

IN THE CENTRAL CRIMINAL COURT

THE QUEEN

-v-

KOCI SELAMAJ

SENTENCING REMARKS OF MR JUSTICE SWEENEY

On 25 February 2022 the Defendant, who is aged 36, pleaded guilty on re-arraignment to the murder of Sabina Nessa, a much loved 28 year old primary school teacher who, in the evening of Friday 17 September 2021, was killed by him, a complete stranger, during a predatory attack upon her as she was walking alone through Cator Park, in Kidbrooke in South East London, on her way to meet a friend. She was savagely beaten unconscious, dragged off the beaten track into an area of long grass, asphyxiated, and her body hidden.

Yesterday the Defendant refused to leave the prison to attend Court, or to attend from the prison via video link. He has also refused to attend today. However cowardly those refusals may be, I have no power to force him to attend. On the other hand, it is not disputed that his non-attendance is voluntary, and that it is appropriate to sentence him in his absence.

The sentence for murder is life imprisonment, but I must also fix the minimum term that the Defendant must serve before he can even be considered for release by the Parole Board. It may be that he will never be released.

The first aspect of the process of identifying the correct minimum term is the selection of the appropriate starting point. The Prosecution assert that the seriousness of the murder was particularly high because it was a murder involving sexual conduct and that thus, in accordance with paragraph 3 of Schedule 21 to the Sentencing Act 2020, the starting point should be one of 30 years. On 25 February 2022 the Defendant indicated, for the first time, that he accepted that the murder was sexually motivated, that no further evidence in relation to that issue was required, and that therefore the correct starting point was indeed 30 years.

Before going any further, I wish to make some general observations.

Sabina Nessa was the wholly blameless victim of an absolutely appalling murder which was entirely the fault of the Defendant – who has added to the sense of insecurity that people, particularly women, have living in our cities when walking or travelling alone, especially at night.

As her family's moving Victim Personal Statements make clear, Sabina's was a life that mattered. A life that did not deserve to be taken in such a heinous and cowardly way. She had every right, as her family say, to be walking through the park, all glammed up and going to enjoy herself after a long week at work. The Defendant robbed her and them of her life. As they record, she was an amazing role model who defied all norms, strove to be independent, and was powerful, fearless, bright and an amazing soul. She died in a way that no one should, and that will torment them all, and Sabina's friends, for the rest of their lives.

Equally, the Victim Personal Statement from Lisa Williams, the Head Teacher at the school where Sabina taught, makes clear that Sabina was an incredibly talented teacher, whose loss has had a devastating impact on the school at many levels. In particular, Ms Williams underlines that, for the rest of their lives, the young children at the school will be tormented by the fact that they had a teacher who was murdered.

I am conscious that there is nothing that I can do or say that can reflect the true worth of Sabina's life, or the depth of her loss to her family, friends, colleagues, and pupils. Nevertheless I want to express the court's sincere condolences to all of them, and to repeat the court's admiration for the brave and dignified way in which they have conducted themselves during these proceedings.

Quite apart from the Defendant's belated acceptance of sexual motivation, about which he has deliberately provided no detail, I am sure, from the combination of the following evidence, that the murder involved sexual conduct:

1. On Tuesday 14 September 2021 the Defendant booked an expensive room at the Grand Hotel in Eastbourne for the night of Friday 17 September 2021. Given that he lived nearby he had no need to do so, other than in the hope of sexual activity there.
2. In the late afternoon or early evening of Friday 17 September the Defendant arranged to meet his former wife. He was agitated and tried to engineer having sex with her in the back seat of his car, but failed.
3. Thereafter he drove to Brighton and drove around. There was no reason to do so, unless he was now looking for someone to have a sexual encounter with, whether consensual or not.
4. Having failed, the Defendant then drove up to Kidbrooke where, intending to have a non-consensual encounter, he went to Sainsbury's and bought, amongst other things, a rolling

pin – which was for potential use as a weapon, albeit that he ultimately chose instead to use the emergency triangle (which was heavier) which he thereafter collected from his car.

5. The defendant then walked into Cator Park and loitered there for over 20 minutes with his hood up and emergency triangle in hand – clearly waiting to select his prey for a violent sexual encounter.
6. He selected Sabina Nessa because she was an attractive young woman on her own.
7. As shown so graphically in the CCTV footage, the Defendant then approached her at speed from behind and savagely attacked her close to, and on, a bench. She tried to defend herself, as shown by the defensive injuries that she suffered, but he hit her some 34 times with the emergency triangle and rendered her unconscious. In the whole process, some of her ribs were broken, and her liver was damaged.. He then dragged her off the beaten track, and off camera, into long grass where he spent some-20 minutes with her in all – punctuated by a brief return to the bench to collect the emergency triangle which had been damaged in the attack.
8. During the 20 minutes or so that he was with Sabina in the long grass, and though it is not clear in which order, the Defendant asphyxiated her by compressing her neck (probably in an arm lock) for some 15-30 seconds, removed the tights and underwear that she was wearing (which involved removing her boots and then putting them back on), lifted up her clothes to expose the mid to lower parts of her body, lifted her top thereby exposing her bra, and posed her with her legs apart and her hands in the pockets of her jacket, before attempting to cover her body in grass and taking her tights and underwear (which were never recovered) with him when he left the scene – after using wet wipes to remove any trace of his presence on the bench.
9. Whilst there were no injuries to Sabina Nessa's private parts, and no evidence of the presence of any of the Defendant's bodily fluids, the removal of her tights and underwear, the way in which her outer clothing was moved, and the way in which she was posed were all to enable the Defendant to have intimate access to her. I can see no reason for those actions unless it was sexual conduct. Equally, the taking of her tights and underwear away from the scene was either because they were intimate trophies and/or was done to avoid any trace of him being found on them.
10. Finally, I have no doubt that the Defendant gained considerable pleasure from what he did.

