[2026] EWHC 2939 (Comm)

Case No: LM-2022-000257

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
LONDON CIRCUIT COMMERCIAL COURT (KBD)

7 Rolls Building
Fetter Lane
London
EC4A 1NL

Date: 3 November 2026

Before:

HIS HONOUR JUDGE HALLIWELL SITTING AS A JUDGE OF THE HIGH COURT

- -

Between:

(1) THE FAMILY (HOLDINGS) LIMITED **(2) THE FAMILY (FELLOWSHIP) LLP** **(3) THE FAMILY (CONSIGLIERE) LIMITED** **(4) THE FAMILY (SPV-III) LLP** **(5) THE FAMILY (SPV-III BIS) LLP** **(6) THE FAMILY (SPV-III TER) LLP** **(7) THE FAMILY (GLOBAL GODFATHERS) SPC** **(a segregated portfolio company incorporated under the laws of the Cayman Islands)**	**Applicants/ Claimants**
- and –	
(1) OUSSAMA AMMAR **(2) FABULEO LIMITED (a company incorporated under the laws of the Hong Kong S.A.R)**	**Respondents/ Defendants**

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MS J. BROOKE appeared on behalf of the **Claimants**
MS G. McNICHOLAS appeared on behalf of the **First Defendant**
The **Second Defendant** did not attend and was not represented

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JUDGMENT

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HIS HONOUR JUDGE HALLIWELL:

1. On 22nd September 2026 I adjudged that the First Defendant, Mr Oussama Ammar ("**Mr Ammar**"), was in contempt of court, *[2026] EWHC 2433 (Comm)*. This was based on Grounds 1, 5, 6, 7 and 12 of the Claimants' Contempt Application. Having concluded that Mr Ammar was in contempt of court, I adjourned sentence. This was subsequently re-listed for hearing today.

2. By order dated 11th November 2025, Mr Ammar had been required to attend the hearing of the Contempt Application. By order dated 22nd September 2026, I confirmed that this continued to be so and provided, for the avoidance of doubt, that Mr Ammar was required to attend the hearing for sentence. Following this order, Mr Ammar has filed a witness statement dated 29th September and the Claimants have filed a witness statement in reply. They have done so pursuant to the Court's directions.

3. As before, Mr Ammar has chosen not to attend the hearing today. However, Ms Gabriella McNicholas, of counsel, has again been instructed to appear on his behalf and she has represented him at court today. Ms Jessica Brooke of counsel continues to appear for the Claimants.

4. Whilst Mr Ammar does not attend, I am satisfied that I can and should sentence him in his absence. There is no suggestion to the contrary. He is resident abroad in Dubai. If I were to adjourn sentence it seems unlikely Mr Ammar would attend the adjourned hearing. Bearing in mind the delay that has already taken place in these proceedings, it is important for the process of sentencing to be brought to a conclusion. I shall thus give sentence now.

5. At the beginning of the hearing, I admitted Mr Ammar's witness statement dated 29th September 2026 into evidence in his absence. However, I did so on the basis that, having failed to make himself available for cross-examination, I would assign relatively limited weight to the more contentious parts of his witness statement.

6. As I mentioned when adjudging Mr Ammar to be in contempt of court, the case against him is founded on breaches of the freezing orders on removal and disposal of assets, failure to provide the Claimants with documents and information pursuant to the freezing orders, and the provision of false statements. Whilst conceptually different, each set of allegations is closely connected with the others. Mr Ammar was required to provide the documents and information in support of the prohibitions on removal and disposal, and the false statements were alleged to have given a misleading impression about the application of Mr Ammar's assets.

7. Of the grounds on which I found Mr Ammar to be in contempt, Ground 1 was founded on the prohibitions on removal and disposal, more colloquially identified as dissipation. Grounds 5, 6 and 7 related to Mr Ammar's non-compliance with obligations to provide documents and information. Ground 12 was based on the provision of false statements.

8. Breaches of the prohibitions in a freezing order on disposal are often considered together with breaches of a respondent's positive obligations to provide documents or information in support of the freezing order. In the present case, each contempt was, by its very nature, serious and could generally be expected

to result in an immediate custodial sentence. This is consistent with judgments at a high level of authority.

