



Australia's domestic violence crisis

NSW

## Domestic violence murderers spared life in jail for killing partners

Annabel Hennessy, The Daily Telegraph

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Subscriber only



A man who burned his wife to death while their two young sons were forced to watch is among more than 100 killers who have been spared life in jail because the law does not classify domestic violence deaths in the worst category of murder.

And one of the reasons being given for sparing these cold-blooded incarceration until they die is that they're unlikely to find another partner upon their release.

A Daily Telegraph investigation can reveal that out of more than 150 cases in NSW since 1991 there had never been a case where someone received a life sentence solely for killing their female partner.



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The remains of a home set alight by a man who then locked his wife in the bedroom where she died in the fire as her sons watched on helplessly.

The situation has sparked calls for a rethink on jail terms from victims' rights groups and grieving families and even the NSW Attorney-General requesting advice on what scope there is for sentencing reform on such cases.

Last week Supreme Court Justice David Davies said he could not give a man who killed his wife by setting their house on fire and locking her in a bedroom a life sentence because the "murder of a partner" has not been considered the type of case which warrants that much jail time.

"Consistency in sentencing is an important principle," he said.

He also claimed the man, who can only be named as AKB, was "most unlikely" to reoffend because it was improbable he would be able to find another wife when freed.

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It follows increasing concern about domestic violence murderers receiving more lenient sentences than killers who murder strangers with some being given as little as 13-year non-parole jail terms.

Attorney-General Mark Speakman told The Daily Telegraph on Monday he had asked the Department of Justice for advice on whether the sentencing principles used in the AKB case should be reformed.

"I note the Crown submitted that a life sentence should be imposed on the offender. I have asked the Director of Public Prosecutions to consider whether an appeal against the sentence should be commenced," Mr Speakman said.

"The facts of this case are horrific."

A 45-year-old refugee from Afghanistan, AKB killed his wife in 2016 after discovering she was planning on leaving him.



The husband, who can only be identified as AKB, reportedly pushed his wife back into a burning bedroom before locking the door and prevented his son from trying to save his mother. Picture: Bill Hearne



 NSW Attorney-General Mark Speakman described the cases as "horrific". Picture: AAP

Their 11-year-old son gave evidence that his father had repeatedly pushed his mother into their bedroom as flames engulfed their home and stopped him trying to save her.

"He burned my mum right in front of my eyes and nearly killed me," the boy said in his impact statement.

"I do not want my father to get out of jail and there is no way I will forgive him."

Despite this, Justice Davies said it was "bad" but not in the "worst case category of murder" and sentenced AKB to 36 years jail with a non-parole period of 27 years.

Victims of Crime Assistance League chief executive Kerrie Thompson said courts were too often showing leniency in domestic violence murder cases.


"(In this case) the offender showed no remorse, it was premeditated and it was a horrific crime that happened in front of the children. It makes no sense to us how he did not get a life sentence," Ms Thompson said.

Another domestic violence murderer who avoided a life sentence last week was Amir Darbanou, who stabbed wife Nasrin Abek 60 times with a knife in their apartment.

The Iranian refugee received a sentence of 21 years, with a non-parole period of 15 years, 9 months, with the judge taking his depression into account and the fact he would be imprisoned "far away" from his family.

And earlier this year Khanh Thanh Ly was sentenced to 18 years jail, with a 13-year non-parole period, for the violent murder of his ex-partner Miming Listiyani.



 Amir Darbanou stabbed his wife Nasrin Abek 60 times in their Potts Point apartment. Picture: Facebook



📷 Miming Listiyani was murdered by ex-boyfriend Khanh Thanh Ly who dumped her body in the Parramatta River.

After killing 27-year-old Ms Listiyani, Ly had dumped her in the boot of his car and was seen dragging her body towards the Parramatta River.

Her spine had been broken in three places and her face was smashed repeatedly into the concrete pavement.

When delivering the verdict Acting Justice Jane Mathews said Ms Listiyani's loved ones would find the sentence "completely inadequate" but said she had "rarely seen an offender so remorseful".

