

REX v. Ahmed EBID

SENTENCING REMARKS

1. Ahmed Ebid, you can remain seated for the time being.
2. You appear before me to be sentenced for a single offence of Conspiracy to Assist Unlawful Immigration, between October 2022 and June 2023.
3. To this allegation you pleaded guilty on 31 October 2023. However, the basis upon which your plea was entered was not accepted by the Prosecution and therefore a 'Newton Hearing', a trial before me on the facts, was held in March of this year. At the conclusion of that hearing, I indicated that I accepted the prosecution's case against you in its entirety, and I rejected your basis of plea. The evidence to support the prosecution's case, was in my judgement, overwhelming.
4. I told you then that I was satisfied, so that I was sure, that your primary motivation was to make money out of human trafficking and not, as you claimed, to simply enable your family to travel to the UK. I told you that I was satisfied, so that I was sure, that the conspiracy that you were a part of had generated millions of pounds and that you must be the beneficiary, even if hidden away in this country or abroad, of a considerable amount of that money. I told you that I did not accept that your benefit from your offending was limited to 1,500 euros in all.
5. Finally, I told you that, in my judgment, you exercised a managerial role at a very high level within this conspiracy. I rejected your case, that you were simply a former fishing boat captain, engaged in sourcing crews and boats for legitimate fishing activity in the Mediterranean Sea and then assisting with navigation during fishing trips by directing those boats from London, using your mobile phone. These assertions were clearly absurd, especially when considered against the background of what was recorded in the transcripts, the evidence of navigational points and money lists recorded in the notebooks seized and the photographs of money, migrants during

crossings and boats similar to those used for illegal crossings also contained in the material recovered from you.

6. I was satisfied that you sourced and provisioned boats and crews for those crossings, that you were involved in the organisation and movement of migrants from Egypt to Libya, and that you provided detailed technical advice to the crews on-board during those crossings.
7. My overall conclusion, having heard the evidence, was that you were involved for substantial personal financial gain, at a very high level within an international organised crime group (IOCG), engaged in the trafficking of migrants from Libya to Europe and in particular to Italy.
8. It is upon that basis that I sentence you today.

#### Facts

9. Between April and June of 2023, the National Crime Agency (the NCA) recorded conversations taking place in your home by way of a listening device.
10. Analysis of the transcripts of those conversations suggested that you had a significant, managerial role within an international organised crime group engaged in the illegal trafficking of migrants from Libya to the EU for considerable financial gain.
11. However, before I deal with the product of that intelligence gathering, let me set out some more of the background.
12. Following the submission of an International Letter of Request (an ILOR), the Italian authorities provided the National Crime Agency with material that clearly demonstrated your involvement in seven (7) crossings from Libya to Italy. These are the specific crossings that you accepted being involved with when you entered your guilty plea.
13. The pattern of these crossings was identical. The boats in each case would be guided by you from Libyan ports towards Italian waters and, when they had reached them, the Coastguard would be contacted, thus ensuring that all on-board would be rescued and

would hopefully arrive at their intended destination – an EU member state. In each of the seven crossings identified, the destination was Italy.

14. The crossings in question and the links with you were as follows:

On 25/10/2022, some 2 weeks or so after you entered the UK, 700 migrants were rescued by the Italian Coastguard having received a report of a boat requiring assistance. The telephone attributed to you (what was known in this case as the '0300' phone) was in contact with the satellite phone linked to this boat on the 24/10 (10 outgoing calls) and on the 25/10 (24 outgoing calls). Later that day, another boat with 550 individuals on board was also intercepted by the Italian authorities as a result of information being provided to them by the first boat.

On 06/11/2022, the Coastguard received a report from a satellite phone of a vessel in danger with about 500-600 migrants on board. Your 0300 phone was in contact with that satellite phone between 31/10 and 06/11/2022 on 77 occasions. In fact, on this occasion some 498 individuals were rescued from this vessel.

On 30/11/2022, the Coastguard received a report from another satellite phone of a vessel adrift with migrants on board. Your 0300 phone had been in contact with that phone on both the 30/11 (2 outgoing calls) and the 1/12 (4 outgoing calls and 3 outgoing SMS messages). In all 200 individuals were rescued on this occasion.

Over the 27/12 and 28/12/2022, a rescue operation was mounted which resulted in the rescue of 477 migrants. Again, your phone was in contact with the phone connected to this crossing (28 outgoing calls on 27/12).

