides meaningful mitigation. I note that until taken into custody you had been the carer of your elderly mother.
35. Before turning to the relevance of the contempt proceedings, I should record that I consider a very significant upward movement is required from the starting point for a Category 1A offence. I consider this is a case which justifies going above the range for Category 1A.
36. Counsel for the Crown and the Defence have made submissions as to the relevance of your imprisonment for contempt by Nicklin J. You were committed to custody from 21 March 2022 to 19 November 2022. There was thus no overlap with the remand in custody for the instant offence. I accept there is however *some* overlap between the subject matter of the injunction and the contempt proceedings and the matter before me. I approach this issue on the basis that when it comes to sentence, it is for me to sentence you in a way that reflects the earlier sentence, in order to ensure you are not punished twice. That requires me to consider the two judgments of Nicklin J in the contempt proceedings: they are reported as [2020] EWHC 2253 (QB) and [2020] EWHC 2658 (QB).
37. In the first judgment, Nicklin J found that you had breached an injunction order of Julian Knowles J dated 10 December 2019 by committing 20 breaches of that Order. Those breaches concerned your acts after 10 December 2019 and ending around 29 April 2020. In the second judgment, Nicklin J committed you to prison for 16 months in respect of these breaches. He explained at [23] that in deciding upon the penalty he took into account harm in two respects: first, harm to the rule of law and authority of the court and second harm to Judge Oliver as a result of the continued harassment. It took some time for you to be taken into custody and you were imprisoned for contempt between 21 March 2022 and 19 November 2022.
38. As I have stated, there is some overlap between the period during which you undertook acts of held to be in contempt and the indictment period. It is significant however that

the matter before me covers a much longer period and encompassed more serious criminality than that found to amount to a contempt by Nicklin J. I propose to take some account of your previous committal to custody and to give some credit. I must however take into account that the period for which you were imprisoned by Nicklin J was based not on just on your acts of harassment but also the wider rule of law issues identified by him. I will not adopt a mathematical approach to the credit but an approach which I consider reflects the overall justice of the position and which is proportionate to the level of your wrongdoing.

39. Standing back from all of these factors, I consider that the aggravation takes the starting point over the top of the range and to 8.5 years. The mitigation does not operate to reduce this but I will reduce the sentence from 8.5 to 8 years to reflect your imprisonment for contempt.
40. Accordingly, the sentence I impose on you Mr Sheikh is one of 8 years' imprisonment. The time you have served on remand awaiting trial will be deducted.
41. In arriving at this sentence, I have had at the forefront of my mind that my sentence reflects punishment for speech and expression-based acts. I am satisfied that a level of imprisonment of this period is a necessary and proportionate response both to the interference of the Blog and your dissemination of it with Judge Oliver's private life and the need to protect the authority and impartiality of the judiciary within the framework of Article 10(2) of the European Convention on Human Rights. Our democratic society requires that judicial office holders be open to criticism of their judicial conduct and decisions. Your acts however went far beyond any legitimate exercise of the right to freedom of expression.
42. I turn to ancillary orders. Based on the jury's verdict, my own findings, and my assessment that absent a restraint you will repeat the stalking and harassment, I am satisfied that a restraining order on an indefinite basis is necessary. Your past conduct, and history of non-compliance with court orders establish that the court's intervention is necessary. Although there remains a civil injunction order in place, I am satisfied that I should make an order in the Crown Court with the sanction of the enhanced periods of imprisonment for breach. These periods exceed those available for breach of civil injunctions.
43. I have suggested modifications to the terms of the draft restraining order before me. The Crown have accepted these. I consider the restraints are necessary and proportionate interferences with your free speech rights. You will receive a copy of my Order but I need to set out its terms for you in open court.
44. I make an Order restraining you under section 359 of the Sentencing Act 2020 in the following terms. You are until further order prohibited from doing any of the following acts:
 - (a) Following Simon Oliver or any members of his family or placing any of them under surveillance.
 - (b) Communicating with and/or contacting and/or attempting to contact Simon Oliver and/or any member of Simon Oliver's family, whether directly or indirectly, including but not limited to speaking to, approaching, telephoning (with or without

- speaking) or writing to Simon Oliver, and/or any member of Simon Oliver's family, or sending messages to Simon Oliver and/or to any member of Simon Oliver's family, electronically or through any other written forms of communication or in any other way whatsoever;
- (c) Sending or causing to be sent to Simon Oliver and/or any member of Simon Oliver's family, by hand, postal service, electronic mail or otherwise howsoever, any letter, package, document, e-mail or other item;
 - (d) Sending or causing to be sent to any person and/or institution and/or organisation, by hand, postal service, electronic mail or otherwise howsoever, any letter, package, document, e-mail or other item which is likely to come to the attention of Simon Oliver, whether directly or indirectly;
 - (e) Posting actual or purported information concerning and/or referring to Simon Oliver and/or any member of Simon Oliver's family, whether directly or indirectly, on the internet, including on any website, blog and/or social media site; and
 - (f) Sending or causing to be sent to any person and/or institution and/or organisation by hand, postal service, electronic mail or otherwise howsoever, any letter, package, document, email or other item which concerns and/or refers to Simon Oliver and/or any member of Simon Oliver's family, whether directly or indirectly.
45. In this order, "family" means current or former spouses of Simon Oliver, his children and their spouses, and his grandchildren.
46. I will also order that you must not approach within 100 metres of First Avenue House, 42-49 High Holborn, London WC1V 6NP. If you need to be present there for any legitimate purpose you must in advance obtain an order of a Judge of the High Court Family Division.
47. Nothing in this Order shall prevent you from communicating with your own legal advisers in connection with these or other proceedings; or engaging in conduct specified in the Order for the purposes of any criminal investigations and/or prosecution to which you have been subject, or to which you may be subject in the future, including exercising any rights of appeal. Further, nothing in my Order shall prevent you from sending written communications to Judge Oliver's legal advisers for the purposes of civil proceedings.
48. Mr Sheikh, any breach of my restraining order is a serious criminal offence with substantial criminal penalties which may include further imprisonment of up to 5 years. You will be given a written record of the terms of the order by the court when finalised today. If for any reason the order is no longer necessary and appropriate then you may apply to the court for it to be amended or removed. But until that time, which may never come, my order will remain in force and must be complied with to the letter.
49. The surcharge will apply. That concludes my remarks.