

The Queen

v

Hashem Abedi

Sentencing remarks

1. On the evening of Monday 22 May 2017 over 14,000 people, many of whom were either children or teenagers, attended Ariana Grande's concert at the Manchester Arena. At about 10.30pm, as the performance came to an end and the audience started to leave through the City Room in order to meet their families and friends who were waiting to collect them, the defendant's brother, Salman Abedi, detonated an improvised explosive device which caused both himself and 22 fellow human beings to be killed whilst many others were very seriously injured.
2. Although Salman Abedi was directly responsible for detonating the explosive device that evening, it is clear that the defendant had taken an integral part not only in the planning of such an event but in participating in its preparation.
3. At the time of the explosion Salman Abedi was 22 years of age, whilst the defendant was 20, having been born on 8 April 1997, and is now 23 years of age. Although their parents had been born in Libya, both the defendant and his brother were born and largely raised in the UK. Indeed, the family home was in the Fallowfield area of South Manchester. Moreover, in the autumn of the previous year whilst Salman was notionally studying for a degree in Business Management at Salford University, the defendant, having previously obtained a City and Guilds qualification in Electrical Installation, had dropped out of his BTEC course in Engineering.
4. At about the same time, some of those who knew the two brothers noticed that their behaviour had altered. They became more observant of their religion, more traditional in their dress and when Salman expressed his support for ISIS, the defendant had agreed with him.

5. It was during the 6-month period leading up to the incident at the Manchester arena that the defendant and his brother began to gather together the type of materials which were necessary for the construction of an improvised explosive device of the kind used in the subsequent explosion.
6. The explosive material which was used in the device was Triacetone Triperoxide, known as TATP, which required three essential ingredients; one of which could be bought over the counter at any pharmacy, whilst the other two ingredients were available over the internet, namely Sulphuric Acid and Hydrogen Peroxide.
7. Neither of these materials was purchased by the two brothers in their own names, rather they were purchased in the names of members of their family or friends who were unaware of the reason why these purchases were being made.
8. In the period between January – March 2017, whilst the defendant unsuccessfully sought to persuade three individuals to purchase Sulphuric Acid for him, he successfully persuaded three others to do so and in this manner obtained 16 litres of the chemical. The subterfuge which the defendant used for the purpose of persuading these individuals to make the purchases was that he needed it for a car battery.
9. Likewise, in March and April 2017, whilst four unsuccessful attempts were made to purchase Hydrogen Peroxide, two successful purchases were made and in this manner 55 litres of the chemical was obtained. It is apparent from the electronic material which was meticulously gathered during the course of the subsequent police investigation that both the defendant and his brother were integrally involved in these purchases, the latter of which was made using an email address which had been created for the purpose namely bedab7jeanna@email.com which translates as meaning, “We have come to slaughter.”
10. The manufacture of the TATP by the two brothers took place at a location about half an hour’s drive away from the family home at Somerton Court, Blackley in North Manchester, in a flat which was rented both for this purpose and also for storing other necessary items which the defendant and his brother had gathered during this period. These included metal oil and pizza sauce tins which the defendant obtained from his employer, some of which were fashioned by him into prototypes of objects which were eventually used in the explosive device, including a small tin

container and detonators, together with large quantities of metal hardware such as nails and screws consistent with the type of material used in explosive devices for the purpose of causing maximum injury to people in its vicinity when it is detonated.

11. On 15 April 2017, after the manufacturing process had been completed, the TATP and the other items were transported from the Blackley flat and placed into a Nissan Micra motor vehicle which had been purchased by the defendant in the previous two days for the purpose of storing them in a car park at Devell House in the Rusholme area of South Manchester, pending Salman Abedi's return from Libya about a month later on 18 May 2017, just four days before the explosion.
12. Although the improvised device which was used in the subsequent explosion at the Manchester Arena was assembled after Salman Abedi had returned to the UK using materials most of which were purchased by him during this four day period, I am entirely satisfied that he was only enabled to do so as a result of the extensive preparation work which had been undertaken by the defendant and himself leading up to their departure from the UK a month earlier. Moreover, not only was part of the metalwork used in the improvised device that which had been obtained by the defendant from his employers, but in particular the explosive material which was used in the improvised device was the TATP which had been manufactured by the brothers before their departure to Libya.
13. I am equally satisfied that the decision to detonate the improvised explosive device at the concert to be given by Ariana Grande, a singer who was renowned as having a following amongst children and teenagers, had already been made whilst the defendant had been with his brother in Libya, as on the very day of his return to the UK, not only did Salman Abedi visit the location where he and the defendant had left the Nissan Micra motor vehicle in Rusholme, but he also visited the City Room at the Manchester Arena.
14. In the event when the improvised explosive device was detonated on the evening of Monday 22 May 2017 there were over 350 individuals within the City Room, 22 of whom were killed and over 260 were physically injured, many of those very seriously, whilst many more suffered from the psychological effects of the incident. Of those who died in the explosion the vast majority died instantaneously, the others dying shortly

afterwards despite the best efforts of their families, friends and the emergency services to save them. The cause both of the deaths and of the physical injuries to those who survived was due to the high velocity impact of the shrapnel which had been contained within the improvised explosive device prior its detonation.