On 13/04/2023, another rescue operation mounted by the Italian authorities resulted in the rescue of 656 migrants. The same pattern of contact showed that your phone made 70 outgoing calls to the relevant satellite phone between the 09/04 and 13/04/2023.

Finally, on 16/04/2023, 700 migrants were rescued and the contact, in the same manner as previously, amounted to 15 calls between 08/04 and 15/04/2023.

15. Having established the number of migrants involved in these seven crossings (over 3,700) and, having averaged out how much each said that they paid for their passage, the prosecution have calculated the income from the seven crossings to be in the region of £12,375,000.
16. That is a truly staggering figure, and, no doubt, that money came from the hard earned savings of each of those desperate individuals. These were ordinary human beings, men, women and also children, who were ruthlessly and cynically exploited by you and the group that you were such a central and important part of.
17. This is an offence for which there are no sentencing guidelines, and consequently, pursuant to s.63 of the Sentencing Code 2020, in determining the seriousness of the offence I have to have regard to all of the established facts and reach a conclusion as to what is the level of culpability on your part together with the harm caused by your offending. In doing so, I have followed the Sentencing Council's General Guideline on Overarching Principles. Harm, in this respect, includes not only that caused but also that intended and that which was foreseeable. It also relates not only to harm to individuals but also to harm to the maintenance of the integrity of international borders.
18. I have reached the conclusion that the level of culpability in your case is high and that the harm caused is considerable.
19. In reaching those conclusions, I have had particular regard to your involvement in this operation as a whole as demonstrated by the seven crossings that you have admitted involvement in together with the material sourced from the covert recordings of the discussions you had with others from your home and the other incriminating evidence gathered. Whilst I appreciate that the material derived from the listening device does not relate to any of the seven crossings that you have admitted, the offence I am dealing with is a conspiracy and that material clearly demonstrates on-going activity in human

trafficking by you. It demonstrates not only the level of your involvement in this operation but also the dreadful and appalling lengths that you were prepared to go to in furtherance of that criminal activity.

20. The sheer volume of material precludes me from quoting it in its entirety but I trust that those extracts that I have selected adequately reflect the overall picture.
21. That overall picture includes numerous messages referring to the provision of crews, boats, fuel and water. It includes references to the bribing of soldiers and officials who were tasked with enforcing border controls in Libya. It includes references to payments running into the hundreds of thousands, whether they be Egyptian pounds, Libyan dirhams, Euros or British pounds. It includes numerous references to the movement of migrants from Egypt to Libya.
22. As to personal profit you said this, *“Would I reject it? It’s a living which came to my door, would I say no to it!”*. You also stated, *“...as long as we are alive, and this work is going on, we will never stop.”*
23. Most chillingly of all are those messages that demonstrate the threats of violence ordered by you and the level of ill-treatment meted out towards those migrants that you were trafficking. On the 27<sup>th</sup> April 2023, you ordered that anyone found with a telephone should be beaten up. On the 29<sup>th</sup> April 2023, you stated that if anyone, by which you meant the migrants themselves, did not pay the money for their passage to your contact, that money should be taken, *“by force”*. On the 7<sup>th</sup> May 2023, you said this, *“Phones is not allowed and tell them guys (by which I assume you are referring to the migrants themselves), anyone caught with phone will be killed, threw in the sea.”* On the 13<sup>th</sup> May 2023, you received a message alerting you to the condition of some ‘small kids’ (as it was put), who had been transferred to another warehouse and were being treated badly and in particular were being beaten with sticks by the man guarding them. There are other examples of similar messages and discussions.
24. Taking all of that into account, I have considered the factors identified at paragraph 19 in the *Attorney-General’s Reference No28 [2014] EWCA Crim 1723*.

In respect of each of those factors, I am satisfied of the following;

- 1) That this offence was repeated.
- 2) That what you did, involved offending over a lengthy period of time, lasting, as it did, from October 2022 until June 2023.
- 3) As to previous convictions, whilst you have none for trafficking migrants, it is clear from your conviction in Italy for smuggling a very large quantity of drugs into that country, that you are perfectly content to engage in offending that involves transporting any illegal contraband whatsoever across borders in contravention of the relevant domestic or international law. This offence was clearly a considerable escalation of a similar type of offending in the not too distant past.
- 4) That this offending was clearly commercial in nature. In this regard, I also bear in mind the observations of Davis LJ in *R. v. Ahmed* [2023] EWCA Crim 1521, that *“Culpability will be high where the offence represents commercial activity in which the offender plays a substantial role. Such activity will be sophisticated in nature and will involve significant gain to the offender...”*
- 5) That the number of individuals involved was considerable, numbering, as it did, in the thousands.
- 6) That, as far as I am aware, all of those trafficked were strangers.
- 7) That this was a detailed, sophisticated and well organised operation.
- 8) That you recruited others to help you in your offending.
- 9) That you operated at a very high level within the managerial structure of this conspiracy, and finally ;
- 10) That your actions involved the exploitation of and pressure put upon others – those others being the migrants involved who were, no doubt and for the most part, so vulnerable and desperate that they were prepared to pay a huge financial price and risk an even higher personal price, namely by risking their lives and the lives of their families, in order to enter the EU.

