

IN THE CROWN COURT AT BRADFORD

The Hon. Mr Justice Cotter

Rex.

-v-

HABIBUR RAHMAN MASUM

SENTENCING COMMENTS

Introduction

1. Habibur Masum you may remain seated until I tell you to stand.
2. You have been found guilty of the murder of your wife Kulsuma Akter
3. As her brother Emran Hussain and sister in law Minara Begum explained in a most moving victim impact statements, the terrible and unimaginable pain of her loss has had a huge impact on her parents and siblings and her wider family and friends. They have described how the massive loss of Kulsuma has left a deep and painful void, which is by the family felt on a daily basis. They now face a life sentence of grief with no release date. Her son will never know his mother.
4. For the grave offence of murder there is only one sentence prescribed by law that is imprisonment for life. That is the sentence I shall impose upon you in due course. However, I am required to determine the minimum period you should serve in prison before you are eligible to be considered for release on parole. To decide the minimum term, I must consider the facts of the case. I must be sure to the criminal standard of the factual basis of my sentence. I have had help from sentencing notes and oral submissions from both the prosecution and defence for which I am most grateful.
5. I also have to sentence you for four other offences
 - (i) Assault by beating
 - (ii) Making a threat to kill
 - (iii) Stalking, involving fear of violence
 - (iv) Possession of a bladed article

Brief facts

6. Kulsuma Akter was born on 2nd April 1997 and was aged 27 years at the date of her death.
7. You met and married Kulsuma in Bangladesh and you moved to UK in March 2022 having finished your degree in English Literature to do a course in marketing at the University of Bedfordshire. You travelled on a student visa with Kulsuma accompanying you. Whilst you initially lived in Dunstable but then moved to Burnley at the end of July 2022, Kulsuma lived with her brother Akhtar in Oldham and worked at Park's bakery.
8. When Kulsuma blocked your messages you went to see her in Oldham on 4th August. You had bought a knife and brought it with you. You went to her work place then when you could not find her you went to tram station in front of where she was living and stayed there all day waiting for her. When the Police found you were in a half-conscious state. When asked about matters at the hospital you said that you felt like you would kill her and that when you fought with her you felt like you were going to kill her and/or yourself. You were advised to go to the GP which you never did.
9. You had a marriage celebration on 7th September 2022 and began to live as husband and wife at 164 Chadderton Way, Oldham.
10. In January 2023 Kulsuma fell pregnant.
11. In July 2023 there was an argument which resulted in Kulsuma leaving the house as she believed that you had divorced her by screaming (as you described it) Talaq three times at her. She went to her family and you messaged her and were constantly calling, telling her that you were going to do crazy things because she was with them and not at home, you kept asking her where the kitchen knife was. Given what you were saying about knives the family were worried for your safety as well as Kulsuma's and called the Police.
12. I now turn to the events of 23rd and 24th November 2023 which resulted in counts 3 and 4.
13. Kulsuma was on maternity leave and received a text from a colleague at work asking if she was working. It was your habit to check her phone and such was your controlling behaviour she needed to ask for your permission before she went to meet anyone, even her family.
14. The message incensed you and sent your jealousy into overdrive. You threw her phone against a wall and assaulted her, slapping her face whilst she held your son on her lap. You also held a knife to her throat stating "I am going to murder you

and the police will be taking me” and “tell me what your relationship is with him or I will kill you”.

15. Kulsuma then acted very sensibly in calling the police and locking herself in the bathroom when they came. She set out in her statement that she was very frightened when you were holding the knife as she believed what you were telling her. She told the Police that because of how scared the incident had made her feel she do not want to stay with you.
16. As a result of what she knew of your behaviour Kulsuma was she able to predict to her sister in law “I will be Killed” and “ you may find my dead body someday” and asked her sister in law that if you killed her would she look after your son.
17. You were arrested and detained and it speaks volumes of your attitude to the law that when given permission by the Police to make a phone call to your brother you told him to make with Kulsuma. Subsequently you were to ignore your bail conditions not to contact Kulsuma directly.
18. Kulsuma was found a place in a refuge. The state had done what it could to protect her from you. But she made a mistake in posting a message which allowed you to track her location. It is indeed a sad fact that it can be very difficult to entirely protect a woman in a refuge from a determined and cunning man intent on confrontation.
19. Kulsuma settled into the refuge and made some friends. Her family arranged for you to see your son on a couple of occasions as you not adequately pursued your ability to do through social services.
20. At this time neither your professed love for Kulsuma or your depression prevented you from being on Tinder to try and find a date.
21. Next you threatened the five family members of Kulsuma’s family who live in the UK you messaged Kulsuma’s brother stating “if I do not get my family back by the 1st I will kill everyone” and messaged Kulsuma on snapchat stating “ I will kill 5 of them”. You then did a daily countdown. As Kulsuma stated to her social worker Amy Tucker the threats made her worried about her family, mentally disturbed and stressed.
22. You then travelled from Oldham to Bradford so that you could confront her. In the late evening of 28th March you were captured on CCTV loitering in the area of the refuge.
23. The next day (so the 29th March) you sent Kulsuma a Snapchat video of the Bradford Interchange Railway Station with a message saying that you had come to her town and 20 minutes later a video message showing the outside of the refuge. You wanted her to know that you knew had tracked her down.

