



JUDICIARY OF
ENGLAND AND WALES

**BRADFORD CROWN COURT
T20137120**

**R
-v-
AMANDA HUTTON
&
TARIQ KHAN**

SENTENCING REMARKS OF HIS HONOUR JUDGE THOMAS QC

You Amanda Hutton are 43 years old. You are the mother of Tariq Khan who stands in the dock with you today.

You Tariq Khan are 24 years old and the eldest of Amanda Hutton's 8 children who were all born from the same long running relationship that she had with your father Aftab Khan.

Neither of you have anything previously recorded against you for the purposes of this sentencing exercise and that lack of previous adverse findings is a mitigating factor in each of your cases.

You Amanda Hutton are to be sentenced for several offences, all arising from your terrible failures to fulfil the most basic responsibilities that you, as their mother, should have fulfilled. Those offences are as follows:

Count 1. Manslaughter. That is the Unlawful Killing of your then 4.5 year old son Hamzah by reason of your gross negligence in failing to provide him with anything like adequate nourishment over a long period of time. In short you starved him to death.

Count 2. Preventing the proper burial of Hamzah over a period of almost 2 years following him being starved to death by you and you being afraid to report his death because of your fear of being found out as his killer.

Counts 3, 4, 5, 6 & 7. Five offences of cruelty in relation to your other five young children who lived with you between the beginning of 2009 and 21st September 2011. A period therefore not far short of 3 years when on an ever declining scale you failed your young children, causing them to live in quite appalling conditions of squalor which understandably shocked even the most seasoned of Police Officers who

attended your home in September 2011. That was of course when finally what had been happening behind your largely closed door was unearthed through the commendable diligence and persistence of that young Community Support Officer Jodie Dunsmore

You Tariq Khan, being aged almost 21 years old at the date of Hamzah's death in December 2009 joined in with your mother in the concealment of Hamzah's death and over a very long period of time you played a culpable part in preventing his proper and lawful burial. You therefore are also to be sentenced on Count 2 of the indictment.

In terms of these proceedings you both pleaded Guilty to all of these offences save for your persistent and very unrealistic denial Amanda Hutton of Count 1. That denial of course led to a trial before a jury over the course of the last three weeks where the disturbing facts of this dreadful case were so vividly rehearsed. Although therefore there is no credit to extend to you for any admission of guilt in relation to Count 1 there is some limited credit to extend to you from an application of the Sentencing Guideline Council's Definitive Guideline re 'Reduction in Sentence for a Guilty Plea' in relation to Count 2 & Counts 3 to 7. However, that credit is diminished because you falsely sought to limit your pleas to Counts 3 to 7 to a false basis that allowed you some latitude to persist with your denial of the unlawful killing of Hamzah. (I will say more about this in due course.) Further, it is correct to note that you had very little option but to admit Count 2 and Counts 3 to 7 because of what you must have realised was impossibly overwhelming evidence of your guilt on those Counts. Despite that overwhelming evidence you did not in fact enter your Guilty pleas until after the Plea & Case Management Hearing. All these factors mean that the credit that can be attached to your pleas of Guilty is limited.

Similarly your plea of Guilty Tariq Khan was entered at the same hearing as when your mother pleaded Guilty and also in the light of the overwhelming evidence against you. The credit to attach therefore to your Guilty plea to Count 2 is also therefore diminished for these reasons.

Before coming to some of the detail of this case I will make some further preliminary observations about this sentencing exercise and the framework for it.

Firstly, the offence of manslaughter triggers in law a consideration of the provisions of Part 12, Chapter 5 of the Criminal Justice Act 2003 (as amended by later legislation). Although you Amanda Hutton must be regarded as a real danger to any child with whom you may live, or in any way have care of in the future, the possibility of you ever in fact being in the situation of caring for a child is so remote as to mean that the legislative provisions to which I've just referred are not engaged.