Ms Listiyani's father Sem Eu has recently started a Change.Org petition calling for an appeal of the "insulting" sentence.

A family representative said Ms Listiyani's father was completely torn apart by the lack of justice.

"We ultimately want the sentence to be longer," she said.

"(Miming) was someone who had such high prospects in life, who gave back to the community, she had so much going for her."

Homicide Victims' Support Group counsellor Minouche Goubitz, who has helped the family, said too often female-partner domestic homicides were attracting lower sentences.

"He'd been stalking her, chasing her and that's often what happens to women in these cases. They've often endured months or years of violence, but that doesn't seem to be taken into account," Ms Goubitz said.

**Domestic Family Violence Counselling Service 1800 737 732**

### CHILDREN FORCED TO WATCH THEIR MOTHER BURN

**Offender:** AKB

**Facts:** A 45-year-old refugee from Afghanistan, AKB killed his wife by setting their house on fire and locking her in the bedroom. His two sons then aged nine and six were forced to watch their mother die.

**Date:** Murder occurred October 2016. Sentenced November, 2018.



📷 Khanh Thanh Ly killed his ex-girlfriend.



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her more than 60 times at their Potts Point apartment. Abek's body was found with severe injuries in her chest, face and upper limbs.



📷 Amir Darbanou murdered his wife in a jealous rage. Picture: Facebook



📷 Nasrin Abek. Nasrin Abek was allegedly murdered by her husband Amir Darbanou in their Potts Point unit. Photo: Facebook

**Date:** Murder occurred September 2016. Sentenced November, 2018.

**Sentence:** Non-parole period of 15 years, nine months. Sentence took into consideration Darbanou's depression and alcohol dependence. As well as the fact he would be incarcerated "far away from his family".

#### MAN WHO KILLED WIFE WITH SCISSORS BECAUSE SHE LEFT HIM

**Offender:** Mokhtar Hosseiniamraei

**Facts:** Hosseiniamraei stabbed his estranged 26-year-old wife Leila Alavi to death in her work carpark because she "broke the contract" by leaving him.



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Mokhtar Hosseiniarraei stabbed his wife Leila Alavi in her car with a pair of scissors because she left him.

**Date:** Murder occurred January 2015. Sentencing took place August 2016.

**Sentence:** 15 years, nine months non-parole with the judge saying Hosseiniarraei had “reasonable” prospects of rehabilitation, despite still “partly blaming” Ms Alavi for his evil actions.

#### **‘SOUND PROSPECTS OF REHABILITATION’ DESPITE BASHING PARTNER TO DEATH**

**Offender:** Luke Robert Birch

**Date:** Murder occurred December 2014. Sentenced June 2016.

**Facts:** Birch beat his partner Carol Penrith to death after accusing her of hiding her key card. Despite being found with 10 broken ribs — one of which had pierced her heart — the judge said Birch had not shown “gratuitous cruelty”.

**Sentence:** 13 years non-parole after the judge said Birch was “full of remorse” and had “sound prospects of rehabilitation”.

#### **LENIENCY GRANTED BECAUSE KILLER HAD PTSD FROM PREVIOUS JAIL TIME**

**Offender:** Khanh Thanh Ly

**Facts:** A 37-year-old with links to the Bali Nine, Khanh Thanh Ly murdered his ex-girlfriend and aspiring pastry chef Miming Listiyani in 2016. He bashed her face into the concrete and her spine was broken in three places.

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 Miming Listiyani was murdered by ex-boyfriend Khanh Thanh Ly.



 Miming Listiyani had a promising future as a pastry chef. Picture: Facebook

**Date:** Murder occurred April 2016. Sentenced February, 2018.

**Sentence:** Ly was sentenced to 18 years jail with 13-year non-parole period. The judge told the family they would find the sentence “inadequate” but said she took into account Ly’s PTSD which he had developed as a result of previous time he spent in jail for conspiracy to import heroin.

