



# Courts and Tribunals Judiciary

REX

-v-

VANUSHAN BALAKRISHNAN and ILYAS SULEIMAN

## SENTENCING REMARKS

*Copies of these sentencing remarks will be available for the victim's family and the press immediately after the hearing.*

*There must be complete silence in the public gallery during the sentence. If anyone feels that they cannot remain silent leave now.*

*Stay sitting down*

Vanushan Balakrishnan and Ilyas Suleiman you are both here today to be sentenced having been convicted by the jury on 6<sup>th</sup> March 2023 of the murder of 16 year old Rishmeet Singh. You, VB, are also here for an offence of causing GBH with intent contrary to s18 of the Offences Against the Person Act committed on the 1<sup>st</sup> July 2022 while you were on remand at Feltham YOI (the s18 offence). You pleaded guilty to the s18 offence on 10<sup>th</sup> March 2023.

This case is yet another, yet another tragic example of the needless loss of a young teenager's life following a violent stabbing on the streets of London: this case is the more tragic because Rishmeet was an entirely innocent victim.

At your trial all who knew Rishmeet spoke very fondly of him. He was described by friends as a good person who would not harm a fly; as pure of heart and a humble guy; he wouldn't get into a beef with anyone. He was never involved in any kind of violence. He had no convictions or cautions. He did not drink or take drugs. It defies belief that you two sought him out to kill him.

The impact of his death at your hands cannot be overstated. In her victim personal statement, his mother, Gulinder Kaur, tells a heart-rending story. In

2019 she came to the UK with her mother and her only child, Rishmeet, as asylum seekers from Afghanistan. Rishmeet's father had been killed by the Taliban. The Taliban had tried to kidnap Rishmeet and convert him to Islam. As Sikhs the local Gurdwara helped them escape. They came here to seek a safe life. Neither she nor her mother speak English. They were reliant upon Rishmeet for communication. Rishmeet was his mother's carer as she is disabled by polio. They moved to Southall to be closer to an Afghan Sikh community. With hindsight that decision to move will haunt Rishmeet's mother and grandmother for the rest of their lives. With Rishmeet's help they obtained a flat. Rishmeet was a vital and invaluable conduit in all administrative tasks. Rishmeet showed all the signs of growing into a valued member of society: he hoped to become a police officer.

Against that background with hope for a peaceful future and a productive and rewarding life for her son, Ms Kaur describes her loss following her son's murder. She cannot put into words the impact upon herself and Rishmeet's grandmother. She says: "I have lost everything and my life is over. I will never get over losing him in this way". She will not see him grow up and fulfil his aspirations. He had his whole future ahead of him.

Ms Kaur now feels lonely and isolated. 16 months since Rishmeet's death and her pain has not subsided. She is on medication for depression. Her mother is also devastated at the loss of her grandson.

Your actions have left those two women entirely bereft with no male figure in their lives in a country where they do not speak the language; a country where they sought refuge from a violent regime only to face the ultimate loss as a result of what you did.

Nothing I can do or say today can bring Rishmeet back or relieve the pain your actions have caused. No term of years will be sufficient punishment so far as his mother and grandmother are concerned. No term of years can even begin to compensate them.

You two are close friends. You were both 17 in November 2021 when you committed the murder. From about September 2020, you, VB, started hanging around in Hayes and there you met older Hayes Town gang members and quickly

became involved in the gang culture. You saw their expensive clothes and their postings of gang signs and were attracted by the scene. You were initially sucked in by the offer of free cannabis but you ran up debts and forced to deal class A drugs as a result. It is an all too familiar picture in this court.

A safe house at 68 Austin Rd estate was used as a base by the gang to store drugs and weapons

On 21/1/21 you were stopped by police and found to be in possession of a lethal knife. You received a referral order and were allocated a social worker who taught you the dangers of knife crime.

On 11/6/21 you were stopped by police and found in possession of heroin, crack cocaine, cash and 2 phones. By then you were involved in regular drug dealing for which you were paid considerable sums of money.

You, IS, got to know gang members through VB. You have no previous convictions and people who know you speak very highly of you. However, you too were given cannabis and became a regular user. I am of the firm view that, by the time of the murder, you too were an enthusiastic gang member who was willing to join in with the nefarious activities of the Hayes town gang. I note that your sister confirms my view.

The two of you would go to the Austin Rd estate every day where you would hang out with other gang members smoking cannabis.

On 19<sup>th</sup> November 2021 you, VB, purchased a large Rambo style machete from internet sites with which this court is very familiar and from which such knives (for which there is no legitimate use) can be bought with impunity. The knife you bought was similar to the one which the police had taken from you earlier in the year.

24<sup>th</sup> November 2021 was the day of the murder. Rishmeet Singh was socialising with his friends – they were not drinking alcohol or taking drugs. RS was not armed.

CCTV showed the 2 of you leaving 68 Austin Rd at 847pm having changed from the clothes you were wearing earlier. You IS had a particularly large 3 foot long machete style knife concealed in your tracksuit trousers. You VB either took the knife which you had purchased with you from 68 or collected it from a stash by the canal en route to the rival territory. You were each riding a bicycle.

