



JUDICIARY OF
ENGLAND AND WALES

SENTENCING REMARKS OF THE HON. MRS JUSTICE WHIPPLE DBE

In the Central Criminal Court

R v Danyal Hussein

28th October 2021

1. In the early hours of Saturday 6 June 2020, you brutally murdered Nicole Smallman and Bibaa Henry. The two sisters had been celebrating Bibaa's birthday with a group of friends. The evening was warm and the group had gathered in Fryent Country Park in Brent, North West London. The friends had gone home leaving the Nicole and Bibaa in the park enjoying each other's company. At 1.13 that morning, a photo on Nicole's phone shows them dancing together and playing with fairy lights in the darkness. By 1.26 that morning Bibaa's phone was locked as someone without the code tried to access it. That was you trying to access Bibaa's phone. You had found these two women. You were a stranger to them. You surprised them. You terrified them. You killed them.
2. Both women died from stab wounds. The injuries inflicted on them were appalling. Bibaa probably died first, suffering eight stab wounds. There was no sign that she tried to fight off her assailant.
3. Nicole probably died second. She suffered 40 stab wounds and incisions. She had wounds to her right hand and left arm that showed she had tried to fight you off. In that fight, your own right hand was seriously cut. She could not save herself or her sister from you.
4. You dragged both women by the feet into bushes nearby. Their backs were covered with abrasions where you had dragged them, dead, along the ground. Then you positioned their bodies in an embrace. This was to defile these women in death and to attempt to conceal what you had done.
5. You stole their phones. Data stored on one of the phones shows that you wandered around the park, trying to access that phone, without success. Then you threw both phones into a pond in the park, another attempt at concealment of evidence. You went home, getting back to your father's home at about 4.10am. You were half clothed and your hand was covered by your jacket.
6. The bodies of these two women were not discovered until the morning of Sunday 7 June 2020. By then, friends of the two women were looking for them and their close circle were very worried about them. It was Adam Stone,

Nicole's boyfriend, who found their bodies. What a horrifying sight he encountered. His victim impact statement talks of the ongoing mental torment, the trauma, and the images from 7th June. He says those images remain forged in his mind: *"I will never be able to un-see what I saw"*.

7. His and other victim impact statements, from Bibaa's father, aunt and daughter, and from Wilhelmina, mother of both girls, speak of the agony of loss of these beautiful and gifted women. The lives of these family members have been shattered. Wilhelmina talks of this "nightmare", of the impact on every day since then, of the horror of knowing the details of how they died, of having to put grief on hold because of this trial, and of being haunted by the knowledge of her children's suffering: *"I think that will disturb me for the rest of my life"*.
8. To lose two treasured family members and friends in this way is unimaginable. But you made that loss worse by your refusal to acknowledge your actions. You made those family members and friends sit through day after day of evidence at this trial; you admitted nothing. So the Court was subjected to lengthy evidence about your careful planning, about the extensive wounds inflicted by you causing death, about your efforts to hide the bodies and cover your actions, and about your apparent nonchalance after the murders. Anyone following this trial would have found those details harrowing in the extreme.
9. There are various aspects of the evidence which stood out during the trial.
10. First, there was the evidence which showed how you had meticulously planned these murders. On 3 June 2020 you ordered various items from Amazon, including a balaclava and two folding shovels. Later that day you went to Asda in Colindale where you purchased a knife block, including the knife which was found on the ground in the park, with blood stains all over it, and Nicole Smallman's DNA on it. Later that evening you went back to that same Asda store to buy some power tape. On 5 June 2020, you went to Morrison's on Edgware Road to pick up your Amazon purchases. You did not go home; you went straight to Fryent Country Park. These items were all in the rucksack you were carrying when you entered the park. They were all intended for use in the commission of these murders. The jury was sure of that: they convicted you of count 3, having an offensive weapon in a public place. You were wearing latex gloves as you entered the park because you knew what you were about to do. This was a calculated and deliberate course of conduct, planned and carried out with precision.
11. Secondly, there was the evidence which showed the extent of your dishonesty in trying to conceal your involvement in this crime. You tried to hide the bodies in the bushes. When you attended hospital, on two occasions, for treatment for the injury to your hand, you lied to hospital staff about how your hand had been injured. You told the doctor at Northwick Park Hospital that you had been attacked by a group of boys; and you told another doctor that you had been mugged. Neither story was true. On 16 June 2020, you lied to your bank when you reported various transactions as unrecognised. These transactions went back to 3 June 2020, and included the Amazon purchases, as well as the purchases on the two trips to Asda, another purchase when you

went to Morrison's to pick up the Amazon package, and the purchase of three lottery tickets which were found in your bedroom at your mother's house. The bank replaced your card. But there was no doubt about those purchases. They were all made by you. They were not unrecognised. They were yours. And you were trying to cover your tracks.

