

Regina -v- Mohammed Abbkr

Sentencing Remarks

His Honour Judge Melbourne Inman KC

Recorder of Birmingham

1. Mohammed Abbkr you were convicted by the jury of the attempted murder of Hashi Odowa and the attempted murder of Mohammed Rayaz. The nature of each attack was identical. You threw petrol over your victims and then set them alight. The attacks were horrific.
2. The first attack took place during the evening of the 27th February 2023. The victim, Hashi Odowa, was 82 years old and a regular worshipper at the West Ealing Islamic Centre in London. You followed Mr. Odowa from the mosque and then approached him and insisted you knew him. Mr. Odowa had no idea who you were and said so. You then sprayed Mr. Odowa with petrol from a container you had with you and then ignited the petrol. Mr. Odowa was engulfed in flame. You then simply walked away. Fortunately a friend who was with Mr. Odowa managed to strip the burning clothing from him which saved him from more severe injury.
3. Four weeks later, on the 20th March 2023 you attacked another random victim. Mohammed Rayaz was 70 years of age and a regular worshipper at his local mosque on Dudley Road in Birmingham. That evening he left the mosque and made his way towards home. You approached him and asked him if he spoke Arabic and when he said he did not, you demanded why. You then sprayed Mr. Rayaz with petrol and ignited it. Mr. Rayaz was engulfed in flames. The CCTV recording of what happened to Mr.

Rayaz is horrific and it is clear that you threw further petrol on to the flames as Mr. Rayaz burnt. You again then simply walked away. Others came to the rescue of Mr. Rayaz.

4. It was pure good fortune that Mr. Odowa did not suffer yet more serious injury. As it was he suffered burns to his left ear, the back of his neck and to his hand which amounted to about 2% of his body. There have however been significant psychological effects upon Mr. Odowa. He still has feelings of embarrassment about his scars, he has lost his confidence in going out, he has disturbed sleep and he no longer feels safe at the mosque which obviously plays an important part of his life. I have heard the evidence from his family as to the wholly understandable and significant effect the attack has had upon them.
5. Mr. Rayaz suffered burns to about 7.5 % of his body. They included significant burns to his face and head. His beard was entirely burnt away and he suffered burns to his face lips and hands. He remained in hospital for nearly three weeks. He also has suffered significant psychological impact from the impact. He has been diagnosed as suffering from depressions and the early stages of Post Traumatic Stress Disorder. Again there has, understandably , been a significant affect on the whole of his family which I have also heard movingly described today.
6. As I have said, you were convicted by a jury of these two offences after a trial. It should be made clear however that there was never any dispute at trial that you were the person who had committed these two attacks. The primary issue for the jury to determine was whether you were insane at the time of your actions and would therefore have no criminal responsibility at all for you actions. Insanity is a legal term with a very specific definition. During the course of the trial therefore I heard detailed expert psychiatric evidence from three very experienced consultant psychiatrists who produced detailed reports and gave evidence at the trial.

7. Those psychiatrists are Dr. Kennedy and Dr Kenny- Herbert who were called on your behalf and Dr. Cummings called by the prosecution.
8. The jury were not satisfied that insanity was probably established. There was however no dispute between the expert psychiatrists that at the time you committed these attacks you were suffering from a very serious mental illness namely paranoid schizophrenia and that at the time of each of the attacks you were psychotic.
9. You were assessed on number of occasions by the psychiatrists. They were each satisfied that at the time of each attack you were suffering from grossly disordered thoughts. You believed that you were being persecuted by various people you had met who you believed were possessed by evil spirits and were trying to control you. You believed these people could vanish and materialise at will. You had moved to different areas to try and evade them. You believed they could control you and read thoughts inside your head. You suffered hallucinations in several of your senses including physical effects upon your body. The two victims in this case were, on any rational view, chosen at random. You however genuinely believed each of them was one of those trying to take control of you. Each of the psychiatrists were of the opinion that at the time of the offences, and when examined by them, you had a range of symptoms which included persecutory and religious delusions, auditory hallucinations and thought interference all attributable to paranoid schizophrenia.
10. In due course you were transferred from prison to a secure mental hospital where you are presently held, pursuant to section 48 of the MHA 1981.
11. There you have been under the responsibility of a further very experienced consultant psychiatrist Dr. Mirvis and I have heard Dr. Mervis give evidence today.

12. Dr. Mervis has had the opportunity not only of considering all of the evidence from the other three psychiatrists but most importantly observing and examining you at the mental hospital where you are detained.
13. Dr. Mervis in his report dated the 12th March 2024 and in his evidence today confirms that he is wholly sure that you suffer now, and at the time of the offences from paranoid schizophrenia with a plethora of symptoms.
14. I have set out the detailed and careful medical investigations that has been performed in this case. Also however there has been a detailed and painstaking police investigation in order to see whether there is any evidence that you committed these attacks as a result of some other reason, not connected with your mental health, and specifically whether you held any extreme ideological or religious views.
15. There is no evidence at all that you have at any stage held any such extreme views. You are a practising Muslim and attended at the Mosque but you have never expressed any extreme views and there is no evidence at all of you, for example, seeking out extreme material on the Internet.
16. You have no previous convictions and no history of using violence.
17. It is the opinion of Dr. Mervis that your offending is highly attributable to you severe mental illness and he does not believe these offences would have been committed if you had not been suffering from it. Dr. Kennedy is of a similar view as is Dr. Cummings. Dr. Kenny -Herbert 's opinion is that "it is highly likely that your behaviour at the time of both offences was overwhelmingly related to an untreated psychotic illness."
18. Having regard to all of that evidence I am wholly satisfied that you committed both of these offences at a time when you were suffering a severe mental illness and were psychotic and that there were no other factors that led you to commit these attacks.

