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Case No: FD22P00051

Neutral Citation Number: [2022] EWFC 205

**IN THE FAMILY COURT**  
**SITTING IN MANCHESTER**

Civil Justice Centre  
1 Bridge Street West  
Manchester  
M60 9DJ

Date: 11<sup>th</sup> August 2022

Start Time: 14:05 Finish Time: 15:49

**Before:**

**DEPUTY HIGH COURT JUDGE PLIMMER**

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**Between:**

**MM**

**Applicant**

**- and -**

**FF**

**Respondent**

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**Mr Paul Hepher** (instructed by **Dawson Cornwell Solicitors**) appeared for the **Applicant**

**The Respondent** appeared **In Person**

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**Approved Judgment**

## **DEPUTY HIGH COURT JUDGE PLIMMER:**

### **INTRODUCTION**

1. I am concerned with AM, a citizen of Pakistan residing in England, who was born in 2016 in Pakistan. She is just under 6.
2. It is undisputed that AM's father ('the father'), a citizen of Pakistan, brought her to the UK in 2019. They have both resided in England since that time, having both made asylum claims.
3. AM's mother ('the mother') remained resident in Pakistan. She is also a citizen of Pakistan. The mother brought an application on 21<sup>st</sup> January 2022 under the inherent jurisdiction for location and wardship orders. She seeks the return of AM to Pakistan to her care and alleges that the father wrongfully removed her in 2019 and has deliberately refused to facilitate contact ever since. AM has had no direct contact with the mother since their separation, albeit the father says there was intermittent contact up to Eid 2019. There was one video call contact in 2020 and indirect contact has very tentatively recently begun.
4. The father opposes AM's return to or contact with the mother, whether that be in the UK or in Pakistan. He bases this upon a number of allegations he has made against the mother. These include the contention that the mother began a relationship with and married a dangerous man ('D'), who has threatened him and AM. This forms part of their asylum claims.
5. The father and AM remain in the UK as asylum seekers. Although their claims were refused by the Secretary of State for the Home Department ('the SSHD'), the father has provided me with confirmation that they have each appealed to the First-tier Tribunal (Immigration and Asylum Chamber) ('FTT').

### **BACKGROUND**

6. The parties, unfortunately, agree on very little. They have provided conflicting accounts of how they came to be married, the nature of that marriage, who took care of AM and when, the circumstances leading to their separation and AM leaving Pakistan for the UK and, importantly, the reasons why AM has spent hardly any time at all with her mother since then. The parents accept that they each were spending some time outside of Pakistan working during AM's early years. It is undisputed that in late March 2019 the father removed AM from Pakistan to take her to England where they have remained since.
7. The reasons for the father's departure with AM from Pakistan and for her estrangement from her mother are keenly disputed. The father has said that the mother had agreed with the relocation and also that he had to flee because the mother's new husband had threatened to kill both him and AM. He has also claimed that he only ever intended to come to England for a business stay, subsequently changing his mind when circumstances changed.
8. The mother states that these assertions are untrue and, further, that she had never remarried. She describes a rigid marriage with the father wherein she suffered

domestic abuse and that he exerted control over her. In early 2019 she decided to divorce him, get a job in Pakistan to support herself and AM. According to the mother, the father then abducted, or wrongly removed, AM.

9. The father has made serious allegations against the mother that she is a sex worker, whose own mother is also a sex worker and who has sold her daughters for sex and is involved in the drugs business. He has alleged that the mother entered a bigamous marriage and, having conceived a child within that marriage, underwent an abortion. He describes her in varying ways as neglectful of AM. He believes that returning AM to the mother would be returning her to take up a life of prostitution and/or place her at serious risk from D and the maternal family. The father claims that he has been prepared to encourage contact in England, but that the mother did not wish to take this up.
10. Both parents have given different accounts of the actions of D. The mother believes she was used by D. She refutes the father's allegation that he is a member of the Taliban, or that she has had an affair with him. She believes him now to be in Canada. The father considers that the mother remains in a secret relationship with D and he and AM are at risk as a result.

#### CAFCASS

11. In a comprehensive CAFCASS case analysis dated 13<sup>th</sup> April 2022 Miss Cull-Fitzpatrick made the following observations after meeting with AM, the mother and the father:
  - “35. AM's early stages of her formative years have been very disruptive. It appears that AM has received immediate care from several different family members and whilst resident in Pakistan she was primarily cared for by the maternal grandmother. Therefore, although AM has remained within the family unit, it appears that she has not experienced consistent care from a primary care giver. However, in experiencing the loss of her mother and extended family it would be expected that AM experienced feelings of abandonment, confusion and loss. It has been difficult to form a clear understanding of AM's earlier childhood experiences given the inconsistencies and differences within the parents' account.
  36. My meetings with the parents were held prior to receiving their respective statements. Having since received their statements and considered the information shared, it is evident that both [the father] and [the mother] have both provided inconsistent and at times confusing accounts. During my meeting with [the father], although he was forthcoming with information, at times it was difficult to follow his narrative about the nature of events and I raised this with him on several occasions. Whilst [the mother] was not forthcoming with information, she did provide a similarly inconsistent narrative. However, during our meeting she withheld a lot of information and portrayed herself as a bystander rather than being directly involved. When considering the accounts given by [the father] and [the mother], there are similarities. However, the context of the information is presented very differently to suit their respective narratives.
  37. [The father] presents [the mother] as being a disinterested and absent mother, whilst himself a doting father. He reports that it was [the mother] who brought

danger to their family home primarily through her doings in Dubai and her new marriage. Whilst he identifies himself as having continued to prioritise AM's needs, hence his decision to leave Pakistan, [the father] was not able to recognise any positive aspects of [the mother]'s parenting or the importance of her role in AM's life. [The father] portrayed himself as being vulnerable within their marriage and he continued to place all blame on [the mother].

