Courts and Tribunals Judiciary

IN THE CROWN COURT SITTING AT KINGSTON UPON HULL

THE KING
-v-
FAISER HUSSAIN

SENTENCING REMARKS
Thursday 22 October 2026

Introduction

1. Faiser Hussain, upon your plea of guilty, you have been convicted of the charge of doing an act tending and intended to pervert the course of public justice. It is now my responsibility to sentence you.

2. You entered your plea (on 20 October 2026) after the close of the prosecution case at your trial on a four-count indictment. Upon my direction, the jury returned verdicts of not guilty on count 1 (murder) and counts 2 and 3 (attempted murder). I have proceeded to sentence you without obtaining a pre-sentence report: I have not been asked to obtain such a report and I am satisfied that this was not a necessary step in this case. I have, however, had careful regard to all that has been said on your behalf.

The facts

3. The four charges against you all related to a shooting that took place at around 5:40 pm on 3 June 2006 on Abbeyfield road, in the Burngreave/Pitsmoor area of Sheffield; during this incident a young man of 20, Ibrahim Ilyas, was killed, and two others – Kashif Nasim and Tahir Younis (both 21 at the time) – were injured.
4. The shooting was carried out by a man called Mohammed Ali (then aged 24), who fired into the back of a silver Volkswagen Bora which was being driven by Adil Khan with his brother, Lukman Khan, in the front passenger seat and Ilyas, Nasim and Younis in the back, with the rear windows down. The Bora had driven into Abbeyfield road, pulling alongside a blue Volvo car parked at the side of the road. The Volvo had been stolen about a fortnight earlier and was fitted with cloned number plates. It was the prosecution case that Ali was a passenger in the Volvo, with someone else in the driver's seat, and that Ali

emerged from the Volvo, wearing gloves and holding a gun, pulling a balaclava over his face, before firing multiple shots into the back of the Bora.

5. On your case – as set out in your defence case statement – you were standing on the street, talking with Ali and others, when a car (the Bora) pulled into Abbeyfield road. You have said that you saw Ali then go to another vehicle which was parked nearby (you believe this was the Volvo), take something out (you did not at that stage realise it was a gun), and run towards the Bora; as Ali approached that car, you became aware that he was firing a gun towards it, but that was the first point at which you were aware that Ali had a firearm. You say that you were not involved in the shooting, and you were not aware that Ali had any intention to cause death or serious harm to Ilyas or any others, or that he had the means to do so. Although you have acknowledged that Ali was someone you knew (and you had been observed driving him around in your car – a Toyota Avensis with a personalised number plate reading "*FA51ERS*" – about a month earlier), you say you were unaware that the Volvo had been stolen (you point out that you were in Pakistan when this theft took place), and the shooting took you wholly by surprise.
6. There is no safe evidential basis on which I can be sure that you were in the Volvo, or were aware that Ali had a gun, immediately prior to the shooting. So far as the facts of the shooting itself are concerned, I have proceeded on the basis of the account you have provided.
7. An earlier incident had, however, taken place on Abbeyfield road at about 4:00pm the same day, involving two groups of young Asian men, including Ali and Ilyas. The incident appeared to relate to a dispute between Ali and Ilyas, although a number of others were also involved. The evidence adduced at trial included agreed statements from witnesses who had seen Ali emerge from a green Toyota Avensis, which was being driven by another man, who also got out of the car. Ali was seen to lunge at Ilyas, before then threatening him with a metal baseball bat; at some stage, Tahir Younis tried to restrain Ali but was then himself threatened by Ali, and the driver of the Avensis was heard to say that the two of them (Ali and Younis) should "*take a walk*" (that is, go up the road and have a fight). During the course of the incident, Ali was clearly heard to make threats of violence against Ilyas and Younis, including threats to kill ("*That's it, you're dead, I'm gonna kill you*"). As this incident ended, witnesses saw Ali return to the Toyota Avensis, together with the driver; as the car was driven away, one witness described Ali smashing his fist against the dashboard in apparent rage. The number plate of the Avensis - "*FA51ERS*" - was recorded by one of the neighbours who saw the incident.