You identified Rishmeet and his friends as potential targets and you began to chase them. By chance a BMW was in the area which may well have contained gang rivals and interaction between you and the occupants of that car may have led you wrongly to associate Rishmeet and his friends with a Southall gang.

The 2 of you approached Rishmeet's group in a threatening manner.

Rishmeet's friends were able to escape but Rishmeet ran off on his own and when he tripped over CCTV showed that the 2 of you ferociously attacked him each of you stabbing him repeatedly with those lethal knives. You VB made 5 stabbing movements and stood aside as you IS stabbed a further 10 times. You VB then went back and delivered further blows.

As RS lay dying in a doorway you 2 headed off, collected the bikes and rode back to number 68 where you changed your clothes and went to your respective homes by taxi.

Emergency services were called at 907pm.

RS had suffered multiple sharp force injuries to his head, and chest with penetrating injuries to his brain, liver and lung. There were through and through injuries to his arm which were consistent with defensive injuries as he held his arms up to protect himself. There were at least 11 and up to 15 separate stab wounds. Despite the efforts of the medics his injuries were not survivable and he died at the scene

At 2219 VB, having taken your bloodstained knife back to your bedroom, you photographed it and posted that photograph on social media.

You wrote drill lyrics glorifying the killing: *"1 tripped and fell and he knew it was over. I was swinging my shank"? "Swinging my blade back and forth---trying to turn him off...he tripped and got dipped onto my shank". "Chasing him with a nank – really trying to open his chest apart- trying to push my knife through his lungs"* Those chilling lyrics were found in the very notebook in which you had recorded the lessons about the dangers of knife crime as part of your referral order.

You both went back to 68 on the following day and arranged for the bikes and your blood-stained clothing to be disposed of.

You VB were arrested at your home on 2/12/21. You did not answer police questions.

You IS ran away from your home when you heard about VB's arrest. Your mother reported you missing. You were arrested at your cousin's address on 8/12/21. You admit that you were planning to leave the country. You did not answer police questions.

You were both remanded into custody. You VB were held at Feltham YOI.

### **THE S18 OFFENCE**

The second serious offence of violence for which I have to deal with you VB took place on 1<sup>st</sup> July 2022 when you were still on remand for the murder at HMP Feltham. You and 4 other inmates (including Marques Walker who I sentenced yesterday) were in the exercise yard around 1030. There is poor quality footage of the incident which followed. However several prison officers were able to describe what took place. Also in the yard was 17 year old Temur Quereshi. He got up onto a picnic style table. From there he was attacked by your group. Marques Walker punched Temur causing him to fall backwards onto the ground. All 5 of your group then kicked and stamped upon Temur for a few seconds in a sustained attack until officers were able to intervene. Even after that the attack continued. During the attack Walker was heard to shout "Finish him off" and "this is how you put mans to sleep".

When Walker said "I had to start it, that's what you get" you repeated "Rest in peace." The two of you were laughing.

The motive for the attack was revenge or retaliation as you believed Temur to be a "snitch".

TQ suffered life changing injuries. Your group left him unconscious. He had lost control of his bowels and bladder and vomited and fitted while still unconscious. When he briefly regained consciousness he begged the officers to save his life saying "I have a daughter". He then fell back into unconsciousness. He was taken

to hospital by air ambulance. He had suffered increased pressure and a bleed to his brain which was life threatening and has been life changing. He underwent lengthy surgery but is left with permanent and significant brain damage. His cognitive functions are badly affected. He will require lengthy rehabilitation and ongoing long-term input from multi-disciplinary teams to support him in reaching his full potential.

You again answered no comment in interview.

## **APPROACH TO SENTENCE**

### **MURDER**

You are both now 18. You were both 17 at the date of the murder.

The sentence for murder is fixed by law and I must pass a life sentence upon you both. Due to the fact that you were under 18 when the murder was committed the sentence is one of detention at His Majesty's Pleasure.

I have to set the minimum term that you must each serve before you can be considered for release by the parole board.

I begin by identifying the appropriate starting point under paragraph 5A of Schedule 21 of the Sentencing Act 2020 as amended by s127 of the Police, Crime, Sentencing and Courts Act 2022. Because you each took a knife to the scene and had it with you intending to use it as you in fact did, the starting point is now one of 23 years. I observe that the starting point for a 16 year old is 6 years' lower namely 17 years. That was, in fact, the starting point in the case of Walker who I sentenced yesterday.

### **Aggravating Factors**

Th aggravating factors are;

- (i) In your case VB, your previous conviction for possession of a knife.
- (ii) That you planned the offence. You changed your clothing, disguised your faces and travelled to rival gang territory with the sole purpose of attacking members of a rival gang. You VB put your phone onto flight

mode and you IS gave your phone to another gang member so that it could be used by others to lay a false trail.

