



Neutral Citation Number: [2021] EWFC 4 (Fam)

Case No: ZE17P01593

IN THE FAMILY COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 15/01/2021

Before :

THE HONOURABLE MR JUSTICE HAYDEN

Between :

F
- and -
M

Applicant

Respondent

Mr Adrian Barnett-Thoung-Holland (instructed by **Dawson Cornwell**) for the **Applicant**
Ms Maggie Jones (instructed by **Duncan Lewis Solicitors**) for the **Respondent**

Hearing dates: 9,10,11,12,13,16,17,18,19,20th November 2020

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....
THE HONOURABLE MR JUSTICE HAYDEN

This judgment was delivered in private. 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 Hayden :

1. This is an application made by a father (F) for contact with his two children Y, aged 6 and S, aged 3. The application was filed now as long ago as October 2017. In August this year, the Court of Appeal had cause to review and overturn a case management decision made by HHJ Jacklin QC, which centred upon the correct approach to similar fact evidence in civil and family proceedings. At the conclusion of the hearing the Court of Appeal transferred the proceedings to the High Court for the fact-finding hearing to be conducted in accordance with the clarified guidance.
2. Peter Jackson LJ referred to the “extremely difficult procedural history”, in this case. He did not consider it necessary to traverse it in depth though, inevitably, at this hearing it has been necessary to do so. The case now has 5 lever arch files, it has required the individual circumstances of two separate family units to be scrutinised and compared. Historically, there has been a dispiriting absence of judicial continuity. I am the sixteenth judge to have heard this case. At times both parents have been unrepresented, on other occasions leading counsel has been instructed. The fact-finding hearing, which I have just concluded, was the 7th occasion on which such a hearing had been listed.
3. It is also important to record that the mother (M) had been allocated the service of an intermediary, who has been present with her throughout the entire hearing. Dr Adam Campbell, Consultant Clinical Psychologist, undertook a cognitive testing assessment of M, concluding that her verbal comprehension was “*markedly poor*” and that her wider comprehension “*does not always run very deep*”. He was of the opinion that M’s reasoned decision making, when it required complicated or ambiguous information to be integrated, was “*likely to be a challenge for her*”. Dr Campbell thought it relevant to point out that M presented as “*very non-assertive, under-confident and generally not very worldly*”. I agree with these last remarks which chime exactly with my own impression of her as a witness. Dr Campbell thought that it “*now looks anomalous*” that M was accepted into a British university. He observed that he “*would be interested to learn more about the how and why of her generally very poor GCSE’s and very good B.Tech in IT*”. M told me, in her evidence, that the sphere of IT imaging, on which her B Tech was focused, is an essentially creative one which appealed to her and for which she felt she had a natural ability. Whilst I accept the thrust of Dr Campbell’s opinion, I am bound to say that I found M’s verbal comprehension to be somewhat better than I had expected from that which had been foreshadowed in his report. I noted that her lack of confidence, at the beginning of her evidence, led her once or twice to indicate that she did not understand a question which it transpired, on gentle probing, she had in fact understood perfectly well. I formed the impression that she gained a great deal of moral support from the intermediary allocated to her.
4. In November 2017, M applied for and was granted a non-molestation order against F. That order has been renewed and remains effective. The nature of the allegations included in support of the application can succinctly and accurately be summarised as involving complaints of “coercive and controlling behaviour” on F’s part. In the Family Court, that expression is given no legal definition. In my judgement, it requires none. The term is unambiguous and needs no embellishment. Understanding the scope and ambit of the behaviour however, requires a recognition that ‘coercion’ will usually involve a pattern of acts encompassing, for example, assault, intimidation, humiliation and threats. ‘Controlling behaviour’ really involves a range of acts designed to render an individual subordinate and to corrode their sense of personal autonomy. Key to both

behaviours is an appreciation of a ‘pattern’ or ‘a series of acts’, the impact of which must be assessed cumulatively and rarely in isolation. There has been very little reported case law in the Family Court considering coercive and controlling behaviour. I have taken the opportunity below, to highlight the insidious reach of this facet of domestic abuse. My strong impression, having heard the disturbing evidence in this case, is that it requires greater awareness and, I strongly suspect, more focused training for the relevant professionals.

5. The evidence in this case has involved considering the circumstances of two separate families/ relationships, in which F is the common denominator. It is his behaviour in those different units which falls to be considered. The successful appeal was mounted against HHJ Jacklin QC’s decision to exclude evidence in the second relationship. Judge Jacklin had declined to admit that evidence on the basis that it was filed in the proceedings without the permission of the Court and that it did not speak to the allegations in the case before her. The Judge’s criticisms of M’s solicitors were found to have been based on a misunderstanding of the procedural history which, when unravelled, proved to be unjustified. As the Court of Appeal recognised, Judge Jacklin was properly concerned with the delay that had occurred. It may be that a preliminary evaluation of the evidence before her led the Judge to conclude that it was sufficiently strong and cogent to be scrutinised in isolation. In my view, now having heard the case, I consider that it was. However, the consideration of both “cases” together served to illuminate the sinister, domineering and, frequently, tyrannising complexion of F’s behaviour, to a degree which would not have been fully appreciated had the cases been severed. It is the chilling repetition of identical behaviours, with two very different women of different age and background, which casts evidential light and does so in each individual case.

Similar fact evidence

6. The Court of Appeal reviewed **O’Brien v Chief Constable of South Wales Police [2005] UKHL 26; [2005] 2 AC 534**. There the House of Lords considered the issue of similar fact evidence in civil cases, where it is contended that an individual’s behaviour in other circumstances makes it more likely that he will have behaved in the manner now alleged i.e. because it is evidence of a propensity to behave in that way. Lord Bingham stated the position thus:

“3. Any evidence, to be admissible, must be relevant. Contested trials last long enough as it is without spending time on evidence which is irrelevant and cannot affect the outcome. Relevance must, and can only, be judged by reference to the issue which the court (whether judge or jury) is called upon to decide. As Lord Simon of Glaisdale observed in Director of Public Prosecutions v Kilbourne [1973] AC 729, 756, "Evidence is relevant if it is logically probative or disprobative of some matter which requires proof relevant (ie. logically probative or disprobative) evidence is evidence which makes the matter which requires proof more or less probable".

4. That evidence of what happened on an earlier occasion may make the occurrence of what happened on the occasion in question more or less probable can scarcely be denied. ... To regard evidence of such earlier events as potentially probative is a process of thought which an entirely rational, objective and fair-minded person might,

depending on the facts, follow. If such a person would, or might, attach importance to evidence such as this, it would require good reasons to deny a judicial decision-maker the opportunity to consider it. For while there is a need for some special rules to protect the integrity of judicial decision-making on matters of fact, such as the burden and standard of proof, it is on the whole undesirable that the process of judicial decision-making on issues of fact should diverge more than it need from the process followed by rational, objective and fair-minded people called upon to decide questions of fact in other contexts where reaching the right answer matters. Thus in a civil case such as this the question of admissibility turns, and turns only, on whether the evidence which it is sought to adduce, assuming it (provisionally) to be true, is in Lord Simon's sense probative. If so, the evidence is legally admissible. That is the first stage of the enquiry.

5. The second stage of the enquiry requires the case management judge or the trial judge to make what will often be a very difficult and sometimes a finely balanced judgment: whether evidence or some of it (and if so which parts of it), which ex hypothesi is legally admissible, should be admitted. For the party seeking admission, the argument will always be that justice requires the evidence to be admitted; if it is excluded, a wrong result may be reached. In some cases, as in the present, the argument will be fortified by reference to wider considerations: the public interest in exposing official misfeasance and protecting the integrity of the criminal trial process; vindication of reputation; the public righting of public wrongs. These are important considerations to which weight must be given. But even without them, the importance of doing justice in the particular case is a factor the judge will always respect. The strength of the argument for admitting the evidence will always depend primarily on the judge's assessment of the potential significance of the evidence, assuming it to be true, in the context of the case as a whole.

6. While the argument against admitting evidence found to be legally admissible will necessarily depend on the particular case, some objections are likely to recur. First, it is likely to be said that admission of the evidence will distort the trial and distract the attention of the decision-maker by focusing attention on issues collateral to the issue to be decided. This... is often a potent argument, particularly where trial is by jury. Secondly, and again particularly when the trial is by jury, it will be necessary to weigh the potential probative value of the evidence against its potential for causing unfair prejudice: unless the former is judged to outweigh the latter by a considerable margin, the evidence is likely to be excluded. Thirdly, stress will be laid on the burden which admission would lay on the resisting party: the burden in time, cost and personnel resources, very considerable in a case such as this, of giving disclosure; the lengthening of the trial, with the increased cost and stress inevitably involved; the potential prejudice to witnesses called upon to recall matters long closed, or thought to be

closed; the loss of documentation; the fading of recollections. ... In deciding whether evidence in a given case should be admitted the judge's overriding purpose will be to promote the ends of justice. But the judge must always bear in mind that justice requires not only that the right answer be given but also that it be achieved by a trial process which is fair to all parties."

7. Peter Jackson LJ concluded that the above analysis applies equally to family proceedings, emphasising two central questions that must be addressed. Firstly, is the evidence relevant as potentially making the matter requiring proof more or less probable? If so, it will be admissible. Secondly, is it in the interest of justice for the evidence to be admitted? The conclusion on the second point will be illuminated by balancing the kind of factors identified at paragraphs 5 and 6 in **O'Brien** (see above). On the application of these principles the Court of Appeal concluded that the Judge's decision to exclude the evidence relating to the second family could not stand.
8. At this hearing Mr Barnett-Thoung-Holland, who appears on behalf of F, has sensibly and realistically accepted that the entirety of the evidence filed is both relevant and admissible. There is no magic in the way I should approach this evidence nor are there any special rules that apply. It is recognised that when approaching decisions on issues of fact judges should deploy the kind of rational, objective and fair-minded rigour that all reasonable people would deploy when deciding questions of fact on really important matters.

The first relationship

9. The parents of Y and S are now in their mid-twenties. They began their relationship when they were students at university together. They were studying for different degrees but some of their courses overlapped and this is where they met. F was in the United Kingdom pursuant to a student visa. His home is in South Eastern Europe. M grew up in London. The university was approximately 2 hours away from M's parents' home.
10. I heard evidence, amongst others, from M's parents, MGM and MGF. They are both, like their daughter, very slightly built. They are of Hindu background and are fastidiously polite, perhaps even slightly diffident in their presentation. It is obvious that they are a close couple with a strong sense of the importance of family. They told me and I accept, that whilst they identify as Hindu, they are not especially observant. Formal religion does not play a big part in their lives. In the relatively early days of their daughter's relationship with F, they invited him to their home for Christmas. MGF told me, slightly sheepishly, that he, his brothers and F went to the pub whilst "*the women prepared the lunch*". F is Muslim. On returning home this Hindu/Muslim group sat down to a full traditional Christmas lunch (albeit that it included Yorkshire puddings). They also had Christmas decorations and a big Christmas tree. M's family are liberal, outward looking, unselfconsciously and enthusiastically embrative of multi-cultural Britain. This was obvious throughout their evidence and is conveniently illustrated in their Christmas celebration. I highlight this because of the nature of the allegations F has made against them.
11. Within a couple of weeks of meeting M, F began to discuss marriage. While a great deal of evidence is disputed in this case, this is not. M had been a reserved young

woman whilst living at home. Her parents were delighted when, at university, she appeared to have blossomed and was taking an interest in the social opportunities around her. This required a degree of creativity as M told me that she had little enthusiasm for the drinking culture in Fresher's week and more generally. MGM told me that she was pleased that her daughter would actively initiate social contact and I sensed that she identified this as a step towards greater maturity. There is no doubt, as Dr Campbell identified, that M was "*not very worldly*".

