

R v DILSHAD SHAMO and ALI RASULE KHDIR

On 22 November 2024, on the 10th day of your trial, you both asked to be rearraigned and you then changed your pleas to guilty on all five counts of conspiracy to facilitate the commission of a breach or attempted breach of immigration law.

You both served written bases of plea which have been disproved by the Prosecution.

You Dilshad SHAMO were born in Iraq. You Ali KHDIR were born in Iran. You are both of Kurdish ethnicity. You have both become British subjects. In 2022 and 2023, you were friends and you owned and operated the Fast Track Car Wash on Pontygwindy Road in Caerphilly. You both lived in Caerphilly.

Between 12/10/22 and 18/4/23 you were both involved in trafficking individuals (people smuggling) for financial gain. Those people were predominantly from Iran, Iraq or Syria. Migrants paid, often thousands of pounds, to be trafficked across Europe by you and many others, via various organised routes to or through Italy, Romania, Germany, and Croatia. Money was deposited by the migrants in order to fund the journey. The facilitators would usually use the Hawala money transfer system (where there is no need to send money between the sender and recipient), through money agents based in Iraq and elsewhere, to manage the financial transfers from the migrants and between themselves. You sometimes travelled to the countries where the people smuggling operations took place in order to resolve local problems or to evaluate a new people smuggling route.

You had 4 methods for people smuggling.

1. The movement, or attempted movement of Iraqi/Iranian/Syrian migrants into Turkey with an onward destination of Italy. Via this route the migrants would use legitimate documentation to enter Turkey. From Turkey they would be moved across the border, without the required legitimate documentation, into Italy. In particular, there is e.g., evidence of five males

using this route and hoping to board a boat or ship to transport them from Turkey to Italy. The Prosecution called this the Turkey/ship route.

2. The movement, or attempted movement of Iraqi/Syrian/Iranian migrants through the use of tourist visas, particularly those issued by Belarus and Moldova. The individuals would apply for travel visas to enter Moldova and once in Moldova transportation, via e.g. car or lorry, would be arranged to transport them illegally and without the appropriate documentation onwards to e.g., Romania and Germany (or to Austria through Germany). The Prosecution called this the Visa Route.
3. The movement, or attempted movement, of Iraqi/Syrian/Iranian migrants via HGV lorries (whether by sea or by road). Having arrived in Turkey, the individuals would travel via this route to Italy, Germany or through those countries to e.g., France. The Prosecution called this the lorry route.
4. The movement, or attempted movement of Iraqi/Syrian/Iranian migrants via Bosnia. The migrants would be transported to Bosnia and transportation, including cars and taxis, would be used to move individuals across into Croatia and Slovenia and then often on into e.g. Italy. The Prosecution called this the Bosnian route.

Counts 1 to 4 on the indictment refer to agreements to facilitate travel in respect of known or specified individuals into the four countries on which they are focussed. Count 5 is an overarching conspiracy which reflects future intended smuggling operations that were not yet underway and in respect of which the people to be smuggled had not yet been identified.

You both, together with your co-conspirators overseas, ran a well-organised and successful people smuggling business. You organised the movement of many migrants on many routes through multiple countries. You organised the routes, visited locations to check the viability of the routes, coordinated the recruitment of customers, set the fees, offered price reductions for refugees and children, paid compensation to your customers, paid the costs of the facilitators that you engaged, and coordinated all the many things that needed to be done to ensure that the migrants were successfully smuggled into and across a number of

European countries. The migrants deposited payment with a Hawala agent, who held it until the migrants had been successfully moved into or across Europe and then, when confirmation of success had been given, payment would be released to you. The Hawala system is not a formal banking system and it is impossible to trace money through this system when it is used outside this jurisdiction. Although a small number of migrants or intended migrants were or may have been related or known to you, you were also willing to smuggle strangers for payment. Videos of successful migrant journeys were used to advertise your business to prospective migrants.

