



JUDICIARY OF
ENGLAND AND WALES

Huddersfield Magistrates' Court

9 October 2012

Before:
District Judge (Magistrates' Court) Goodwin

R
-v-
Azhar Ahmed

Sentencing Remarks

Mr Ahmed, on the 14th September 2012 this court convicted you of an offence of sending a grossly offensive message via Facebook.

You were convicted on the basis that the message demonstrated your concern for the victims of war and your political views but also that you were prepared to use derogatory, disrespectful and inflammatory remarks to gain attention, regardless of the harm it would inevitably cause to others.

The offence was committed within 2 days of the death of 6 British soldiers in Afghanistan.

You posted the message in response to tributes and messages of sympathy that were being posted on the newsfeed. You knew at the time of posting that this was an emotive and sensitive issue.

With freedom of speech comes responsibility. On the 8th March 2012, you failed to live up to those responsibilities.

I have taken account of the submissions made by Counsel on your behalf. The fact that you were sat on your own posting this comment makes you no less culpable for your actions.

On your own evidence, you knew the posting would reach between 600 to 700 people. In reality it may well have been significantly more.

In such circumstances, I assess your culpability as high.

I then turn to the impact of your actions.

One mother of a deceased soldier saw the posting and informed the police of her distress.

Ashleigh Craig, who had lost two friends in Afghanistan, was so upset that she reported the matter to the police.

Victoria McDonald saw the posting and e-mailed Fox's Biscuits who had previously employed you.

Sameer Ahmed and his family received abusive phone calls and suffered the fear of people driving up and down and stopping outside the family home. Again, such was the impact, they had to inform the police.

Although I accept you were not responsible for posting Sameer Ahmed's address, it was your message that was the catalyst for those events.

Mr Oakland of Fox's Biscuits described how the company received numerous calls and e-mails regarding your involvement with the company.

Fox's Biscuits have a strong local heritage in West Yorkshire and such was the impact that the matter had to be referred to the parent company and CEO to prevent serious damage to their reputation.

I assess the harm caused by your actions to be high.

On considering the Sentencing Guidelines, the starting point for a person with no previous convictions, such as you, who has run a trial, is 6 weeks in custody.

I am satisfied this matter passes the custody threshold.

However, I also bear in mind the following:

At the time of the offence you were 19 years of age. You were young and, on this occasion, you were particularly foolish.

You were a young man of good character with no previous dealings with the police.

You gained qualifications at school and you have worked in various jobs since leaving college.

You took the posting down when you started to receive negative responses and you realised it was causing distress.

You sent 5 or 6 messages of apology.

You met with the police voluntarily and co-operated in 2 police interviews.

I have read a detailed Pre-Sentence Report prepared by the Probation Service. I note there are concerns surrounding your understanding of the impact of this offence on others. There is, I am informed, a specific programme that can address your thinking and behaviour. You ought also to be punished for your actions.

In all of the circumstances, I am satisfied this is a case where a Community Order should be passed as a direct alternative to a custodial sentence.

The sentence I pass will punish you, address your thinking and behaviour to prevent further offending and make you undertake work in the community that has been caused such upset by your behaviour.

You will be made subject to a 2 year Community Order with the following requirements:

2 years supervision with the Probation Service;

A High level Activity Requirement for 50 days, which will include the Think Again programme;

and 240 hours Unpaid Work in the community.

You will be assigned a Probation Officer. You must keep in touch with that officer. If you move address, you must let them know. You must do the order without any problems. If you do not, then you will be breached and brought back to court. As this sentence is a direct alternative to custody, you can then expect to go to prison.

You will also pay £300 in costs. You must pay these at the rate of £20 per week. Make your first payment within 7 days. I make a Fines Collection Order. This means that if you do not pay as directed, then the court has other ways of collecting the money from you, ultimately you may go to prison for non-payment of the costs.

Do you understand what has happened and what is required of you?