



Rex

v.

Abbas HUSSAIN

Sentencing Remarks

1. Abbas Hussain, the jury have found you guilty of the manslaughter of Mohammed Isa Afzal. The jury have also found you guilty of having an offensive weapon with you in a public place on the same occasion. That weapon was the knife which you used to kill Mr Afzal.
2. The evidence which I have heard is that, for some reason, Mr Afzal bore a serious grudge against you. That is why, when he saw you driving your car along Manchester Road in Bury, he turned round and followed you into the car park at Power League, where you had planned to play football with your friends, and he got out of his car and approached you with a baseball bat. I have no doubt that Mr Afzal intended to inflict serious violence on you.
3. You got out of your car and Mr Afzal swung the baseball bat at you twice. He hit you twice but, fortunately, he caused no serious injury. You produced the knife and stabbed him in the arm. He ran away and you chased him. He dropped his baseball bat and your friend, Mohammed Rayhan, picked it up.
4. You chased Mr Afzal to the exit from Power League and then back towards his car. As Mr Afzal approached his car, your other friend, Biryan Ak, brought him to the ground. That gave you the opportunity to run towards Mr Afzal while he was on the ground and to stab him a further 7 times in 4 seconds.
5. Given that you stabbed Mr Afzal so many times, and given the nature of the wounds which you inflicted, I make clear that I will sentence you on the basis that I am sure that you intended to cause Mr Afzal serious bodily harm, but that you had lost your self-control.

6. You ended Mr Afzal's life and you brought grief and misery to his family and friends. Mr Afzal's father and his cousin have made very eloquent statements in which they have spoken movingly of the profound loss which you have caused. For instance, Mr Afzal's father has said that the grief which they carry is overwhelming and that their family life has been shattered beyond recognition. I have taken account of everything which they have said.
7. As you have heard, there are sentencing guidelines which apply to cases of manslaughter. These say that the starting point in your case depends upon the level of your culpability, as to which there is a dispute. I have concluded that this is a case of medium culpability, with a starting point of 8 years' custody, although a case which falls above the mid-point of the range for a medium culpability case.
8. On the one hand, Mr Afzal's assault on you, against what you understood of the background of his violence and threats towards you and your family and friends in the preceding years, amounted to a very high degree of provocation, although I bear in mind that that provocation ceased when you began to chase him and he dropped his baseball bat.
9. On the other hand, you were carrying the knife, which you described as a "Call of Duty style" knife. You were not planning to commit any criminal act specifically on 1 August, since you were not expecting to encounter Mr Afzal that evening, but you were carrying the knife in case you met him and, in accordance with my legal directions, the jury found that you had the knife with you intending to use it to cause injury to the person, so you were planning to use the knife if and when the occasion arose. The commission of offences by people who carry knives is a very serious matter.
10. For the sake of completeness, I should say that I do not consider that this is a case of loss of self-control in circumstances which only just met the criteria for a qualifying trigger.
11. If the statutory surcharge applies, the order can be drawn up accordingly.
12. The aggravating factors are that:
 - (1) When Mr Afzal was lying on the ground, unable to defend himself, you stabbed him not once, but 7 times, with two of the wounds which you inflicted each being capable, in themselves, of killing him.
 - (2) Moreover, one of those wounds was inflicted by you stabbing Mr Afzal in the back.
 - (3) You caused at least mental suffering to Mr Afzal.
 - (4) You did all of this in a public place, in front of many young men who were playing football nearby.
 - (5) You changed your clothes and disposed of the knife and your mobile telephone.
13. The mitigating factors are as follows:
 - (1) You have no previous convictions.

- (2) You were in employment and several people have told me about your good character.
 - (3) You have shown remorse for your actions.
 - (4) I am not sure that you intended to kill Mr Afzal, rather than to cause him really serious bodily harm.
 - (5) You were only 19. The pre-sentence report states that you do not lack maturity for your age, but 19 is still comparatively young.
 - (6) Your conduct in prison has been good and the pre-sentence report indicates that you present a good prospect of rehabilitation and a low risk of re-offending.
14. There are two other factors which have been advanced as mitigating factors:
- (1) As I have already mentioned, you have said that there was a history of significant violence or threats of violence by Mr Afzal towards you and your family and friends, which you had either witnessed or been told about. Indeed, you said that that was why you were carrying the knife.
 - (2) Mr Afzal initiated the violence. Although the jury rejected your defence of self-defence, it was accepted by the Crown that you needed to act in self-defence at the start of the incident, when you stabbed Mr Afzal for the first time.
15. However, I have already taken these factors into account in deciding on the level of your culpability under the sentencing guideline. It would be wrong for me to double-count these factors.
16. I do not consider that you meet the statutory test for dangerousness. This was your first offence and it appears to have been a one-off offence because there was a particular issue between Mr Afzal and you. There is no evidence that you are likely to be violent towards anyone else. The pre-sentence report says that you are assessed as posing a high risk of serious harm to the public, but it also says that the assessed probability of proven re-offending for a seriously harmful offence is low.
17. Your offence of manslaughter is so serious that only a custodial sentence can be justified. The least possible sentence I can impose, having regard to the seriousness of the offence, is:
- (1) 7 years' detention in a Young Offender Institution for the offence of manslaughter; and
 - (2) a concurrent sentence of 12 months' detention in a Young Offender Institution for the offence of having an offensive weapon with you in a public place.
18. Your total sentence is therefore 7 years' detention in a Young Offender Institution.
19. The time which you have spent in prison on remand will count towards your sentence.
20. You will be released from custody no later than two-thirds of the way through the sentence, namely after 4 years and 8 months, and the remainder of the sentence will be

served on licence in the community. You must comply with all of the conditions of your licence, failing which you will be at risk of recall to prison to serve the remainder of the term in custody.

Mr Justice Lavender

24 April 2026