



Court dismisses claim by convicted paedophile that his trial had been unfair

In its decision in the case of [Ahmed v. the United Kingdom](#) (application no. 57645/14) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The case concerned the trial and conviction of Mr Ahmed, who had been accused of being a member of a paedophile gang operating in Bolton (the U.K.). After standing trial with ten others in 2012, Mr Ahmed was convicted on a variety of counts (including conspiracy to engage in sexual activity with children), and sentenced to 19 years in prison.

The case was the subject of considerable media attention, as well as protests by the British National Party (“BNP”) and the English Defence League (“EDL”). Whilst the jury’s deliberations were still ongoing, Nick Griffin MEP (as he then was) tweeted about their alleged verdict, and posts about the jury’s supposed conclusions appeared on webpages linked to far-right groups.

Mr Ahmed claimed that this demonstrated that the jury had been biased against him, because the information had been (allegedly) disseminated by the jury to far-right groups that had been hostile to the defendants. Mr Ahmed also complained of various other violations of his human rights: including that the case against him had been tailored by police to fit anti-Muslim prejudice; that media coverage of the trial had made it unfair, and had also infringed his right to a private and family life; and that he had been discriminated against on grounds of race and religion.

The Court found no evidence to support any of Mr Ahmed’s claims. In particular, in regard to Mr Ahmed’s complaint that the jury was biased, the Court (agreeing with the investigations of both the trial judge and the Criminal Cases Review Commission (“the CCRC”)) found no evidence that it was the jury which had passed information to far-right groups,. Furthermore, the Court attached particular weight to the assessment conducted by the Court of Appeal, which is especially well placed to determine whether a trial involved unfairness (because of its knowledge and experience of jury trials). The Court agreed with the Court of Appeal’s finding that there were six particular safeguards present at the trial, which were enough to ensure that the jury had been impartial. The Court also identified six further safeguards present in the proceedings as a whole, which gave further assurances of the absence of partiality.

Principal facts

The applicant, Shabir Ahmed, is a British national who was born in 1953 and is detained in HMP Wakefield. Mr Ahmed was accused of being part of a group of men in Bolton that groomed young women for sexual purposes. He stood trial with ten others in 2012.

The proceedings were the subject of significant media attention. Some, including the BNP and EDL, attributed a racial dimension to the case, given that the defendants were of Asian origin, and the complainants were not. The BNP protested at the preliminary court hearings. For these reasons, prospective jurors who had indicated in a jury questionnaire that they were associated with the BNP or EDL were excluded from the proceedings. Furthermore, the trial location was moved from Bolton to Liverpool, in order to minimise the effect of the case’s publicity on the jury.

In May 2012 Mr Ahmed was convicted by a jury at Liverpool Crown Court on a variety of counts, including conspiracy to engage in sexual activity with children. He was sentenced to 19 years in prison.

Whilst the jury's deliberations were still ongoing, posts about their conclusions had appeared on webpages linked to far-right groups. The Chairman of the BNP at the time, Nick Griffin MEP, had also tweeted that some of the defendants had been found guilty, well before the jury had announced their verdicts in court.

Mr Ahmed claimed that the jury had disseminated information about their deliberations directly to far-right organisations hostile to the defendants, and that this demonstrated that the jury had been biased. He appealed against his conviction.

The Court of Appeal directed the CCRC to investigate the allegations. However, the investigation found no evidence to suggest that it had been the jury which had communicated information about its deliberations. Mr Ahmed's appeal was subsequently dismissed by the Court of Appeal on 1 April 2014, on the grounds that the evidence did not suggest that a juror had deliberately disseminated the information; that, though it was possible that deliberations had been overheard outside the jury room, such accidental disclosure by the jury did not mean that their independence had been compromised; and that there was not a real possibility that the jury had been biased or partial.

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 18 August 2014.