9. Having reviewed some of the earlier authorities, this is what Jackson LJ had to say in *JSC BTA Bank v Solodchenko (No. 2)* [2012] 1 WLR 350 at [51] and [52], in a passage with which Lord Neuberger and Carnwath LJ agreed.

> "[51]…any deliberate and substantial breach of the restraint provisions or the disclosure provisions of a freezing order is a serious matter. Such a breach normally attracts an immediate custodial sentence, which is measured in months rather than weeks, and may well exceed a year…"
>
> [52] Sometimes, in the case of continuing breaches, judges impose the maximum two year sentence but draw attention to the court's power to vary or discharge the sentence if the defendant makes disclosure..."

10. At [55], Jackson LJ then stated that, from his review of authority, he derived "…the following propositions concerning sentence for civil contempt, when such contempt consists of non-compliance with the disclosure provisions of a freezing order:

> (i) Freezing orders are made for good reason and in order to prevent the dissipation or spiriting away of assets. Any substantial breach of such an order is a serious matter, which merits condign punishment.

(ii) Condign punishment for such contempt normally means a prison sentence. However, there may be circumstances in which a substantial fine is sufficient: for example, if the contempt has been purged and the relevant assets recovered.

(iii) Where there is a continuing failure to disclose relevant information, the court should consider imposing a long sentence, possibly even the maximum of two years, in order to encourage future co-operation by the contemnor".

11. The breach of a freezing order is thus regarded as an attack on the administration of justice. This can be seen in the judgment of Hamblen LJ (as he then was) and Holdroyde LJ, in *Financial Conduct Authority v McKendrick* [2019] EWCA Civ 524.

12. In *McKendrick*, the legal principles are put in unambiguous terms at [40].

> "Breach of a court order is always serious because it undermines the administration of justice. We therefore agree with the observations of Jackson LJ in the *Solodchenko* case…as to the inherent seriousness of a breach of a court order, and as to the likelihood that nothing other than a prison sentence will suffice to punish such a serious contempt of court. The length of that sentence will, of course, depend on all the

> circumstances of the case, but again we agree with the observations of Jackson LJ as to the length of sentence which may often be appropriate. Mr Underwood [counsel for the defendant] was correct to submit that the decision as to the length of sentence appropriate in a particular case must take into account that the maximum sentence is committal to prison for two years. However, because the maximum term is comparatively short, we do not think that the maximum can be reserved for the very worst sort of contempt which can be imagined. Rather, there will be a comparatively broad range of conduct which can fairly be regarded as falling within the most serious category and as therefore justifying a sentence at or near the maximum."

13. In *McKendrick*, the Court of Appeal also took the opportunity to endorse the approach to sentencing taken by the Court of Appeal in *Liverpool Victoria Insurance v Zafar* [2019] 1 WLR 3833. This is significant because *Zafar* related to contempt based on the production of a false statement. In it, the Court of Appeal implicitly endorsed an observation in the Divisional Court that "our system of adversarial justice depends upon openness, upon transparency, and above all upon honesty" and that "the system is seriously damaged by lying claims". No doubt mindful of this, they stated, at [59], that:

> "…. the deliberate or reckless making of a false statement in a document verified by a statement of truth will usually be so

> inherently serious that nothing other than an order for committal to prison will be sufficient."

They also stated, at [61], that:

> "the essential feature of this form of contempt is the making of a false statement without an honest belief in its truth."

14. In the present case, each contempt, whether considered separately or collectively, was by its very nature sufficiently serious to cross the custody threshold and warrant an immediate custodial sentence. Each contempt was serious because it involved an attack on the administration of justice and the principles on which it is based, achieved by putting assets beyond the scope of freezing orders, failing to co-operate in the provision of information in support the orders and defying the principles of honesty and transparency.

15. Ground 1 was based on allegations that Mr Ammar had misapplied assets subject to the freezing orders. I found that this had been proven with respect to the diversion of income from "Travel with Ouss" and "Better Call Ouss", and the consumption of assets on a two day stay at the Grand Hotel du Cap-Ferrat.

16. Ultimately, at least to the extent this part of the Claimants' case was found in the Diversion Allegations, it is complex by nature. The Claimants have succeeded only on discrete aspects of their original case.