15. The defendant having been found guilty of 22 counts of murder, there is only one sentence which can be imposed upon him for these offences and that is a sentence of imprisonment for life which is the sentence the court imposes upon him in relation to each of those counts to run concurrently with one another. However, having done so it is necessary for the court to determine the appropriate length of the minimum term which he will have to serve before the Parole Board considers whether it is satisfied that it is no longer necessary for the protection of the public that the defendant should be confined, in accordance with sections 269, 270 and Schedule 21 to the Criminal Justice Act 2003.
16. If the defendant, like his brother, had been aged 21 or over when he committed these offences of murder the appropriate starting point under paragraph 4(1) of schedule 21 would have been a whole life order, not only because of the combination of the substantial degree of premeditation and planning involved in these murders but also because the motivation for them was to advance the ideological cause of Islamism; a matter distinct from and abhorrent to the vast majority of those who follow the Islamic faith.
17. However, because the defendant was under 21 years of age when he committed these murders, the effect of subsections (2) and (4) of section 269 of the 2003 Act is to preclude the court from imposing a whole life order upon him. Instead, paragraph 5(1) of schedule 21 provides that the appropriate starting point is one of 30 years.
18. Although this is the appropriate starting point it is necessary for the court to consider both the aggravating and mitigating factors which apply to this case and thereby determine the minimum term.
19. In so far as aggravating factors are concerned, although most of these are already subsumed within the criteria determining the appropriate starting point, it is to be noted that the choice of the Ariana Grande concert as the target for this incident is one in which the defendant and his brother will have readily appreciated the heightened risk of death and serious injury to those who were particularly vulnerable because of their young age. I am

satisfied that it was their intention to specifically target this age group; an aim in which they tragically succeeded, as almost half of those killed in the explosion were either children or teenagers.

20. Moreover, although the criteria determining the appropriate starting point includes the death of more than one person, the large number of individuals who were killed as a result of the explosion is a factor which in my judgment severely aggravates these offences. This is particularly so bearing in mind the even larger number of individuals whom this explosion was intended to kill, as reflected by the accused's conviction at count 23, and the large number of individuals who were very seriously injured as a result of their proximity to the explosive device when it was detonated; the accused's culpability for which will fall to be considered as part of the determination of the minimum term in relation to the sentence for the offences of murder, due to the fact that the sentence in relation to count 23 will run concurrently with the sentences for the earlier counts.
21. In so far as mitigating factors are concerned, one factor which does weigh in the balance in the accused's favour is of course that he has no relevant previous convictions. Moreover, I take some account of the conditions under which he was detained for part of the time whilst he was in Libya.
22. In contrast, the accused's age has largely been taken into account by reducing what would otherwise have been an appropriate starting point of a whole life order, to one of 30 years. Moreover, I have neither read nor heard anything about the defendant which would lead me to consider that any further reduction on account of his level of maturity or understanding would be justified. On the contrary, the defendant is obviously an intelligent young man equipped with all the necessary resources to make rational decisions.
23. In so far as his role is concerned compared to that of his slightly older brother, I am satisfied that although his brother may have been exhibiting more overt signs of radicalisation, the defendant supported those views. It is correct that, in contrast with some cases involving terrorism which come before the courts, there is in this case an absence of the type of internet based material which is often present. However, it is of note that in this case not only were the defendant and his brother adept at swapping Sim cards between their multiple mobile phone handsets, but because they took care to dispose of these items prior to their departure to Libya,

almost no internet based material has been able to be recovered by the police in the course of their investigation.

24. It is clear both from the material which was recovered from the family home and the accused's area of academic study, that the defendant had the essential knowledge of electrical circuitry which was an integral part of the production of the improvised explosive device. Moreover, although his brother was responsible for the final construction of the device used at the Manchester arena, the defendant had not only been responsible for purchasing and gathering some of the necessary materials for it, including part of the metalwork and the ingredients for the explosive substance, but he had been responsible for working on the prototypes of its essential components and was jointly responsible for the manufacture of the explosive material which was then stored ready to be used by his brother upon his return to the UK, by which time the target for their intended scheme had been chosen and all that his brother needed to do was to purchase and assemble the remaining items in accordance with the plans which had already been made by the defendant and his brother in the months leading up to the incident.
25. In these circumstances I am satisfied that, as the prosecution opened its case to the jury, the defendant and his brother were equally culpable for the deaths and injuries which were caused by the explosion. Indeed, it is apparent from the jury's verdict that they were satisfied that, despite the defendant having remained in Libya, he had not withdrawn from the joint venture with his brother. In this regard it is of note that after his return to the UK, Salman Abedi remained in regular electronic contact with Libya, including a four minute phone conversation during the course of his final journey to the Manchester arena, which I am satisfied was with the accused.
26. I have already explained the approach which I have taken in relation to the criminality involved in count 23, namely that it is subsumed within the determination of the minimum term in relation to the sentences for the offences of murder. Moreover, I propose to take the same approach in relation to the criminality involved in count 24. In this regard, it is of note that the relevant sentencing guidelines for the latter offence, which merely involves the likelihood of endangering life rather than the fact that death has been caused, and which is applicable to all offenders aged 18 and over, has itself an appropriate starting point of imprisonment for life

with a minimum term of 35 years, and a category range for the minimum term of between 30 – 40 years.