38. Although [the mother] portrayed [the father] as being vacant to family life, she did acknowledge positive aspects of his parenting and she appeared balanced within her views. In respect to the care and love for AM [the mother] did not appear to have the same motive of portraying [the father] in a completely negative light, which may reflect her own views, or her fears of repercussions within their community. [The mother] reported experiencing domestic abuse, detailing an increase within the seriousness of the incidents which resulted in her ending the relationship. However, [the mother] went on to disclose further accounts of domestic violence within her statement, including sexual assault towards her younger sister, who was a minor at the time.
39. During my meeting with [the father] she had reported that [the father] had told her that someone wanted to kill him, but she did not disclose further details. Whilst in her statement she goes into details of her relationship with D, it is evident from speaking to both parents that the involvement of D contributed to [the father]'s reasons for leaving Pakistan. [The mother] describes [the father] as having orchestrated and coerced her into forming a relationship with D in order for them to benefit financially. Within [the mother]'s statement she reports that D made a fake marriage certificate. However, I struggle to understand what his motives would be for doing so. It is agreed by [the mother] and [the father] that D did threaten to kill them, which [the mother] stated had been reported to the police.
40. I have found it difficult to follow [the father] and [the mother]'s account because at times they have been inconsistent and extragate within their nature. However, the risks they raise are of the most serious nature. If [the father]'s reports are taken at their most serious, which is that AM would be murdered in the event that she returns to Pakistan, this does raise significant concerns. Although it is agreed that threats have been made by D, the nature and severity of these remain disputed. In order to make safe recommendations related to AM's welfare it is important that the court determines the factual matrix.
41. However, what is very clear is that [the father] has not supported AM in maintaining a relationship with her mother. [The father] has sought to eradicate their relationship and [the mother] from AM's life completely. Although [the father] told me that he has previously tried to facilitate contact, this has not been consistent with his current view or the risks he reports associated with [the mother]. I offered to support him reintroducing AM and her mother. However, [the father] refused as he remains of the view that the risk is too high. When I explored the risks it did not appear that these worries and concerns were substantiated...
42. I would recommend that communication is initiated between AM and her mother. However, until there is a factual matrix provided and whilst considering [the father]'s concerns of the highest nature, I would recommend that indirect spending time arrangements are implemented...

43. ...

44. ...

#### Recommendations

45. I respectfully recommend that a fact-finding hearing is conducted in order to provide a factual matrix to assist the court in determining AM's living and spending of time arrangements.

46. In the interim, I would recommend that AM continues to live with [the father] and to spend indirect time with [the mother]..."

12. I have set these extracts from the CAFCASS report out in full because they set the background to this fact-finding hearing. I bear the observations of Miss Cull-Fitzpatrick fully in mind throughout my fact-finding determination. However, I have heard oral evidence tested under cross-examination and I have more information available to me than Miss Cull-Fitzpatrick did.

#### RECENT PROCEDURAL HISTORY

13. The SSHD was invited to intervene within these proceedings because the mother was pursuing an order to provide disclosure of the father's asylum application and supporting papers. HHJ Woodward, sitting as a deputy High Court judge, determined the issue at a hearing on 20<sup>th</sup> July 2022, providing for disclosure of the asylum case papers, which is now before this court and within the trial bundle. It is noteworthy that the father did not and does not oppose disclosure.

14. The SSHD provided a position statement wherein she did not pursue an application to resist disclosure but took a principled stance that her preference would be to await conclusion of the father's asylum application. Nevertheless, the SSHD accepted that the Family Court could properly determine the issue. The father was given an opportunity to set out his objection to disclosure, but confirmed at the hearing before HHJ Woodward that he did not wish to oppose disclosure. He was given an opportunity to redact the case papers and he requested that his immigration lawyers' details should be redacted.

15. It is to be noted that the SSHD has now rejected the asylum claims of both the father and AM. Suffice it to say, the lengthy reasoning for these refusals relies upon the following:

- i) Internally and externally inconsistent accounts provided by the father;
- ii) Even if the account provided by the father is reasonably likely, upon return there would be a sufficiency of protection in Pakistan, or alternatively the father and AM could internally relocate to another part of Pakistan.

16. Following receipt of the CAFCASS report the matter came before the court at further case management hearings. On 28<sup>th</sup> June 2022 HHJ Woodward indicated that this appeared to be a case where the child should be separately represented from the parents and that the child should be joined as a party to the proceedings with CAFCASS invited to consider providing a children's guardian to represent the child.

The court noted that the case presented as complex, involving international elements, very serious cross-allegations, including domestic abuse and abduction, and the child presenting at risk of very significant harm. The judge expressed the view that neither parent presenting opposing positions appeared properly able to present the views of the child.