12. Thirdly, there is the evidence about your motivation. When your mother's house was searched, the police found in your bedroom a document which was called an agreement. It was signed as "me" with the name Danyal then written in your blood. This was your document. You had written a bargain between you and someone you called the mighty King Lucifage Rofocale. You promised him that you would perform a minimum of 6 sacrifices every six months for as long as you were free and physically capable. You said that you would sacrifice only women, build a temple for the king, and do everything that you had promised. In return, for you, the king would do things for you: you wrote in your agreement that you would win the Mega Millions Super Jackpot, receive fruitful rewards of wealth and power, and you would never be suspected of any crimes by the police, and that the police would never know of any crime that you had done and would do. I am sure that you performed these murders as part of that bargain which you thought would bring you wealth and power. Well, the wealth and power did not arrive; and nor did it happen that the police never found out about your crimes. Your DNA was all over the crime scene, there was a vast amount of CCTV to track you and other evidence to prove it was you, and your motivation became clear from the items found at your mother's house. You were tracked down and your plan failed. Bizarre though your pact with the devil may appear to others, this was your belief system, your own commitment to the murder of innocent women.
13. You were born on 10 May 2002. You were just 18 when you committed these offences. You turned 19 just before your trial.
14. There is only one sentence for murder for a person of your age and that is a sentence of custody for life, pursuant to s 275 of the Sentencing Act 2020.
15. I must determine the minimum term you will serve. That minimum term will reflect the totality of offending reflected by the three counts on the indictment.
16. Setting a minimum term is not the same as setting your release date. It is only on expiry of the minimum term that you will become eligible to be considered for release and that could only occur if you are no longer, at that point, a danger to the public.
17. The law does not allow me to impose a whole life tariff on you because you are not yet 21 years old.
18. The law does however provide a category for those cases where the seriousness of the offending is particularly high. That is the category into which your offending falls.
19. The starting point is 30 years under paragraph 3 of Schedule 21 to the 2020 Act.

20. This is just a starting point. In my judgment, in your case, a substantial increase above 30 years is justified. Even in the context of particularly serious offending, your actions exceed the baseline by some margin. You committed two murders, you acted with a substantial degree of premeditation and planning, and you committed these murders with the aim of personal gain.
21. There are other aggravating factors of which I take account. First, the time and location of this offending aggravate its seriousness: these murders were committed under cover of darkness and in the small hours of the morning, in a public place where the two victims of your crimes had every right to be. Secondly, you followed these crimes with repeated attempts at concealment of evidence and deception: you tried to hide the bodies in the hedgerow, you gathered up the picnic items so no one would see the obvious signs of these murderous attacks, you threw the phones in the pond, you got rid of your bloodstained trousers which were never recovered, you disposed of the other knives you had bought, you lied to hospital staff about your injuries and you falsely claimed that unrecognised transactions had passed through your account. Thirdly, you defiled these two women in death by moving them into the woods and positioning them together.
22. Further, you committed the separate offence of possession of a weapon in a public place, which must be reflected in the minimum term. That weapon was the knife which you took to the scene and used to commit these murders. On its own, that offence would fall within category 1A of the guideline, with a start point of 18 months in a range of 1 to 2 ½ years' custody.
23. Taking account of the considerable aggravation in this case, the minimum term for these appalling crimes, without taking account of any personal mitigation, would be in the region of 37 years.
24. As to mitigation: you were just 18 when you committed these offences, and they were your first offences, you have no previous criminal record. In one way, you have already benefited from your age, because your age makes it impossible for me to consider imposing a whole life sentence. I have had regard to the Guideline on Sentencing Children and Young People, which is not directly applicable in your case, but which informs the sort of reduction of sentence which might have been appropriate had you been just a month younger when you committed this offence. A modest reduction to the minimum term to reflect your age and lower maturity and insight is appropriate.
25. I have considered whether there is some mental disorder or disability which might serve to reduce sentence. There was no medical evidence put before the Court to explain your actions at trial. That was at your own insistence because your defence was that you were not there. That precluded any possibility of a psychiatric defence, which would have to be based on an acceptance that it was you who killed these women. For sentence, I commissioned an independent expert report from Dr Ian Cumming, consultant forensic psychiatrist. Dr Cumming confirmed the diagnosis of autistic spectrum disorder, a diagnosis

the jury were told about at trial. But ASD does not explain why you committed these offences and it does not explain your refusal to acknowledge your offending – you know what you did that night, and you chose to lie about it and conduct your defence on the basis of that lie. Dr Cumming suggested that aspects of mental illness may be present, that there may be some form of personality disorder, alternatively there may be a psychopathy (itself a difficult term to define). But none of these conditions is established. He puts these possibilities forward as areas to explore in an effort to explain the ‘striking oddness’ (his words) of these offences. I direct that Dr Cumming’s report should be made available to the prison authorities. Any further exploration of your condition or possible treatment can be considered by them while you are detained.

26. I assess your culpability for these offences as high: you planned these vicious attacks, you intended to kill, you did it for money and in misguided pursuit of power. I have had careful regard to Schedule 21, paragraph 9, and to the Guideline on Sentencing Offenders with Mental Disorders, Developmental Disorders, or Neurological Impairments published in October 2020. I have considered all the evidence adduced at trial, my knowledge of you from the trial, and the limited assessment that Dr Cumming has been able to conduct of your psychiatric state noting that you were resistant to Dr Cumming’s efforts to engage with you. I conclude that your culpability for this offending is not reduced by mental impairment or disorder.
27. I accept however that your ASD, and the possibility of other compounding psychiatric diagnoses, make you into a person who may struggle in prison, more than others might. That is something I take into account.
28. Danyal Hussein, for the murder of Nicole Smallman I sentence you to custody for life with a minimum term of 35 years. For the murder of Bibaa Henry, I sentence you to custody for life with a minimum term of 35 years to serve concurrently. For possessing a knife in a public place I sentence you to 18 months’ detention in a young offenders institution to serve concurrently. You will have credit for 484 days in custody served on remand.
29. I order the laptop, the ipad, the knife and the other paraphernalia found at the scene to be destroyed. The victim surcharge provisions will apply.
30. I wish to thank both legal teams for their outstanding work in the course of this trial. I wish to repeat my thanks to the jury for their careful consideration of the evidence and arguments in this most harrowing of cases. I wish to thank the court staff at the Central Criminal Court for their expert management of this trial and for helping the many people, journalists, friends and family, who have wished to follow it. Finally I wish to thank the family of Bibaa Henry and Nicole Smallman for the dignity they have maintained in Court for the duration of the trial and this sentencing hearing; no family should have to endure this.