17. However, the complexity of the Claimants' case on the Diversion Allegations was effectively a function of Mr Ammar's own wrongdoing, itself designed to circumvent the court orders. Having referred, in para. 20 of his witness statement dated 29th September, to the Boathouse stay, Mr Ammar stated, in

para.21, that this was an "informal barter arrangement". The obvious reason for entering into such an arrangement was to disguise the consideration for the transaction.

18. This can be taken to have been Mr Ammar's intention in the light of his podcasts in which he sought to give the impression he had found ways of circumventing court orders designed to preserve assets pending trial. Quite apart from the light they throw upon Mr Ammar's *modus operandi*, I regard the podcasts as an aggravating feature of the contempt which should be reflected in sentence.

19. Not only was this contempt by its very nature serious, it was also causative of harm to the administration of justice in the sense that it involved putting assets beyond the reach of the courts and their mechanisms for execution and enforcement. This was the outcome that Mr Ammar had set out to achieve. Whilst the purpose of a freezing order is to ensure that assets are available to satisfy judgment rather than to provide a claimant with security, Mr Ammar's breaches of the freezing order were at least potentially causative of harm to the Claimants since such assets were thus unavailable for execution. It does Mr Ammar no credit that, following judgment, he continues to challenge this part of the Claimants' case.

20. On Mr Ammar's behalf, Ms McNicholas maintains, with reason, that ultimately the financial scale of Mr Ammar's established wrongdoing under Ground 1 was relatively modest when viewed in the context of the case originally advanced against him. I emphasise this is the wrongdoing established before this court. The original case involved a series of allegations involving, cumulatively, the misappropriation of assets on a substantial scale. The Claimants elected not to

pursue much of their original case having been alerted to Mr Ammar's case that he was entitled to assets well in excess of the ceiling of the original injunction.

21. Ms Brooke observes that, following the belated disclosure of bank statements, evidence is now available to show Mr Ammar has committed transgressions on a much more substantial scale than established in my judgment. No doubt, this may potentially have a bearing on issues that arise in connection with the Claimants' other grounds for committal, in particular Ground 6. However, I must, of course, sentence Mr Ammar for his established transgressions only.

22. The case established against Mr Ammar under Ground 1 involved the diversion of funds contributed by individuals who participated with him on a visit to Japan. It involved a "bartering agreement" - as Mr Ammar puts it – for one month's use of the boathouse in Paris. It also involved the expenditure of funds on a single stay at a luxury hotel in France.

23. Viewed narrowly, Ms McNicholas is correct to submit that the established wrongdoing is on a relatively modest scale. However, Ms Brooke submits, with reason, that this should not be taken too far. It appears from Mr Ammar's own comments on social media that the Boathouse was rather more substantial than might have been expected and the hotel was expensive and luxurious. Ms Brooke submits that that is consistent with Mr Ammar's lifestyle as a whole. In any event, the relevant transactions were calculated to circumvent the freezing order, albeit unsuccessfully, and they are to be assessed in the context of Mr Ammar's wrongdoing as a whole. Viewed in this way, Mr Ammar is culpable at a high level and, by acting as such, he ensured that his rights were not reflected in assets available for execution and were thus put beyond the

Claimants' reach. The transactions were thus causative, or potentially causative, of substantial harm.

24. Ms McNicholas submits that these breaches were not intentional. However, the available evidence is to the contrary. The Diversion Allegations appear to have been conceived as a device to avoid the freezing injunction, and Mr Ammar can be taken to have set out to achieve that outcome without properly satisfying himself that he was acting lawfully. In the case of the Expenditure Allegation, it is implausible that Mr Ammar was unaware that this could or would involve a breach.

25. I have reached the conclusion, in relation to Ground 1, that Mr Ammar's conduct warrants a sentence of imprisonment.

26. In relation to Grounds 5, 6 and 7, Mr Ammar is, in my judgment, entitled to a measure of credit for his apologies in relation to the wrongdoing. However, for the reasons given by the Court of Appeal in *Solodchenko* and *McKendrick*, the wrongdoing in these grounds was of a serious nature. His withdrawals from the Mercury Bank account, for which Mr Ammar failed to give notice to the claimants, were collectively in a substantial amount. His failure to provide bank statements continued until shortly before the hearing. During this period, he failed to provide any statements from 30th October 2024. He maintains that he has offered to provide the Claimants with live access to the Mercury Bank account but they were not provided with the information they required to monitor the bank statements or, more generally, assess the extent to which he is, and was, complying with his obligations under the freezing orders.

