



JUDICIARY OF
ENGLAND AND WALES

IN THE CROWN COURT AT BRISTOL
BEFORE THE HONOURABLE MR JUSTICE MURRAY

THE QUEEN

v

Mahamud OSMAN

Trial Dates: 7-10 and 13-15 May 2019

Sentencing Date: 16 May 2019

SENTENCING REMARKS

1. Mahamud Osman, you have been convicted of the murder of Hassan Hagi, and it falls to me now to sentence you for that offence.
2. On the evening of Saturday, 10 November 2018 you were at your flat in Pirie Court near Stapleton Road in the Easton area of Bristol, drinking and listening to music with your friend, Hassan Hagi. You had been friends for 17 or 18 years.
3. You were both born in Somalia. At different times, you each came to the UK and you both ended up in Bristol. He was a member of your tribe in Somalia, which meant that he was family. Indeed, you described him as like a brother to you. You said he was a kind man and a good friend. In November 2018 you were 38 years old, and he was about a year older.
4. On Saturday, 10 November 2018, in addition to drinking heavily, you had also smoked cannabis together and probably Spice. The two of you spent a large part of that day at your flat with a third friend, Liban Ali, and while he was there, it was all friendly, everything was normal. There had been no arguments. Hassan Hagi and Liban Ali were part of your circle of close friends, which also included Elmi Handulle Ismail (whom you all knew as "Omar") and two women, Isir Kahiye and Fatumo Abukar. This group often got together to socialise and to drink alcohol, in different combinations, sometimes at your flat and sometimes at other locations in

Bristol. Of this group of close friends, it seems that Mr Hagi was your closest friend.

5. You and Mr Hagi were both heavy drinkers and, as I have said, were drinking heavily on the day of his death. After his death, Mr Hagi was found to have had a level of alcohol in his blood over four times the legal limit for driving, as well as evidence of cannabis and Spice use. It is likely that you were similarly intoxicated on that evening.
6. In your case, you had been drinking alcohol and smoking cannabis for many years. You started smoking Spice more recently. Alcohol abuse was, however, far and away your biggest problem. Your medical records amply illustrate your struggles with alcohol, and you were diagnosed by both the psychiatric experts in this case as having Alcohol Dependence Syndrome, with one of the experts characterising it as particularly severe in your case. You had made some efforts to seek help for your problem, but you said that you had, for example, been prevented by language difficulties from engaging in group counselling, your English being somewhat limited.
7. On 11 October 2018, a month before you killed Mr Hagi, your father had died in Nairobi after an illness. You had only seen him a few times since leaving Somalia, usually when visiting other relatives in Sweden. But you had stayed in touch with him and spoke to him about once a month on the telephone. When he died, you started drinking even more heavily than before. This was noticed by your older brother, who gave evidence during the trial, and by your friends. Your older brother said that the death of your father changed you. You became a different, more aggressive person, your behaviour changed, and you began drinking even more heavily than before, as you yourself told us during the trial.
8. Despite the fact that you and Mr Hagi were close friends, drinking buddies, members of the same tribe from Somalia and the same community in Bristol, for some reason at some time on the evening of Saturday, 10 November 2018, after Mr Ali had left your flat, you and Mr Hagi began to argue and that argument escalated into a fight. You said that he had sworn at you, had insulted you including saying gravely insulting things about your mother and father and about your daughter, and he physically attacked you, throwing a glass at you and threatening and hitting you with an empty bottle. We, of course, do not have his version of events.
9. At some point during your fight with Mr Hagi, you grabbed a baseball bat, that you said you kept handy for protection after you had been assaulted a year or two before, and you began to hit him with it. You say that you did this in reasonable self-defence, and that you only remember hitting him two or three times. The jury by their verdict have rejected your claim that you were acting in reasonable self-defence and the possibility that you did not intend to kill Mr Hagi or at least to cause him really serious bodily harm.
10. You have consistently claimed not to remember hitting Mr Hagi more than two or three times, although you accept now, having seen the evidence of his injuries and

there having been no one else in the flat that night, that you must have inflicted all of the many blows that led to Mr Hagi's death.

11. The pathology evidence shows that you must have hit Mr Hagi dozens of times. It was clearly a frenzied attack during which you inflicted injuries on every part of his body including his head and neck, trunk and both arms and legs. You landed multiple blows with the baseball bat on both the front and back of his body. The external examination by the pathologist identified at least 68 areas on the body where there was an injury or an area of merged injuries, 22 of those to the head and neck alone. Mr Hagi's right eye socket was fractured, his larynx was fractured, and he suffered a particularly deep gash on the back of his head. Internal examination showed that Mr Hagi's heart was bruised and every single one of his ribs was broken (left and right, top and bottom, front and back of the rib cage), some of the ribs multiple times. His right leg was fractured into multiple fragments. The pathologist concluded that the multiple blunt force impact injuries suffered by Mr Hagi would have been enough to kill him, but the impact of those injuries would have been magnified by the acute effects of alcohol.
12. The forensic evidence showed that there had been heavy bleeding by Mr Hagi, with blood sprayed, dripped or smeared by contact on the ceiling, walls, floor and furniture of your flat, as well as on Mr Hagi's clothing and on other items in the flat. DNA analysis showed that it was all Mr Hagi's blood. Most of it was in the sitting room, but some of Mr Hagi's blood was also found in the kitchen and the hallway. There is no doubt, however, that the attack took place in the sitting room, and that Mr Hagi died there.
13. The baseball bat was retrieved by police from the flat, after you told them where it was hidden in the flat, and it, too, was covered in Mr Hagi's blood.
14. There was no evidence that you attempted to clean up the flat, and it was you who finally called 999 to summon an ambulance and the police, although you only did so at 13:38 on Sunday, 11 November with Mr Hagi most likely having died at least 13 or 14 hours earlier, if not longer. I accept that you are sorry now that it happened. I also accept that your attack with the baseball bat on Mr Hagi was not pre-planned but appears to have occurred spontaneously on the evening of 10 November.
15. Hassan Hagi was your friend, possibly your closest friend. He was also a member of your tribe, and that, in Somalian culture, made him a member of your family. It seems that you spent most days together and that for a number of years you had been close. You described him as a good man. Like you, he came from Somalia many years ago, but had successfully settled in this country, along with a number of other members of his family. There was a ceremony to pay respects to Mr Hagi on 14 November 2018 at the Flax Bourton Mortuary in Bristol, at which your elder brother attended, as well as other friends and relatives of Mr Hagi.
16. Mr Hagi was not married and had no children, but it was clear that he had a loving extended family. I have read a deeply moving Victim Personal Statement from Mr Hagi's brother. He has spoken about how profoundly his brother's death has affected the family, especially Mr Hagi's mother and father, his nephews, nieces