8. You have accepted that you drove Ali, in your car, to and from this earlier incident. You have described this as a confrontation, lasting some five to ten minutes, saying you did not know what it was about, but were later told by Ali that there was an issue between some of his younger relatives and others in the area. Applying the criminal standard of proof, I am, however, certain that you witnessed Ali's threats of violence, including his threat to kill Ilyas and Younis. You were seen by witnesses outside your car during this incident and were, on your own account, close enough to see the altercation between Ali and Illyas and Younis; given that others present provided unchallenged evidence that Ali could be clearly heard making threats to kill Ilyas and Younis, I am sure that you also witnessed those threats.
9. Subsequent to the shooting, the stolen Volvo car was taken to Psalters Lane, located in a semi-industrial area in the S21 postcode area of Rotherham, where it was set on fire. It is this act, carried out at just after 6:00pm on 3 June 2006, that is the subject of the charge to which you have pleaded guilty.
10. In entering that plea, you have not accepted that you were directly responsible for burning the Volvo; your admission is put on the basis that you played a role in the car's disposal to the extent that you "*assisted in the logistics*", albeit you have not entered a basis of plea and you have not volunteered further detail as to the part you played. Given the nature of the enterprise in which you played your part, however, I do not find there is a material distinction between assisting in the "*disposal*" of the Volvo or assisting in its burning. You have accepted doing acts that had a tendency and were intended to pervert the course of public justice: whether or not you assisted in the actual setting fire to the Volvo, you were an intentional party to its disposal by a means that would obstruct justice by destroying the possibility of recovering evidence from a vehicle that was related to a shooting.
11. Considering the evidence adduced at trial, I am satisfied – again applying the criminal standard – that you were in contact with Ali in the immediate aftermath to the shooting, obtaining instructions from him as to what you were to do to assist him to destroy evidence and thereby evade justice. On your own account, you were close-by when the shooting took place; thereafter, one of your mobile 'phones called Ali's home landline at 5:53pm, then, switching to another of your 'phones, you called one of Ali's mobile 'phones at 5:53 and 5:54pm, before then dropping (that is, ceasing to use) that particular 'phone at that time. The cell site evidence then places you in the S21 postcode area of Rotherham just after 6:00pm, although I cannot be sure that you personally went to Psalters Lane at that time: neither of the 'phones attributed to you made calls linking to

the cell site that served that particular location, although one of the 'phones attributed to Ali did; and although there was a reference to "*Salters Lane*" in a book found at your home address, I cannot be certain that did not refer to an entirely different location. Thereafter, both you and Ali were making calls that linked to cell sites in the DN2 area of Doncaster; you were then using the first of the 'phones I have already referenced; shortly afterwards, both of you ceased making outgoing calls on those 'phones. although Ali – now using a different mobile 'phone number – continued to call you until 11:25pm that evening.

12. Although I thus sentence you on the basis of your secondary participation, I am clear that you played an important part in assisting Ali in the destruction of evidence, knowing full well that he was doing this because the Volvo could otherwise link him (and possibly others) to the shooting you had witnessed at around 5:40pm that day. You have said that you did not then know that Ilyas had died, or that others had been injured, but, as your counsel have realistically conceded, given that you had seen Ali shoot a gun into a car with a number of people in it, you must have appreciated the likelihood that the occupants had suffered very serious injuries or had been killed. Moreover, given that you had witnessed the threats to kill made against Ilyas and Younis earlier that day, I am sure that you understood Ali had fired into the car with a clear intention to kill or cause serious bodily harm. As you took your instructions from Ali in the late afternoon and evening of 3 June 2006, I am therefore certain that you were well aware of seriousness of the offence you were involved in assisting to cover up.