27. In relation to Ground 5, Ms McNicholas submits that the breaches - three altogether - were of a non-standard notification provision. If such a provision can, indeed, be characterised as "non-standard", I do not accept that this in any way reduces Mr Ammar's level of culpability for the breaches. In respect of this ground, Ms McNicholas submits that the breaches were not prolonged; they were committed over a period of three months only. It is true that they were committed over such a period only. Mr Ammar is to be sentenced on this basis. However, in my judgment, this is not a period of insubstantial length. Moreover, Mr Ammar can be taken to have known that they amounted to a contravention of the freezing order. Ms McNicholas submits that the breaches were committed openly. She says there was no attempt to conceal them and I shall sentence him on this basis. I shall do so. This in his favour. However, the overall effect is nuanced since it is also a demonstration of the confidence with which he committed the transgressions and a perception that he could act with impunity.

28. Finally, Ms McNicholas submits that, subject to the relevant notice provision, Mr Ammar was entitled to deal with the relevant assets because the injunction sealing was fixed at a level substantially below the value of his assets. Whether this is so has not, of course, been established since it was not in issue in the proceedings once Ms Brooke decided not to pursue the Committal Application in respect of this part of the Claimants' case. I must sentence Mr Ammar on the basis of the established allegations only. Nevertheless, Mr Ammar's failure to give notice was a flagrant breach of the injunction and there is no credible evidence or suggestion that he thought he was under no obligation to give notice in view of the value of his assets. Ms McNicholas submits that one of the

transactions operated to increase the value and interest he has in a property he has in a Dubai, which could have been to the potential advantage to the Claimants. However, this is of minimal assistance to Mr Ammar by way of mitigation given that the judgments against him in the substantive proceedings remain outstanding and he has not yet done anything to satisfy his liabilities to the Claimants under such judgments.

29. In relation to Ground 6, Ms McNicholas submits that, in addition to apologising Mr Ammar has now purged his consent through the belated provision of the outstanding Mercury Bank account statements. He has also provided an explanation for his wrongdoing on the basis that, for much of the period over which the bank statements were withheld, he did not have the benefit of legal advice and only appreciated that he had access to the statements later.

30. These matters are to Mr Ammar's credit and I have taken them into consideration. However, in my judgment, his explanation does not fully exculpate Mr Ammar from his wrongdoing because the orders were in clear terms. He is plainly an intelligent man who can be taken to have understood that, in failing to provide the statements, he was committing breaches of the order.

31. Mr Ammar is entitled to credit for the steps he has taken, albeit belatedly, to provide the bank statements, together with his apology. However, Ms Brooke observes, again with good reason, that the additional bank statements - concealed from the Claimants for so long - show that Mr Ammar has committed a series of breaches of the prohibitions on dissipation of which the Claimants were unaware and they were thus deprived, in these proceedings, of the

opportunity to rely on the breaches by the action that Mr Ammar took to conceal them.

32. Had it not been for the overall pattern of Mr Ammar's wrongdoing, and the length of time over which the bank statements were withheld, it is conceivable that a substantial case could have been advanced that a solution other than an immediate term of imprisonment could have been justified in respect of this ground as a standalone part of the Claimants' case. However, this is no more than hypothetical. Viewed in the context of Mr Ammar's conduct as a whole and the harm which his decision to withhold the bank statements has caused, this ground itself warrants a custodial sentence. However, I have taken into consideration Ms McNicholas' submissions on this ground in determining the length of the sentence.