17. In a letter dated 5<sup>th</sup> July 2022, CAF/CASS indicated that it did not wish to take up the court's invitation. CAF/CASS made it clear that they saw their role being better suited to a post fact-finding hearing, where they would then require eight weeks from the receipt of judgment and the order arising to prepare an addendum report. The matter was then listed before me to undertake a four day fact-finding hearing, consistent with the recommendations provided by CAF/CASS, with a welfare analysis to follow at a later stage.

#### ISSUES IN DISPUTE

18. The mother's primary case is that AM should be returned to Pakistan under the inherent jurisdiction. However, as things presently stand, that is not a matter that can be properly determined until the findings of fact on the disputed issues have been made.
19. The essential disputed factual issues to be resolved by me are set out in a written schedule of allegations ('the schedule'). The schedule includes allegations from the mother, counter-allegations from the father and cross-references to the evidence relied upon by each side. The mother invites findings under seven main heads, namely:
  - i) Wrongful removal;
  - ii) Wrongful termination of contact;
  - iii) Physical abuse;
  - iv) Verbal abuse;
  - v) Coercive controlling behaviour;
  - vi) Emotional abuse;
  - vii) Financial control.
20. The father elected not to prepare a schedule in accordance with directions, but stated before HHJ Woodward that the findings he was seeking are as follows:
  - i) The parents' marriage was a love marriage;
  - ii) The mother remarried D;
  - iii) The mother lodged a divorce petition against the father; and
  - iv) The father had financially supported the mother through their marriage.

21. During the course of his submissions before me Mr Hephher helpfully suggested that the factual issues in dispute from both the mother and father could be divided into three:
- i) The nature of the parents' relationship, including whether the father perpetrated abuse upon the mother and was coercive and controlling;
  - ii) The circumstances that led to AM's arrival in the UK;
  - iii) The reasons why mother and AM have not spent any meaningful time with one another since March 2019.

#### REPRESENTATION AND GROUND RULES

22. At a pre-trial review before me on 5<sup>th</sup> August 2022, when I first became involved in this matter, I clarified the ground rules that had already been directed in earlier case management hearings and agreed the format of and special arrangements for this fact-finding hearing. Although the father has not been legally represented, I explained the relevant matters fully such that both parties entirely agreed with the following:
- i) The mother is to be treated as a vulnerable witness in the light of her allegations of domestic abuse;
  - ii) The father's questions for the mother were to be provided to me in writing in advance, which I would then ask. The father asked for additional time to do so and I agreed to extend that time to the morning of the fact-finding hearing;
  - iii) A screen was to be made available for the mother so that she could not see or be seen by the father when giving her evidence;
  - iv) Although the mother and father both have reasonably good English, a court appointed Urdu interpreter would interpret questions and answers during the course of their evidence to ensure accuracy and avoid misunderstanding;
  - v) The grandmother would give her evidence by video link from Pakistan with the benefit of a court appointed Punjabi interpreter;
  - vi) As the father was unrepresented and the mother represented, I would throughout the hearing take steps to ensure that the father was on an equal footing in terms of putting forward his case. I explained that should the father have any queries, concerns or questions he should raise them with me as they arose and should not wait until the end of the hearing to do so. I am satisfied that he fully understood that.

#### HEARING

23. At the beginning of the fact-finding hearing I repeated an outline of the ground rules and the agreed approach to the evidence that had been reached with the parties. There was no dispute about this approach and again I was entirely satisfied that the father understood.

24. Mr Hepher relied upon a position statement outlining the mother's case as well as an updated chronology. These documents were provided to the father in advance of the hearing and he confirmed that he had read them. He outlined a brief oral response to them. I explained that he would be able to provide me with a fuller response after the completion of the evidence or during his evidence. I am entirely satisfied that the father took an active role and was fully engaged in the hearing.

#### *Oral evidence*

25. The mother gave evidence through an Urdu interpreter. She confirmed the truth of the four witness statements she had prepared with the assistance of her solicitors in January, April, June and, most recently, August 2022. In accordance with the ground rules, I asked the questions prepared by the father. I re-arranged the order so that questions relevant to similar overarching themes were asked chronologically. I also referred the mother to the documentary evidence relied upon by the father and asked her questions about these. At the end of my questions, I invited the father to identify any follow-up questions and he provided three such questions, which I then asked. Mr Hepher did not have any questions for the mother in re-examination.
26. The maternal grandmother gave evidence next on the second day of the hearing. She confirmed the truth of her witness statement dated 15<sup>th</sup> June 2022 with the assistance of a Punjabi interpreter via a video link to Pakistan. The link to Pakistan was not entirely smooth and there were some interruptions. However, those interruptions did not disturb the evidence in any meaningful way and I am satisfied that I was able to obtain clear evidence from the grandmother.
27. The father prepared questions concerning the relevant issues raised. Some of these were not phrased in a way that the interpreter was easily able to translate so as to be understood by the grandmother. The father, in these circumstances, agreed to ask each question which I would then re-word for the interpreter to translate. That approach worked well and the father indicated that he was content with the approach that was adopted. It enabled the father to ask all the questions he wished, but for the questions to be put in a manner that could be more clearly understood.
28. Mr Hepher asked some questions in re-examination. Although he was unable to ask his final question (due to connectivity issues), he agreed that that issue was raised adequately within the grandmother's witness statement.
29. The father then gave evidence using an Urdu interpreter. He confirmed the truth of his three witness statements in January, June and July 2022. These helpfully responded to paragraphs in the mother's witness statements and attached documents, photographs, screenshots and transcripts of recordings relied upon by the father in support of his evidence. At the end of cross-examination I clarified the father's claimed chronology of events with him. Mr Hepher had no questions arising from this.