### Sentence

25. By enacting the Nationality and Borders Act 2022, Parliament increased the maximum sentence in respect of the substantive offence in this case, that is s.25 of the Immigration Act 1971, to that

of life imprisonment. That maximum applies in this case as the offending post-dated the appointed day, which was 28/06/2022.

26. Whilst what you did represented very serious offending indeed, offending towards the very highest level, it has not been the prosecution case that it led directly to the death of any individual/s. There were two recorded deaths that I am aware of, occurring during the crossings that you were involved in, but the cause of each has never been the subject of evidence before me and therefore I cannot reach a conclusion one way or another.
27. I have reached the conclusion that a discretionary life sentence is not warranted in this case having taken everything into account including the lack of the most serious of aggravating factors, namely the identifiable death of an innocent victim as a result of your actions. As such, I intend to impose a single determinate sentence in your case.
28. Before I indicate what that is and how I have arrived at the figure I have, I will deal with what I consider to be the appropriate credit for your guilty plea.

Initially you entered a not guilty plea and a trial date was set for February 2024. I note that your guilty plea was entered some three months after the PTPH. Thus your guilty plea was entered approximately three months prior to trial. In the circumstances, I am satisfied that you are not entitled to the reduction of 25% afforded to those who plead guilty at the PTPH stage. It has been said on your behalf that you were awaiting analysis of the prosecution evidence before making a final decision as to plea, but this does not, in my judgement make any difference for two reasons. First, you always knew you were guilty. You did not need to know the exact detail of the prosecution's case to confirm that. Second, if you were considering a change of plea, that doesn't accord with fact that you must have given instructions to those who represented you sufficient for them to indicate the nature of your defence to the judge at the PTPH. That is clear from the sidebar note of HHJ Perrins in the DCS file.

Accordingly, had you not contested the 'Newton Hearing', I would have reduced your sentence by 20%. However, I have had regard to the Guidelines for reduction in sentence for a guilty plea and I am satisfied that this 20% reduction needs to be further reduced by a half, meaning that the reduction to the final sentence to reflect your guilty plea will be in the order of 10%.

29. I note the observations made by Mr O'Toole in his sentencing note and his oral submissions regarding the draft guidelines but, as he himself has acknowledged, these are just that, draft guideless. I need say no more than that I cannot in any way rely in any way upon the proposals made in that document and I do not.
30. I note the observations made in the judgment of Davis LJ, in the case of Ahmed and in particular at paragraphs 20-22 (inc). In that what that the court was considering was a small boats case involving the facilitation of migrants into the UK. The case before me is not such a case. Whilst I appreciate the observations made by his Lordship in the last two sentences of paragraph 22, I do not think that this case is comparable with that which he describes. The case before me is a truly exceptional one and it calls, in my judgement, for an exceptional sentence to be imposed.

Parliament has chosen to increase the maximum sentence to one of life imprisonment and thus to give these courts the power to impose sentences that reflect a full range of offending from the very minor to the most serious.

As I have observed already, I am not satisfied that this case is one for which a discretionary life term is appropriate. Had there been evidence of the loss of life as a result of your actions, my decision may have been different. That said, in my judgement, it is difficult to think of a case, that falls into the category below that for which a discretionary life term would be appropriate, which is more serious than this one.