33. To an extent, the same is true of the case against Mr Ammar under Ground 7. Mr Ammar's witness statement dated 18th December 2023 did not disclose his profit shares in Better with Ouss and Mastermind Ikigai. However, Mr Ammar did provide explanatory information after the Contempt Application was issued and, as Mr Brooke observes, the information was not presented in a clear and straightforward way nor did it provide a comprehensive picture. Ms McNicholas submits it was intended to meet Mr Ammar's obligations under the order. Up to a point this may be correct. No doubt, Mr Ammar was alive to the importance – from his perspective – of preventing the Claimants from taking further action against him. However, on its face, his witness statement was not made simply with a view to compliance and it fell short of doing so. Had this part of the Claimants' case been viewed as a standalone allegation in the absence

of Mr Ammar's overall pattern of established wrongdoing, it is again conceivable a solution other than an immediate term of imprisonment could have been justified for this ground. Again, however, I am not persuaded that the court is in this territory.

34. That takes the Court to Ground 12. Mr Ammar has been shown to have made false statements in relation to the possession of his solo account debit card and the use of the card. He can only have done so to create the false impression that it was being used exclusively to meet his own living or business expenses so as to fall within the exceptions to the freezing order. These statements were thus made in the knowledge that they were false, and they were deliberately made to create a false impression. This strikes at the fundamental principles of openness, honesty, and transparency endorsed by the Court of Appeal in *Zafar*. The statements can be taken to have been made with a view to achieving a collateral benefit in the litigation, that is to conceal Mr Ammar's breaches of the freezing order, itself matters of the utmost seriousness.

35. Bearing in mind the Court of Appeal's observation in *Zafar* that making a false statement in a document verified by a statement of truth – certainly no worse than making a false statement in an affirmation - will usually be so inherently serious that nothing other than an order for committal to prison will be sufficient, I am satisfied that the contempt in Ground 12 warrants, in itself, an immediate term of imprisonment.

36. In her ably presented submission, Ms McNicholas contended that Mr Ammar's false statements were limited in scope and did not undermine the trial of the substantive proceedings or undercut the relief granted to the Claimants. It is

open to her to characterise Mr Ammar's case in this way. Her submissions are relevant and I have taken them into account when determining sentence. She was right to submit that there is a spectrum of cases to which these principles apply. This is not a case where Mr Ammar set out to found a false claim based on fictitious witness statements. On this basis, his misconduct is not at the top end of the spectrum.

37. However, the egregious features of Mr Ammar's wrongdoing remain, that is that the statements were made for the purpose of giving a false impression so as to conceal his breaches of the freezing order and they are fundamentally at odds with the principles of openness and honesty which are essential to the proper administration of justice. The Claimants are able to demonstrate that a high degree of culpability has been shown on the part of Mr Ammar in making the false statements. The statements were also at least capable of causing a significant degree of harm to the administration of justice and, more narrowly, to the pursuit of the Claimants' rights as litigants, including their rights of execution and enforcement.

38. I have taken into consideration all counsel's submissions, including Ms McNicholas' submissions in mitigation.

39. Having done so, I am not persuaded it would be appropriate for me to impose a fine. With good reason, Ms Brooke submitted that, if I were to do so it is unlikely that Mr Ammar would pay the fine. I would put it higher and say that it is highly unlikely he would do so. He has already been fined by the courts in the Cayman Islands and chosen not to comply. He has also failed to make any payment under the judgments against him in these proceedings.

40. Nor, in my judgment, would it be appropriate for me to make a suspended order of imprisonment in view of the nature of his transgressions, the effect on the administration of justice and, more generally, his levels of culpability and the harm that has been caused by his wrongdoing.

41. Notwithstanding the skill with which Ms McNicholas has presented Mr Ammar's case, I am satisfied that the contempts, whether considered alone or collectively, are so serious that only an immediate custodial sentence can be justified. If Mr Ammar were to choose to take further steps to purge his contempt by returning to the jurisdiction and making good the assets he has removed, it would be open to him to apply to the court for a reduction in his sentence. However, for the moment it is inappropriate for me to say anything further about this.

42. I shall sentence Mr Ammar for each contempt, but in doing so I shall sentence him for each such contempt collectively and apply the principle of totality. In my judgment, the shortest period that can reasonably be justified is a period of 16 months. I shall thus sentence Mr Ammar to an immediate custodial sentence for a period of 16 months. Under the current law, he will not be eligible for early release until he has served one half of the sentence.

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