#### *Submissions*

30. I then heard submissions from Mr Hepher before hearing submissions from the father.



31. Mr Hepher, as I have said, invited me to make findings on three overarching issues. In relation to the nature of the parents' relationship he invited me to find that there was a huge power imbalance by reason of age, status, education, the relationship was a very unhappy one and that I should prefer the evidence of the mother who provided her oral evidence in an unsophisticated but measured manner. By contrast he invited me to find the father arrogant, self-entitled, with no regard for the mother and the importance of AM's relationship with her.
32. He submitted that the father did not show love and care when he continually made allegations that were unfounded that the mother and her family were sex workers and he hit the mother, as well as was abusive to her verbally and emotionally, for reasons relating to the allegations he continually made against her.
33. As to the circumstances that led to AM leaving Pakistan, Mr Hepher invited me to find that the reality of AM's day-to-day existence in the months and years leading to her exiting Pakistan was that she was living within the maternal family and that she was being cared for by mother, father and grandmother and that it was the grandmother who was the primary carer when her parents were away.
34. He invited me to find that the father's evidence as to what was said and not said before he left Pakistan for the UK was entirely inconsistent and implausible and that I should prefer the evidence provided by the mother as corroborated by the grandmother and that, in effect, the father took AM under false pretences, saying that he would return her after a brief visit and then removed her from Pakistan.
35. As to the denial of the relationship between the mother and AM, Mr Hepher invited me to find that the absence of any relationship could not be laid at the mother's door, who did her very best to facilitate contact in extremely difficult circumstances. It was the father who stopped contact and it was the father who sought to impose unrealistic and controlling terms and conditions before contact could resume.
36. The father in his careful submissions asked me to find that the parental relationship began on good terms and that he wanted to marry the mother and she wanted to marry him. He invited me to find that, although there might be a power imbalance, that power imbalance has now shifted in the mother's favour because it was her family and her that now own properties and luxury cars whereas he is in the UK as an asylum seeker. He explained that he believed that the mother had chosen her family over him.
37. He invited me to find that the mother definitely had an illicit relationship with D and that she married him. He acknowledged that it may have been that D was blackmailing the mother because she wanted to move to Canada where D was a citizen, but he invited me to find that it was the mother's fault that he and AM feared for their life and had to leave Pakistan. He claims that he left Pakistan for genuine reasons. He was genuinely worried and it had caused him sleepless nights and he felt he had no other choice.
38. As to the absence of contact between the mother and AM, the father submitted that he had set reasonable conditions and he had just wanted to check if she was definitely available and was going to genuinely be around for AM.

39. He explained that he felt that he had been waiting for three years for the mother to come back to him and AM, but that she had ignored him and that was not his fault.
40. At the end of the parties' submissions on the third day of the hearing, I indicated that I would give an *ex tempore* judgment at 2pm on the fourth day and I give this judgment in accordance with those directions.

## LEGAL FRAMEWORK

41. The legal framework relevant to a summary return to a country outside the scope of the relevant 1980 Hague Convention, in this case Pakistan, has been summarised recently in Re: P (A Child) (Abduction: Inherent Jurisdiction) [2021] EWCA Civ 1171. Re: P referred to the landmark decisions regarding the approach to the use of the welfare checklist by the House of Lords in Re: J (A Child) (Custody Rights: Jurisdiction) [2005] UKHL 40 and by the Supreme Court in Re: NY (A Child) [2019] UKSC 49. I need not go into the detail of these decisions because the fact-finding hearing that I am currently concerned with entirely focuses upon resolving disputed factual issues relevant to this child's circumstances. The welfare enquiry will follow later.
42. I am grateful to Cobb J, for his summary of the proper approach to findings of fact generally and more specifically where allegations of domestic abuse have been made in his recent decision in Re: B (Domestic Abuse: Fact-finding) [2022] EWHC 108 (Fam). I direct myself accordingly.
43. In particular, I remind myself that the burden of proof lies throughout with the person making the allegation. In this case, both the mother and the father have made allegations, in some respects overlapping, against each other on which they seek adjudications. I bear in mind that in private law cases in particular the court needs to be vigilant to the possibility that a parent may be seeking to gain an advantage in the battle against the other. This does not mean that allegations are false, but it does increase the risk of misinterpretation and exaggeration or fabrication.
44. It is not for either parent to prove a negative. There is no pseudo-burden on either to establish the probability of explanation for matters which raise suspicion. The standard of proof is the civil standard, the balance of probabilities. The law operates a binary system. So, if a fact is shown to be more likely than not to have happened, then it happened, and if it is shown not to cross that threshold then it is treated as having not happened. I apply that principle with the common sense that the authorities encourage. Sometimes the burden of proof will come to a judge's rescue: the party with the burden of showing that something took place may simply not have satisfied that judge that it did.
45. The court can have regard to the inherent probabilities of events or occurrences. The more serious or improbable the allegation, the greater the need for evidential cogency. Findings of fact in these types of cases must be based on evidence, including inferences that can properly be drawn from the evidence and not on suspicion or speculation. The court must consider and take into account the wide canvas of the evidence available.