13. Yet further, although the evidence does not establish that you were involved in a planned and targeted attack on the occupants of the Volkswagen Bora, I find (applying the criminal standard) that, when you did become a party to Ali's attempt to evade justice, you entered into a sophisticated plan, plainly involving a number of others, with a high degree of co-ordination; this is clear from: (i) the unchallenged evidence of witnesses whose statements were read at trial, who spoke of seeing different men at, and leaving, the site where the Volvo was set on fire; (ii) the choice of location, which agreed witness evidence confirmed was a place where cars had been burnt out on previous occasions; (iii) the use of a petrol can (found in the remains of the Volvo), which enabled the car to be burnt out so quickly after the shooting; (iv) the fact that you "dropped" first one, and then the second, of your mobile 'phones (at least for the relevant period), the latter coinciding with Ali ceasing to make calls from the 'phone he had been using; (v) having left your Toyota outside Ali's house, your use of alternative vehicles to not only get away from the site of the shooting to Rotherham, but to then travel onwards, away from the place where the

Volvo had been set on fire. The perversion of justice for which you are to be sentenced may not have involved conduct over a sustained period of time, and you might not have had full knowledge of every part of the planning, but I am sure in my finding that you immediately became part of a plan, and that your involvement required a high level of sophistication and co-ordination.

14. After the burning of the Volvo, Ali headed up to the North East of England and was arrested in Middlesborough in the early hours of Sunday 4 June 2006, initially for an alleged assault in a club. Although I cannot be sure that you travelled up with Ali, or that he stayed at your house (albeit, as the prosecution point out, you only lived some five miles away from where Ali was arrested), you plainly managed to make your way northwards, as, on 6 June 2006, you reported in at the Cleveland police station pursuant to an earlier request, entirely unrelated to the events of 3 June 2006.

15. At some stage after that, you left the jurisdiction and your passport stamps indicate that, by at least late May 2007, you were in Pakistan. You have said (through your counsel) that you left the UK because you were subjected to threats, which you believed were linked to the fact you were a witness to the events of 3 June 2006, and because you wanted to avoid being called as a witness. I do not, however, find that to be a plausible explanation. Ali was tried for the murder of Ilyas, and the attempted murders of Younis and Nasim, in late 2006/early 2007, with a jury returning verdicts of guilty on all counts on 11 January 2007. He was thereafter sentenced to life imprisonment with a minimum term of 30 years. You nevertheless remained outside the jurisdiction for nearly 20 years, only returning on 7 March 2026, when you were arrested on your re-entry at Manchester airport. During your time abroad, you do not appear to have lived in hiding but travelled to and from Pakistan, using your own name and passport. That you avoided returning to Great Britain for 20 years was, I am sure, because you were seeking to evade justice for your own involvement in the events following the shooting on 3 June 2006. While, as your counsel have observed, your fugitivity falls outside the particulars of the charge to which you have pleaded, it is, nevertheless, a factor that aggravates the seriousness of your offending.

16. Turning to the impact of your offending, I have read the moving victim personal statement of Khadijah Ilyas, mother of Ibrahim, and it is apparent that the visceral pain of losing a much loved son has not lessened with time. Focusing, as I do, on the particular harm caused by the offence of which you have been convicted, I am clear that that pain has been exacerbated by the steps taken to obstruct justice in this case.

17. Specifically, the harm caused by your perversion of the course of justice will have been obvious to any observer in this trial. The damage done by the burning out of the Volvo - apparent from the photographs of the recovered vehicle – was such that this effectively destroyed (as was plainly intended) the prospect of obtaining any forensic evidence relating to the gunman, or driver, or to any other occupant of the car, who might have assisted the gunman either before or after the shooting. Given the nature of the underlying offence – multiple shots being fired through the rear window of a car, directly aiming at the occupants – which took place during a summer afternoon on a residential street, it is sadly not entirely surprising that witnesses (including those injured in the shooting) have been reluctant to give evidence (a feature of the trial in Ali's case as well as this). By assisting in the destruction of the Volvo, and thus the removal of any forensic evidence that might otherwise have been found, your actions have had a direct and serious impact on the administration of justice, resulting, as Khadijah Ilyas has put it "*in a deeply painful trial*".
18. Your counsel have made the point that it is unknown whether there was, in fact, material in the car that would have assisted, and have observed that the burning out of the Volvo did not prevent the prosecution from (i) identifying the vehicle, and (ii) identifying, prosecuting and convicting Ali as the gunman.
19. While, of course, it is impossible to say what evidence might have been found in the Volvo had it not been set on fire, that is simply the obvious consequence of the destruction of evidence in this way. As for the fact that the prosecution was able to overcome the difficulties thus presented in Ali's case, the judgment of the Court of Appeal Criminal Division in the subsequent (unsuccessful) appeal (*Ali v R* [2010] EWCA Crim 1619 (12 July 2010)) makes plain the challenges that arose in that trial, which might have been more readily avoided if forensic evidence could have been obtained from the Volvo. Yet further, to the extent that Ali was assisted in getting to and from the scene of the shooting, with others acting as driver/s and/or providing other help (and I should make clear that I am sure that he was so assisted), investigators seeking to identify those involved have plainly been handicapped by the absence of forensic evidence in this case.