Between 12/10/22 and 18/4/23 a minimum of 409 migrants and a maximum of 639 migrants were moved by you and your co-conspirators into and across Europe. There were a further 175 migrants whose future movement had been discussed. It has not been possible to calculate the profit made by you as the costs are too uncertain. It has also not been possible to calculate the minimum turnover for all the migrants assisted by you. However, based on the evidence in your messages, it has been possible to calculate the minimum turnover for 384 of the migrants which, converted into pounds, amounts to £1,872,231.11. It is likely that the profit made would be substantially below that sum as there were significant costs incurred in running the various routes used to move the migrants.

You Dilshad Shamo are 55 years old. You have no convictions but you were cautioned on 20/12/02 for possession of an offensive weapon. This offence took place 24 years ago and is of a very different nature and so I will treat you as a man of good character.

You Ali Khdir are 42 years old. You are of previous good character.

Turning to the Sentencing Guideline on Reduction in Sentence for a Guilty Plea, you both pleaded guilty on the 10th day of your trial and very close to the conclusion of the prosecution case. The guideline states that credit should be decreased having regard to the time when the guilty plea is first indicated to the court relative to the progress of the case, and can even be reduced to zero if the guilty plea is entered during the course of the trial. However, in my judgment it is relevant that this was not a case where a victim or a large number of witnesses had to give evidence. In all the circumstances of this case, it is appropriate to give you both some credit for your very late guilty pleas. However, given the stage at

which you entered your guilty pleas and because the prosecution has disapproved your bases of plea, it would not be appropriate to give you any more than 5% credit.

I bear in mind the overarching Sentencing Guideline on Totality. I will pass concurrent sentences on each count that will reflect your overall offending.

There is no specific sentencing guideline for these offences. I take into account the Sentencing Guideline on the Imposition of Community and Custodial Sentences and the General Guideline on Overarching Principles. I have also taken into account the five purposes of sentencing adults set out in s57 of the Sentencing Act 2020 and the factors to be taken into account when assessing the seriousness of an offence in s63 of the same Act.

I am satisfied that your culpability in this offending was high. I have taken into account the fact that you both had leading roles in this offending, both of you being involved in the organisation of a chain of people who enabled these offences. This was sophisticated offending involving a network that stretched from the Middle East into and through a number of European countries. You acted primarily for financial gain. I am satisfied that the harm caused was high as you facilitated the smuggling of a very large number of individuals.

Your offending is aggravated by the fact that it took place very regularly over a period of about 6 months; you involved and recruited a large number of others; you actively recruited people to migrate; the majority of the migrants were strangers to you; you used many different methods for the movement of people and you were constantly looking to find other methods to do so; some of the routes involved dangerous situations such as migrants hiding in a lorry overnight on a ship or crossing a border protected by razor wire and guards; you facilitated the movement of those who were vulnerable including one migrant who was disabled and a number of families with young children; and on one occasion you knowingly facilitated the movement of a Pershmerga i.e. a Kurdish militia fighter.

In mitigation, you provided the best service that you could to the migrants, checking the viability and safety of the routes and showing some concern for their well-being; importantly, there was no exploitation of the migrants; you have no previous or no relevant previous convictions; and you both have dependants who

will be adversely affected by your sentences. I have taken into account the references and other documents uploaded to the DCS on behalf of Mr Shamo. Sensibly, no applications have been made for Pre-Sentence Reports as they are not necessary. I have also taken into account the mitigation advanced very ably by counsel on behalf of you both.

I have taken into account the authorities set out in Prosecution counsel's sentencing note which is document T12 on the DCS. I bear well in mind that the maximum sentence for these offences, which for conspiracy is the same as the substantive offence, was increased to life imprisonment on 28/6/22, which was after those authorities were decided. However I have drawn some assistance from those authorities and others.