12. M told me that shortly after she formed the relationship with F (who was 19 years at the time) he began to discourage her from seeing her friends and would join her when she was with them and firmly but politely extricate her from their company. Those friends warned M that they thought her new boyfriend was controlling her and that they were worried about her. These warnings are variously corroborated in the papers. Two weeks after they met M agreed to marry F. Inevitably perhaps, given her age and their hopes and aspirations for their daughter, this was a body blow to M's parents.
13. In my assessment of the evidence, M's parents were sensitive, low key and respectful in their efforts to discourage the marriage. They told their daughter that she was too young, that she should wait and get to know her partner better. This lukewarm response was conveyed to F and it was met by what MGM identified as a "*notable difference in her daughter's behaviour*". M began to ignore her mother's telephone calls, sometimes not responding for days. This was entirely out of character. MGM and MGF initially thought this might be due to her general absorption in university life. They had considered their daughter to be "*quite shy and timid*" and were pleased that she might be "*beginning to come out of her shell*".
14. At the beginning of January 2014 MGM contacted her daughter via FaceTime. She was very surprised when a man (F) answered the phone. His manner was, she thought, bizarre. MGM described it as "*smug and arrogant*". He declined to put her through to her daughter and disconnected the call. When MGM sent a text message to her daughter to enquire what was happening, she got no response. Again, this was markedly out of character. As January progressed MGM became increasingly concerned how, on every occasion she tried to speak to her daughter, F would be present and direct M's conversation. She noticed her daughter become defensive and unreceptive and so was surprised when it emerged that F was eager to meet her and her husband. MGM chronicles her growing concern in her thoughtful statement filed in these proceedings:

"9. In the beginning of February 2014, I recall the Respondent called me in a panic as she was scared. She explained that the Applicant had brought her to London to see his parents, but when she arrived in London, no one was there. I tried to reassure the Respondent, telling her we could pick her up and that she shouldn't worry. However, I started to receive messages from the Applicant that he wouldn't let the Respondent speak to us and that his father would be taking them back to [university]. I requested to speak to the Respondent to prove she was back in [university]. When I eventually spoke to the Respondent on Facetime she sounded drugged, she was barely speaking and seemed completely out of it. The Respondent cannot remember how she got home that evening which is extremely concerning. I have never seen the Respondent like that before and I would not put it past the Applicant to have given her drugs

10. To be honest, my husband and I felt out of our depth. We didn't know how to act, as we didn't want to push our daughter closer to him. The Applicant had informed me that he would not allow the Respondent to see or speak to us without his presence. We therefore had met with the Applicant and Respondent on 9 February 2014, which were on his terms. We were so concerned about the Respondent's safety and wellbeing, we wanted to ensure we met the Respondent; however, this meant that the Applicant had to be there. Upon meeting with the Applicant in person, he informed us that he was 19 years old and was an overseas student from South Eastern Europe, on a 4-year student visa, studying Computer Science.

11. During our meeting the Respondent was extremely quiet and I didn't feel she was herself. Each time she attempted to talk, the Applicant would cut her off and speak on her behalf, which we were taken back by. My husband and I tried to explain to both the Applicant and the Respondent that they should take things slower and that if the purpose was just to get married, then this was unhealthy. The Applicant dismissed our concerns, remaining adamant that he wanted to marry within the year and even discussed a timetable of when and how it would happen. I was extremely alarmed and looked over at my husband in shock of how forward he was. When it became clear that we were concerned by these plans, he became very agitated and started to raise his voice insisting that they had to be married within the year and that everything was planned out already. Both my husband and I got a clear impression from the Applicant, that he took a disliking to us and was trying to intimidate us and for our daughter to turn against us."

15. In early February 2014, M suspected that she might be pregnant and decided to attend a clinic for a pregnancy test. It was positive. As might have been expected M was shocked, worried about her future and what her parents might think. F had accompanied her to take the test. In a daze M told F that she wanted time to think before she told anybody. This strikes me as an entirely natural and obvious reaction. F, however, would have none of it. M tells me that he insisted that she telephoned her parents immediately to tell them the news. She had no time to process it herself. MGM, who recalls the occasion vividly and for obvious reasons, could tell how upset her daughter was. She described her as "*sobbing*". Confronted with her daughter's distress and the enormity of the news, MGM said that she simply told her that she should not worry. I find this account to be entirely compelling. Though F disputes the suggestion that he forced M to telephone her parents, he does agree that the phone call was made shortly after the test results were received. To the extent that his evidence conflicts with that of M, I prefer M's evidence. I note that MGM records in her statement that F intervened in the phone call, in the manner that had now become common place, to tell her that "*[M] is now pregnant and won't be returning*". I should record here that my strong impression is that, at this time, this family could barely understand what was happening. Indeed, I sensed that even now, during their evidence, they struggle to rationalise what has occurred. Having the benefit of the broad canvas of the evidence, I consider that F had begun to manipulate M but also to use her to threaten, intimidate and frighten both her parents.

16. Later that month M called her parents to ask them to collect her from university. MGF told me that they went immediately to collect her. M was extremely upset, she wanted to leave urgently. Both parents considered that she wanted to “escape”. Throughout this F was telephoning M repeatedly. M told me that she asked her parents to keep her phone. It struck me that what she really wanted was some space to think quietly about her situation. When the family got home, MGF put the phone in his study and the many messages were all ignored. MGF told me that he quietly retreated and left his wife and daughter to discuss the pregnancy. F has repeatedly asserted that M’s parents were pressurising her into having a termination of the pregnancy against her will. This I find to be entirely untrue. In cross examination MGM was prepared to accept, on questioning by Mr Barnett-Thoung-Holland, that she would have been supportive of a termination. I was left with the impression that, at the time, she might even have preferred it. Her daughter’s opportunities for university and independent life mattered very much to her. I am however equally sure that MGM genuinely considered that the decision had to be M’s alone. MGM told me that she thought it was a decision which required to be taken quietly, reflectively and on an informed basis, where, as she put it “*all the alternative options might be considered*”. To give their daughter some peace MGF switched off the Wi-Fi so that WhatsApp messages could not come through. F considers that MGF was deliberately isolating his daughter against her will. I reject this assertion. M was entirely clear in her own evidence that she just needed space and that she knew the Wi-Fi had been switched off and was grateful for it. MGF made absolutely no attempt to deny having switched the Wi-Fi off and was entirely clear in his reasoning for doing so.
17. A few days later the police attended at the home of the maternal grandparents. They enquired why M had missed lectures. MGM and MGF knew immediately that, as they put it, “*police do not turn up at a parent’s home when a student misses lectures*”. The police records reveal that F had reported M as being kept against her will. The notes mention “*possible kidnapping re parents*”. The information, taken from F, is recorded in a document headed “Disclosure Report”. That is not a helpful title. It implies acceptance of the truth of its contents (a point made by Butler-Sloss J, as she then was, in The Cleveland Enquiry report, 1998). One of the questions asked was “*is the person suspected to be the subject of a crime? (e.g. Domestic Abuse or Honour Based Violence)*”. The response, given by F, was “*possibly, due to parents view of their relationship and pregnancy*”. F is recorded as being “*quite concerned*”. The report also records “*making enqs with informant over [M’s] religion for possible HBV issues*”. ‘HBV’ I take to be ‘Honour Based Violence’. When they visited the house, the police were reassured that M was safe and wanted to be where she was.
18. I am not clear, on the evidence, what information, if anything, was passed back to F. In any event, it plainly became obvious to F that police intervention had not changed the situation. Shortly after this F began, on M’s account, to bombard M with messages. These included threats to commit suicide. There was also what purported to be a text from F’s uncle saying that he was concerned for F’s welfare and did not know where he was. Though the detail of this may be disputed, the broad thrust of M’s account is not. F puts a different slant on it. He claims to be trying to save M from parents who were forcing her into a termination against her will. Under this remorseless pressure M took her phone, slipped out of the house and returned to university to re-join F. Her parents consider that their daughter had succumbed to naked “*emotional blackmail*” which was F’s strategy to “*regain his control*”. I agree.

19. Within very little time F had decided that M's return to her parents was a facet of what he terms "*honour-based violence*". My firm impression is that this was unintentionally planted in F's mind in the police questioning for the "Disclosure Report". I have noticed that F uses dramatic and colourful language, sometimes with a somewhat old-fashioned complexion to it. Caught out in a lie, to which I will return later, F told Ms Jones that he had been deploying "*mere hyperbole*". His description of inconvenient evidence was "*piffle*". In my assessment of his evidence, he presents as articulate, he smiles a great deal and he has a pervasive sense of himself as a victim. He maintains, in his evidence, as he has persistently to the police and other professionals, that M's parents are prejudiced and hostile to him as a Muslim. MGM thought that F had even persuaded their daughter that they were prejudiced against Muslims. Certainly, M supported F's allegation to a variety of professionals. At some point F came to learn that M had attended a pregnancy advisory clinic or "an abortion clinic" as he prefers to call it. This was a first appointment only and as M and MGM told me it was arranged to help M to understand her options. F presents all this from a very different perspective, seeing himself as having prevented what he terms to be "*an honour-based killing*". It is alarming how readily this appears to have been accepted as a genuine concern by the police and others. It is entirely groundless.
20. From this point on, M rarely communicated with her mother. MGM was frantic with worry. She contacted the university tutor regularly, but M's privacy was guarded. Eventually, MGM discovered that her daughter had left university. The statements filed in the proceedings reveal how M's tutor had tried to discourage this but without success. M herself told me that she did not want to do this. Indeed, she recounted having discussed with her tutor whether it was possible for her to complete the year, take a year off and then return to her studies. M told me F did not think this was appropriate, he considered it would cause her stress in her pregnancy. MGM and MGF knew instinctively that M would not have made the decision to leave university lightly, she had been as surprised and as delighted as they were to have the opportunity of a university education.
21. Having left university M quickly found herself with nowhere to stay. She was smuggled into F's halls of residence but overnight stays by non-residents were strictly limited. She told me that she often took refuge in the university library. F said he occasionally acquired a hotel room for them both. All contact between M and her parents ceased. MGM describes having contacted a variety of professionals. The Police (on five different occasions), the Chaplaincy, the Hindu community at the university. M's parents drove down to the university, they told me, effectively to search the streets. MGM's statement summarises this:

"19. My husband and I were so worried about the Respondent's lack of communication that we drove to [the university] looking for her, without much success. I recall, we found her on one occasion near a water fountain in the High Street, the sheer sense of relief when we saw her alive was overwhelming. She looked frail, withdrawn and lost and looked like she had been living on the streets as she was disheveled, her clothes didn't fit. Although, she was pregnant she had looked extremely underweight. At first the Respondent didn't even recognise us, she seemed puzzled and lost but slowly came to her senses and had a pure look of relief. It was quite confusing why

she had not come home, what was holding her back. We gave her some money, as she was reluctant to come with us which caused us a lot of hurt, but at least we knew she was alive. I cannot put into words how heart breaking it was to see my daughter in this state, her youngest brother, ... who hadn't seen her for a while became distressed and stated "that's not [M]" as she was unrecognizable. All we wanted to do was protect her, which we felt like we had failed in, nothing made sense. How did we even get to this point that my daughter was practically living on the streets? I knew her reluctance to talk or come home with us, had something to do with the Applicant. I didn't want to push our daughter further away, so didn't push for answers. I just wanted her to be safe and be able to speak with us which proved to be harder than my husband and I anticipated. I was concerned to the point that I contacted PC Fairbrother to voice our worries about what we had witnessed

20. With the help of the Chaplaincy at University, I was made aware that the Respondent attempted to leave the Applicant again. On 22 May 2014, I was contacted by [the Chaplain] Coleman who had explained to me that the Respondent was no longer with the Applicant, having been in a controlling and abusive relationship. I was informed that victims often go back to their abuser but that this was the first positive step. I was advised to wait for the Respondent to contact us and that she was going into safe accommodation at a Women's refuge. I was devastated to discover that the Respondent had returned to the Applicant, as he had bombarded her with calls and texts for her to return to him. The glimmer of hope had been taken from us and the Respondent disappeared again.