and cousins and himself. It is clear that family's grief is profound, and the sense of loss, especially for Mr Hagi's parents and his brother, is unlikely ever to be fully overcome.

17. The sentence for murder is imprisonment for life. I must decide the minimum term that you must serve before you can be considered for release on licence.
18. In this case, under the relevant legislation, the starting point for the minimum term is 15 years. Although you used a weapon, namely, a baseball bat, to kill Mr Hagi, the bat happened to be in your flat, when you decided to pick it up during your fight and use it. There was nothing that I heard during the trial that suggested that you had brought it to the flat for the purposes of attacking Mr Hagi. Accordingly, 15 years is the appropriate starting point.
19. While there are no statutory aggravating features in this case, in my view there are two serious non-statutory aggravating factors:
 - a. the savagery of your sustained attack on Mr Hagi, which I have already described; and
 - b. the fact that you waited at least 13 or 14 hours, if not longer, after your attack on Mr Hagi before dialling 999 to summon an ambulance and the police.
20. In my view, your call to your friend, Mr Elmi Ismail, whom you knew as Omar, to come to the flat shortly after 23:00 on 10 November, and Mr Ismail's evidence, which I entirely accept, about his brief visit to the flat, where he saw Mr Hagi's body and concluded he was dead, before abruptly fleeing from the flat, establishes that you knew that Mr Hagi was either dead or very close to dying at that time. In fact, if you were not sure he was dead by then, your behaviour in not ringing 999 at that time was all the more culpable. I disbelieve your evidence that you do not remember Mr Ismail's visit or your phone call with him shortly after he left the flat where you warned him not to say anything and said that you would call the ambulance and the police.
21. I also must take into account that in this case there are some statutory mitigating factors:
 - a. It seems clear from the evidence that your appalling attack on Mr Hagi was not planned. It happened spontaneously. There was no premeditation.
 - b. You are also suffering from various mental health problems, most seriously Alcohol Dependence Syndrome, but also suffer at least some post-traumatic symptoms, if not full-blown Post-Traumatic Stress Disorder (PTSD). These symptoms appear to have been caused by your experiences growing up in Somalia, including witnessing the attempted rape and the murder of your sister when she was 15 years old and by the serious assault with a hammer that you suffered in Bristol in 2017, which led to a skull fracture, foot fracture and loss of your sense of smell. You have also suffered from mild depressive illness. Dr Tomison was of the view, which I accept, that there was a complex interaction between these conditions.

- c. Finally, on my view of the evidence, I think it is possible that at the beginning of the fight, you were acting in self-defence or in fear of violence.

All of these matters have some bearing on the degree of culpability that you bear for this crime. In terms of non-statutory mitigating factors, I accept that you are now remorseful, not only for the death of your friend, but also for the pain and grief caused to his family and your tribe.

22. As to personal mitigation, I am not able to give too much weight to these factors in a case such as this where a man has been murdered, but I bear in mind that:
 - a. You are a man with no previous convictions or other trouble or involvement with the police.
 - b. In your early years in Somalia you suffered particular difficulties and traumatic experiences that were not of your own making, including the attempted rape and murder of your sister.
 - c. You are still grieving for the death of your father.
 - d. You have four young children, although they do not live with you and it does not seem as though you see too much of them. You have, however, spoken of your love for them. Your two youngest children and their mother, who currently live in Sweden, lived with you in your flat in Bristol for two months earlier in 2018.
 - e. There is evidence that you did attempt to deal with your problems, albeit with limited success, particularly with your problem of alcohol dependence.
23. I understand that you have spent 193 days on remand in custody since your arrest. That number of days will count towards your minimum term. If I am wrong about the number of days, then that can be corrected administratively to give effect to my intention that each day you have spent on remand in custody should count towards the minimum term. There is a statutory surcharge that applies, and that must be paid.
24. MAHAMUD OSMAN, for the murder of HASSAN HAGI I sentence you to imprisonment for life.
25. In my view, although there are significant mitigating features and personal mitigation, the aggravating features I have identified limit the extent to which I can lower the minimum term. In my judgment, the lowest minimum term that I can impose commensurate with the seriousness of this murder before you can be considered for release on licence is 14 years.
26. It is important to emphasise, so that you and the public can understand the position, that the minimum term is just that – a minimum period that cannot be reduced in any way. After you have served that minimum term, there is no guarantee that you will be released at that time or at any particular time thereafter.

It is only if the Parole Board decides that you are fit to be released that you will be released.

27. In any event, if you are ever released on licence, you will still be subject to this life sentence and to specific licence conditions. If you breach any condition, you will be liable to be returned to prison to continue to serve this sentence. It may be, in that case, that you will never be released again.