

REX

V

SAMEER ALI

ADNAN GHAFOR

SENTENCING REMARKS

Introduction

Sameer Ali and Adnan Ghafoor you can both remain seated for the moment.

You have both been committed for sentence having pleaded guilty to an offence of affray, committed on 3rd August 2024.

The context of your offending is that it arises out of civil unrest and disorder in many parts of the country. The unrest has been generated as a result of the death of three little girls in Southport and the reaction from various parts of our society towards other parts of our society.

Stemming from that incident, groups of protesters have gathered and on occasion clashed, sometimes using violence towards each other, sometimes towards the police, sometimes towards entirely innocent and unconnected people and their property.

In a democratic society, such as that which exists in this country people are entitled to protest peacefully. They are also entitled to express their views, whatever their views may be, but each of those freedoms, to protest and to speak, have limits and boundaries.

When a protest moves away from being peaceful, towards violence then it becomes illegal and against the law.

When speaking, whether directly to others or indirectly through social media platforms, what is said must not contravene the law.

The law applies to everyone, no matter what colour, race, religion, or political persuasion they are. There is no distinction. The law is there to protect everyone in our society both in terms of personal safety, businesses and premises, whether people's homes or commercial properties.

It is against that background that both of you involved yourselves in violence in the street, in Leeds. The violence used by you and others was unlawful. Not only did you violently attack others in the street, but this was witnessed by people in a nearby bar, on the pavement and in cars. They will have been shocked, fearful, upset and distressed by your actions.

It is for the courts to determine the appropriate sentences for violent incidents of this nature. Given the nationwide context of the violence and in order to provide punishment and deterrence in accordance with the overarching principles of sentencing, severe sentences will follow for those found to have participated in incidents of violence.

The Offences

On 3rd August, there were two demonstrations in Leeds outside the Art Gallery on the Headrow.

One demonstration was protesting against immigration. The other against racism. That second demonstration had been attended by you and others in your group.

Both sets of protestors were entitled to protest peacefully. Both are entitled to the protection of the law.

After demonstrating you walked, in a group of around 15 people, towards and along Great George St. What took place next has been captured on CCTV footage.

On Great George Street you encountered 4 white males who had been protesting against immigration. They were walking in the opposite direction and two were wearing Union Flags. It is clear that something was said between the 2 groups. It is not clear who spoke first and it matters little. You, Ghafoor say that you were racially abused and I accept that that might be so.

There was then an outbreak of violence in a public street in the middle of Leeds and was started by the group of which you were a part. It lasted for around 30 seconds and involved punches and kicks by your group towards those whom you had attacked. A missile was also thrown in the direction of the four males but also towards the bar outside which this violence took place. There were people inside the bar looking out upon the violence.

You, Ali, were the second person into the attack. You threw left and right-handed punches towards a bald man and then followed

the smaller group across the road towards the bar. There you confronted a second man whom you also punched. You then attacked a third man who was being held by others, before returning to the second man. You punched the second man, causing him to fall to the ground and then kicked him whilst he was on the ground. Each of the punches thrown towards the 1st and 2nd men were full force punches.

You then walked towards a man who was lying on the ground and kicked him too before being pulled off by a member of your own group.

You walked away down the centre of the road, laughing and congratulating yourself and others in your group, turning towards those whom you had attacked with your arms out wide as you left through the traffic, which had stopped as a result of the disorder.

You Ghafoor, turned and then ran across the road in order to join in on the violence. You targeted a male who was being restrained by others and aimed punches at his head and body. You then walked off, waving to the white males, inviting further confrontation, before leaving.

The actions of the two of you are not to be viewed in isolation. This was a group attack involving in excess of ten men in the circumstances of a heightened state of public concern and anxiety to which you have contributed. Those who were attacked were kicked and punched by your group.

Two days later each of you surrendered yourselves to the police. You were each interviewed but made no comment. You have now admitted your guilt.

Sameer Ali you are 21 years of age with no other convictions.

Adnan Ghafoor, you are 31 years of age. You have a conviction in 2015 for two offences of racially or religiously aggravated common assault and causing fear or provocation of violence. On 10th April 2024 you were convicted of dangerous driving and driving whilst disqualified and received a term of 20 months imprisonment suspended for two years. You are in breach of that suspended sentence order and have completed over 1/3 of the hours ordered.

I turned to the sentencing guidelines.

Sameer Ali, I am satisfied that your offending falls into culpability category A. This was targeting of individuals by a group. There was also the use of a weapon to inflict violence, namely a shod foot. Finally, this was the use of serious violence.

In terms of the harm used this falls into category 1 since there was serious fear and distress caused to those present who witnessed this incident and one of those attacked sustained 2 broken teeth.

Adnan Ghafoor, you fall into the same categories of culpability and harm since this was a group attack, you acted in concert with the others and are therefore jointly responsible albeit that you played a slightly reduced role.

The starting point for a category 1A offence is 2 years custody with a range of 18 months to two years nine months.

There are aggravating factors, since the incident occurred in a busy public area, you Sameer Ali played a leading role in a group activity and a large number of people will have been affected by this incident.

The nature of your conduct when set against the background of serious public disorder occurring at the time of your offending also justifies an upward adjustment from the starting point.

In terms of mitigation, you are each entitled to full credit for your guilty pleas and the sentences that I am about to impose have been reduced by 1/3 to reflect your guilty pleas.

Sameer Ali, before this incident you were of good character. I take account of your age and have read the character references from your family members and employer. I balance that against the requirement for punishment and deterrence and accordingly the weight that I can give to your previous good character is limited.

Adnan Ghafoor, I have taken into account the principle of totality when considering the overall term of imprisonment to be served by you and do not double count for the breach of your suspended sentence order. I bear in mind that you have completed 1/3 of the hours ordered.

I have read the character references from your last case from your family members and friend.

The Sentences

In your case, Sameer Ali, for the offence of affray, the sentence is 20 months imprisonment.

In your case, Adnan Ghafoor, for the offence of affray the sentence is 18 months imprisonment. In addition you will serve a period of 12 months consecutive for the breach of the suspended sentence order. The total sentence in your case will be one of 2 1/2 years imprisonment.

You will both serve up to 1/2 of those sentences in custody before you are released on licence. If you fail to abide by the conditions of your licence you can be returned to prison to serve some or all of the remainder of the custodial term.

The victim surcharge will apply and I make a collection order.

HHJ Guy Kearn KC

9 August 2024