*21. I recall on 24 July 2014, I was contacted by one of my friends. She had explained to me that she had seen photos on the Respondent's Facebook (see **exhibit 'HP2'**), which looked like she had gotten married. I could not believe it, my little girl was married, and it felt wrong as none of us were there or even knew about it. I was so concerned whether she had been forced, we, as a family were completely numb; nothing made sense. My husband and I feel that the Applicant went to great lengths to get married in the UK, boasting about bribing the staff at the Registry Office to obtain a copy of my husband's birth certificate through deception. I believe the sole reason that he married my daughter was to obtain a right to remain in the UK, which is why he was so desperate to marry her despite only knowing her for a short period."*

22. In his evidence MGF described his reaction on learning that his daughter had been married on 24th July 2014. He was plainly devastated. MGF was, on a number of occasions, unable to repress his emotions in the witness box, though he fought hard to do so. Missing his daughter's wedding was acutely painful to him. M is this couple's first child and only daughter. They have both expressed to me their clear view that a

United Kingdom marriage was F's central objective to secure permanent leave to remain.

23. In her evidence M described the wedding and her engagement with a complete absence of joy. She was entirely flat and, in my assessment, guileless in her description. I also was struck by F's lack of any pleasure or sentiment when he mentioned the wedding. Even factoring in the bitterness of the present litigation, I was struck how both their descriptions of the wedding day were bland and short on detail.
24. On 9th April 2014, MGM contacted the police, once again expressing concern for her daughter's welfare and asking the police to check that she was well. The police records state:

"have consulted with Sgt [K], concluded that [M] is at risk as is her unborn baby, the reasons being is this could have the potential to become honour-based violence as the parents do not want her to have the baby, [M] would appear not to have an address to live at and is not returning home to her parents."

25. When M was contacted by the police, she continued to support F and said that she was not contacting her parents because they had shouted at her. The police spoke to M again a few weeks later, she told them she did feel pressurised by her parents but assured them that there were no honour-based violence issues. I am not clear from the notes whether she even appreciated what honour-based violence was. She certainly did not seem clear about what it meant when cross examined by Mr Barnett-Thoung-Holland.
26. In her evidence M told me that as the relationship continued, F would frequently quarrel with landlords resulting in their needing to move on. This is corroborated by the Hampshire Police records relating to the period in which the couple lived in Hampshire. Two complaints were also recorded, the first dated, 4th April 2015 and the second, 2nd July 2015. They relate to allegations of refusing to pay rent. They also include references to F's intimidating behavior and blackmailing a landlord to pay him to leave. F is a tall, stocky man who is plainly perceived, by some, as very intimidating. M told me that he has never hit her but that she frequently felt afraid of him. M's father also told me that he saw F behave in a way to his daughter that he felt he should have confronted. He told me that he found F too physically intimidating to do so (see para 30 below).
27. In this period, I consider there was a degree of paranoia to F's behavior. He went to great lengths to avoid his whereabouts being discovered. This fact, as I find it to be, coupled with the couple's chaotic lifestyle, made it impossible for M to receive any anti-natal care for her expected baby. On 4th November 2014, Y was born. The medical notes highlight the lack of anti-natal care, the previous disclosure of domestic abuse and M's disappearance for 4 months. The nurses were very concerned for M's welfare. They asked her about the previous allegation of domestic abuse, M said she had been lying. The nursing notes state *"I am very concerned about her safety and baby's safety but cannot support her if she doesn't disclose"*. In a later discussion it is recorded that M would not say where she had been living or what she had been doing for the last 4 months, *"she could not verbally confirm her discharge address"*. She was also, *"unable to confirm any preparations for the baby at home"*. Entirely consistently with this, M

told me in her evidence that she attended hospital “without even an overnight bag”. The nursing notes record:

“[M] asked if she was and felt safe at home. She replied ‘yes’. I asked [M] if wanted to leave home with the baby and be placed somewhere safe. That we all had a duty of care to her and the baby to keep them both safe. She said she was fine and didn’t want to go anywhere else. I explained that we were very concerned that she hadn’t accessed any care anti-natal since June. [M] replied, ‘wasn’t it my choice not to?’... I asked her if she was still living in ... area, she replied that she would rather not say”.

28. Despite all these concerns M and F left together. F was adamant, to staff, that he would not allow M to stay at the hospital without him because he considered her parents were a risk to the baby. M said in evidence that “*F did all the talking*”. It is plain that the nurses did not consider that M was expressing her own autonomous wishes and feelings.
29. It is not possible, in this judgment, to chart the lives of this couple throughout their time together. It is necessary to focus upon and highlight what I consider to be the key features of the evidence. In August 2015, following some contact between M and her parents (monitored and encouraged by F), MGF was prevailed upon to give the couple money to come back to the London area. The couple had a number of different bases in London during the course of the next 18 months but for a period they were living in a house of multi-occupation in which they shared a communal bathroom. M’s parents were, at this stage, able to call in on her and sometimes did so unannounced. On one occasion which, for obvious reasons, sticks in their mind, they arrived, entered the property, knocked on the internal door but were unable to gain entry.
30. They each told me that they could hear their very young granddaughter crying and knew M must be in there too. They persisted. Eventually F came back from the shower room. Whilst he had gone for a shower, he had locked mother and baby in the room together. M’s parents were manifestly horrified. MGF told me that this occurred on subsequent occasions too. F was irritated by the unannounced visits and demonstrated his irritation by his general behaviour. I asked MGF whether he said anything about his daughter and granddaughter being locked in. He told me that he did not feel able to. He said, “*I am a small man and I was frightened of what [F] might do*”. Again, I find MGF’s evidence reliable. It was obvious, as he gave his account, that he felt ashamed of his inability to act. He was clear that F was never violent towards him nor did he threaten violence. He explained that he felt intimidated by F’s manner and stature. F’s account of this was that he had locked M and Y in the room to protect them from other residents. I reject this account. I find that F was deliberately curtailing M’s freedom in part because he was concerned that she might run away but also because it was an exertion of his own power. I consider that M was not the only victim of F’s controlling and manipulative behaviour, her parents were also cowed by him. He appeared to outwit them at every turn and to be able to convince others, including to some extent the police, that it was he who was the victim. M’s parents had plainly begun to feel entirely powerless.
31. In the 18 months that followed, F and M changed accommodation on 16 separate occasions. There may not be complete agreement as to the exact number, but F accepts

that there were at least 13 separate apartments or rooms. M's parents could not keep track of their daughter's whereabouts. They hired private detectives and once again contacted the police but with little effect. F parodied their concern as "harassment", driven by prejudice and steeped in "honour-based violence". This narrative, which the father confirms and professes to believe, appears to have been accepted without forensic curiosity on a consistent basis. It became obvious to M's parents that F had taken away all her daughter's means of communication. M told me that F had taken away her email access, Facebook and eventually her phone. She was, I find, completely isolated.

32. I have found MGM's evidence to be particularly helpful in understanding not only her own circumstances but those of her daughter. What was striking in her evidence and magnified in her daughter's, were the occasions when she genuinely struggled to disentangle what F had told her from that which she had experienced. Texts and messages were sometimes sent to her purporting to be from her daughter but manifestly from F. F, I consider was so confident in his own capacity to deceive others that he did not recognise that however good his English maybe it still bore the hallmarks of a second language rather than a native speaker. It could not hope to replicate the easy cadences of a young woman who had grown up in London and for whom English is her only language. Nonetheless, MGM had plainly not always recognised whether F or M was communicating with her and I sensed that, even now, the psychological confusion that created is something she finds difficult to unpick. In her oral evidence and in her statement, it struck me, on a number of occasions, that there had been something therapeutic for her in understanding and organising this dreadful period in her own mind. I found her to be a compelling witness whose account was congruent and heavily supported by examples which reinforce not only her integrity as a witness but also her accuracy. MGM captures how she fought to keep her family together in these fragile and precarious circumstances:

"The Applicant emotionally blackmailed us to see our daughter and granddaughter, by asking for money to pay the rent or food shopping. He would say that if we didn't pay, we wouldn't see the Respondent and [Y] again. If he didn't get what he wanted he would get nasty and we were extremely fearful of what he would do to the Respondent. We were constantly walking on egg shells trying to keep the Respondent and [Y] safe. If we were not forthcoming with his demands, he would cut all communication and move away without a forwarding address and would change their mobile numbers. They would move and not have contact with us for sometimes months at a time and then he would contact us randomly to let us know they had moved, when he required something from us. We would attend the property they were renting only to find they had left. Even landlords would tell us that they thought there was something psychologically wrong with the Applicant as he would lock the Respondent in their room, and he stole a parcel with phones from the landlord."

33. F's behaviour was not only controlling both emotionally and psychologically there was also a financial dimension to it. In the very early months of the relationship he persuaded M to close an account in which money had been put aside for her by her parents. Had it been left a little while longer it would have accrued a significant spike in interest. F was impatient for the money and the account was cashed in immediately.

The sum was approximately five thousand pounds. Four thousand pounds (roughly) was given to F. F said that he had sent it to his own father in repayment for the loans he had given him and upon which they had both been living. I should say that F repeatedly asserts, proudly and with some grandiosity that his own father is an immensely wealthy man. It is difficult to see why, if that were true, F would need to empty his partner's account. M went with F, on one occasion to visit his family in South Eastern Europe. She met a family living in modest circumstances, certainly not exhibiting wealth on the scale that F now represents. When this was put to F, in cross examination by Ms Jones, he gave an explanation that M had not appreciated that his father did not merely own his own bungalow but in fact owned the entire street. It is this conflicting information that both M and MGM struggle to convert to a coherent narrative. They are unpicking a protracted mind game which, in my judgement, occluded their respective capacity to uncouple fiction from fact.

34. In her statement MGM notes:

“After meeting the Applicant, the Respondent’s bank accounts started going into overdraft. I believe that all of her belongings which held value, for example; her iPad, TV, Nintendo DS, jewellery and Blackberry phone were sold. the Respondent’s savings accounts, which we had set up for her when she was a small child, were also cleared out. We only discovered this upon receiving a closing statement from one of the accounts.”

35. Later in her statement, MGM sets out how financial and emotionally controlling behaviour were pursued in tandem:

“In addition to the blackmail to obtain finances for rent/shopping, the Applicant also blackmailed us into paying for his immigration fees, informing us that if we did not, he would take our daughter and granddaughter to South Eastern Europe and would not return them to the UK. He informed us that he was a proprietor in his father’s car business and owned a house and had a car back in South Eastern Europe. He also informed us that his family were very wealthy, and his father had paid the money needed for sponsorship to remain in the UK, as the Respondent had no means to be able to sponsor him as her spouse.”

36. M told me in her evidence that there had been a number of occasions when she would break free from the flat. She would leave nappies and a feed for Y. She told me that she knew F would never change or feed their daughter. The nappies and bottle would always be untouched on her return. She recognised her own responsibility for neglecting Y in these circumstances, but she told me she would just become overwhelmed and need to escape. She described how she would take bus journeys across London to her parent's home where she would sit outside and watch the house. Sometimes she told me she would cry. She never attempted to knock on the door or make her presence known, she would just stay quietly unnoticed sometimes for hours. She told me that on these occasions F would electronically transfer a small amount, usually about five pounds, into her account to enable her to get home. The detail that M gives, her candour in respect of her own errors and her willingness to relate the past

in a way that does not always cast F in a negative light, all serve to buttress the credibility of her account.