In R v Ali [2001] EWCA Crim 2874; [2002] 2 Cr App R (S) 32, Lord Justice May, in paragraph 17 said "although a plea of guilty will always attract an appropriate discount, previous good character and personal circumstances of mitigation are of very limited value in cases of this kind which should generally be sentenced on a deterrent basis."

In R v Ullah [2022] EWCA Crim 777, the Court of Appeal suggested that the sentence after trial for those who were organisers should be in the range of 8 to 10 years. However, the maximum sentence at that time was 14 years.

In R. v Oliveira [2012] EWCA Crim 2279; [2013] 2 Cr. App. R. (S.) 4 the Vice-President Lord Justice Hughes in paragraph 25 referred to the increase in the maximum penalty for a different offence and stated "The increases are a clear indication of the significance which Parliament attaches to these offences. It does not of course follow that all sentences should be increased by the factor by which the maximum has been raised. In part we have no doubt the lifting of the maximum is designed to provide scope for dealing with ever more extensive or serious forms of the offence. But, those cases apart, it remains true that the Parliamentary signal is of significance to sentencing."

The only relevant authority that I have been able to find that post-dates the increase in the maximum sentence is R v Kuznetsov [2024] EWCA Crim 1161. In that case the defendant, who was of good character, had assisted the unlawful immigration of 23 migrants who were strangers for financial gain on one occasion only. The Court of Appeal reviewed a number of earlier authorities that were decided before the increase in the maximum sentence and concluded that the appropriate sentence after trial was one of 4 ½ years imprisonment. The offences for which I have to sentence you are significantly more serious.

I have also read R v Ahmed [2023] EWCA Crim 1521; [2024] 1 WLR 1271 but that relates only to cases involving small boats and in my judgment does not provide assistance here.

The Prosecution has applied for a Serious Crime Prevention Order for each of you. You have not opposed the making of those orders or the proposed terms. I am satisfied that the orders would protect the public by preventing, restricting or disrupting involvement by you in serious crime in England and Wales. I make the orders in the terms set out in the draft orders uploaded by the Prosecution to the DCS at T8 for Mr Shamo and at T10 for Mr Khdir. Any breach of the orders can result in imprisonment.

Appropriate directions for confiscation proceedings pursuant to the Proceeds of Crime Act 2002 have already been given. All other ancillary orders will be dealt with at the conclusion of the confiscation proceedings.

You were both the organisers of a large and sophisticated network which enabled the successful illegal movement of a very large number of migrants from Iran, Iraq, and Syria into and across Europe. You provided that service to almost anyone who was prepared to pay your fees.

Taking into account all the matters that I have set out, including the aggravating and mitigating factors, and there is no reason to differentiate between the two of you, had you been convicted after trial the least sentence for both of you would have been one of 20 years imprisonment on each count concurrent. Allowing you both no more than 5% credit for your very late guilty pleas, the sentence for you both is one of 19 years imprisonment on each count concurrent.

You will be released no later than after you have served 40% of that sentence. The remainder of your sentence will be served on licence in the community. You must comply with all the conditions of your licence, failing which you will be at risk of recall to prison to serve the remainder of the term in custody.

I am grateful to the interpreter Mr. Ismail for taking this case at very short notice and for his assistance today and during the trial of issue.

I commend the police officers in this case, particularly NCA officers Robyn Jones and Rowena Chopping, for their hard work and professionalism in investigating

and prosecuting this complex and difficult case.

I also thank and commend the Crown Prosecution Service lawyers and case workers, and also the defence solicitors and caseworkers who came into this case at a relatively late stage and without whose hard work and dedication it would not have been possible to begin the trial on time or to progress this case efficiently.

Finally I thank all counsel for putting in what was obviously a tremendous amount of hard work to ensure that this case was so very well prosecuted and defended. Your ability and dedication made my task much easier and meant that this case progressed as efficiently as possible.

H.H.J. Lloyd-Clarke
The Recorder of Cardiff

10th April 2026.