46. I confirm that I have had regard to each piece of evidence and I have considered that evidence against the other evidence and overviewed the totality of the evidence before coming to my conclusions.
47. The evidence of the parties themselves is of the utmost importance and I shall go on to form a clear assessment of the credibility and reliability of the three witnesses I heard from.
48. I bear in mind that it is not uncommon for witnesses to tell lies in the course of a fact-finding investigation and a court hearing. I must be careful to bear in mind that a witness may lie for many reasons, such as shame, misplaced loyalty, panic, fear and distress. I am conscious that the fact that a witness has lied about some matters does not mean that he or she has lied about everything and in that regard I bear in mind Lord Lane's direction in R v Lucas [1981] QB 720.
49. My function in resolving disputes of fact in the Family Court is fundamentally different to the role of a judge and jury in the Crown Court. As the Court of Appeal made clear in Re: R [2018] EWCA Civ 198, the primary purpose of the family process is to determine, as best as may be done, what has gone on in the past so that knowledge may inform the ultimate welfare evaluation where the court will choose which option is best for a child with the court's eyes open to such risks as the factual determination may have established.
50. In relation to the allegations of domestic abuse and coercive and controlling behaviour, I bear in mind the definitions and the guidance set out at PD12J of the Family Procedure Rules and the relevant recent authorities on these definitions, see in particular the decisions of Poole J in Re: JK (A Child) [2021] EWHC 1367 (Fam) and the decision of Hayden J in F v M [2021] EWFC 4.
51. I also bear in mind Peter Jackson LJ's comments in Re: L (Relocation: Second Appeal) [2017] EWCA Civ 2021, to the general effect that not all directive, assertive, stubborn or selfish behaviour will be abuse in the context of proceedings concerning the welfare of a child. Much will turn on the intention of the perpetrator of the alleged abuse and the harmful impact of the behaviour.
52. Finally, I note M (A Child) [2021] EWHC 3225 (Fam), in which Judd J gave a timely reminder of the question of vulnerability and how a vulnerable person might act when dealing with an exploited or abused position in a relationship.

## EVIDENCE

53. Because of the profound disagreements between the mother and father it was appropriate to hear oral evidence, which I have already confirmed that I did. In reaching my conclusions, I have already said that I have considered the totality of the evidence.
54. The bundle in this case contained the asylum papers before the SSHD and the decision she has reached. The father and the SSHD consented to those papers forming part of the evidential landscape. I bear in mind that I am not determining an asylum claim or appeal, to which different principles and tests apply. However, the asylum claim in this case clearly refers to matters of overlapping relevance to the key

disputed issues before me and I have, therefore, taken the asylum papers into account with the caveat that I acknowledge that the information in the asylum claim was provided in an entirely different context and for a different purpose. In addition, I have more evidence before me than that which was available to the SSHD, in particular the oral evidence under oath of three witnesses.

55. I am being asked to adjudicate upon events that have largely taken place in a different jurisdiction with very different mores and societal attitudes. I therefore told both parties that when I make my findings I will do so bearing in mind the particular country background context within which the events took place in Pakistan. I therefore asked for the relevant up-to-date country of origin reports on Pakistan prepared by the Home Office to be included in the bundle. The father and Mr Hephher readily agreed that it was proper to approach the plausibility of the evidence in the light of the country background evidence and I have done so.

## WITNESSES

### *Mother*

56. At the outset, I acknowledge that mother was not subject to the full rigours of cross-examination. I bear in mind that the questions put to the mother via myself were prepared by a lay person and lacked the forensic acuity of questions prepared by counsel. However, the questions that were prepared by the father were reasonably detailed and supplemented by me to include reference to all the relevant documents and the themes for me to determine, as set out in the schedule. The broad thrust of the father's case was clearly put to the mother. I am satisfied that the father, who also gave written and oral evidence, has not been disadvantaged in this respect.
57. On balance, I am satisfied that the mother told me the truth on the majority of the overarching disputed issues. She was clear, composed and broadly consistent in her oral evidence. She did not seek to exaggerate and provided very measured oral evidence. She was prepared to resile from previously held positions. For example, she accepted that she was sent money by the father when he was away with work, but she found it insufficient to meet the essential needs of her family. I did, however, have some concerns regarding aspects of her evidence, which I now outline.
58. First, her first witness statement entirely omitted any reference to her trips to Dubai in order to work there after AM was born. She also overstated her role with AM by indicating they had never spent a day apart when they had clearly spent many weeks apart when she was working in Dubai.
59. She was asked to confirm the truth of all her statements and did so. She could, and should, have said that which she later explained to me right at the beginning. She explained that the first witness statement was taken in Pakistan at a time when she was less trusting of solicitors and the legal system. She thought that if she formally admitted to working in Dubai and this became public she would be viewed adversely and would be subject to ill-treatment in Pakistan from the father's family and others as women are not generally permitted to travel abroad for work and can be treated adversely when they do so depending upon the family. Those fears are reasonable in the light of the country background evidence and mother's uncertainty at the time.

