

IN THE CENTRAL CRIMINAL COURT

REGINA

-V-

ALI ATAYA

SENTENCING REMARKS

1. On 22 May 2020 you stabbed your 6 year old daughter Noura in the neck and chest causing life-threatening injuries including a collapsed lung. You also stabbed yourself several times including in the chest and abdomen. You intended a murder suicide and your motivation was to punish and cause profound distress to Noura's mother who had separated from you a few weeks earlier.
2. While waiting to die you sent an attention-seeking photograph to your mother, abroad. A photograph that showed you on a bed and covered in blood around your neck, shoulders and chin. Your daughter's arm is shown to your right. Ultimately, mercifully swiftly, the police were alerted and the alarm was raised. Police and medical professionals broke into your locked room and saved your life and the life of the child.
3. Noura had emergency life-saving surgery to repair her carotid artery and jugular vein both of which you had cut. You admitted to the jury that you knew first aid but you did nothing to save her, nothing to stem the bleeding. She suffered a collapsed lung. She spent 8 days on a paediatric intensive care ward being ventilated for most of that time, and in total spent over 3 months in hospital. Her residual problems are well documented. Her brain suffered a blood clot and oxygen deprivation because of the bleeding which prevented blood reaching it and MRI scans demonstrate permanent damage which is impossible to ascertain completely but is likely to affect her movement, concentration and other aspects of her cognition.
4. You denied you intended to kill yourself and you denied that you tried to kill Noura. But the jury was not deceived and convicted you of attempted murder. I have to sentence you. I have read a report from a Consultant Forensic Psychiatrist, Dr Forrester who concludes that you were suffering from a single episode of depression, which is unsurprising given the end of your relationship to Noura's mother and the fact that you had been sleeping in your car and in the park, during the pandemic, finding the room in which you were found

injured only a few days before the offence. The expert concludes that you developed psychotic symptoms as part of that depressive episode. But none of these things; the end of your marriage, the loss of your home and the mental affliction you had at the time provide any justification or excuse for what you did. They provide little mitigation because I find that your decision to kill yourself and your daughter was primarily motivated by a desire to punish your wife who you believed would prevent you seeing Noura in the future.

5. I have also been provided with a Pre-Sentence Report. You maintain your account to the jury that Noura must have sustained her injuries accidentally and you give inconsistent accounts of why you injured yourself.
6. The maximum sentence for attempted murder is life imprisonment. I have to consider whether it is necessary to impose that sentence. I find no basis for doing so. I also have to consider dangerousness. This means am I satisfied that there is a significant risk to members of the public of serious harm occasioned by you committing further specified offences. I have no doubt that in certain circumstances, a risk exists, that is in relation to close family members; you daughter and your wife. But I am not persuaded that you are a dangerous offender in the terms of the Criminal Justice Act 2003, an assessment supported by the very experienced author of the PSR. Accordingly, this not a case justifying or requiring the imposition of a life sentence or a dangerousness sentence given the availability of a long determinate sentence which will give protection to the public (including your daughter and wife) for a long time and which should enable your rehabilitation.
7. The Sentencing Council Guideline directs the court's attention to an assessment of your culpability. Had your attempt to kill been successful sentence would have been life imprisonment with the minimum term fallen to be determined in accordance with Schedule 21 CJA 2003. This was not a case in which you took a knife to the scene but you determined to kill a vulnerable child who you had been entrusted with.
8. I determine your culpability as at category 2 because it was a planned attempt to kill:-Your failure to return Noura to her mother despite returning to London to do so indicates, in the context of your contact with her and social services, that you were contemplating doing something untoward, the internet search you carried out under the term 'how to kill with a knife' in early hours of the day before, a day when you had taken her away demonstrates the gravity of the plans

you were making and finally, before the violence you turned off your phones and put her phone on airplane mode, so as to prevent Noura from getting help.

9. As for harm I have already described the impact of those wounds on the young girl you tried to kill. I accept that the consequences of your offence could have been catastrophic even if Noura's life was saved but the question for me is whether the harm can properly be described as serious and long term. As well as the immediate and grave consequences of the two stab wounds I have already described, Noura's mother has described the further on-going impact as presently ascertainable. Noura has a visible post-operative scar on her neck, the family has had to move home and the brain injury means Noura needs additional help in class unlike in the past. The entirety of the consequences of your conduct to Noura cannot be precisely determined at this stage. In my judgment this is a case of serious and long term harm. In reaching that determination I put out of my mind complaints made by your wife to the police in the past but I do bear in mind the anguish you caused her by this attempt to kill her daughter.
10. However there are further aggravating features present in the case: the age of your victim and the abuse of trust implicit in the relationship and the fact you had been allowed to take her away from her home, although I am careful not to double count the impact of these features.
11. The only mitigation is your lack of previous convictions. This conduct was out of character certainly, and that does avail you to some limited extent. In the same way the collapse of your domestic circumstances and the fact that you had been living hand to mouth and without secure shelter for some weeks meant you were without the normal social boundaries and the comfort of family and friends. On the other hand you had been allowed to see your daughter daily and I reject your assertions to the psychiatrist and author of the PSR that you had come to accept your wife should be allowed to have a new life without you. I am sure you decided to ruin her life as revenge for the conduct you believed had led to the end of your marriage.
12. I make the Restraint Order requested which is necessary, justified and drafted in clear and proportionate terms.
13. The sentence I impose is one of 22 years imprisonment. You will serve 2/3 before being eligible for release on parole.