



JUDICIARY OF  
ENGLAND AND WALES

CENTRAL CRIMINAL COURT

REGINA

-v-

MARIAM BENZAIN

SENTENCING REMARKS

1. Mariam Benzain you were charged with the murder of your five month old son Elias Biard on 22 July 2020 by asphyxiating him and cutting his throat so as to nearly decapitate him. The jury has heard measured and compelling evidence from two expert consultant forensic psychiatrists that you committed that unspeakably brutal killing at a time when you were in the grip of a florid psychotic illness. You are held at a secure unit in hospital and continue to be treated. Both prosecution and defence counsel addressed the jury on the basis that the evidence supported a special verdict: not guilty of murder by reason of insanity. The jury has now returned that verdict.
2. The court has to deal with you in accordance with s.5 of the Criminal Procedure (Insanity) Act 1964.
3. In my judgment you remain extremely ill, dangerous and in need of further treatment, which is available. A hospital order under s.37 Mental Health Act 1983 together with a restriction order without limit of time under s.41 of the Act is necessary. It will enable you to be treated. It will also protect the public; firstly, because it is potentially life-long, the regime for deciding upon release is stringent and involves a First Tier Mental Health Tribunal decision as well as expert medical opinion, and secondly, because the nature of supervision after eventual release from a s.41 restriction order involves ongoing senior psychiatric input and a recall to hospital is available if your medical condition deteriorates and you relapse.
4. This is particularly important when the anti-psychotic medication currently prescribed may be needed for the rest of your life and certainly if you are to have another child.
5. Accordingly, I make a hospital order with a restriction without limit of time under ss.37 and 41 Mental Health Act 1983.