Therefore, I agree with the parties that this was a particularly serious murder, and that the appropriate starting point for the minimum term is one of 30 years.

On his way back to Eastbourne after the murder, the Defendant dumped the emergency triangle in a river to the south of Tunbridge Wells. However, excellent police work led to his identification and arrest, to the finding of Sabina's blood on one of his trainers, and to the recovery of the emergency triangle. In interview he largely made no comment, other than denying responsibility for the murder.

The Prosecution assert that there are a number of additional grave aggravating features, namely:

1. A significant degree of planning and premeditation.
2. Previous violence by the Defendant towards his former wife, including episodes of assault and strangulation which put her in fear of her life
3. The circumstances of the attack, involving the targeting of a vulnerable lone female at night in circumstances which created considerable public concern about the safety of women (particularly in the aftermath of the murder of Sarah Everard just six months earlier).
4. The attempted concealment of the body, such that it was not identified until after 5pm the following day, thereby adding significantly to the distress of Sabina's family and friends

On the Defendant's behalf it is accepted that there was planning, and that there was previous violence by him as alleged by his former wife – making those occasions akin to previous convictions.. Equally, It is not disputed that the other matters relied upon by the Prosecution are aggravating features.

It is submitted on the Defendant's behalf that there are two mitigating features. The fact that he has no previous convictions, and his guilty plea.

It is a striking feature of the Defendant's case that, clearly deliberately, it is not suggested by him that he has any remorse for what he did to Sabina Nessa.

I have no doubt that that the Defendant's planning and premeditation is appropriately characterised as having been significant. Further, in my view, the Defendant's lack of previous convictions is more than cancelled out by his admitted previous significant assaults on his former wife. Against that background, ignoring for the moment the guilty plea, and being careful to avoid double counting, I have concluded that the additional aggravating features result in an increase of the minimum term from the starting point of 30 years to a notional minimum term after trial of 39 years.

Finally, I must decide the appropriate deduction to make to reflect the Defendant's plea of guilty on re-arraignment on 25 February 2021.

The relevant Guideline makes clear that, in sentencing for murder, careful consideration must be given to any reduction for a guilty plea and to the need to ensure that the minimum term properly reflects the seriousness of the offence. However, the general principles in relation to reductions for plea continue to apply, including that guilty pleas should be encouraged. The maximum reduction is one sixth or 5 years, whichever is less, which should only be given when a guilty plea has been indicated at the first stage of proceedings, and lesser reductions should be given for guilty pleas after that point, down to a maximum of one-twentieth for a guilty plea on the date of trial.

The Defendant did not indicate his guilty plea at the first stage of these proceedings. On the contrary, after a preliminary hearing before the Recorder of London on 30 September 2021, at which the trial was fixed for 7 June this year, he pleaded not guilty before Mr Justice Wall on 16 December 2021 (albeit after accepting that he was the person who had struck Sabina and rendered her unconscious). On 27 January this year the Defence confirmed that the Defendant was the attacker, but made clear that he did not accept having removed some of Sabina's clothing, or raising her dress, or that she was sexually exposed, or that the killing was sexually motivated. On 14 February this year the Defence indicated that he would be pleading guilty to murder at the hearing on 25 February, and it was at that hearing that the Defendant also accepted sexual motivation – albeit without providing any detail, whether then or since.

On behalf of the Defendant it is submitted that it is a point in his favour that he indicated his plea of guilty prior to receipt of the psychiatric report which his lawyers had commissioned. For the reasons advanced by the Prosecution, I do not accept that submission.

At all events, the prosecution submit that the deduction should be less than one-tenth, and the Defence submit that it should be around one-eighth to one-tenth.

Applying the principles to which I have referred, I have concluded that the appropriate deduction is one of 3 years.

In the result, I sentence the Defendant to life imprisonment with a minimum term of 36 years, less 191 days spent on remand. If found to be wrong, the number of days to count may be corrected administratively.

In addition, I make a Deprivation Order, under the provisions of Chapter 4 of the Sentencing Act 2020, in relation to the Defendant's Nissan motor vehicle registration DY 57 EKL, and a Surcharge Order in the relevant sum.