In sentencing you Amanda Hutton for a total of 7 offences I obviously have to consider the Total Sentence to which you are to be subject whilst also properly passing appropriate sentences to reflect the various separate parts of your offending. I will say now that with these considerations in mind I intend to pass consecutive sentences for Count 1 (your unlawful killing of Hamzah) and Counts 3 to 7 (the cruelty to your other children over a period that not only predated Hamzah's death but also for the protracted period following his death). The sentence to be passed on

Count 2 (the prevention of Hamzah's burial) will be concurrent to all the other sentences.

Further, in relation to the sentencing framework within which I have to work, I need to apply the Definitive Guideline issued by the Sentencing Guideline Council on the subject of Cruelty to Children to Counts 3 to 7. In doing so your offending falls towards the top bracket of cases identified at page 17 of that Guideline although there is some scope to describe your case as being 'protracted' within the meaning described in the second bracket at page 17. In any event the sentence to pass on those counts needs to reflect the limited credit for the pleas of Guilty to which I've already referred.

Finally by way of general comments I make it clear that this sentencing exercise is not an exercise in seeking to identify or explain how various Agencies failed to identify and act upon the very long term and severe neglect that you visited upon your children and which went as far as you literally starving Hamzah to death. Undoubtedly others will be enquiring into such matters and that is something beyond the reach of this Court. However, your deviousness and entirely purposeful conduct in keeping various Agencies away from you and your children, so that what you were doing was not discovered, must be a feature of this case that I should take account of in sentencing you today.

Although I could now trawl through the lengthy history of your conduct and culpability I will not do so in minute detail. It is not necessary to do so, especially when the details of your wicked actions have been displayed in such awful detail over the past three weeks in the trial that concluded yesterday. However, I will highlight some of the most telling points that inform this sentencing exercise today.

Firstly, the indictment upon which you have to be sentenced demonstrates a most fundamental and serious breach of any duty that an individual in decent society can owe to others. Namely the duty that a parent owes to her or his young children to take proper care of them. That duty involves various obligations from providing not just simple human love and affection but to all the practical matters that young children need from their parents. This indictment demonstrates your longstanding and wretched breaches of these most simple and fundamental requirements.

The squalor in which your surviving children were found in September 2011 was breathtakingly awful. An experienced consultant paediatrician who then visited your house following your arrest said "This home visit has revealed the most extreme example of neglect that I have encountered in my career." Similarly, experienced and seasoned Police Officers were similarly shaken by what they then saw. Although that state of affairs may represent the pinnacle of the dreadful conditions in which you and your children lived I am entirely convinced from the evidence that I have heard that the very unsatisfactory conditions in which you caused your children to live took root from the early stages of the indictment period in 2009. They did not only come about in 2011 or so as you falsely contended in your trial in an attempt to run the defence you ran in relation to Hamzah's death. This is the basis upon which I approach the sentencing exercise in relation to Counts 3 to 7.

Indeed, and turning to Counts 1 & 2 on the indictment (the unlawful killing of Hamzah and the prevention of his burial), it is apparent from the evidence that your unsatisfactory behaviour as a parent, towards Hamzah in particular, went back at least to his birth in 2005. It is clear by then that you had become addicted to alcohol. Your use of alcohol over the years gives a real insight into you as a parent. Namely, as was put to you in cross examination during the trial, that you placed your own selfish addiction to drink well before your responsibilities to your many children. Your partner and father of your children knew about your drinking and your lack of care of the children. He in fact seems to have done little in all reality to address your conduct so as to improve the welfare of his children. In fact it seems clear that he subjected you to some violence during the course of your relationship with him. Certain it is though he recognised your very extreme lack of care of Hamzah, including your failure to feed him, when you separated from him in December 2008 and when Hamzah was 3.5 years old. You of course recognised in your own evidence at trial that whatever the difficulties in your relationship with him that that was only background information in this case and gave no explanation or excuse for your care, or lack of care, of Hamzah and the other children.