37. On 6th September 2017 M sent a desperate message to her parents asking for their help. By this time, she was pregnant again. The grandparents went to collect M and Y, they left without packing any of her things because M was fearful that F would turn up and block them. MGM at first did not dare hope that this would be the end of the relationship but pretty quickly it emerged that M had finally resolved to put this marriage behind her.
38. On 14th September 2017 M made a complaint of rape against F. She gave an ABE (Achieving Best Evidence) interview lasting 65 minutes. There is no transcript of the interview, though there is a summary prepared by the interviewing officer. I have watched the interview in full and made my own notes as I watched it. M describes how, on an afternoon in August 2017, a few weeks before she made her escape, F had asked her to have sex. She said that she told him she did not want to, but he persisted and requested that they put Y to bed. M told the interviewing officer that her husband asked her if he could check her vagina for vaginal discharge. She said he regularly does that "*because I was pregnant*". She describes how she removed her trousers and underwear and laid back on the bed so that he could wipe her vaginal area. She described how she then put her underwear back on. At this point she narrates F saying that he wanted to have sex with her. M again made it clear that she did not want to, but F persisted. She described how sex was invariably emotionless with her husband. It was formulaic and unaffectionate. It would always be penetration "*from behind*" M told me, but she stressed "*it was not anal*". When questioned about this in her evidence she agreed that they had tried anal sex at the early stages of their relationship, but it had not been satisfactory.
39. Though she is clear that F was never physically violent to her, she told the police officer that she had always thought he might be. She described how she was essentially compliant and turned over and positioned herself on all fours. She stated that F then pulled down her underwear, to her knees and had sex with her. She said that it hurt her and she was distressed. She considered her pain and discomfort would have been obvious. She narrated putting her face in the bedding. She was clear that she did not tell her husband to stop, she just endured it until it was over. She told the police woman that she had never been with any other man and she thought that her husband might "*because of his culture*" consider that a good wife would not refuse her husband sex.
40. She described how following sex, her husband would immediately go and shower himself, in her evidence she said he treated her "*like rubbish*". Although she did not ever push him away or try physically to stop him, she was sure he would have known that she did not want to have sex. In her evidence she stated that she was scared, so she just let it happen. Despite what had happened M told Ms Jones, in her evidence in chief, that she had on occasions tried to encourage F to have sex with her. She said he always refused, it had to be on his own terms. She said she was not sure why F always checked for vaginal discharge but, she said, "*he knows about the body*". M says that she was forced to have sex in this manner on 5 separate occasions.
41. The police very quickly concluded that what they perceived as ambivalence about consent rendered the evidence insufficiently strong to prosecute. I make no comment about that. F denies the allegations, he contends that they are malicious.

42. What is striking about the interview and the oral evidence is, once again, the complete absence of guile on M's part. She readily recognised that she did not tell her husband to stop or put up any physical resistance. She volunteers that he may have expected her to submit to sex. In evidence she said that she had, on one occasion, asked him whether he thought his father behaved in this way. The descriptions of showering immediately after sex, checking for vaginal discharge, the repeated assumption of the same position are described with a degree of puzzlement and incomprehension. In her evidence she sought to explain her passivity by emphasising that she had never been in another relationship and did not know what to expect. In the police interview she appeared to be struggling to understand what had happened to her. If, as F contends, this was a malicious complaint it is difficult to see why M should repeatedly weaken her own case by offering what were in effect excuses for F's behaviour.
43. Both in the interview and in her oral evidence, I found M to be entirely convincing and credible. Moreover, I am satisfied that her obvious pain and distress would have been clear to F and would have signalled to him without any ambiguity at all that this was not consensual sex. A maliciously motivated complainant in a false allegation of rape would, in most cases, be unlikely to volunteer that, following the rape, she sought to initiate sex with her husband on a later occasion. It became clear that what she wanted was love and affection. It is equally clear, in her account, that F had no interest in that. As I have said, M alleges this occurred on 5 occasions. Mr Barnett-Thoung-Holland points out that the Schedule of Allegations filed on behalf of the mother identifies 5 allegations of rape: 2 in May 2016, 1 in July/August 2016, 7th August 2016 and 7th August 2017. These were not dates given by M in her police interview, where she refers to an incident around August or September 2018. Notwithstanding M's confusion about the dates, which I find to be entirely understandable in the context of what I have found was happening to her more generally, I am satisfied that she was raped and probably on more than one occasion. I emphasise that I find M's evidence reliable consistent and congruent throughout.
44. On 23rd March 2018, DC Ally Carmichael interviewed M at a Police Station. The officer was investigating a possible charge against F of "controlling or coercive behaviour", pursuant to Section 76 of the Serious Crime Act 2015. This interview was, in my assessment, carefully planned and sensitively conducted. By this stage the forensic mists had begun to clear, and it is obvious, from the structure of the questions that DC Carmichael asked, that the reality of M's situation had, finally, become better understood.

M's police interview

45. At risk of overburdening this judgment and recognising that it will, necessarily, involve a degree of repetition, I consider that significant passages from this interview require to be highlighted. The questions and spontaneous responses illustrate both the insidious and manipulative nature of coercive and controlling behaviour and its impact on the victim. An inevitably sanitised judicial summary, in the course of a judgment, cannot capture this with the same impact. Below I have highlighted some of the paradigm strategies deployed.

Alienating friends and family

"AC: Right and did you say this was your second date?"

M: Yeah

AC: And what do you mean about him? Can you tell me a bit more about him telling you can't talk to other people?

M: Meaning like if I was to date him further on like and if it was to get more serious. I wasn't allowed to maybe talk to my friends about this relationship or maybe talk to other boys about this relationship. Even though I was close to my friends.

AC: And why was that?

M: I really don't know maybe he was jealous that I had good friendships with other people regardless of if they were boys or girls.

AC: Right, right. And what did you think about that?

M: I thought it was a kind of silly. You can't control other person if they are friends with a boys or a girls. You can't not talk about another relationship if you are going to do that.

AC: Yeah OK. Umm so what happened next?

M: And then from that point once I left halls of residence to go home for Christmas, he would call me he would call me quite a lot. You know every hour, maybe 20 minutes just to check on if I was you know maybe safe or maybe at risk. But why would I be at risk on my own house?

AC: Hmm yeah what was he calling for?

M: Nothing, he just wanted to know where I was that was it. And who I was with.

46. In my assessment, in March 2018, M was far less able to understand and process what had happened to her in this relationship. The above exchanges reveal both her naivety and her failure fully to grasp the nature of the abuse that I find she was subjected to. This also serves to bolster the credibility of her evidence. Though her appreciation of what has happened to her has developed as she has matured, it is still incomplete. She relates her experiences in a way which reveal a complete ignorance of the paradigmatic pattern of controlling and coercive abuse she is describing.
47. In the interview M goes on to describe how the more subtle, initial efforts to prise her away from her friends became gradually stronger and more insistent:

“M: And when I returned to halls of residence from Christmas things went downhill, he would stop me from like seeing my friends. So, he would control who I went out with and who I went to dinner with. Because in my halls and residence I used to pay for my dinner. So, the university would give me dinner and he would stop me going down with my friends to go and eat dinner with them.

AC: And what would he say to you?

M: Just oh you shouldn't talk to them because they are jealous, or you shouldn't talk to them because you are not in a relationship. Like he would describe to me like why they are not good as a friend.

M: And if they. My friends texted me on my phone he would always look at the phone first and maybe delete it or answer them without me knowing.

AC: Right so tell me a bit more about that.

M: He would basically contact them. Or if I had a message from my phone umm from my friends, he would maybe reply to them saying oh I cannot come because I might be busy with some work or from uni or I am busy doing something else or going out to do something else. I don't know.

AC: You said he would reply to them? On your phone or his phone?

M: On my phone

AC: And would he say it is from you or from him or you cannot remember?

M: He would say it will be from me. But some of my friends know the way I talk. Like my mum knows the way I talk. So, they know it probably wasn't me at time.

M: So, he would post pictures of me on Facebook without me knowing. So, he would go into my account log in and post pictures of my Facebook without knowing. So, my friends would tell me.

M: The thing is he changed my password on Facebook. I request a new one and I think I managed to lock him out of his one and I managed to get back in.

48. As I have identified, F's control also extended into M's relationship with her parents:

"M: Umm around February time I was still with him. My friends really didn't want me to be with him. I think it was about the 14th valentine day I found out I was pregnant.

AC: OK.

M: And I was not happy about that. He made take a. He made me go to the doctors and I really didn't want to go because in a woman cycle. I don't really want to explain that but umm. During that point I was meant to start, and I didn't. And he made me go to the doctors and I said look wait, because I know my body and I know what is going to happen. Just give it a few days. And he made me go to the doctors. Take a pregnancy test and the doctors told me I was pregnant. And I just cried

AC: Right.

M: I really didn't want to be pregnant at that age.

AC: You were eighteen at that point? And what? How did he take it?

M: He just smiled.

AC: OK.

M: And then as soon as we left the doctor's he made me call my parents and I didn't want to tell my mum that I was pregnant. I really didn't. But he took the phone out of my hand and dialled my mum. And I had to tell. He made me basically. Well forced me to tell my mum that I was pregnant." (my emphasis).

49. I have highlighted the above passage because, as I have foreshadowed, it illustrates how something which, on the face of it, may appear relatively innocuous or natural such as

a telephone call made to a mother by a daughter who had just discovered she is pregnant is, in context, a brutal act of mental and emotional cruelty to both the women concerned. Forcing M to telephone her mother before she had even a moment to absorb the news herself was intended to cause pain and it did so. Neither will ever forget the pain of that telephone call. In their evidence both women made reference to it in visceral language.

50. Though it was perfectly possible for M to have stayed at university I am satisfied that F did not want her to. He, in my judgement, was determined to erode M's morale and self-esteem. He would have known how proud she was to be at university:

“AC: And sorry he wanted you to leave?”

M: He wanted me to quit university and leave halls and residence.

AC: Why is that?

M: Because I was pregnant, he didn't want me to be under stress for some reason.

AC: And did he want to leave university as well?

M: No, he wanted to stay which really bugged me.

AC: Right

M: Because I wanted to finish the first year and he really wouldn't let me.

M: He made me go to the library. The university library. And login in under... What's those forms where you can quit yourself? I don't know what it is called. I don't know what it is called. But you can register a form and fill a form and send it to the office to make you quit.

AC: Right

M: And so, he filled it out and sent it.

AC: Sorry he filled out a form? On your behalf?

M: Yeah, online and sent it to the office to make me quit.

Controlling money and food

51. I reiterate that though F challenges all these allegations, contending that they are fabricated, they establish, to my mind, a compelling and authentic paradigm of abuse, far beyond anything that this young woman would have been able to fabricate:

“M: I was thinking I need to get out. I need some space. I need to breathe. I don't need to be in a relationship with a man that can't promise me things.

AC: OK, and what kind of mean I know we have touched a lot here. But what kind of things was he controlling at that point?

M: Food

AC: Right

M: Whether I can shower or not. And if I could see my friends. And if I could see, well talk to my family basically.

AC: Right tell me about those in stage.

M: Food, he would buy what he wants to for food. Anything that he didn't like he would give to me. I regardless of if it was in date or not. You know food was food at that point. So, I had to eat it. So, I just ate whatever was left really. OK. Umm friends I did say at the beginning that he would put himself in the middle between me and

my friends so yeah. And then family he wouldn't let me talk to any of them in my family. Regardless of if it was my mum or dad."

Communication with the outside world was gradually reduced

52. The passage below illustrates M's progressive isolation:

AC: And how would he stop you?

M: He would look after my phone.

AC: So, tell me about that.

M: So, he would keep hold of my phone for me. Or maybe break the sim card out of that phone and sell the phone. And buy a new phone out with my name.

AC: OK, so tell me more about that.

M: So, he would put contracts in my name because he thought that was probably the best. I don't know why he would do that. That is probably why I have a lot of debt in my name.

AC: OK we will get more into that further down. So, at this point are you saying that he took your phone?

M: He took my phone from me and he would write to my mum telling her it was me; but it wasn't.

AC: So, when you say write do you mean text?

M: He would text my mum. And my mum knew the way I wrote through text and his grammar and spelling would be on point whereas mine wouldn't, any mum knows that.

AC: OK and what kind of things would he say to her?

M: He would say I am doing alright with, I'm OK, he is looking after me OK. I am doing well.

AC: Do you mean he was purporting to be you while he was sending these?

M: Yeah

AC: And did your mother reply?

M: Yeah, she thought it was me basically and she would reply to that.

AC: OK. And do you know why he was doing that?

M: **I think he was doing mind games to my mum. Just to wind her up really.** (my emphasis).