60. Right at the beginning of her second witness statement the mother explained that her first witness statement was not as detailed as she would have liked. She acknowledged omitting the Dubai work trips out of fear. There is some support for mother's position that there may be a degree of shame to a woman with her background working abroad within the country background evidence and I accept her evidence that she felt the need to be very cautious at that early stage of the proceedings.
61. Second, the mother's evidence regarding when she met the father and the circumstances of their marriage was inconsistent. In her second witness statement she clearly stated she did not meet or speak with the father before their Nikah marriage. However, during her oral evidence she accepted that prior to this she was working for the father "on paper" and he assisted her financially. Indeed, she accepted that with his help she opened an account as early as September 2013 and that he was transferring money to her prior to their marriage. The mother, however, remained adamant that the marriage was nevertheless arranged and she really only saw the father properly for the first time at the wedding.
62. It seems to me that the mother probably knew the father in advance of the wedding, but she was embarrassed to about this. I note from the country background evidence that arranged marriages to a partner from one's own ethnic community is a more traditional norm across Pakistan and that sometimes "love marriages" can transgress family expectations. This may provide an explanation for the mother's reluctance to accept the marriage was anything other than arranged.
63. Third, and perhaps most significantly, the mother's evidence as to the circumstances in which she met D was inconsistent. During her oral evidence she said that she met him when she was working in a bar and it was not a pre-arranged meeting. She also said that D did not give her any money. However, in her April 2022 witness statement (see paragraphs 38 and 39), she said something very different and the clear implication from what she said in her statement was that this had all been a set up on the part of the father.
64. When I pointed out that the oral evidence was inconsistent with her witness statement the mother admitted that D did help her at times to return, for example, by returning to Pakistan when her daughter became ill. She explained, and I accept, that she was desperate to return to Pakistan and did not have the requisite funds to do so. She, therefore, accepted D's offer to return to Lahore as quickly as possible via Peshawar.
65. I do not accept that the mother told me the entire truth about her relationship with D. However, as Mr Hephher submitted, even "stepping out" with D in Dubai would be a source of deep shame for the mother. Although I have reservations about her evidence concerning her relationship with D, I do not accept the father's claim that the mother "lived with" and / or married D. I prefer the mother's evidence that she relied upon D for a brief period of time but never married him or had sexual relations with him. I deal with this aspect of the chronology in more detail below.
66. Fourth, there was a degree of confusion in the mother's evidence regarding her application for divorce from the father. She said that she approached the authorities for divorce after the father left for the UK. She explained that the father was ignoring her request to see AM and she thought that if she submitted the divorce application he

would respond to her. She believed herself to be divorced and wished for me to view her separation ID card during the course of her oral evidence. This was not in the bundle. I asked her how she was able to get that card and she said that she simply made an on-line application and did not have to go through any formal process. In those circumstances and in the absence of a valid divorce certificate, little weight could be attached to that document and I declined to admit it at such a late stage.

67. Fifth, there has been a period of extensive delay between AM leaving Pakistan in March 2019 and the mother bringing proceedings for her return in January 2022. However, I accept the mother's evidence that she was unsuccessfully trying to obtain legal advice whilst trying to negotiate with the father and the entire process was very difficult for her.
68. Notwithstanding these concerns as to the mother's evidence, in my judgment the mother gave credible and reliable evidence as to her love for and devotion to AM from the time of her birth to the present. I entirely accept her claim that she felt she had little choice but to take up employment in Dubai in order to financially support her family. The father admitted in evidence that he was having financial difficulties at precisely the times that the mother went to Dubai. I accept the evidence provided by the mother and grandmother that AM was regularly and consistently adequately looked after by the grandmother when her parents were away.
69. I entirely accept the mother's detailed evidence, corroborated in part by the grandmother, that she faced real difficulties in her relationship with the father and this included some domestic abuse and some coercive and controlling behaviour. This behaviour on the part of the father, in my judgment, has continued to some extent after his departure from Pakistan in that he has sought to strictly control the relationship between the mother and her daughter in accordance with his own terms and conditions. I shall deal with this in more detail later on.
70. I accept the mother's evidence that she did not at any time agree to AM moving to the UK without her and at all material times she was her priority.

#### *Grandmother*

71. Whilst the grandmother was confused about certain aspects of the chronology, I am satisfied she gave truthful evidence. She was prepared to concede matters that she clearly found difficult and embarrassing. By way of example, she accepted that when the father advised her to take AM away to stay with a family member when D was making threats, she did so. She also admitted to being injured by D's car at a time when D came in a very embarrassing way to the family home.
72. I accept her evidence on the following key issues:
  - i) She was adamant that she knew of no relationship between the mother and the father prior to the marriage and she helped to arrange that marriage, alongside other family members; that is not inconsistent with the mother having already formed a relationship with the father unknown to others;

- ii) Her evidence that the mother and AM faced dire financial issues because the father did not provide the funding he promised, which resulted in arguments between them and the mother going to work in Dubai was clear and consistent;
- iii) She was adamant that she did not tell the father that the mother was kidnapped in Dubai, but was prepared to accept that D caused a lot of trouble for the family;
- iv) The father put many questions regarding D's romantic relationship with the mother to the grandmother, but she calmly and steadfastly denied knowledge of any such romantic relationship or that she provided the father with this information. In particular, she was clear in her denial that D never lived at her family home and that the mother did not run away with D only to return after the intervention of the Pakistani police. I confirm that I reach that finding notwithstanding having carefully considered the voice messages that the father invited me to take into account;
- v) Although the grandmother initially provided confused and inconsistent evidence as to where the father was living in the weeks preceding his departure to the UK, in particular when the mother returned from Dubai in February 2019, in my judgment this arose because she was confused about the chronology generally and not because she was deliberately lying about the issue. I am satisfied that the grandmother was ultimately able to adequately clarify that at this point in time the father was visiting her family home to see AM, where AM resided;
- vi) I accept the grandmother's detailed evidence that she witnessed a serious episode of violence on the part of the father to the mother when they returned to her home after AM was in hospital. As she said, "*there is no reason for me to tell a lie. He hit her*";
- vii) I accept the grandmother's evidence that AM was very much attached to her and the father did not tell her about his plan to take AM to the UK when he collected her or at any other time when he was in Pakistan. He did not disclose the plan to the grandmother until he arrived in the UK.

