



JUDICIARY OF
ENGLAND AND WALES

BIRMINGHAM CROWN COURT

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v

ENDRIS MOHAMMED

SENTENCING REMARKS OF MR JUSTICE GILBART

1. You stand to be sentenced by the Court for the murders in the early hours of 28th October 2016 of your two children Saros and Leanor, then aged 8 and 6 years, and the attempted murder of your partner and their mother Penil Teklehaimanot.
2. This country has a long proud history of welcoming those from abroad who flee from persecution. Both of you had done so, and established your lives here in Birmingham, along with your two children. However that secure and apparently happy family life was destroyed by you. As I have said, your partner had established her life here as a refugee from persecution. That safe haven she shared with you and her children was destroyed by you in the most appalling manner imaginable, for this was a terrible criminal enterprise on your part, designed to kill all three of your family, partner and children, as they slept. Your partner has now lost her whole family and her home at one fell swoop. She gave evidence and has conducted herself in this trial with dignity and restraint, and in her evidence she was generous enough to speak of your good qualities as a father and partner. Her victim impact statement speaks of the fine qualities of these two happy, cheerful, engaging and rewarding children of whom any parent could be

justly proud. Instead of their growing into adulthood, and their talents and qualities being allowed to flourish, you have deliberately snuffed out their young lives. Their mother escaped death, but she must endure that tragic loss as she rebuilds her life.

3. What makes that all the more poignant is that they loved you, as did your partner. Your children looked to you for guidance, protection and love. They trusted you implicitly and were enjoying your company even on the night of their murder. You repaid their trust in you by killing them.
4. So far as the two murders are concerned, I am required to pass life sentences, and to determine the minimum term which you must serve before being considered for release. So far as the attempted murder is concerned, I shall also take the circumstances of that into account when considering the length of that minimum term.
5. In the early hours of 28th October 2016, you scattered petrol around the living room of the house the four of you shared, having tried to disconnect the cooker and gas hose, ready to set light to the house where your partner slept upstairs. Your idea was that when the petrol caught light, there would be a conflagration which would consume all three of them. You even turned off the power- no doubt in the belief that it would stop the smoke alarms from working. You smothered your children with petrol soaked cloth before or after preparing the other parts of the conflagration. You told the psychiatrists that you did so to prevent them feeling the ghastly death of being burned alive. I give that little credence, as you were prepared to see your partner thus consumed, and took steps by trying to disconnect the gas hose to make the fire greater, and by disconnecting the mains supply to reduce her chances of escape.
6. That the conflagration did not take place was because you did not understand that you had made the atmosphere too full of petrol fumes, and because the gas hose had been designed to resist being cut. The smoke alarm woke your partner. Fortunately, she was able to escape with the help of her neighbours, the Hughes family. But it was too late for the children, both of whom you had smothered.
7. I am also quite unable to accept that you had planned your own suicide, and that this was part and parcel of it. If that were the case you would not have withdrawn any money from a bank at some time after 9.00 pm that evening. You did not try to set light to the house with yourself in it, nor douse yourself in petrol. The scientific evidence revealed none on your car. What I am quite sure of is that you set light to the house as you left, leaving your sleeping wife and smothered children within, and intending that the fire you set would consume them all. But as you knew, that fire did not light. You drove

off, knowing that what you had done would be easily discovered once your partner got downstairs.

8. Then, knowing full well that the house had not gone up in a conflagration, you drove to Newcastle under Lyme, where you inflicted terrible burns on yourself by setting light to leaves in your car. Why you did so is not clear to me.
9. I turn now to Schedule 21 of the *Criminal Justice Act 2003*, to which I must have regard in fixing the minimum term you will serve. In my judgement, paragraph 5(1)(a) and (2) apply, because two victims were murdered, and you tried to kill a third.
10. It follows that the starting point is one of 30 years, as this matter involves two murders. I must then look to see if there are aggravating factors which push the figure up, and any mitigating factors which bring it down. I find the following aggravating factors under paragraph 10 of the Schedule;
 - a. there was some planning involved. You had gone out to buy the petrol you used that afternoon, and the steps you took to achieve a conflagration were planned;
 - b. you tried to kill their mother as well;
 - c. both of your child victims were vulnerable because of their age;
 - d. you were in a position of trust with regard to them, which you abused;
 - e. you tried to achieve destruction of your three intended victims by setting the house on fire.
11. As to mitigating factors under paragraph 11, I am prepared to accept that you had feelings of despair and some recurrence of your previously occurring depressive disorder, but it fell well short of establishing diminished responsibility. There is no evidence of any other psychiatric condition. I find no other mitigating factor. Your own terrible injuries were entirely self-inflicted.
12. I record also that you denied all three counts, and did not give evidence from the witness box. While you have accepted responsibility for killing your children, albeit after the prosecution had got under way, you did not do so for attempting to kill your wife. I shall give some modest discount on that account.
13. I take into account your previous good character. In the circumstances of this case, that carries little weight.
14. Bearing all those matters in mind, the aggravating factors would increase the sentence to 36 years. The effect of your depressive illness, such as it was, and some modest allowance for your acceptance of responsibility for the killings, allows me to reduce that minimum term to a period of 33 years.

15. So far as Count 3 is concerned, it is difficult to apply the definitive guideline of the Sentencing Council because I am not sentencing you in isolation. I shall pass a concurrent determinate sentence.

16. The sentences I pass upon you are:

- a. on Count 3 there will be a concurrent determinate sentence of 10 years imprisonment to the sentences on Counts 1 and 2 which I am about to pass;
- b. on Counts 1 and 2 there will be concurrent life sentences with a minimum term of 33 years, less time spent in custody of 306 days, making 32 years 59 days. You will not be considered for release by the Parole Board until you have served at least that minimum term.