JUDICIARY OF ENGLAND AND WALES

IN THE CENTRAL CRIMINAL COURT

Sentencing remarks of
The Honourable Mr Justice Sweeney

The Queen

-v-

KHAIRI SAADALLAH

Khairi Saadallah is now aged 26, and is of Libyan origin.

He has pleaded guilty to the murders of James Furlong, who was aged 36 (Count 1); Joseph Ritchie-Bennett, who was aged 39 (Count 2) and David Wails, who was aged 49 (Count 3), and to the attempted murders of Stephen Young, aged 51 (Count 4); Patrick Edwards, aged 29 (Count 5) and Nishit Nisudan, aged 34 (Count 6).

The offences were all committed in Forbury Gardens in Reading in the early evening of Saturday 20 June 2020 when, using a knife with an 8" blade that he had bought for the purpose, and within an overall period of around a minute, the Defendant stabbed each of the victims in turn. Having jettisoned the knife, he got away from the scene, but was followed and was arrested.

The first four victims were part of one group of friends, and the other two victims were part of a second group of friends. The two groups were each doing no more than sitting in the Gardens, a focal point within Reading since the 18th Century, enjoying being able to be together on a summer's evening, as the restrictions of the first lockdown were relaxed - when, without warning, the Defendant attacked and murdered James Furlong, Joseph Ritchie-Bennett, and David Wails, each with a single thrust of the knife. His attack on them was so swift, ruthless, and brutal that none of them had any chance to react, let alone to defend themselves. It was only because of the loss thereafter of the element of surprise that the defendant's attempts to murder Stephen Young, Patrick Edwards and Nishit Nisudan failed.

The Victim Personal Statements, all of which I have considered and many of which were read so movingly in Court last week, speak volumes of the love and esteem in which James Furlong, Joseph Ritchie-Bennett and David Wails were, and always will be, held by their respective families, friends, and professional colleagues and associates, and of the devastating consequences for each of their loss. They all have the profound condolences and sympathy of the court and the public.

Further, the Victim Personal Statements made by Stephen Young and Nishit Nisudan explain the psychological impact on them of what the Defendant did, and statements made on behalf of Reading Borough Council and the local Police explain the adverse impact on the town and what has been done to address it.

The sentence for each murder, fixed by law, is one of life imprisonment.

The first issue that I must decide in the Defendant's case is whether, as the prosecution assert, the seriousness of the murders is exceptionally high, such that the appropriate starting point is a whole life order, or whether, as is asserted on the Defendant's behalf, the seriousness of the murders is particularly high, such that the appropriate starting point in determining the minimum term that the defendant must serve is one of 30 years.

In the alternative, it is submitted on the Defendant's behalf that even if the appropriate starting point is a whole life order, his mental disorder or disability should ultimately reduce the seriousness of the murders such that long minimum terms should be imposed rather than whole life orders.

The resolution of those issues is dependent on the facts of the case – as to which the Defendant has declined to give or to call evidence, and has made clear that he no longer relies on the evidence of the defence psychiatrist Dr Rix. In the result, it is agreed that, applying the criminal burden and standard of proof, I must decide the relevant facts - based on the written evidence that is before me and with the benefit of the submissions made on both sides.

Against that background, I am sure of the following primary facts:

1. In 2011, as a teenager in Libya, the Defendant was trained to fight and fought (for a period of at least 8 months) as a member of the extremist Islamic militia Ansar al-Sharia (which is now proscribed in this country) – doing so both during the uprising against the Gaddafi regime and after the fall of that regime.

2. When, in the autumn of 2012, the Defendant applied for asylum in this country, he lied about his role in Ansar al-Sharia, and as to the circumstances in which he came to part from them.

3. The Defendant held extremist Islamic views whilst in Ansar al-Sharia, and continued to do so, albeit with lapses (for example in relation to drink and drugs) up to and including the events on 20 June 2020 – as illustrated by his retention of militaristic images relating to his time in Ansar al-Sharia, his interest in the radical preacher Omar Brooks in 2017, the images that he viewed in 2017, 2018, 2019, and (using a Huawei phone) in the run up to 20 June 2020 (it being no coincidence that resultant cached images in June 2020 included "Martyrs of Volcano of Rage" and the Isis flag), and the writing that was found at his address, together with what he said whilst he carried out the offences and thereafter.

4. After his release from a prison sentence on 5 June 2020, the Defendant began to plan his attack and, by 15 June 2020, had identified Forbury Gardens as a potential venue for it. On 17 June 2020, he reconnoitred Forbury Gardens and confirmed it as the venue.

5. Against the background of his combat training and experience, the knife that the Defendant bought on 19 June 2020 to carry out the attack (which had an 8" blade) was chosen with care to ensure the maximum likelihood of swift fatal injury each time it was used.

6. The clothing that he acquired and wore on 20 June 2020 was intended to allow him to blend in with others in the Gardens so as to achieve maximum surprise when his attack was launched.

7. When the Defendant left home to carry out the attack, the knife was in the back pack that he took with him, together with a plastic razor. His intention, for the purpose of advancing his extremist Islamic cause, was to kill as many people as possible in as short a time as possible, and thereafter to escape - then to injure himself with the plastic razor in the hope that he could pass himself off as a victim.

8. On initial arrival at Forbury Gardens he went to the side gate from where he had a view of the two groups sitting on the grass and decided that it was them who he was going to attack. He then crossed over the adjacent road and went to the bin area next to some trees in front of the Veeno bar, where he began final preparations for his attack. He took off the rucksack, put the knife down his shorts, and then (clearly appreciating the incriminating nature of what he had been looking at on the internet since his release from prison) endeavoured to smash the Huawei phone. Leaving the rucksack, the plastic razor blade, and the smashed phone behind, he then set off to carry out his attack.

