



Neutral Citation Number: [2023] EWHC 1158 (Fam)

Case No: FD22P00504

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 02/05/2023

Before :

MR JUSTICE KEEHAN

Re: Sabah Jabar Abdulah aka Sabah Jabar Abdulah
Al-Attabi

(Committal for Contempt of Court)

Ms K Mufti (instructed by **Local Authority Legal Services**) for the **Applicant**
Ms D Yilmaz (of **Tyrer Roxburgh Solicitors**) for the **First Respondent**
Ms C Harding (instructed by **Landmark Legal**) for the **Second Respondent**
Ms E Hudson (instructed by **Owen White & Catlin LLP**) for the **Third Respondent Child**
Ms L Creighton (of **Creighton & Partners**) for the **Fourth to Sixth Respondents, through**
their Children's Guardian

Hearing dates: 27 April & 2 May 2023

Approved Judgment

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MR JUSTICE KEEHAN

This judgment was delivered in public. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.

Mr Justice Keehan:

1. On 27 April 2023, whilst represented by Counsel and before me, you accepted knowingly breaching the following orders of this court by:
 - i) Applying for a further Iraqi passport, in breach of paragraph 6 of my order dated 19th January 2023, which continued paragraph 12 of the Location Order made by me dated 15th July 2022;
 - ii) Failing to notify Tipstaff of the whereabouts of the mother and children upon learning of the same, in breach of paragraph 6 of my order dated 19th January 2023, which continued paragraphs 8 and 10 of the Location Order made by me on 15th July 2022;
 - iii) Having contact with the children in breach of paragraph 3 of my order dated 15th July 2022.
2. The context of these breaches is that the mother abducted the children from this country; in the first instance it was believed she went to Turkey. Thereafter at some point she travelled with them to live in Kut in Iraq. She has, and wrongfully continues to, retain the children out of this jurisdiction and in breach of court orders made by me. The court views the abduction of children and their continued unlawful retention very very seriously. You have accepted that you quite flagrantly and deliberately breached 3 of my orders. Seeking a second passport when your first passport was held by Tipstaff is immensely serious. Failing to tell the Tipstaff that you know where the children are is equally serious.
3. And again, the third breach of seeing the children in Iraq was also a flagrant, deliberate breach of my order.
4. In those circumstances I am quite satisfied so that I am sure that the only penalty I can impose for these breaches is a period of imprisonment. In considering the length of that sentence, I take into account in mitigation all those matters put forward by Ms Harding on your behalf. I particularly take into account that you readily admitted your breaches of the order on first occasion you appeared before the court last week. That said, I have little, if any, confidence in the truthfulness of what you have told me, either in your witness statement prepared today or in the oral evidence that you gave to me this afternoon. In all of the circumstances – the shortest period of imprisonment I can impose is one of 18 months. However, in light of the fact that you have offered to assist the local authority and the Children’s Guardian to secure the return of the children – I am going to suspend that sentence for a period of 2 years. If there are no further breaches by you, you will not serve that sentence. Please understand that if you admit, or you are found by this court to have breached, any further term of an order in the future, that term of imprisonment will be activated and served along with any other penalty or term of imprisonment made in light of your further breach. That deals with the punishment and sentence for the contempt of my orders.
5. In addition, and as an additional case management order, I shall make an order under the inherent jurisdiction of the High Court forbidding you from leaving the jurisdiction of this court for the duration of the proceedings of this case.

6. There will also be a port alert so if you attempt to leave the country you will be detected and arrested. Do you understand?
7. Mr Abdulah: Yes
8. I hope that you are sincere in your offer to assist the local authority and the Children's Guardian to take steps to secure the return of the children to this country. Whatever doubts I may harbour about your sincerity I shall keep to myself for the moment.