Offence category

20. In determining the offence category by reference to the factors identified in the relevant Sentencing Council guideline, I am required to assess the seriousness of your offending in terms of both culpability and harm.

21. Considering first the question of culpability, there is no dispute that the underlying offending – murder and attempted murder, using a firearm in a residential street in broad daylight – was very serious (as, I have found, you were well aware). Furthermore, for the reasons I have already explained, I am clear that you were engaged in conduct that was both sophisticated and planned in its nature. This is a case, in my judgement, that falls squarely within category A, high culpability.
22. As for harm, I am sure that your perversion of the course of justice has had a serious impact on the administration of justice so as to bring this case within category 1. I have, again, already explained my reasoning in this regard, but I should make clear that my assessment has taken into account not just the exacerbation of the harm caused to the family of Ibrahim Ilyas but also the harm done to the administration of justice more generally. This is a case where I am clear that such harm was not only intended but has indeed been caused by the disposal of evidence in which you provided your willing assistance.

Starting point and category range

23. Having thus determined that this is a category A1 case, I am required to use the corresponding starting point within the guideline to reach a sentence within the category range. There is no question that this is a case where your offending crosses the custody threshold; here the starting point is four years custody, with a range of two to seven years, although it is recognised that an adjustment from the starting point (upwards or downwards) may be necessary to reflect particular features of the offending and relevant aggravating and mitigating factors.
24. It is an aggravating factor that you had previous convictions for violence at the time of this offence. In June 2006, you were 24 and three previous convictions. I disregard the conspiracy to defraud, but consider the 2005 convictions – for false imprisonment (for which you were sentenced to 18 months imprisonment) and affray (three months imprisonment) – are relevant. The affray would suggest a disregard for the harm caused to others by your assaults, and the false imprisonment – even accepting that you only pretended to have access to a firearm – demonstrates an escalation in the nature of your offending. In addition, as I have already indicated, I find that your flight from justice in this country, is a further, serious aggravating feature of the current offence; the delay that has consequently ensued has plainly exacerbated the pain caused to the family of Ibrahim Ilyas, who were entitled to expect trials in this matter to have taken place closer in time to their loss, and has adversely impacted upon the ability to bring this matter to trial.

25. As for mitigation, I have had regard to all that has been said on your behalf. I note that you were relatively young at the time of the offence but there is nothing to suggest that you were immature for your age, rather there is (as I have already described) evidence of a degree of sophistication in your conduct in June 2006 indicative of an ability to engage in consequential thinking. I have also noted what has been said about the loss of a daughter (who you never had a chance to see) and the deaths of your sister and mother during your time outside the UK, and about the health issues suffered by one of your remaining two daughters, and by your elderly father. This is not a case, however, where it has been suggested that you have ever taken on any caring responsibilities for the family members in question and I am, more generally, entirely satisfied that your absence from this jurisdiction was to avoid facing justice for your actions and, therefore, that the separation from family for such a long time was entirely a consequence of the choice that you made; in the circumstances I cannot afford much weight to these factors.
26. Separately I have been told of the health issues you suffer yourself, which may make incarceration more difficult for you. I bear in mind that medical issues are not uncommon in adult prisons and it is the duty of the prison authorities to ensure that you are adequately looked after; that said, this is a matter to which I afford some weight given the potential impact of your health issues over a lengthy custodial sentence.