The risk of the loss of life on a truly enormous scale was considerable. These were fishing boats, not ferries. They were not designed to carry many hundreds of people across a large stretch of water. They were not equipped for an emergency – certainly not one involving many hundreds of passengers. They were not properly

crewed, being manned for the most part by the migrants themselves and, of course, the migrants had no proper guidance as to what to do in an emergency if one arose. Had that happened, I think it safe to assume that a great many of those on board would probably not have been able to swim and would have perished as a result. The reason why such vessels are used, as was clear from the evidence presented at the last hearing, is not because they are sturdy and might ensure a real prospect of a safe crossing. They are used quite simply because they can accommodate so many passengers. The reason the Coastguard is contacted is not because traffickers are concerned to ensure that the boats arrive safely. It is simply because the number of passengers is so great that it is impossible to land those on board on land in any other way. There are simply too many people to land on a beach. In this way, you are able to transport a very large amount of people and get someone else to finish the job for you with little risk to yourself. All in all, these were simply financial considerations and nothing more.

Tragedies at sea happen all too frequently and often as a result of unforeseen factors such as a sudden change in the weather or a collision with another boat. These boats were no doubt crossing busy shipping lanes in the Mediterranean Sea and the risk of such a catastrophic change in the weather or a collision with another vessel is not, it seems to me, a fanciful possibility.

31. As I have already observed, in addition to the considerable risk of fatalities, this was a commercial enterprise pure and simple. There is simply no sensible way by which your actions could be described as bearing any humanitarian features whatsoever as you would like me to accept. Whilst you were not living in luxury in the few months after you moved to this country, the fact remains that this operation generated many millions in income. In the transcripts we looked at, you repeatedly mention what was being generated and commented on the movement of those monies. You played an essential part in the operation of this conspiracy – without you, and your counsel accepts this on your behalf, it could not have worked. It follows that you must have expected a substantial benefit from your endeavours and I am sure that you did so benefit. There is reference by you on a

number of occasions to money being sent to other jurisdictions and it may be in those that this money currently resides.

32. This was a highly organized and extremely well-orchestrated operation carried out on an international level. That is illustrated by the purchasing of boats from as far afield as Sierra Leone, the detailed notes made by you of the coordinates, the provision of satellite phones by way of just a few examples.
  
33. The treatment of the migrants on your orders and in your name was horrifying. They were, simply a commodity to you. You talked of them in terms of units not as people, referring to them as 'cartons'. The important thing to you was that each paid up the exorbitant fare that was charged for their crossing and that nobody did anything to compromise your operation - such as by carrying a mobile phone. As we know, if they did, you were prepared to instruct others to threaten them with death. You demonstrated no empathy or care whatsoever for these desperate and vulnerable men, women and children.

The Court recalls the deaths of those 500 or so migrants in the Messenia Disaster in Greece in June 2023. There is no evidence that you played a part in that crossing and no such assertion could or does play any part in the assessment of the appropriate sentence in your case. Nevertheless, it seems to me to be highly relevant because the transcripts demonstrate that as, what was happening in Greece, unravelled, you appeared to be following the events and discussing them with others. You commented on the identity of the human trafficker concerned whose name you appeared to know and you commented on the state of the boat in question, which you appear to have looked at yourself some time previously. In fact, you said you knew that boat well. Clearly, the dreadful world in which you moved at that time was a small one and perhaps it still is. However, what is a particularly disturbing and unpleasant aspect of this particular episode is that when that disaster happened in Greece, and the relevant transcript records this, your concern was clearly not for the over 500 innocent men, women and children who had drowned, but for the potentially detrimental effect that this appalling

tragedy might have on the business of human trafficking. Such callous disregard for the victims of the terrible trade that you were also involved in is almost impossible to comprehend, save that it demonstrates, all too clearly, what little value their lives represented to you other than in purely financial terms.

34. What has been repeated, again and again in the authorities is the need to impose deterrent sentences for this type of offending. The events of the 14<sup>th</sup> June 2023 perhaps illustrate all too vividly why there is such a need - that is to send out the message as clearly as it can possibly be conveyed, that offending such as yours, that involves exploitation on such an enormous scale, which leads to so much misery and which also could, so easily, lead to a considerable loss of life, will result in very lengthy sentences of imprisonment indeed. Equally, there has to be, it seems to me, a crystal clear message delivered to those engaged in this trade, that the protection of international borders, is also something that, when the court has such a responsibility, is taken very seriously indeed and reflected in a lengthy sentence being passed.

Ahmed Ebid, stand up.

35. Taking into account the mitigation advanced on your behalf as set out in Mr O'Toole's note and in his oral submissions and balancing that as much as I am able to do so with the very serious nature of your offending in this case, the sentence, had there been a trial would have been one of 28 years.

36. With the reduction of no less than 10% to which I have already referred, the sentence upon you will one of 25 years in custody.

You can go downstairs.

HHJ HIDDLESTON

19/05/2025