It seems that for whatever irrational reason you took against Hamzah from an early age. Perhaps in fact from the very day of his birth. You have described his birth as difficult and traumatic and yet it is very clear from the evidence both Dr Ward and the obstetrician who delivered Hamzah that his birth, albeit a breech delivery, was straightforward and uncomplicated. Thereafter although you accepted some medical care from a midwife for the couple of weeks immediately following the birth you thereafter for the rest of his life (& indeed for almost two years after his death) kept Hamzah way from the outside world. That includes not only various professionals but also for instance your neighbours who were taken aback in September 2011 when the door to your house was finally opened and they learned after almost 2.5 years of you living next door to them that there were young children living there who they had never see before. From all the evidence that I have heard I have no doubt that the reason for you purposefully keeping Hamzah away from everybody was because you were failing to nourish him and provide him with even the most basic food. It is entirely clear from the medical evidence that your failure to feed Hamzah was a longstanding feature of his short and unhappy life and lasted for years, beginning well before you moved away from Aftab Khan in late 2008. That failure must then have persisted during the whole of 2009 when you had sole care of him and leading up to his death in December of that year. The most telling and awful fact in this case that speaks volumes about how you starved Hamzah is that when his mummified remains were found he was comfortably clothed in a 'babygro' which was designed for a 6 to 9 month old child. Moreover, he was found in a cot wearing, at the age of 4.5 years, a nappy.

There is other telling evidence that shows your cruel attitude to Hamzah. In your interviews with the Police you spoke of him as being a difficult child and attributed behaviour to him that seems to have made you act cruelly to him. The evidence about you calling him a 'bastard' and punishing him for being naughty shows this feature of the case. For instance shutting him in a dark room and on one occasion piling some blankets upon the drawer into which you'd put him. Further, and importantly in the context of Count 1, purposefully feeding him even less than all the other children (who in fact received less than adequate food themselves).

So it is then that your case Amanda Hutton has to be regarded as a bad a case of unlawful killing of a child by a parent as it is possible to imagine. The Prosecution posed the question at the outset of the case, 'how is it possible in 21st century Britain for a 4.5 year old child to be starved to death?' Dr Ward in her evidence said that there were very few cases indeed in the medical literature of such a thing happening. Although it beggars belief that such a thing can happen it has of course happened here. It has done so through your purposeful, persistent and gross conduct in failing in that most basic and fundamental requirement that is upon every parent to feed her child adequately.

The sentence that will therefore be imposed on you is a total sentence of 15 years imprisonment. That will be made up of a sentence of 12 years on Count 1, a concurrent sentence of 2.5 years on Count 2 and sentences of 3 years imprisonment on Counts 3 to 7 which will be concurrent between themselves but consecutive to the 12 year sentence on Count 1.

I turn now to you Tariq Khan and the sentence to be imposed on Count 2. The indictment period in your case covers 2 years 9 months. That is the period of time that you, together with your mother, deliberately concealed Hamzah's death. You were almost 21 years old at the start of this period of time and 22.5 years old by September 2011 when Hamzah's body was discovered. You must bear some real responsibility for the concealment of Hamzah's body which in itself was a terrible & inhumane act but which also involved the true & obvious situation surrounding Hamzah's awful death being clearly revealed as it would have been with the Police and doctors making a contemporaneous inspection. However, I accept that you were in something of an awkward situation. You were the adult male figure in the household and the evidence seems to suggest that you were under the influence of your mother and that you were to some extent doing your bit to do what you could for your much younger siblings who were clearly getting inadequate care from her. The evidence suggests that perhaps without the limited care you gave in the household conditions would have been even the worse. You say, and this is the approach I take to sentencing you, that you supported your mother out of some misguided loyalty to her and because of the emotional blackmail from her to you that any reporting of Hamzah's death would split up the family and may even provoke her to cause damage to the other siblings. Further in your case it seems that your life has moved on positively during the last two years since Hamzah's body was found. You are in work and have a seemingly strong & stable relationship. Moreover, your siblings still have some contact with you and wish to continue that contact. Sending you to prison now therefore would in a sense inflict some loss and punishment on them. Therefore, although quite clearly a sentence of imprisonment must follow it can, given the current sentencing provisions, be properly suspended. The sentence of 2 years imprisonment that I pass on Count 2 in your case will be suspended for the next 2 years. Understand clearly that if you therefore commit any other criminal offence that carries the possibility of imprisonment within the next two years this sentence of 2 years will come into effect in addition to whatever sentence that is passed for that next offence.

4th October 2013