24. You were cunning enough to use snap chat so that messages disappeared after they were read
25. When Kulsuma reported your messages to social Services they knew that she was no longer safe there and they arranged for her to move refuge. It is a said fact that had she not been tricked out of the refuge by you on the Saturday afternoon she would have been moved to another refuge on the Monday.
26. Tuesday 2nd April you were again back in Bradford and loitering in the vicinity of the refuge. You then bought a new mobile so that Kulsuma would not recognise your number and made the first of five false but quite convincing messages from GP Health Centres about vaccinations for your son in attempts to trick her out of the refuge. You also instructed also your brother to say that you were at the airport. Your attempts to get Kulsuma to leave the refuge were unsuccessful and you checked into an hotel in Bradford overnight.
27. 3rd April you were still in Bradford and sent the third, fourth and fifth false medical appointments but were still unable to get Kulsuma out of the refuge.
28. On 4th April 2024 (Thursday) you started to make arrangements to go to France by taxi (although you had no visa). You were told that they pick up from Birmingham and the next pick up is on Monday (8th April). You said that you would call after fixing the date. I am satisfied so that I am sure that you were planning to get out of the country if you attacked Kulsuma.
29. On Saturday 6th April you came back to Bradford arriving just after 11.30am. You had a knife with you. You loitered in the area around the refuge for three and a half hours waiting for Kulsuma to come out.
30. As she was convinced that you were in Spain Kulsuma came out of the refuge with a fellow resident; known for the purposes of this case as Jordan Palmer at 3.00 to go to the local Bazar to buy some henna.
31. When Kulsuma got to the bazar she was met with you coming out.
32. As her friend said she was shocked to see you because you brother had told her you were in Spain.
33. It is obvious that Kulsuma then tried to head back to the refuge. You are seen walking with her and eventually you both stop outside a general store. Your interaction is caught on CCTV. You move the pram and are seen to be waving a finger at her. I have no doubt, fearful of you as she no doubt was, that she said nothing to provoke or annoy you.

34. At 3.16 pm you pull a knife out of your pocket and attack her in the full view of passersby. You stabbed her deliberately targeting her front and when she was on the ground you stamped on her before finally cutting her throat. The footage is very distressing to view.
35. She sustained 26 wounds; 15 stab wounds (one to her neck, a shocking one through her face, a 8cm deep wound to the upper chest and 12 others). There were also 11 incised wounds. Her injuries included defensive-type sharp force injuries to the back of the left hand and the left arm; caused as she tried to fend off the knife. The most significant injury was the stab wound to the neck partly which cut the windpipe and jugular vein.
36. The nature and extent of your attack proves beyond all reasonable doubt that you intended to kill Kuluma.
37. Jordan Palmer was terrified that you would attack her and unsurprisingly given the busy location the attack was witnessed by members of the public; six of whom gave statements which were read to the Jury.
38. You calmly walked off; significantly showed no interest in your son who on your evidence you were missing badly, throwing the knife into a nearby car park.
39. Kulsuma was helped by Dr Suleman and his wife Asiya who saw a large group on the pavement and Kulsuma on the floor. They tried to do the best but the reality was that the wounds you had inflicted were unsurvivable; as was your intention.
40. As attempts were being made to save Kulsuma's life you were walking to the city centre to catch a bus. You made a 10 minute WhatsApp call to your mother during which you did five things; you made three financial transactions transferring £800 to your brother, booked an UBER to Birmingham and got on a bus (the CCTV from the bus showed that, to say the least, you were not obviously distressed when you got and sat down). You then put your phone in airplane mode so as to avoid being located.
41. I have no doubt that you have a far greater memory of the attack and its aftermath than you told the jury.
42. By the following day, Sunday 7th April you had travelled south to Aylesbury and were caught on CCTV buying new training shoes and a mobile phone whilst accompanied by another man. You have your hood up to hide your face.
43. You made attempts to avoid being recognised before you could leave the country. You changed your facial appearance, shaving your beard and cutting your hair and wore a different coat, different trousers, and different footwear, changing from red training shoes to the black ones you had bought.