53. I agree with M's conclusions, F was playing "*mind games*". Once again, her naïve attempts to unravel the past carry the inimitable hallmark of truth. Gradually, even M's physical freedom was removed from her:

AC: OK so (clears throat) let me get this right. You say it was a multi-occupancy house?

M: House yeah.

AC: You had.

M: I had to stay in the room.

AC: Right OK.

M: I wasn't allowed to go to the kitchen I was only allowed to go to the bathroom and back again.

AC: OK and why weren't you allowed to go anywhere?

M: I really don't know.

AC: What did [F] say to you?

M: He would say look you don't know these people. They can do anything. They may have contact with your family, so you have to stay in the room."

54. M also describes the plundering of her ISA account:

"**M:** So after [Y] was born I told him look my ISA is about to expire or about to mature. What shall I do with it? Shall I take it out shall I leave it in to mature a bit longer for another five to six years? And then he goes to me straight away take it out. Take it out because I think I still had I think two months left. Before it matured and I would have a lot. And he goes look I don't care if you lose like maybe two three hundreds pound just take out that much. And at that point it was a large amount of money to be taking out.

AC: You said it was £5,000?

M: Five about £5,800

AC: OK so it was almost £6,000

M: Yeah, but I lost two hundred, because it was

AC: Was early?

M: It wasn't up to that maturity yet. So, we took out about £5,600 roughly in. All in cash and he sent the majority back to his parents.

AC: Why?

M: Because he felt like he needed to pay off a debt to them.

AC: And this was your?

M: And this was my money.

AC: Right.

M: That I saved for eighteen years or whatever.

AC: And had you discussed that?

M: I told him look I really can't. We can't afford to send money back to them. We need to afford for to pay for a baby pay for their nappies we need buy essentials. And he wouldn't have it. And he said look my debt. His debt to his parents are more essential than feeding a baby and looking after it.

AC: OK, so he didn't want to use the money to buy things for you and [Y]?

M: Yeah"

55. There was wider financial exploitation of M:

"**M:** He would put go to different phone shops like O2, EE, Vodafone and take out these phone contracts in my name. Like the £24 ones, the £30 ones or whatever the amount was. And umm he would do it in my name just to get a certain phone. And once he got the phone within maybe a week or so. He would sell it. I wouldn't see that phone or just have a lot of debt in my name.

AC: So, he would take it out in your account your name and sell it?

M: Would sell it same with internet as well. He would take out internet from whoever was doing a good deal and cancel it straight away.

AC: Why?

M: (shrugs) I don't know.

AC: Right.

M: He because wherever we would used to move or within those two properties that I mentioned there was no internet in place, so we had to get internet. He just thought it was a good idea because I am a UK national, but he would do it in my name. For no reason.

AC: Right OK. Umm where there any other sources of money?

M: Yeah, he used to sell my things as well like I got an iPad for my birthday when I was 18 well it was a birthday Christmas present. He sold that.

AC: Right

M: He sold a whole load of Pandora bracelets. He sold um my 16TH birthday earrings he sold that. He sold the TV that my dad lent them him. Which he was meant to borrow but give back to my parents, but he sold it. Sold that as well he was not meant to sell it umm.

AC: And what happened to that money?

M: All that money that he got would go towards food. It wasn't a large amount of cash that he could send. The money that he send he would have to pay a fee for.

AC: Right yes.

M: So, he didn't decided to do that. He used it to for food.

Anything I could maybe keep hold just to keep for [Y's] sake I would buy it for her. So yeah. That was the only reason.

AC: OK.

M: So yeah that was the only reason what else did he sell? Umm.

AC: And did you give him permission to sell any of those things?

M: No.

AC: So, he what did he do?

M: He just assumed because we were married whatever was mine was his.

AC: Right, Ok.

M: So, he sold a load of things

AC: Of your things?

M: Of my things.

AC: Without your permission?

M: Without my permission.

AC: And the money went to?

M: Towards food.

AC: OK but he control the money?

M: He control the money. So, he would make me sell it even though I didn't want to and keep hold of the money."

56. DC Carmichael returned to the subject of M's **physical restraint**:

"**AC:** You were not allowed out the room?

M: No.

AC: Does this go back to what you were saying earlier about?

M: Yeah, I wasn't allowed out.

AC: Right.

M: I was not allowed out because we had a toilet in the room I could only go toilet, in the room.

AC: So, you weren't allowed at all?

M: No.

AC: Right, how did that come about that? How did [F] explain why you weren't allowed out the room?

M: He said he did not want me not to talk to other people. He did not want me to share what I have went though. Well what he was doing to me to other people in the house.

AC: Right.

M: I didn't know who was in the house. You could be anyone you know. You could be a paedophile or whatever. I was scared to go out in that sense. But then I still wanted to talk to other people I was still living with. If that makes sense as well.

M: He wanted me to convert from being a Hindu to a Muslim and wear the headscarf and be covered from head to toe.

AC: And he told you that is what he wanted you to do?

M: He told me he wanted me to wear a headscarf, but he didn't say he wanted me to be covered from head to toe with the long vale. But like suitable clothing that doesn't show your body parts. If that makes sense?

57. F eventually became so confident in his controlling role that he appeared to amuse himself by the **gratuitous emotional torture** of his in-laws:

M: "But he told my parents we were moving to Cornwall. And my parents wanted to say goodbye to me. But he wouldn't let my parents say goodbye to me. I don't know why. And so, he sent my parent on a wild goose chase to a fake address in..."

AC: Why did he then you were moving to Cornwall?

M: I don't know he said he thought it was funny.

AC: But you were moving to Ilford?

M: We were moving to Ilford so.

AC: And you said your parents went to Cornwall?

M: Yes, my parents went to Cornwall with my brothers to find us, but we weren't there we were in Ilford. And he just assumed it was funny for some reason.

58. Having seen the grandparents give evidence and observed the intensity of their distress, recollected in the witness box but nonetheless still present, F's behaviour strikes me as sadistic and it requires to be identified as such.

59. The birth of the second child, taken out of context, might appear a joyful event. I have no doubt that M and her family love the child very much. Equally I have no doubt that this second pregnancy was a further facet of F's controlling behaviour:

"**M:** I didn't want to be pregnant at that point in my life again. But he said he wanted another child. And I said look I really am not

ready for another child until maybe later down the stage at maybe until 25. He said look I need to have another child now. And I am thinking I can't deal with it. And then the next thing you know I am pregnant again.

AC: Right, OK.

M: It was more of a sexually abusing thing.

AC: OK, so tell me about that.

M: He would sometimes say to me as a woman as a wife you need to obey me. Because you know you are my wife. So, you know you to give up your body to pleasure his needs. So, he would make me cry and then he would just. It's really hard to explain. I don't really want.

AC: It is safe space for you to talk about it. If you need to talk about it then you should talk about it.

M: (Crying) He sometimes would rape me. This is what annoys me the most because Sapphire closed the case and they could not find any evidence for it. And um he would sometimes rape me. And he would hear me cry and he would hear me crying so much that. That it was hard. While [Y] was asleep and I guess I couldn't do it.

AC: Right, so he would force you to have sex?

M: Yeah

AC: And did you tell him that you didn't want to?

M: (Crying) I told him loads of times. And I told him that it hurts. And that I just couldn't do it and he would rape me or make me have sex. And I just couldn't do it.

AC: OK.

M: (Crying) that's how I feel pregnant again."

60. In **A County Council v LW & Anor [2020] EWCOP 50** I gave an ex tempore judgment in which I highlighted the need for vigilance, in the Court of Protection, when seeking to understand and identify coercive and controlling behaviour in the context of particularly vulnerable adults. In my judgement, it is crucial to emphasise that key to this particular form of domestic abuse is an appreciation that it requires an evaluation of a pattern of behaviour in which the significance of isolated incidents can only truly be understood in the context of a much wider picture. The statutory guidance published by the Home Office pursuant to Section 77 (1) of the Serious Crime Act 2015 identified paradigm behaviours. In **A County Council v LW (supra)** I emphasised the features of that guidance which struck me as particularly apposite in the context of vulnerable adults. They are strikingly relevant here:

- Isolating a person from their friends and family
- Depriving them of their basic needs
- Monitoring their time
- Monitoring a person via online communication tools or using spyware
- Taking control over aspects of their everyday life, such as where they can go, who they can see, what to wear and when they can sleep
- Depriving them access to support services, such as specialist support or medical services
- Repeatedly putting them down such as telling them they are worthless
- Enforcing rules and activity which humiliate, degrade or dehumanise the victim

- Forcing the victim to take part in criminal activity such as shoplifting, neglect or abuse of children to encourage self-blame and prevent disclosure to authorities
- Financial abuse including control of finances, such as only allowing a person a punitive allowance
- Control ability to go to school or place of study
- Taking wages, benefits or allowances
- Threats to hurt or kill
- Threats to harm a child
- Threats to reveal or publish private information (e.g. threatening to ‘out’ someone)
- Threats to hurt or physically harming a family pet
- Assault
- Criminal damage (such as destruction of household goods)
- Preventing a person from having access to transport or from working
- Preventing a person from being able to attend school, college or University
- Family ‘dishonour’
- Reputational damage
- Disclosure of sexual orientation
- Disclosure of HIV status or other medical condition without consent
- Limiting access to family, friends and finances

61. In my concluding paragraph I observed:

“22. It is important to emphasise that this list is not exhaustive. It does not, for example, include controlling intake of food and nutrition, which was such a striking facet of the evidence here. Abusive behaviour of this kind will often be tailored to the individual circumstances of those involved. The above is no more than a check list which should prompt questioning and enquiry, the responses to which should be carefully recorded so that the wider picture emerges. That which might, in isolation, appear innocuous or insignificant may in the context of a wider evidential picture be more accurately understood.”

62. As I remind myself of this passage, it triggers a recollection of M’s evidence which, at the time, did not strike me as carrying the significance that I now regard it as doing. She told me that F would frequently order vast quantities of food which he would not share and would tease both M and Y about. In the context of the more striking and serious abuse this detail was eclipsed but as a facet of the wider picture it now strikes me as yet another feature of control and on the most basic of levels.

63. I also note that in the judgment referred to above, I recognised the same kind of challenges faced by the professionals that have emerged in this case:

“11. I recognise that a judge has a significant advantage, reviewing all of the evidence in the forensic calm of a court room. Those working with LW on the ground, have not, until recently, had the same opportunity to weave the material together to gain a clear picture of the distorted and abusive nature of this relationship. That said, I reiterate my concern that this contact has been permitted to continue for as long as it has.”

64. As will already be obvious, a great deal of evidence has now been gathered in this case. The nature of the evidence and the breadth of it has presented a considerable challenge to the advocates. It has not been easy to marshal. What is striking, however, is the degree to which the allegations in this case mirror the paradigmatic behaviours identified in the guidance above. M simply lacks the guile, the experience or the maturity of mind to have been able, so completely, to fabricate such a compelling and cohesive picture. Moreover, it is supported and strengthened by the wider evidence, particularly of M's parents, friends, university acquaintances, tutors and the university Chaplin. In this case I am required to make findings on the balance of probability. I have no difficulty in concluding that between December 2013 and September 2017 M was subjected to a brutalising, dehumanising regime, by F which subjugated her and was profoundly corrosive of her autonomy. Further, were I required to make such findings to the criminal standard of proof, I should have no difficulty. I record, as a matter of fact but without comment, that there was ultimately no prosecution.
65. In his evidence I found F to be histrionic, self-pitying and manipulative. The contrast between MGF's distress in the witness box and that of F could not be starker. MGF cried for his daughter and granddaughters. F wept for himself. When the evidence was, finally, set out in the way that I have summarised above, F had no convincing response beyond simple denial.