*Father*

- 73. The father's statements are detailed and address the relevant matters of concern articulated in mother's statements. He has attached a number of documents, photographs and voice messages to his statements, which I have carefully considered.
- 74. Although the father was not legally represented, he presented his case to the court in a respectful and competent manner and that is to his credit. I note that he is educated to a master's degree level and he has extensively travelled the world for business.
- 75. At the beginning of the father's oral evidence and prior to cross-examination I invited him to highlight any additional matters that he had not set out as clearly as he wished in his statements. He highlighted two matters.

76. He first said, if you look at the mother's lifestyle in Pakistan on social media nowhere does she declare herself as married or the mother of a child. She has not declared that and she must be ashamed for that. She has not been expressing any excitement to see her daughter. She is just showing herself as a businessperson.
77. He secondly stated that the allegation of domestic abuse was a total fabrication and that it was only made because of people backing up the mother's case. He said there were "*a lot of powerful people involved*" in the case and he remains at danger. He said that the maternal family wished to benefit by the mother obtaining a visa to enter the UK. He said that they were not bringing the mother here to meet the daughter, but for other purposes.
78. I set out these two matters that the father chose to highlight because, in my judgment, they provide a window into the manner in which the father has approached this case and the mother. He has speculated about the mother's circumstances in a very negative way. By way of example, he criticised her for not showing excitement to see her daughter when that is entirely understandable because it is he who has repeatedly denied her the opportunity to see her daughter. This has continued when CAFCASS offered their assistance in the recent months to assist with this. He has made wild and exaggerated allegations which are unsupported by any evidence other than the gossip of others, including his own family members who, even on his own case, have always looked down on the mother and her family.
79. The blanket and unparticularised suggestion that "*a lot of powerful people are involved*" such that the father remains in danger is implausible and entirely inconsistent with what I find to be the humble circumstances of the mother's family.
80. The suggestion that the mother only wants a UK visa entirely fails to acknowledge that the mother has been given a temporary visa for these family proceedings and has made it very clear throughout that she wishes to return to with AM to Pakistan, where she has had a job for over a year and where she would reside with AM with her family, if permitted to do so.
81. The father has made repeated references during the hearing to the maternal family being involved in prostitution and drugs in Pakistan, which made them "*big mafia*" and gave them links to corrupt police officers and bureaucrats. As recently as his June 2022 witness statement those were also repeated in writing.
82. In his more recent July 2022 witness statement he attempted to place the blame for a car crash in which he was involved in 2015, upon the maternal family and the mother's brother, indicating that the maternal family wished to kill him. When the father was asked to explain what he based those assertions on, he merely said that he was told these things by others and he knew them to be true when he married the mother. He was entirely unable to explain why, with that knowledge, on his own case he welcomed the maternal family into his own home in Lahore for a period of some two years.
83. The father repeated his allegation that the mother was a sex worker in his list of questions for the mother, suggesting that this was her family's business for over three generations. The father made constant references to the mother having engaged in sex work in Dubai and relied upon her failure to give up "*these things*" as a reason for



leaving Pakistan and for maintaining the separation between the mother and her daughter. The father refused to acknowledge the mother's entirely plausible evidence in the circumstances of this case that she worked in a bar in Dubai and, in any event, had not been to Dubai since 2019 and was employed for the last year in Lahore performing an accountancy and marketing role for a modest salary.

84. The father also alleged that the mother's sister is "*one of the most famous prostitutes*" in Lahore and Islamabad. When pressed on this and when asked what evidence he relied upon to make such serious allegations, he simply said this: "*If you call any prostitute supplier in Lahore they will show you her picture and her sister's picture.*" In my judgment, his evidence in this regard is based on nothing more than wild and irrational speculation. He was wholly unable to provide any cogent evidence in support of these allegations beyond malicious gossip. If the father genuinely believed the mother, her sister and the grandmother to be involved in sex work and drugs it is difficult to see why on the father's own evidence he permitted them all to live in his home for a very lengthy period of two years and why, when he was away from that home, on his own case he said he entrusted his daughter's care to the mother's sister. His account is riddled with inconsistencies. When these inconsistencies were put to him, he was entirely unable to provide reasonable explanations.
85. I have other significant reservations about the father's evidence. First, the information disclosed in the father's asylum application includes matters relevant to his account as to why he felt he had to leave Pakistan with AM that he has either resiled from in these proceedings or is inconsistent with his evidence in these proceedings. By way of example, in both the initial asylum registration questionnaire dated 29<sup>th</sup> July 2019 and the preliminary asylum questionnaire dated 13<sup>th</sup> October 2020 he clearly relied upon his fears in relation to not just D *but the mother herself*. In the former questionnaire he said she wished to take over his properties and business. In the latter questionnaire he said that she wanted to take AM from him. The suggestion that the mother wanted to take over the father's business sits very uneasily with his claim in the family proceedings that she was no more than sex worker. The suggestion that the mother wanted to take AM from him is inconsistent with his claim at points that the mother consented to him bringing AM to the UK. I do not accept his explanation that both of these matters were included in the asylum questionnaires by mistake.
86. These inconsistencies continued during the father's oral evidence, where he sought to say on the one hand that he was waiting for the mother to re-join him and would welcome her back with conditions, yet at the same time suggesting that she, alongside D and her family members, presented a danger to him and AM. In addition, during his oral evidence the father described two chilling and very serious incidents in February 2019 in which he said that D and/or his associates attempted to kidnap AM and actually then fired gunshots at his home in an attempt to kill them. He was quite unable to explain why these serious matters were not brought to the attention of CAF/CASS when he was asked about his relocation to the UK or set out in detail in the witness statements he provided for the family proceedings. I note that these incidents are referred to within his asylum interview which took place on 22<sup>nd</sup> April 2022. That was around the very same time of the CAF/CASS report. I reject the father's explanation "*he did not have the time*" to mention these very serious