44. You were then unlucky. You had problem with your jaw which had locked on previous occasions and whilst yawning you dislocated it again; but for this I have doubts you would have been apprehended before you left the Country. You went to Stoke Mandeville to get some emergency treatment and although you have a false name you were eventually arrested in the car park in the early hours of the 9th April.

Schedule 21

45. For the grave offence of murder there is only one sentence prescribed by law that is imprisonment for life. That is the sentence I shall impose upon you in due course. However, I am required to determine the minimum period you should serve in prison before you are eligible to be considered for release on parole.
46. It is most important that you and everyone concerned with this case should understand what the minimum term means. The minimum term is not a fixed term after which you will be automatically released but the minimum time that you will spend in custody before your case can be considered by the parole board. It will be for the parole board to say at that time whether or not you will be released. If and when you are released, you will still be subject to licence and this will be the case the rest of your life. If for any reason your licence were to be revoked you would be recalled to prison to serve your life sentence in custody.
47. In coming to the appropriate minimum term I must first decide where this case falls within schedule 21.
48. Here you took a knife to the scene to have it available to use as a weapon, so starting point is 25 years. I am sure that you had no thoughts of self harm on 6th April; the knife was bought and taken to the scene with only one use in mind.
49. Every case will be subject to its own specific and individual features of aggravation and mitigation and in all cases what must be achieved is a just result.. I turn to the relevant aggravating and mitigating factors.

Aggravating Features

50. The minimum term will reflect all your offences and other sentences will be concurrent. Two offences are of prior domestic abuse through violence and threats to kill. Such was your behaviour Kulsuma was able to predict her own death at your hands. You stalked Kulsuma when she was in the refuge, causing her to have a legitimate fear of further violence. I will not double count your behaviour reflected in these offences within other aggravating factors.
51. Your murder of Kulsuma was the most serious of domestic abuse offences. As set out in the relevant guideline such offences are rightly regarded as particularly serious within the criminal justice system because they represent a violation of the

trust and security that normally exists between people in an intimate relationship. Kulsuma was your wife and the mother of your son.

52. There was a significant degree of planning and premeditation with your repeated attempts to trick Kulsuma into leaving the safety of the refuge, with a new phone use to send false medical appointments and also getting your brother to lie about being in Spain. Also you made plans to leave the country after the attack.
53. You acted in breach of bail conditions by going to Bradford on the 6th April; conditions specifically designed to protect Kulsuma.
54. It was a sustained and excessive violent attack and Kulsuma suffered mentally and physically before her death as she tried to protect herself.
55. The attack was in public in a busy city centre location on a Saturday afternoon a shocking event which any of those involved are unlikely to ever to forget.
56. You took careful steps to avoid apprehension before you were arrested after having little option but attend hospital.

Mitigation

57. You had no previous convictions, cautions, warnings or reprimands before these offences were committed.
58. I turn to your mental health. The Jury rejected the defence of diminished responsibility. However if an offender suffered from a mental disorder which (although not substantially impairing the ability to exercise self control) lowered his or her degree of culpability that may be a mitigating factor.
59. I have carefully considered whether the depression you were suffering lowered your culpability for the murder.
60. You had moderately severe depression that solely arose initially from the effects of your own controlling and coercive behaviour and then was aggravated by your criminal behaviour and in particular when your assault and threats to kill Kulsuma led to her being in a refuge and not with you and under your control. I bear in mind that Dr Farnham's analysis was to a degree dependent on information you have him which was not true.
61. As the psychiatrists agreed as distinct from any depression your personality included a tendency, I am satisfied a strong tendency, to be controlling, angry, jealous and possessive.