19. Further it is clear from the evidence that neither you or anyone else had any insight in to the illness you were developing. You were not therefore being treated and you did not accelerate or aggravate your mental illness by life style such as the consumption of alcohol or drugs.
20. I now must determine what is the correct sentences for these two offences.
21. Dr. Mirvis is satisfied that the provisions of s.37 Mental Health Act 1983 are satisfied as is Dr. Kennedy and indeed Dr. Kenny -Herbert and Dr. Cummings.
22. The provisions of s.37 require me to be satisfied on the written or oral evidence of two such experts that
 - (i) you are suffering from a mental disorder and
 - (ii) it is of such a nature and degree that it is appropriate for you to be detained in a hospital for medical treatment and that such treatment is available for you , and
 - (iii) having regard to all of the circumstances and the other ways of dealing with you that a hospital order is the most appropriate sentence
23. As I have already set out in detail, it is clear beyond doubt and disputed by no one that you suffer from a very serious mental illness which is if such a nature an degree that it is appropriate for you to be detained in hospital. That is what has already occurred following your transfer to a secure mental hospital from prison where you are presently being treated.
24. However I have to consider whether there should be a penal element to your sentence and what other sentences are available that I could pass.
25. As I have detailed, the opinion of all of the very experienced psychiatrists who have examined you consider that your commission of these two offences is highly attributable to your mental illness and without such illness you would not have committed them. As I have also

detailed, there is no other evidence of any reason or motivation for you to have committed these offences and no evidence that you accelerated or aggravated your illness by drink or drugs.

26. I am therefore wholly satisfied that your culpability and your responsibility for these offences is significantly reduced by reason of your mental illness and your residual responsibility is therefore low.
27. I have to consider the Sentencing Council Guidelines for attempted murder. Each offence involves the use of fire and therefore each is a case of very high culpability and therefore category A. As to harm, there clearly was significant injury caused to both Mr. Odowa and Mr. Rayaz and significant psychological harm which would place each case within category 2. The starting point would therefore be a determinate prison sentence of 30 years. That would have to then reflect that there are two offences. That however is on the basis of you having full responsibility for you offending. A substantial reduction would be necessary to reflect your low retained responsibility.
28. I next however have to consider dangerousness. It is clear beyond doubt that you represent a very great danger to members of the public. It is equally clear that how long you will continue to represent such a danger cannot be determined now. Given the seriousness of the offences I am satisfied that the criteria for a sentence of life imprisonment are satisfied in this case.
29. The decision I therefore have to make is whether the correct sentence in this case is one of life imprisonment together with a Hospital and Limitation Direction under s.45A of the MHA 1981.
30. The effect of such a sentence would be that you would remain in hospital until, if it ever arrives, your mental illness has been successfully treated such that you could be then be transferred to prison under the terms of the

life sentence and your possible at some stage release would be a matter for the Parole Board and you would then remain on life license.

31. Dr. Mirvis has given evidence of your treatment in hospital. You have been on the maximum dosage of a drug but your symptoms have persisted. You are presently receiving a different drug but it is not yet clear whether you in fact suffer from treatment resistant schizophrenia. If that is the case then there is only one drug licensed which can be administered for it, namely clozapine. Such a drug is considered a drug of last resort and it requires careful monitoring.
32. It is the opinion of Dr. Mirvis, with which Dr. Kennedy and the other psychiatrists agree, that the conditions for the making of a hospital order are satisfied and that it is necessary for the protection of the public to make a direction under s.41 of the MHA restricting your release without limitation of time unless and until consent is given by the Secretary of State.
33. On the basis of the evidence before me it is clear that it is highly likely that you will require life long treatment for this illness. As Dr. Mirvis explained, if you were eventually transferred to prison the administration of such a drug produces significant problems and there is no compulsion to take medication in prison. Furthermore, signs of relapse are likely to be spotted significantly earlier by those with professional medical training. If you were transferred to prison there would be a significant risk from your condition relapsing and very significant risk to others which obviously also includes staff at the prison.
34. The protection of the public is at the forefront of my considerations. It is clear from the evidence of Dr. Mirvis that it will be a very long time before you could ever be considered for release into the community should that day ever arise. You are likely to remain in the present secure hospital for years and even at that stage it would only involve transfer to

another hospital which still maintained appropriate security and that would require the agreement of the Secretary of State .You would remain within a hospital environment until any possibility of your staged release in to the community could be effected. You would not be released unless or until the Secretary of State consents.

35. I also have to consider how the public are to best protected in the event you should ever be released back into the community.
36. Dr. Mirvis again helpfully described the difference in release regimes as they relate to this case. He considers that your illness is likely to be lifelong and will require close review for subtle signs of relapse, ongoing prescription of psychiatric medication and monitoring of your compliance with it. This would be effected on release from hospital by a mental health team – often a specific community forensic one – and if necessary your immediate recall under the hospital order to a secure mental health hospital. Dr. Mirvis considers this would produce significantly better protection than release from prison being supervised by the Probation Service, even with psychiatric services assisting, and any deterioration in your mental health and any risk associated with it, could not be treated until you were transferred back to a secure mental hospital.
37. I am therefore satisfied that the appropriate sentence in this case is that you will be made subject to a Hospital Order under s.37 of the Mental Health Act together with a Restriction Order under section 41 on counts 1 and 3 concurrently.
38. The Victim Impact Surcharge will apply.