- (iii) This was gang related offending
- (iv) You both took steps to avoid being connected to the murder. You disposed of your clothing and arranged for the bicycles to be discarded.
- (v) You VB posted a picture of one of the murder weapons on social media and glorified your actions in sickening drill lyrics.
- (vi) You IS got rid of your phone, went to ground, planned to flee the country and changed your appearance.

Turning to the mitigation:

In your case VB having heard you give evidence and read reports upon you I regard the following as mitigating factors:

- (i) Your immaturity. Whilst your chronological age is reflected in the reduction of the starting point for the minimum term from 25 years for an adult down to 23 years, I also need to consider the case law which emphasises that a person's actual maturity may be different from that to be expected at their age. You VB are described in reports as young for your age. You have limited intellectual functioning and emotional intelligence.
- (ii) The fact that you have been found to be a victim of modern slavery
- (iii) The lack of formal positive structure or role models in your life.
- (iv) Your susceptibility to pressure from others. Your psychological profile suggested that you took a notably passive role in relationships and depended on others for guidance. You have reduced intellectual functioning.

In your case IS whilst there are no reports, I heard you give evidence and I have read the numerous testimonials. I take the following factor into account in your favour:

- (i) Your lack of convictions
- (ii) Your immaturity and susceptibility to pressure as a result of wanting to fit in.

- (iii) The lack of a stable home structure at a crucial time in your life.
- (iv) The obviously positive character traits described by the character witnesses. None who know you can believe that you got yourself involved in this most serious of offences. The complimentary adjectives used to describe the young man who those people describe are all totally opposite of the young man who made the decision to go out with a huge knife and inflict misery upon others by killing a 16 year old child. Sadly you threw away all the good which is spoken of you when you made that decision. I note the realistic assessment by your older sister who observed a deterioration and change. She saw you getting embroiled into the gang culture and running drugs for the gang leaders for about 4 months prior to the murder.

Balancing the aggravating and mitigating factors in each of your cases, I see no reason to make any distinction between the two of you in relation to the murder. Having balanced the competing factors I have come to the conclusion that the appropriate minimum term in each of your cases for the murder is 21 years.

In your case VB the minimum term **must** be increased to reflect the s18 offence.

### **S18**

I turn now to the S18 offence which you VB face.

The group attack upon a fellow inmate involved significant planning. It was a revenge attack upon a youth who your group perceived to be a snitch. The victim suffered particularly grave and life-threatening injury. That offence fell within Category 1A of the relevant guideline with a starting point for an adult of 12 years and a range of 10-16 years.

There are a number of aggravating factors:

- (i) The fact that this was an attack within a custodial setting
- (ii) The fact that you were on remand having pleaded Not Guilty to Rishmeet's murder and
- (iii) Your previous conviction.



The mitigating factors are those which I have set out above in relation to the murder. I do not repeat them. In relation to this offence the mitigating factors balance out the aggravating factors.

I emphasise that I have guarded against any double counting and borne firmly in mind the youth guideline, the guideline relating to mentally disordered offenders and totality.

You were days away from your 18<sup>th</sup> birthday when you committed the offence. However your role in the offence was slightly less significant than that of Walker and, accordingly the same sentence is merited as that which I identified in his case. That is a sentence before plea of 8 years detention.

You were originally charged with attempted murder to which you pleaded Not Guilty. You entered a plea to the S18 offence on 10<sup>th</sup> March 2023. Your trial had been listed for July. You deserve 25% credit for plea which gives a term of 6 years. Whilst the sentence for the s18 will be imposed concurrently that offence will be reflected in the increased minimum term attached to the murder sentence.

### **DANGEROUSNESS**

I then have to consider the dangerousness provisions. In your case I am of the firm view that despite your youth and the other matters to which I have referred, on all the fact of this case, you do present a significant risk of serious harm to the public occasioned by the commission by you of further specified offences. The author of the pre-sentence report is of the same view and assesses your risk as very high.

In my judgment, acknowledging that a life sentence is a last resort, the s18 offence is in itself serious enough to justify a life sentence and there is no reliable estimate of the length of time you will remain a danger.

In any event, of course, you will be serving the life sentence which I will impose for the murder of Rishmeet.

### **STAND UP**

**The sentences I pass upon you are as follows:**

**Vanushan Balakrishan:**

**For the Murder: Detention at His Majesty's Pleasure with a minimum term of 24 years**

**For the S18: Detention at His Majesty's Pleasure for with a minimum term of 4 years (2/3 of the notional determinate term).**

You have spent 524 days in detention on remand which will count towards your sentence and so the minimum term is 24 years less 524 days.

**Ilyas Suleiman: Detention at His Majesty's Pleasure with a minimum term of 21 years.**

You have spent 517 days in detention on remand which will count towards your sentence and so the minimum term is 21 years less 517 days.

If the information which I have been provided with as to the days in detention on remand proves to be inaccurate then the prosecution or defence must notify the court so that the case can be relisted to correct the calculation as soon as possible and in any event within 56 days of today.

You will not be released when you have served that minimum term. Indeed neither of you will only be released unless and until the parole board conclude you no longer pose a risk of harm to the public.