The second relationship

66. In October 2017, F met Ms J. Ms J is a woman in her mid-forties. F, by this time, was in his mid-twenties. Ms J has two children, then aged 9 and 11. She had a long-standing relationship with the children's father (T). Having heard from both of them, at this hearing, I formed the clear impression that notwithstanding the irretrievable breakdown of their relationship, a great deal of mutual respect had survived. T told me that Ms J was a devoted and loving mother, unwaveringly focused on the welfare of their two boys. He described a woman who was full of energy and zest for life. When the family were together, the weekends were full of interesting and child focused trips, all planned by Ms J. T told me that Ms J has a law degree, she worked in the hospitality industry for many years and then trained as a teacher. T said she was typically dedicated, committed and hardworking. T described his former partner as "*full of life*" with "*many friends and a very close relationship with her own mother*". After the breakdown of the relationship, mother and boys stayed on in the family home. Ms J lavished time, energy and money on the property, creating a stylish and comfortable home.
67. When T and Ms J separated, they did so because T had been having an affair with another woman. This was not his first infidelity. It was, however, the breaking point for Ms J. She lent on her mother for support as, I find, she always had done. Her mother (Mrs G) told me that in a telephone call, late at night, she asked her to come down to London to help her. Mrs G packed her bags and boarded a National Express bus from the Midlands the following morning. When she came to court Ms J pretended not to remember this. I have absolutely no doubt that she has an entirely vivid recollection of it that she no longer feels able to acknowledge.
68. Ms J met F on an internet dating website. The relationship progressed very quickly, as had been the case with M. I found Ms J's mother to have an objective perspective on her daughter's situation. Ms J told her mother that she had met a man through a dating site. Mrs G was rather suspicious about this, she told me that though she knew it is

“quite common these days”, she considered herself to be rather “traditional”. She thought such a way of meeting people posed risks. Her anxieties were not allayed by the fact that within three weeks of meeting F, Ms J had permitted him to move into her home with her children. Mrs G referred to “alarm bells” going off in her head.

69. She told me how in February 2018, her daughter brought F to stay for the weekend. She recalled some facts to which she attributed significance, correctly in my view. F called himself ‘Jordan’, that was not his name, as emerged a few weeks later. He said that he was 40 years of age, he was 26. He stated that he had a Master’s degree, that his family lived in Windsor and that he had been educated at Eton College. He claimed to drive a white Mercedes sports car and to live in a flat near London Bridge, where he was looked after by a housekeeper. I am not sure whether Mrs G had met many old Etonians, but she had perhaps seen sufficient of them in the media to cause her strongly to suspect that F was not one of their number. All this background was fantasy.
70. Mrs G recalls F saying that he had paid 20K to a woman with whom he had previously been married in order to obtain leave to remain in the United Kingdom. By the end of the weekend, Mrs G’s alarm bells were ringing very loudly indeed. F had told her that he was the Director of a National Health Trust, earning £330,000 per year. When he left, Mrs G got to work to see if she could identify him on the NHT database. Very shortly after the visit Mrs G sent the following email to her daughter:

“i am going to give you my concerns over your relationship with Jordan and then i will butt out and if nothing else it gives me peace of mind that i have told you how i feel. i realise you are 44 and no fool but 1). i cannot understand how anyone who was educated in England and went to Eton can have such a strong accent. And why would he choose to go to [a minor university] for a master’s degree over going to Cambridge. 2). a luxury flat in the middle of London with concierge as security would usually have underground parking so why would he leave his car in Windsor. 3). if Jordan is a director of NHT why is he not listed on any database. when i asked what hospital is he based at he said Whitechapel hospital. there are 3 hospitals on Whitechapel road. London Royal, St Barts and i think the third is Mile End, but he is not listed on any. 4). now you have been to his flat and know the address can i look him up on the electoral role. 5). i still don’t understand the reason for commitment so quickly, especially a child, unless it has anything to do with staying in the country. these are my main concerns and as promised i will now keep quiet, but like dad i would like to meet his parents before you marry him xx”

71. As is clear from the above, F and Ms J had been discussing marriage and pregnancy. It is to be remembered that they had not yet known each other for 6 months. The parallels with M’s situation are striking. In my assessment Mrs G is a sensible, reliable witness entirely motivated to help her daughter. The following passage from her statement requires to be highlighted:

“I became extremely alarmed, when a couple weeks later [Ms J] told me she wanted to marry ‘Jordan’. She informed me that she would need me to be a witness and sign the document in order for their

*marriage to be legal. I could not believe what I was hearing, I started to panic but I was cautious about pushing her towards him. Within a short space of time, [J] telephoned me to say that 'Jordan' was not his name, and it was in fact, [F]. **She further disclosed that he had forcefully told her that she was to marry him and have his baby or he would leave her.** I told her that she should let him go and that if he cared for her, he would not blackmail her in this way. **Hereafter, mine and [Ms J's] communication became extremely limited. I noticed that the Applicant had begun to monitor our telephone calls which were always on loudspeaker, where he would involve himself in our conversations. I felt he was really intrusive and would control what [Ms J] was saying. I felt helpless as I could feel my daughter slowly slip away from me. The Applicant and my daughter proceeded to plan for their wedding for 26 July 2018 (see exhibit LL3 for the invite), I was against this which my daughter was aware of. [Ms J] and the Applicant attended my property once more to take [Ms J's] niece out shopping for bridesmaid dresses. When I saw [Ms J], I just wanted to grab her and make her see sense but I didn't want to push her away. I could not believe the speed they were moving at.**"(my emphasis)*

72. I have emphasised the extracts above to underscore that which is obvious. These descriptions could be inserted seamlessly into MGM's statement. They describe insidious, unsettling and controlling behaviour enacted in a virtually identical manner. Thus, two women who have never met, with entirely different experiences of life are describing how their daughters were coerced into a distorted relationship which gradually and relentlessly chipped away at their own sense of self and personal autonomy. It need hardly be said that these two accounts, strikingly similar as they are, each reinforce the other. It is also the case that when the two relationships are compared, it brings the force of the abuse, in each separate relationship, in to greater focus and serves better to illustrate its corrosive and debilitating impact.
73. In mid-July 2018, Mrs G received a call from T, her daughter's former partner and the boy's father. He told her that there had been some problem in returning the children to their mother after contact and, because this was so out of character for her, he telephoned the school where she worked to check all was well. The school told her that Ms J had resigned from her post some weeks earlier. Mrs G describes this in her statement:

"I was in utter shock, I could not believe what [T] just told me, as [Ms J] worked so hard to get where she was and she loved working with children. In addition to this, he informed me that [Ms J] was pregnant, which was beyond belief for me. To this date we do not know if [Ms J] was pregnant/what happened in respect of the pregnancy. I was so angered at the Applicant, but broke down and cried as I didn't know what to do. I could see what was happening before my eyes and I was unable to do anything about it. We were later informed that the Applicant had taken her to resign from her job and that [Ms J] had cried throughout the interview. The

school's head teacher was so concerned about the sudden change in [Ms J's] behaviour that they filed a report, however this was unfortunately never acted upon by any third parties.” (my emphasis)

74. Again, this replicates what happened with M. Both women were alienated from their families; both lost careers within weeks of meeting F and were thus disconnected further from the social support that work or study brings; in both cases F was directly involved in engineering the resignation i.e. from school in Ms J's case and from her university career in M's case; with both women real efforts were made by the respective institutions to dissuade them from their decision and in each situation there was real professional concern that these important career decisions were being taken reluctantly and under duress. It is also clear that there was mounting concern for Ms J, as there had been with M, but which never seemed to crystallise into an issue upon which some action could be taken. There is a strong sense of frustrated powerlessness not only in both families, where it is acute, but more widely in the social and professional circles of these two women.
75. The marriage plans foreshadowed in the first meeting with Mrs G soon resulted in an early date being fixed. However, on the day of the planned wedding Mrs G simply did not feel able to attend. Ms J's father went alone. When he arrived at the venue, he discovered the event had been cancelled and the couple had got married the day before. I note that M's parents had also been excluded from their daughter's wedding day. Ms J's parents described themselves as “*broken*”.
76. What followed is, again, a strikingly similar replication of what happened to M. Ms J had no further contact with either her family or her longstanding and supportive friends. None was given a telephone number nor an email address. All Ms J's social media accounts were closed, just as M's had been. Her car had been sold. Like M's parents, Mr and Mrs G fell back on the police and reported their daughter and their grandchildren as missing persons. The home that Ms J had put so much effort into seemed to have been abandoned. The children, who had been the focus of Ms J's life, were uprooted from their school, friends, family and of course their father (T) and had also disappeared without trace. T told me in his oral evidence that he simply could “*not get his head around*” what had happened with Ms J or understand how, not only her personality but her entire approach to life appeared to have changed so dramatically. It is important that I record that T's emphasis was on trying to understand what had happened, and entirely free from any rancour towards Ms J. Indeed, I think his prevailing response is one of deep sadness both for her and their boys.
77. In August T was notified that the boys had been registered in a school in Cardiff. Mr G drove to Cardiff in his car to try to discover whether his daughter and grandchildren were being held against their will. Mrs G sets this out in her written statement:

“However, when [Mr G] arrived, he saw [one of the boys] who was so happy and relieved to see him and asked him “where have you been grandad?” [Mr G] informed me, he could tell immediately something as wrong and before he knew it, the Applicant had stopped in the middle of the road and instructed [one of the boys] to get in the car straightway. The Applicant stopped [Mr G] from even speaking to [Ms J] and she remained in the car, being instructed by

the Applicant to “drive, drive, drive”, whilst pushing [one of the boys] head in to the car and shouting at him to “get in the car”. A neighbour was so concerned that she recorded and raised concerns about in the Cardiff proceedings. In an attempt of desperation, [Mr G] informed me he had lodged himself in front of the car as he was so upset that his family were being ripped away from him. He knew if they were to disappear again, it may be the last time he saw them and did everything in his power to try and show [Ms J] how desperate he is for her to talk to him. There was no previous conflict in our family, and all of this made no sense at all. However, in the end [Mr G] had to step away as it all got too much for him as the Applicant became extremely aggressive towards him.”

78. I have seen the video that was taken of this distressing incident. Mr G’s response may not have been measured and thought out, but it certainly reflected his high level of anxiety for his family and his determination to try and help his grandsons. Just as F had demonised M’s parents as “honour based” fanatics, he manipulated this event to portray Mr G as the aggressor. Shortly afterwards Ms J and F obtained an ex parte non-molestation order against him. This, no doubt for understandable reasons, signalled to the police that Mr G was in some way dangerous or aggressive. In my judgement, he is not. He is a distraught father in the midst of a nightmare. In the course of trying to pursue and protect his daughter, Mr G has been arrested on two occasions. On both occasions Mr G has spent the night in the cells. He is a man in his 60’s of unimpeached good character. In his evidence F continued to represent Mr G as the aggressor. In this, as indeed in almost every aspect of his evidence, I found him to be unreliable. To the extent that F’s evidence conflicted with that of Mr G, I unreservedly preferred the evidence of Mr G.

79. At this point, it is interesting to note Mrs G’s observations, set out in her statement and confirmed in her oral evidence:

*“Thereafter, as there had been ongoing children act proceedings, District Judge Coates had informed us we could be joined to the proceedings if we made an application, which we did. From that point on, myself, [Ms J’s] friends and social services were all receiving threatening messages alleging to be from [Ms J]. **It was clear as daylight that these messages were not written by [Ms J]. They were badly worded and had grammatical errors.**” (my emphasis)*

80. Ms J is a highly intelligent and very well-read woman. That F thought that he could deceive people into believing that his messages were written by Ms J again illustrates such a gaping chasm between the reality and his perception as to indicate to me a considerable arrogance on his part. Furthermore, this once again exactly replicates the allegations in the earlier relationship.

81. District Judge Coates, sitting at the Cardiff Family Court on 6th December 2018, transferred the children into their father’s care. They had been living in Cardiff in a one room flat and the judge manifestly and for good reason must have considered that Ms J had lost sight of their best welfare interests. Mrs G recounted the children’s distress as they told their father that F had directed them to call him ‘daddy’. F denies this.

Again, with no hesitation I prefer the evidence of Mrs G whose account is detailed, measured and though characterised by great sadness I do not consider to be in any way maliciously motivated towards F. On the contrary, I do not think Mrs G has any interest in F at all, the focus of her concern is her daughter whom she loves dearly but who continues completely to reject her. T, in his evidence, also confirmed what the children had said.