9. Having entered the Gardens, he waited until he was close to the first group and then commenced his attack with ruthless speed and brutality such that, as I have already indicated, James Furlong, Joseph Ritchie-Bennett and David Wails had no chance to react, let alone to defend themselves. Using his combat experience, in each of their cases the Defendant targeted a vulnerable area where a single thrust of the knife would, as he intended, inevitably cause death.

10. As I have also touched on already, it was the loss of the element of surprise that saved Stephen Young from the same fate, and (although the Defendant sprinted across to the second group) saved Patrick Edwards and Nishit Nisudan as well.

11. During the course of his attack and afterwards, and because he was seeking to advance a political, religious, or ideological cause the Defendant was shouting in Arabic “God is the greatest” and “God accept my Jihad”.

12. The Defendant managed to escape from the Gardens, jettisoning the knife as he went, and returned to the area outside the Veeno bar where, as planned, he cut himself with the razor and then endeavoured to make off. However, he was followed and arrested.

13. At the Police station he admitted, on a number of occasions, that what he had done was Jihad (in the sense used by extremists) and that as a result he was going to paradise.

A starting point of a whole life order is required if the seriousness of the offence (or the combination of the offence and one or more of the offences associated with it) is exceptionally high, and the Defendant was aged 21 or over when he committed the offence. Cases normally meeting the criteria include the murder of two or more persons where each murder involved a substantial degree of premeditation or planning; and a murder done for the purpose of advancing a political, religious, racial, or ideological cause.

Here the Defendant was over 21 and there are three murders. In the light of my findings of fact, I am sure that each involved a substantial degree of premeditation or planning, and that (in any event) each was done for the purpose of advancing a political, religious, or ideological cause. Further, I also have no doubt that the combination of all six offences make the seriousness of the Murders exceptionally high.

In the result, and notwithstanding the submissions made on the Defendant's behalf, I have concluded that, on each of Counts 1-3, the appropriate starting point is a whole life order.

As I have already indicated, in the event of that conclusion, it was submitted on the Defendant's behalf that he was suffering from a degree of mental disorder or mental disability which, in mitigation, and whilst not amounting to a defence, lowered his degree of culpability on Counts 1-3.

In considering this issue I have applied the Guideline in relation to sentencing offenders with mental disorders.

Having considered the evidence, including the evidence of the various psychiatrists who examined the Defendant on 21, 23 and 25 June 2020 and the compelling reasoning in the statements of the Prosecution psychiatrist Dr Blackwood, I am sure that the Defendant was not suffering from a mental disorder or mental disability which lowered his degree of culpability for any of the offences. Rather, although there are indicators that he had a conduct disorder in childhood, and meets the diagnostic criteria for an anti-social personality disorder and for moderately severe substance misuse disorder, it is clear that the Defendant did not, and does not, have any major mental illness. Indeed, as Dr Blackwood has rightly observed, to the extent that aspects of the Defendant's behaviour on 18 or 19 June 2020 caused concern to others they were the product of drug consumption, had resolved by the evening of the 19th and played no part in the events of the 20th. Instead, the offences were carried out in a pre-meditated, planned and carefully executed manner, and the Defendant knew the nature and quality of his acts and that what he was doing was wrong. Equally, whilst the offences were shaped by features of the Defendant's personality disorder, there was no substantial impairment of his ability to understand the nature of his conduct, to form a rational judgment or to exercise self-control. Finally, I am sure that during the Defendant's police interviews he made crude attempts to portray himself as 'mad' at the material time.

The seriousness of the murders is, however, aggravated by the fact that the Defendant has 6 previous convictions for some 16 offences – including 2 for racially or religiously aggravated harassment, 8 for offences of violence, and 2 for the possession of a knife or bladed article.

Equally, given my consequent overall conclusion that a whole life order is required, there can be no discount for plea on Counts 1-3.

Against the background that one of the routes by which I have concluded that the starting point of a whole life order on each of Counts 1-3 is appropriate is the combination of all the offences, it is important to avoid double counting when imposing sentence on Counts 4-6. Applying the relevant Guideline, it is not disputed that each offence involved long term psychological harm and thus attracts a starting point of 30 years' imprisonment, and that each was further aggravated by the Defendant's previous convictions. There are no mitigating features but (in all the circumstances) the Defendant is entitled to full discount for his pleas on Counts 4-6

I have no doubt that the Defendant is a dangerous offender but, given the sentences on Counts 1-3, see no purpose in the consideration of life sentences or extended sentences on Counts 4-6. Rather the notional custodial term after trial for the combination of Counts 4-6 would have been 36 years which, less full discount for plea, will result in concurrent terms of 24 years imprisonment on each of those Counts.

For the avoidance of doubt, I conclude that all six offences had a terrorist connection – in consequence of which, and albeit academic, the Defendant will be subject to the notification requirements under the Counter Terrorism Act 2008 for a period of 30 years.

(Stand up Khairi Saadallah).

Having considered all the material facts and for the reasons that I have explained, on each of Counts 1-3, I sentence you to concurrent terms of life imprisonment and, having no doubt that this is a rare and exceptional case in which just punishment requires that you must be kept in prison for the rest of your life, make a whole life order on each of those Counts

On each of Counts 4-6 I sentence you to 24 years' imprisonment concurrent.

You will be subject to the notification requirements for a period of 30 years.

I make an order for forfeiture and destruction of the knife.

An appropriate Victim Surcharge Order must be drawn up.

A copy of these Sentencing Remarks and Dr Blackwood's statements must be forwarded to the relevant prison.

Sweeney J
11 January 2021