Relying on Article 6 § 1 (right to a fair trial) of the European Convention of Human Rights, Mr Ahmed complained that the jury which had tried and convicted him had been biased. He also relied on Article 3 (prohibition of inhuman and degrading treatment) to complain that the case against him had been tailored by police to fit anti-Muslim prejudice. Relying on Articles 6 §§ 1, 2 and 3(d) (right to a fair trial), he complained that: the environment in which the trial took place had made a fair trial impossible; that the trial had been unfair because of the negative media coverage, the interest of the far-right, the switching of the trial venue, and the fact that all 12 jurors had been white; and that his counsel had not been allowed to cross-examine some of the witnesses against him. Relying on Article 8 (right to a private and family life), Mr Ahmed complained that his private and family life had not been respected by the trial and the media coverage of it. Finally, relying on Article 14 (prohibition of discrimination) and Protocol No.12 (general prohibition of discrimination), he also complained that he had been discriminated against on grounds of race and religion.

The decision was given by a Chamber of seven, composed as follows:

Mirjana **Lazarova Trajkovska** ("the Former Yugoslav Republic of Macedonia"), *President*,
Ledi **Bianku** (Albania),
Kristina **Pardalos** (San Marino),
Paul **Mahoney** (United Kingdom),
Aleš **Pejchal** (the Czech Republic),
Armen **Harutyunyan** (Armenia),
Pauliine **Koskelo** (Finland), *Judges*,

and also Renata **Degener**, *Deputy Section Registrar*.

Decision of the Court

[Article 6 § 1 \(right to a fair trial\)](#)

The Court noted that, if it had been proven that a juror had passed confidential information on the jury deliberations to far-right organisations, this would suggest that the juror and the jury as a whole had lacked impartiality. However, there was simply no proof that that had happened. The impartiality of a jury must be presumed, until there is proof to the contrary. In Mr Ahmed's case,

both the trial judge and the CCRC had investigated the allegation of bias. The trial judge had had the opportunity to ask the jury directly whether there had been any misconduct, and to watch their reaction as they replied that there had not. The CCRC had had the benefit of time, detachment, and the resources of the police to investigate the incident. Neither had found any evidence that the jury had passed on information about their deliberations – indeed, if anything, the evidence had pointed away from the jury. Therefore, there had been no evidence that the jury had disseminated the information to the far-right groups, and there was no evidence to establish that it had not been impartial.

Furthermore, the Court attaches particular weight to an assessment of alleged impartiality that has already been conducted by the national appellate court (in this case the Court of Appeal), which, because of its knowledge and experience of jury trials, is especially well placed to determine whether a trial involved unfairness. In this case, the Court agreed with the Court of Appeal's finding that there had been six safeguards which had provided sufficient guarantees, so as to exclude doubts about the jury's impartiality. These had been: the jury questionnaires, which had confirmed that the jurors had no association with the BNP or EDL; the careful way in which the judge had conducted his enquiries; the directions he had given during the trial relating to the jury's conduct; the content of the jury's notes and the sequence of the verdicts; the fact that some defendants had been found not guilty; and the fact that the verdicts had appeared rational and consistent with the evidence.

Moreover, in addition to these six safeguards at the trial, the Court noted an additional six safeguards present in the proceedings as a whole, which had given further assurances of the jury's impartiality. These had been: the oath that had been taken by the jury, and the standard directions they had received from the judge; the seclusion of the jury, including the broader arrangements to ensure that they had been insulated from the publicity surrounding the trial; the ability of the trial judge to respond quickly to the dissemination of the information about the deliberations; the CCRC's investigation, including its ability to draw on the resources of the police; the oversight that had been provided by the Court of Appeal, including its power to order extensive investigations; and the power of the Court of Appeal to quash the conviction, had there been any doubt as to its safety.

As there had been no evidence of a lack of impartiality, the Court dismissed Mr Ahmed's complaint as manifestly ill-founded.

Other articles

Mr Ahmed had made a wide range of other complaints. The Court noted that none of these had been raised before the Court of Appeal. Furthermore, the Court found that none of the evidence before it demonstrated that there was substance to these claims.

The Court therefore dismissed Mr Ahmed's application as manifestly ill-founded.

The decision is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.