27. The stark reality is that these were atrocious crimes: large in their scale, deadly in their intent and appalling in their consequences.
28. Those consequences have been graphically described in the many victim impact statements which I have had to consider over the last two days concerning the diverse, talented and extraordinary individuals whose lives have either been extinguished or forever blighted by the physical and psychological effects of the explosion. Many of the survivors have explained their feelings of enduring guilt and shame at having survived these dreadful events. However human these feelings may be, I hope that in time they may be able to accept that the only individual who should have any such feelings is the defendant whose actions, together with those of his brother, were entirely responsible for those events. The despair and desolation of the bereaved families has been palpable; all of whom have felt as though part of their hearts have been torn from them.
29. I have no doubt that if the accused, like his brother, had been 21 years of age or over at the time of the explosion at the Manchester arena then not only would the appropriate starting point have been the imposition of a whole life order but, despite such mitigation as would have been available to the defendant including his relatively young age, this would have been the just sentence in this case bearing in mind the exceptional seriousness of his offending, including the young age of many of the intended targets and the large number of those both killed and very seriously injured.
30. However, as the court is precluded from imposing such a sentence, it is necessary for me instead, to determine the minimum term based upon an appropriate starting point of 30 years.
31. In this regard it is not only of note that two separate criteria under paragraph 4(2) of Schedule 21 exist in this case but, as I have already mentioned, the young age of many of the intended targets and the large number of those both killed and very seriously injured are severely aggravating factors in this case.
32. Furthermore, although some reduction would be required on account of the mitigation available to the defendant, including his relatively young age, as I have already observed, it is of relevance that the appropriate starting point under the relevant guidelines in respect of count 24 is one

of imprisonment for life with a minimum term of 35 years, with a category range for the minimum term of between 30 – 40 years, which is an offence, in contradistinction from the offence of murder, that does not necessarily involve the occurrence of death or injury taking place.

33. I bear in mind that the determination of the minimum term is a fact-specific exercise and that although the age of a defendant is always a relevant factor, the various starting points do not necessarily reflect the relative levels of maturity of particular individuals on a fixed mathematical scale; albeit there is nothing in this case to suggest that the defendant's level of maturity or understanding is below that which would be expected of his chronological age. Moreover, although schedule 21 sets out particular starting points, based upon both the age of the defendant and the circumstances surrounding the offence of murder, these form part of a continuum against which the final determination of the minimum term requires careful calibration.
34. In this regard, although the defendant was only 20 years of age when his 22-year old brother detonated the improvised explosive device, this was not an impulsive event which took place on the spur of the moment. On the contrary, it was the product of careful and extensive planning and preparation in relation to which I am entirely satisfied that both brothers bore equal culpability.
35. Bearing all these matters in mind and standing back from the statutory scheme so as to ensure that the overall sentence is proportionate to the criminality involved in these offences, both in terms of culpability and harm, I consider that the appropriate minimum term for the sentences of life imprisonment on each of the counts of murder is one of 55 years.
36. In relation to the remaining two counts on the indictment I am satisfied that for the reasons already provided, not only are the dangerous offender criteria in section 225(1)(b) of the Criminal Justice Act 2003 satisfied but that regardless of the power of the court to impose a sentence of imprisonment for life under the Criminal Justice Act 2003, the seriousness of each of these offences is such as that a sentence of imprisonment for life would be justified in any event.
37. As regards to guidance in relation to the determination of the minimum terms for these offences, I have already set out the Sentencing Council's Definitive Guideline on Terrorist Offences relating to count 24. Although the then Sentencing Guideline Council had provided a Definitive

Guideline relating to offences of Attempted Murder, the Court of Appeal in *Kahar* [2016] EWCA Crim 568, has made it clear that due to the particular gravity involved in terrorist-related offences, this Guideline is not directly applicable and that for level 1 offences such as this, a minimum term of 30 – 40 years or more is appropriate.

38. Bearing these matters in mind, in relation to count 23 there will be a sentence of imprisonment for life with a minimum term of 40 years and in relation to count 24 there will be a sentence of imprisonment for life with a minimum term of 35 years.
39. The defendant is entitled to a deduction of 1024 days from this figure to reflect the time which he has already spent in custody for these offences, including the time he spent in custody awaiting extradition in respect of these offences. Therefore, the formal order of the court is that the minimum term is 52 years and 71 days and the relevant statutory surcharge will apply.
40. The defendant should clearly understand that the minimum term which he will serve in relation to the offences of murder is 55 years in custody. He may never be released, as that will only occur if and when the Parole Board is satisfied that it is no longer necessary for the protection of the public that he should be confined. Even if he is released, he will remain on licence and subject to recall for the remainder of his life.

Jeremy Baker J

20 August 2020