82. Mrs G believes that F was manipulative and emotionally abusive to the children when they were in his care. Since the decision, in Cardiff, the children have not seen their mother and their birthday cards to her have been returned stating “*no one of this name is at this address*”. Three envelopes were marked “*return to the morally dubious*”. I consider it likely that these messages were, in the light of everything I have analysed above, written by F. I doubt Ms J could have brought herself to respond in this way but, in any event, “return to the morally dubious” reflects F’s overblown and inflammatory language.
83. Mr G is inclined to be dogmatic. If he will forgive me for saying so, he did not strike me as having an embracive or reflective approach to life. Ms J recognises this and lampoons what she regards as his racist views. Her views are very different. Both Mr G and his wife are perplexed as to why he is “*repeatedly brought in for questioning by the police*”. Mrs G believes that F is toxic and makes life a living hell for those who cross him. I am quite clear that Mr G is only motivated to protect his daughter.
84. During the course of the incident in Cardiff, somebody slashed all four of Mr G’s tyres on his car. Mr G believed it was F. I regret to say he was wrong. It was his daughter who slashed the tyres. I now know this because, at this hearing, F produced a video which he had taken of Ms J causing the damage. He told me that he produced it in order to extricate himself from the allegation. I do not believe that to be his exclusive motivation. The slashing of car tyres is, in the wider context of some of the very serious allegations that I have been hearing, a minor issue. It is unlikely to have had any impact on the ultimate outcome of this case, nor would I have laboured in any way to make a finding. The video was produced, in my view, entirely to cast Ms J in an unfavourable light. The question that really requires to be asked is why F took a video of Ms J acting in this way in the first place. The answer to that is, in my judgement, that he was manipulatively gathering evidence to deploy against her should he, in the future, find it expedient to do so. These are the kind of “*mind games*” (to adopt Mrs G’s phrase) F plays and are, as is evident above, abundant in the evidence.
85. It was also for these reasons that F produced evidence, purporting to show Ms J using cocaine. There was no need for him to do so. In his oral evidence F told me that his relationship with Ms J has changed. It is plain that his interest in her has waned considerably. There has been no need for F to lock Ms J into her home as he did with M, as Ms J has effectively locked herself in. She has now returned to her former home. Her assets are depleted, she has no car, she no longer has a job and she rarely communicates with anybody. She does not see her children. F contacts her from time to time, particularly when he feels unwell. Ms J spends a great deal of time knitting elaborate covers and other items. Her work is incredibly fine and impressive. She volunteered a photograph of it to me from the witness box. She is rightly proud of her work. It may be that, at the moment, it provides pleasure and escape for her and, I hope, enables her to process the events of the last few years.

86. Ms J had ceased to engage in the family proceedings in Cardiff. She had also made false statements about the paternity of the children. These were farcical and destined to be discovered quickly. The statements, though purporting to be Ms J's, should be read, alongside the many false texts and social media messages in her name, as F's work, not hers. In so far as they became her instructions to her solicitors, I consider that she was being manipulated by F.
87. Because Ms J had disengaged so comprehensively from the Cardiff proceedings and as nobody appeared to have had sight of her for some months, I directed the Tipstaff to attend at her home. She was indignant at the invasion of her privacy, but she did attend court. When she entered the witness box, she told me that she was not prepared to give evidence. She understood that might place her in contempt of court, she told me she did not care. She said that the Court had already decided she was a "victim" and she protested that she was not.
88. I found her to be an engaging attractive personality with a keen intellect and a sharp dry wit. I will not, in deference to her wishes, describe her as a victim. In fact, I do not consider the term to be entirely accurate. Despite everything that has occurred and recognising the extent to which her autonomy has disintegrated, it is probably correct to say that she bears some responsibility for the pain and disruption that has been caused to her children and family. That pain continues. This said, Ms J struck me as profoundly sad and lost.
89. Though she was unprepared to give evidence, she was willing, to some extent, to engage in conversation with me. She told me that F is a "wonderful man" with a "real empathy" for children. She narrated how on one occasion when the youngest child was feeling left out, F arranged a helicopter trip for him with F and Ms J present. Photographs have been produced showing everybody having a good time with a genuinely delighted child. I should interpolate here that F has no visible means of support. I am not sure how the extravagance of the helicopter trip was afforded.
90. There is much evidence that the children were profoundly unsettled and unhappy in Cardiff. Ms J disputes that. Their living accommodation was completely inadequate, and they had been uprooted without any thought given to their needs. On some level this impressive mother must have realised how wrong this was. In her present retreat from the world she can maintain the fallacy that F is a decent, kind man. The compelling evidence establishes him as a manipulative, coercive bully. At some point I suspect, indeed I hope, Ms J will have to confront the reality. I also hope that she deploys the full weight of her intellect and character to start to put it right. There are many surrounding her who are eager to help. F however, is not one of them.
91. The social work team manager, in the Cardiff proceedings, prepared a number of detailed and thoroughly researched statements. She gave evidence before me and plainly had a very clear recollection of the case. She told me that she had been extremely concerned for Ms J's welfare. Ms Sharp spoke with DC Carmichael, who had interviewed M. She was also able to speak to one of Ms J's longstanding friends, some of her neighbours, Ms J's headteacher and former headteacher. She was able to see all the court papers and she also contacted the Home Office. She was only able to speak with F and Ms J on one occasion (22nd November 2018) and she was only able to speak to the children once.

92. Ms Sharp could not have been clearer that she considered Ms J to be in a very precarious situation. She expressed unambiguous concern for her welfare. She observed:

“Whilst the police will continue to make enquires it is evident that at this time [Ms J] is either unwilling or more likely unable to engage with services and work with professionals to address the safeguarding concerns so that she can again play a positive part in the children’s lives.”

93. It is important that I record some of her interactions with F. On 11th December 2018, Ms Sharp undertook an unannounced visit but received no response. However, shortly after the visit she received a text message which purported to come from Ms J. Ms Sharp does not consider that Ms J sent that text, nor do I. It reads as follows:

*“let me make something very clear to you as you seem to lack the understanding of the English language. I’ve said before and I am saying it now. I don’t want you around my house or around me in general. **Keep the kids.** Do not show up at my place as you won’t be welcomed, and I will most certainly will not assist with the Section 7 report regardless of the consequences. Do not include numbers in your letters that I wouldn’t call even if I was dying and do tell them to die leave me alone as you are harassing me and I will apply for non-molestation order if you continue.”* (my emphasis).

94. Once again, the rhythm and cadence of this text very much reflects F’s oral evidence before me, including his somewhat hysterical exhortation *“do tell them to die”*. I have already related how I consider F has manipulated non-molestation orders as a mean of control of others. I note that this text contains a further threat to resort to non-molestation orders. Moreover, though I consider Ms J to have become deeply deluded in her assessment of F’s personality, I do not consider she would ever willingly have written the phrase *“Keep the kids”*. Ms Sharp came to the same conclusion.

95. On 10th January 2019, a multi-agency risk assessment conference (MARAC), was convened and an action plan generated to make urgent contact with the family, including forced entry if required. Ms Sharp was not present for the visit but received and noted a verbal account from one of the police officers who attended as part of the Domestic Abuse Unit. F allowed officers into the property but is described as *“attempting to exert control over the situation”*; *‘ordering’* some officers to switch off their bodycams. Ms J refused to speak to officers unless F was present, she stated that she remained in the relationship through her own choice. It was noted that she *“showed no emotion”*. However, it was quite different when she was spoken to about the children, at which point she is described as *“welling up”*. F contacted his criminal law solicitor to mediate the discussions. There was an agreement that the solicitor would broker a meeting between F and Ms J and the police, but this did not happen. A later planned visit was aborted as it was said that the couple had gone to Belfast.

96. When the Court transferred the care of the boys to their father, he was plainly shocked by their presentation, as were Ms J’s parents. In his statement he describes what he found:

“23. When myself and Mr and Mrs G collected the boys the next day from their school in Cardiff, both boys had a sheer sense of relief on their faces and even broke down and cried. They were both clearly frightened as to what would happen to them when they would tell their mum. I told them that they would not see her or the Applicant and were to leave with me straight away, as I was taking ‘them home’. They were both so happy for the ordeal to be over and to be away from the Applicant and their own mother. I had never felt so thankful and comforted knowing they were back to safety. However, when we walked to the train station, we slowly started to realise the physical effects as well as emotional effects it had on the children. Both boys had twitches/tics and they were extremely unkempt. [One of the boys] had his shoes cut from the front, so his feet could fit in them. They looked like they had gone through a lot of trauma, merely being with us, you could see in their eyes relief and which was extremely distressing for me, thinking about what they must have gone through.

24) On the train back, the boys seemed worried and scared to tell us what had been happening whilst they were in their mother’s and the Applicant’s care. I recall [one of the boys] being quite timid and worried to tell me the secrets he was forced to keep. He asked that I not be angry at him and that the Applicant had made them both call him ‘daddy’. He also disclosed to me that the Applicant wouldn’t let him eat ham, but at school he asked for ham and was scared to disclose this. It made me sick to the pit of my stomach that the Applicant would force this upon these boys. They had known the Applicant for under a year but were petrified of him. It was clear, the Applicant’s psychological mind games weren’t just on [Ms J] but the children were subject to this too. I believe the Applicant thrives off this type of control as it seems that his behaviour is similar to what he subjected the Respondent in these proceedings. I can’t believe he hasn’t been charged by the police for controlling and coercive behaviour, as it is clear he is a danger to anyone he comes into contact with.”

97. All this is vigorously denied by F. It is also denied by Ms J. F contends that T and Mr and Mrs G have made this up, driven by malice. I reject F’s argument. What is striking is the consistent sympathy shown by T towards his former partner. Indeed, it strikes me that he goes further and reveals underlying distress that she seems beyond the help the agencies want to give her. The statement radiates sadness, not malice. The account which describes one of the children having had his shoes cut from the front so that his feet could fit in is a description of such clarity and detail that it, in my judgement, carries the inimitable character of truth. It is also supported by Mrs G who, for all the reasons I have indicated, I consider to be a reliable witness.
98. I think it important to set out the following paragraph in T’s statement, it encapsulates what I find to have happened to this family:

“43) I just hope one day, [Ms J] will realise what has happened and flee from the Applicant’s abusive behaviour. She deserves someone who would treat her with respect and integrity. [Ms J] had been a loving mother who was a gentle and passionate teacher, seeing the person that she has become is heart breaking. This is not the [Ms J] I have known for 19 years, we have two handsome boys together to whom she was a great mother. I do not blame her for what has happened, it is just so upsetting that this man continues to ruin people’s lives and leave them scarred with the abuse. I believe the Applicant is a very deceitful man and will formulate any lie in order to get his way. My two young sons have experienced significant trauma being within his care and control and they continue to suffer with the trauma of not having their mother in their lives who they sincerely miss. I know that [Ms J] would never want to be without our children so for her to have gone over two years without any contact shows the extent of the manipulation and control the Applicant has over her.”

