



In The County Court At Central London

Case No: G00EC382

Thomas More Building
Royal Courts of Justice
Strand
London

Date: 26/05/2023

Before :

Hj Richard Roberts

Between :

London Borough Of Tower Hamlets
- And -
(2) Boulent Kechagia-Osman

Claimant

Defendant

Ms Sonia Rai of Counsel, instructed by the Claimant
Mr Boulent Kechagia-Osman appeared in person

Hearing date: 26 May 2023

JUDGMENT

HIS HONOUR JUDGE RICHARD ROBERTS :

1. This is the hearing of a committal application by the Claimant against Mr Boulent Kechagia-Osman.
2. On 15 December 2022, HHJ Luba KC ordered that Mr Kechagia-Osman was forbidden (whether by himself or instructing or encouraging any other person) from:
 - “1.Entering any residential block without lawful permission in the London Borough of Tower Hamlets.
 2. Using or being in possession of any illegal drugs or paraphernalia (including but not limited to cannabis, heroin, crack cocaine, crack pipes, adapted objects that could be used as a pipe such as small bottles, syringes and needles, either new or used ones, and foil) in any public area in London Borough of Tower Hamlets or any residential block in the London Borough of Tower Hamlets.
 3. Engaging in any behaviour which causes or is likely to cause alarm, distress, harassment, nuisance, or annoyance to any person in any public area in the London Borough of Tower Hamlets or in any residential block. This includes but is not limited to shouting, screaming, threatening, using foul language, playing loud music, spitting, urinating, defecating, buying proscribed drugs, taking proscribed drugs, littering and drinking alcohol.”
3. The order had a power of arrest attached inter alia to the injunctions in paragraphs 1, 2 and 3 of HHJ Luba KC’s injunction order.
4. PC Yusuf Akdeniz 1509CE says in his witness statement, dated 24 May 2023, that he served the order of 15 December 2022 on Mr Kechagia-Osman on 30 December 2022.
5. On 18 May 2023, the Police arrested Mr Kechagia-Osman under the power of arrest contained in an injunction of HHJ Luba KC, dated 15 December 2022. The Claimants have served a witness statement from PC Amy Sim, dated 18 May 2023, which states that she arrested Mr Kechagia-Osman on 18 May 2023 because in breach of the injunction order of HHJ Luba KC, he was in possession of drugs paraphernalia, namely two crack pipes, wire gauze and a ‘poke’.

6. On 19 May 2023, Mr Kechagia-Osman was brought before HHJ Luba KC. The order made by HHJ Luba contained the following recitals:

“And upon the Court reminding Boulent that he need say nothing and that he had the right to legal advice and representation and that if he wished to have the matter adjourned so that he could obtain legal advice an adjournment would be granted

And upon Boulent stating that he did have in his possession the items reported by the Police and that he did wish to have the matter adjourned to secure legal representation

And upon the Court warning Boulent that, in light of his previous lengthy sentences of imprisonment for breach of similar orders of this Court, he should make sure he obtained legal advice as quickly as possible, given the high likelihood of a significant term of immediate imprisonment if the alleged breach of the injunction be proven”

7. It was ordered that the matter be adjourned until today and bail was refused.
8. On 26 May 2023 Mr Kechagia-Osman was reminded of his right to silence, privilege against self-incrimination and right to legal representation. He said that he wished to admit the breaches of the injunction on 18 May 2023. The breaches were put to him and he admitted all four of them.
9. Ms Rai referred the Court to the following:
- i) Civil Justice Council, “Anti-Social Behaviour and the Civil Courts”, July 2020;
 - ii) Sentencing Council, “Breach Offences Definitive Guideline”;
 - iii) Breach of a criminal behaviour order (also applicable to breach of an anti-social behaviour order);
 - iv) The case of Wigan Borough Council v Lovett [2022] EWCA Civ 1631.

10. I bear in mind that the objectives of sentencing for breach of an anti-social behaviour injunction are different from the objectives of sentencing for a criminal offence and are:
 - i) Ensuring future compliance with the anti-social behaviour injunction;
 - ii) Punishment;
 - iii) Rehabilitation.

11. I considered whether the matters admitted were sufficiently serious to justify a prison sentence. I considered the guidance in Anti-Social Behaviour and the Civil Courts, July 2020 at annex 1. I considered that there was a high degree of culpability on the part of Mr Kechagia-Osman because there were persistent serious breaches of anti-social behaviour injunctions by him. I summarise below the previous breaches of injunction order by Mr Kechagia-Osman.

12. On 21 June 2020, he was found in possession of a crack pipe, in breach of paragraph 3 of a court order: using or being in possession of any illegal drugs or paraphernalia (including but not limited to) cannabis, heroin, crack cocaine, crack pipes, adapted objects that could be used as a pipe such as small bottles, either new or used ones, foil in any public area within the London Borough of Tower Hamlets. He was sentenced to 14 days' imprisonment, minus one day served in custody.