62. You understood the nature of your conduct and could make rational decisions but I have considered the extent to which the depression turned up the volume (to use Dr Farnham's phrase) or intensity of your personality traits and impacted on self control. Whether any affect on your mood, irritability, hopelessness, anger, control of impulse and emotions and or problem solving played any real part in your actions and affected your culpability.
63. I am satisfied that the contribution of depression to your murder of Kulsuma was very limited and so there is only a very limited effect on your culpability. You exaggerated your emotional state, and the extent to which you were missing your son, during your evidence and never had any intention to harm yourself. You were able to carefully plan how to engineer an opportunity to confront Kulsuma and tried by clever false messages and even a fake Instagram of you in Spain to try and trick her out of the refuge over a number of days travelling back and forth to Bradford. You bought the knife with one purpose in mind. This was calculating behaviour. You also made arrangements to get out of the country and your actions after killing Kulsum were calm and collected. You never lost self control.
64. Any proper balancing of the aggravating and mitigating circumstances requires a substantial uplift from the starting point; anything other than that would be wholly wrong.
65. I turn to the other offences.

Guidelines and other offences

66. Threats to kill. In my judgment this is category A1 in the relevant guideline as there was a knife used, it caused serious distress to Kulsuma and had a considerable practical effect as she had to leave her home. The starting point is 4 years custody. It was aggravated by being an offence of domestic abuse and I would also reflect the assault offence for which I would have posed a concurrent sentence in any event.
67. Stalking. In my judgment this is on the border between category B1 and C1. It was intended to maximise fear and distress.
68. You have the mitigation of no previous offences.
69. You also pleaded guilty to having an article with a blade or point. This was an essential ingredient within the murder offence and reflected within the starting point chosen.
70. I have into account the principle of totality when considering impact of these offences on the minimum term.

Credit for time on remand

- 71. Credit must be given for time on remand.
- 72. You will have spent 467 days in custody for this offence.

Associated matters

- 73. I direct that if the surcharge applies in this case in respect of any of you it should be drawn up in the appropriate amount.
- 74. A transcript of these sentencing remarks be attached to your file for the benefit of the Parole Board.
- 75. I also wish to praise the brave actions of the members of the public involved and in particular I commend the actions of Dr Suleman and his wife and also the work of the emergency services and of the Police. Everything that could be done was done to try and save Kalsuma's life.
- 76. I also wish to publicly recognise the work of the West Yorkshire Homicide and major enquiry team in the apprehension of the Mr Masum before he left the country and the investigation of the offences; just one element of which being the obtaining and viewing many hundreds of hours of CCTV. A very considerable amount of dedicated work has gone into securing justice for Kulsuma Akter.

Sentence

- 77. Stand up please.
- 78. On 6th April 2024 you attacked Kulsuma Akter, your wife in the centre of Bradford on a busy Saturday afternoon stabbing her to death. You had spent days stalking Kulsuma and trying to trick her out of the safety of a refuge so you could confront her. She was in that refuge because of your violence and threats. Your intention was that if she did not come with you that you would kill her.
- 79. After several unsuccessful attempts you succeeded by getting you brother to lie to her that you had gone to Spain. You then had what you had been waiting for; the chance to confront her. Within fifteen minutes you had viciously and mercilessly attacked her in plain view of passersby. You stabbed her 26 times; including slitting her throat and stamping on her. You then calmly walked off, leaving your son who you claimed to be missing so much in his pram. You changed your appearance

travelled to the south, staying with friends and, I have no doubt were ready to flee the country when a visit to a hospital led to your arrest.

80. Having considered the entirety of the evidence I am sure that you can very properly be described as violent, self centred, jealous, controlling and coercive with a firmly held view that your wife was not your equal and should do what you say.
81. You stole a very precious young life in a brutal and merciless fashion because of your self interest and refusal to accept Kulsuma's right to live a life free from your violence and controlling behaviour.
82. You have shown no real remorse; just self pity.
83. For the murder of Kulsuma Aktar I sentence you to life imprisonment. You will serve a minimum term of 28 years less the 467 days you have served on remand.
84. For the offence of assault by beating there is a concurrent sentence of 21 days.
85. For the offence of making a threat to kill there is a concurrent sentence of 4 years.
86. For the offence of stalking, involving fear of violence there is a concurrent sentence of 18 months.
87. For the offence of possession of a bladed article there is no separate penalty.
88. I order destruction of the exhibits in a list to be submitted.
89. Take him down.