Reduction for guilty plea

27. Given that you did not enter your plea of guilty until after the prosecution case had closed in your trial, in the normal course you would be entitled to no reduction by way of credit for plea. I accept, however, that this is not a case that can be said to have followed a normal course. The fourth count on the indictment was only added at the beginning of the trial, albeit you then entered a plea of not guilty. After the prosecution case closed, submissions were made as to the way in which the jury would need to approach such oral evidence as had been adduced at trial from those who had been present at the time of the shooting (each of whom had made a number of contradictory statements), and as to whether counts 1-3 could properly be left to the jury. After written submissions were exchanged, during the course of the subsequent oral hearing, the prosecution asked for time to consider the position further, with the result that it was ultimately accepted that this matter could be resolved by your willingness to now plead guilty to count 4, with not guilty verdicts being directed on counts 1-3.
28. Given the timing of your change of plea to count 4, although you have ultimately been convicted of a lesser, and different, offence from those originally charged, this is not a

case where the exception at para F3 of the overarching guideline obviously applies; you had not earlier made an unequivocal indication of a guilty plea to this offence and you made an informed decision to enter a plea of not guilty when arraigned on this charge at the start of the trial. It is right to note (as the prosecution has made clear) that, had an offer to plead to count 4 been made at an earlier stage in the trial, such an offer would not have been acceptable to the prosecution. In these circumstances, your counsel have urged me to allow a 20% reduction for credit for your plea; the prosecution has, however, said that the most that could be allowed would be 10%.

29. As I have already stated, this is an unusual case and I have given careful reflection to the question whether you should be given credit for the plea you have entered and, if so, how much. I have had regard to the principles that inform the overarching guideline on reduction in sentence for a guilty plea, and acknowledge that, had you pleaded guilty at the first opportunity (essentially the first day of the trial), the prosecution would still have sought to proceed on the more serious charges at counts 1-3, although some benefit – in terms of the evidence that needed to be adduced – could have been derived had you made clear that you were accepting your culpability in respect of the destruction of evidence subsequent to the shooting. With both sides accepting that this is a matter of discretion (albeit informed by the overarching guideline), where I am best placed to make the relevant assessment, it seems to me that the most I can properly allow is a 10% reduction in these circumstances. In reaching that conclusion, I have taken into account that count 4 was only added at the start of the trial and at a time when your legal team were focused on outstanding disclosure and witness issues relating to counts 1-3. That said, you were in a position to know what you had done to assist in the disposal of the Volvo after the shooting and to give your instructions accordingly. As the overarching guideline makes clear, the purpose of allowing reductions in sentences for guilty pleas is to save public time and money, to reduce the impact of the crime on victims, and to avoid witnesses having to testify. By taking the decision not to plead to count 4 at the first opportunity (day one), you did not allow any of those benefits to be achieved. In these circumstances, allowing a 10% reduction is a generous response that acknowledges the particular complexities of this case; I am satisfied that there would be no proper basis for the application of a greater reduction.

Sentence

Faiser Hussain, please stand.

30. Faiser Hussain, on count 4, for the offence of doing an act tending and intended to pervert the course of public justice, *before* applying a 10% reduction for your plea, I am satisfied that the least sentence I can impose in respect of this offence, taking into account the entirety of your offending behaviour, and the relevant aggravating and mitigating factors, is a term of four and a half years; reducing that by 10% by way of credit for your guilty plea, that is a sentence of four years. You will serve a proportion of that term before you can be released on licence. If, after you have been released on licence, you commit another offence or fail to comply with the terms of your release, you will be liable to be recalled to custody and may serve the entirety of your remaining sentence in custody.
31. From the custodial term I have imposed, the time you have already spent in custody on remand will fall to be deducted. I understand that is a total of 227 days; if that is incorrect, the total can be corrected administratively.

The Hon Mrs Justice Eady DBE *22 October 2026*