13. On 22 August 2021 he was in possession of drug paraphernalia, namely red and white wraps which is typical packaging of Class A Drugs along with Metal Gauze in breach of paragraph 3 of a court order: using or being in possession of any illegal drugs or paraphernalia (including but not limited to) cannabis, heroin, crack cocaine, crack pipes, adapted objects that could be used as a pipe such as small bottles, either new or used ones, foil in any public area within the London Borough of Tower Hamlets. He

appeared before a court on 23 August 2021 and the case was adjourned for Mr Kechagia-Osman to obtain legal advice. He was granted bail until 27 August. He failed to answer his bail and a warrant was issued.

14. On 21 September 2021, he was in possession of drug paraphernalia, namely a metal crack pipe and improvised pipe cleaner, in breach of paragraph 3 of the Court order: using or being in possession of any illegal drugs or paraphernalia (including but not limited to) cannabis, heroin, crack cocaine, crack pipes, adapted objects that could be used as a pipe such as small bottles, either new or used ones, foil in any public area within the London Borough of Tower Hamlets and paragraph 2 being within the utility cupboard of a residential car park. He was produced at Court on 30 September 2021 and sentenced to three months' immediate custody, to run consecutive to a breach on 21 September 2021. After reductions for his guilty plea and time served, he was sentenced to 232 days in total.
15. On 17 February 2022, he was in possession of drugs paraphernalia, seen to be using drugs and admitted to the use of drugs, in breach of paragraph 3 of a Court order: using or being in possession of any illegal drugs or paraphernalia (including but not limited to) cannabis, heroin, crack cocaine, crack pipes, adapted objects that could be used as a pipe such as small bottles, either new or used ones, foil in any public area within the London Borough of Tower Hamlets and paragraph 2 being within the stairwell of a residential block, within the borough of Tower Hamlets.
16. On 28 February 2022, he was loitering within a residential stairwell, in breach of paragraph 2 of an order: entering any residential block of flats to loiter, sleep rough, take drugs, urinate, including but not limited to Communal areas, stairwells, intake

cupboards, basement, car parks, under any circumstances anywhere within the London Borough Tower Hamlets.

17. On 9 March 2022, he was in possession of drugs paraphernalia, namely a metal crack pipe and improvised pipe cleaner, in breach of paragraph 3 of a Court order: using or being in possession of any illegal drugs or paraphernalia (including but not limited to) cannabis, heroin, crack cocaine, crack pipes, adapted objects that could be used as a pipe such as small bottles, either new or used ones, foil in any public area within the London Borough of Tower Hamlets and paragraph 2 being within the stairwell of a residential block within Tower Hamlets.
18. On 22 March 2022 he was arrested for being in a group of people inside a residential block of flats within LBTH contrary to clause 2 & 4 of his CI order. He was brought before the Court on 23 March 2022 and remanded on bail until 31 March 2022. He did not answer his bail and a warrant for his arrest was issued.
19. On 12 April 2022 he was arrested for being wanted by a magistrate court for a separate offence and he was consequently taken to Pentonville prison as per his arrest warrant for failing to appear for his CI breaches above. Whilst in custody he was found in possession of a crack pipe contrary to paragraph 3 of the CI order, however, he was not arrested as he was conveyed to prison.
20. On 21 April 2022, his case was heard by the Court but he refused to appear. He was released but immediately arrested for breach of paragraphs 2 and 4 of the injunction order.

21. On 17 June 2022, he was committed for contempt to HMP Pentonville for a total of 111 days for disobeying an order dated 18 September 2020. The sentence was computed in the following manner:
 - 1) On 22 March 2022 he breached paragraphs 2 and 4 of the injunction order by being found with two others who had drugs and drug paraphernalia for suspected use within a residential block within Tower Hamlets. He was sentenced to 120 days.
 - 2) On 12 April 2022 he breached paragraph 3 of the injunction order by being in possession of drugs paraphernalia, namely a metal crack pipe. He was sentenced to 180 days.
22. The total of 300 days was reduced by 25% for an early guilty plea = 225 days. After the time served on remand was deducted, he was sentenced to 111 days.
23. In addition to there being a high degree of culpability, having regard to Mr Kechagia-Osman's persistent serious breaches of anti-social behaviour injunction orders, I concluded that there was a high culpability. I considered that the level of harm was very serious because of the danger to the public of Mr Kechagia-Osman being in possession of drugs-related paraphernalia in an area of social housing. Further, I bear in mind that Mr Kechagia-Osman's behaviour was likely to cause alarm, distress, harassment, nuisance or annoyance to any person in any public area in the London Borough of Tower Hamlets or any residential block.
24. I concluded that having regard to his high culpability and the very serious harm/distress, an immediate custodial sentence was the appropriate sentence.
25. I bear in mind that the term of imprisonment should always be the shortest term which will achieve the purpose for which it is being imposed. I consider the shortest period to

be 200 days in respect of each of the four breaches of the order of 15 December 2022, to run concurrently. I reduced the term of 200 days to 130 days to give one-third credit for Mr Kechagia-Osman's admission at the first hearing on 19 May 2023. He has served nine days between 18 and 26 May 2023, for which he is entitled to 18 days' credit. Therefore, the term of imprisonment is 112 days.

Dated this 26th day of May 2023