99. In April 2019, T was informed by a neighbour that Ms J and F were living at the London property. He went over to have a look but could not gain access. Some movement in the house convinced him that there was someone inside and T decided to call the police. This rather backfired. When the police arrived, F accused T of threatening him with a knife. T was searched but no knife was found. T was also accused by F of being racially and physically abusive towards him. T has now been charged with offences relating to this incident. He has elected trial, which is to be heard at Southwark Crown Court. Due to the challenges in hearing jury trials in the course of the pandemic, the trial has been much delayed. Accordingly, T continues to live with this hanging over his head. My assessment of F’s credibility is, I hope by this stage in the judgment, pellucidly clear. I find him to be an entirely dishonest witness.
100. It is not possible, even in a judgment as lengthy as this, to cover every aspect of the written and oral evidence. Both Counsel have made sterling efforts to harness the material both in cross-examination and in their written submissions. As I have emphasised, understanding and evaluating coercive and controlling behaviour requires isolating what may sometimes seem to be relatively innocuous incidents and locating them in a context which illuminates their greater significance. In this judgment I have confined myself to what I consider to be the key evidential features and the striking evidential similarities in the two very different relationships in which F is the common feature.
101. I consider F to be a profoundly dangerous young man, dangerous to women who he identifies as vulnerable and dangerous to children. The risks he presents to women are not only to their emotional and physical well-being but also, in the light of my findings, to their sexual safety. It is clear that he has the capacity to cause much harm and distress to those who cross him more generally, particularly those within the sphere of the women he controls. It has been a disturbing case to hear.
102. This may be the first time the Family Court, at High Court level, has been called upon to analyse allegations of controlling and coercive behaviour with the kind of detail that this case has required. Certainly, neither Counsel nor I have been able to find any other reported case in our respective researches. Though some of the behaviours I have been

evaluating are sadly all too familiar to those involved in investigating domestic abuse, understanding and identifying them in the context of a wider pattern of behaviour presents a continuing challenge. At risk of labouring the point too heavily it is crucial to evaluate individual incidents in the context of the wider forensic landscape. It is, I hope, helpful to consider both the available guidance and assistance in both Family and Criminal Law.

103. ‘Coercive and controlling behaviour’ is defined in the Family Procedure Rules 2010 PD12J:

“coercive behaviour” means an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten the victim;

“controlling behaviour” means an act or pattern of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour;”

104. For completeness, domestic abuse is defined more broadly:

“domestic abuse” includes any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, psychological, physical, sexual, financial, or emotional abuse. Domestic abuse also includes culturally specific forms of abuse including, but not limited to, forced marriage, honour-based violence, dowry-related abuse and transnational marriage abandonment”.

105. A broader understanding can be gained by considering **Section 76, Serious Crime Act 2015**, which creates the following offence:

“76 Controlling or coercive behaviour in an intimate or family relationship

(1) A person (A) commits an offence if—

(a) A repeatedly or continuously engages in behaviour towards another person (B) that is controlling or coercive,

(b) at the time of the behaviour, A and B are personally connected,

(c) the behaviour has a serious effect on B, and

(d) A knows or ought to know that the behaviour will have a serious effect on B.

(2) A and B are “personally connected” if—

(a) A is in an intimate personal relationship with B, or

(b) A and B live together and—

(i) they are members of the same family, or

(ii) they have previously been in an intimate personal relationship with each other.

(3) But A does not commit an offence under this section if at the time of the behaviour in question—

(a) A has responsibility for B, for the purposes of Part 1 of the Children and Young Persons Act 1933 (see section 17 of that Act), and

(b) B is under 16.

(4) A's behaviour has a "serious effect" on B if—

(a) it causes B to fear, on at least two occasions, that violence will be used against B, or

(b) it causes B serious alarm or distress which has a substantial adverse effect on B's usual day-to-day activities.

(5) For the purposes of subsection (1)(d) A "ought to know" that which a reasonable person in possession of the same information would know.

(6) For the purposes of subsection (2)(b)(i) A and B are members of the same family if—

(a) they are, or have been, married to each other;

(b) they are, or have been, civil partners of each other;

(c) they are relatives;

(d) they have agreed to marry one another (whether or not the agreement has been terminated);

(e) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);

(f) they are both parents of the same child;

(g) they have, or have had, parental responsibility for the same child.

(7) In subsection (6)—

"civil partnership agreement" has the meaning given by section 73 of the Civil Partnership Act 2004;

"child" means a person under the age of 18 years;

"parental responsibility" has the same meaning as in the Children Act 1989;

"relative" has the meaning given by section 63(1) of the Family Law Act 1996.

(8) In proceedings for an offence under this section it is a defence for A to show that—

(a) in engaging in the behaviour in question, A believed that he or she was acting in B's best interests, and

(b) the behaviour was in all the circumstances reasonable.

(9) A is to be taken to have shown the facts mentioned in subsection (8) if—

(a) sufficient evidence of the facts is adduced to raise an issue with respect to them, and

(b) the contrary is not proved beyond reasonable doubt.

(10) The defence in subsection (8) is not available to A in relation to behaviour that causes B to fear that violence will be used against B.

(11) A person guilty of an offence under this section is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both;

(b) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine, or both."

106. The criminal legislation emphasises the repeated and/or continuous nature of this abuse. It highlights the serious alarm or distress caused by it, as well as the significant impact on the complainant's daily life, or to use the precise words of the statute its "**adverse effect on B's usual day to day activities**". Mr Barnett-Thoung-Holland recognises that in many circumstances coercive control can, as he puts it:

*"represent behaviours which **can be** (his emphasis) observably 'ordinary' occurrences in intimate or close relationships but which evolve beyond that over the transactional period or have a specific coercive meaning within the parameters of the relationship".*

He summarises the objectives of the legislation as:

- i. The condition of knowledge of the impact on the part of the perpetrator;
- ii. A continued series of transactions (there cannot, in this definition, be a single incident of coercive and controlling behaviour) and;
- iii. the consequence of a substantial adverse effect on the complainant (be it via fear of applied violence or otherwise).

I broadly agree with this summary, though I do not read it as intending to be exhaustive.

107. Mr Barnett-Thoung-Holland submits that the court should approach the evidence in this way:

“The correct approach the court must apply is to consider the alleged behaviour from the outset and identify it – as done in this case by the Schedule of Allegations. To then make the finding, the court has to balance the distinguishing factors which make this action specifically coercive and controlling: a ‘coercive and controlling sting’ for want of a better description. No action on its own possesses that personality by its own right. The conditions derived from the criminal legislation above should provide an outline to assisting the court in identifying the specific behaviour as ‘coercive and controlling’ before the court embarks on the exercise of weighing the evidence in the normal way.

108. Whilst I would not say that such an approach is incorrect, I do consider that a tight, overly formulaic analysis may ultimately obfuscate rather than illuminate the behaviour. I respectfully agree with the general approach taken to evaluating evidence expressed by Peter Jackson J (as he then was) in **Re BR (Proof of Facts) [2015] EWFC 41** and Baker J (as he then was) in **Devon County Council v EB and Others [2013] EWHC 968**. Whenever Judges are called upon to resolve issues of fact, we do so by evaluating separate strands of evidence and then considering them in the context of the whole. Some features of the evidence will weigh more heavily than others and evidence which may not be significant, in isolation, may gain greater relevance when placed in the context of the wider evidential canvas. It seems to me that the definition in the FPR (see para 101 above) provides some useful guidance, when it is broken down:

Coercive Behaviour:

- i. a pattern of acts;
- ii. such acts will be characterised by assault, threats, humiliation and intimidation but are not confined to this and may appear in other guises;
- iii. the objective of these acts is to harm, punish or frighten the victim.

Controlling Behaviour:

- i. a pattern of acts;
- ii. designed to make a person **subordinate** and/or **dependent**;
- iii. achieved by isolating them from support, exploiting their resources and capacities for personal gain, depriving them of their means of independence, resistance and escape and regulating their everyday activities.

109. The overall approach to the assessment of evidence here is the same as in any other case. What requires to be factored into the process is the recognition of the insidious scope and manner of this particular type of domestic abuse. The emphasis in Section 76 of the Serious Crime Act 2015, is on “repetition” and “continuous engagement” in patterns of behaviour which are controlling and coercive. Behaviour, it seems to me, requires, logically and by definition, more than a single act. The wording of FPD 2010 12J is therefore potentially misleading in so far as it appears to contemplate establishing

behaviour by reference to “an act or a pattern of acts”. Key to assessing abuse in the context of coercive control is recognising that the significance of individual acts may only be understood properly within the context of wider behaviour. I emphasise it is the behaviour and not simply the repetition of individual acts which reveals the real objectives of the perpetrator and thus the true nature of the abuse.

110. For the above reasons and as this case has revealed, it is often difficult for professionals to identify this type of abuse and to be most effective in their investigations. F has repeatedly cast himself as a victim and been accepted as such by the police, in particular, but also by others e.g. neighbours. MGM and MGF were both crudely caricatured as “honour-based killers”. There was not a scintilla of evidence to support this, but it strikes me as having become tacitly accepted, merely because the accusation was repeated and documented. I am also concerned that the lack of challenge may lie in the fact that the grandparents are Hindu and have brown skin. I am left with the impression that an overly anxious cultural sensitivity inhibited more robust forensic enquiry. In simple terms the allegation would have gained no traction at all if a white couple had taken their daughter to a clinic for advice on her pregnancy. The visit to the pregnancy advisory clinic was the sole basis for the spurious allegation that M’s parents were “honour-based killers”. This ought to have been identified and the allegation discounted. That in turn might well have generated a more sceptical assessment of F.
111. Similarly, the charges laid against T really require some investigation of the credibility of F. It is an understatement in this case to say that F lacks credibility. He is at times a fantasist. There is an abundance of evidence pointing towards F’s unreliability as a witness which is there to be harvested by the police and which has not been.
112. I am not intending to be gratuitously critical in the above passages. I recognise that busy professionals in all spheres investigating individual incidents may not be well placed to contextualise those incidents in the context of wider and more general behaviour. However, there will frequently be clues, hints, indicators and triggers in what people report which might stimulate wider forensic curiosity and precipitate investigations of greater subtlety and nuance. I do not believe this to be a naïve aspiration. Much of the evidence that I have set out indicates how the families, friends, work colleagues and neighbours knew what was happening to these two women and from an early stage. Broader professional education on the scope and ambit of coercive and controlling behaviour is likely, in my view, to generate greater alertness to abuse of this kind which too frequently lies buried or only superficially investigated. On a practical level communication and sharing of information between different police forces should be regarded as an imperative.
113. Ms J’s case illustrates a further dilemma. Her mind has become so overborne by F’s behaviour that her own autonomous decision making has become compromised. Mr Barnett-Thoung-Holland has advanced his client’s case sensitively but with complete fidelity to his instructions. In his written submissions he has referred to “gaslighting”. I have heard no evidence about this, and I am not familiar with the term, but in so far as it coins an expression for behaviour which leads a person to question their own thoughts and perceptions and yield to those of others, it accurately reflects Ms J’s situation. At present she remains resistant to those who wish to help her and adamant that she requires no help. She is surrounded by people who care for her, not least her sons who worry about her. I hope that she may find a bridge back to her family and to those parts of her former life which meant so much to her.

Post Script

Ms Jones has invited me to make comment on the use of Scott Schedules (i.e. a table identifying the allegations and the evidence relied on in support) in cases involving this category of domestic abuse. Having given the matter considerable thought I have come to the clear conclusion that it would not be appropriate to give prescriptive guidance. Whilst I entirely see the advantage of carefully marshalling the evidence and honing down the allegations, I can also see that what I have referred to as a particularly insidious type of abuse, may not easily be captured by the more formulaic discipline of a Scott Schedule. As I have commented above, what is really being examined in domestic abuse of this kind is a pattern of behaviour, possibly over many years, in which particular incidents may carry significance which may sometimes be obvious to an observer but to which the victim has become inured. It seems to me that what is important is that the type of abuse being alleged is made clear to the individual who is said to be the perpetrator.

An intense focus on particular and specified incidents may be a counterproductive exercise. It carries the risk of obscuring the serious nature of harm perpetrated in a pattern of behaviour. This was the issue highlighted in the final report of the expert panel to the Ministry of Justice: *'Assessing Risk of Harm to Children and Parents in Private Law Children Cases'* (June 2020). It is, I hope, clear from my analysis of the evidence in this case, that I consider Scott Schedules to have such severe limitations in this particular sphere as to render them both ineffective and frequently unsuitable. I would go further, and question whether they are a useful tool more generally in factual disputes in Family Law cases. The subtleties of human behaviour are not easily receptive to the confinement and constraint of a Schedule. I draw back from going further because Scott Schedules are commonly utilised and have been given much judicial endorsement. I do not discount the possibility that there will be cases when they have real forensic utility. Whether a Scott Schedule is appropriate will be a matter for the judge and the advocates in each case unless, of course, the Court of Appeal signals a change of approach.