incidents, particularly since his own oral evidence was that he decided to leave Pakistan after the attempted killing.

87. Second, the father's evidence as to why the mother has had almost no contact with AM contains significant discrepancies. Ms Cull-Fitzpatrick pointed out the inconsistencies in what the father said and concluded that what is very clear is that the father has not supported AM to maintain a relationship with her mother and he has sought to irradicate their relationship and the mother from AM's life completely. She went on to say this:

“Whilst AM remains in the care of her father I do not envisage how AM will be able to have a relationship with her mother in the future given that he strongly disagrees with them having any form of communication.”

88. During cross-examination the father was unable to even begin to acknowledge that the mother genuinely wanted to spend time with AM and that it was in AM's interests for that to take place. When asked questions about this, he re-focused the answer to his own position by saying that it was he who had made all the sacrifices and he who had looked after his daughter for three years whilst waiting for the mother. He was unable to credibly explain how he could be said to be waiting for the mother to come to him and wishing for reconciliation whilst still maintaining that she remained married to and under the spell of a man as dangerous as D and to be also continuing to engage in sex work. The father's suggestion that the mother simply wanted “*to take a selfie with AM and disappear*” failed to acknowledge the mother's own sacrifices and determination to rebuild a relationship with her daughter during the course of these proceedings.
89. During his oral evidence the father entirely accepted that he was very much in charge of the relationship with the mother as he was much older, he was a successful businessman and she had no income of her own certainly at the early stages of their relationship. He clearly held the vast majority of the power in the relationship when the parents were together and, in my judgment, he exercised controlling and coercive behaviour towards the mother but to a much lesser extent than that which is set out in the schedule. I go on to deal with that in more detail later.
90. The father's reasoning during his oral evidence as to what the mother needed to do in order to see AM was startling. It demonstrated a clear attempt to continue to play the dominant and domineering role wherein the mother would have to seek his approval at every stage of her actions as well as his forgiveness. By way of example, he explained that he offered the mother the possibility of contact with AM in September 2021 in exchange for the mother moving away from the family home (and also her employment) for a period of four months, but she refused. The father gave the clear impression that he was only prepared to countenance a relationship between the mother and AM on his own, very clearly defined, terms, which were entirely in his favour and left the mother utterly dependent upon him. When it was put to the father that this would involve the mother being completely alone and away from her own family, he said that she could move away to live with her grandmother. When it was put to him that that would not allay his concerns because he regarded the grandmother as also involved in sex work, he was unable to answer the question and simply said that the mother needed to start living a respectful life.

91. Third, the father was selective and unconvincing when describing incidents with the mother in which he was alleged to have used violence or lost his temper. He failed to acknowledge that he lost his temper to such an extent that he broke the mother's phone. His evidence that he articulated his repeated allegations regarding the mother being a prostitute in Dubai "*affectionately, with love and care*" is utterly incredible. He held extremely strong negative views which made him very angry indeed. I do not accept the father's denial of violence or controlling behaviour against the mother. The father took every opportunity he could during his written and oral evidence to denigrate the mother in egregious and exaggerated terms.
92. During the hearing the father took a similar approach to the grandmother, going so far as to say that she never looked after AM and was in cahoots with D and other criminal elements. These allegations are entirely unrealistic and implausible. The father even blamed the grandmother for AM being admitted to hospital because he claimed her diet was poor. This is inconsistent with his own claim that the grandmother did not care for AM but the mother's sister did. Furthermore, he was inconsistent as to the illness sustained by AM, veering between hepatitis B, which is denied by the mother, and food poisoning.
93. In short, I am not satisfied that the father has told the truth about the key, overarching issues in dispute.

#### FINDINGS ON DISPUTED ISSUES

94. In this section of my judgment I incorporate the chronology and the relevant facts as I have found them to be so far as relevant to resolving the main disputed issues. Much of the evidence in this case is polarised and many aspects of it are confused and confusing, as reported by CAFCASS. Furthermore, much of the key events do not have the benefit of contemporaneous or corroborating evidence. I have, nonetheless, considered and reflected upon every aspect of the evidence, albeit I have not considered it necessary or proportionate to refer to every single part of the rival chronologies and every single piece of evidence. Instead, I have focused on the main background matters most relevant to the future welfare analysis in relation to AM.
95. There are a number of allegations by the mother against the father and competing allegations by the father against the mother. Having heard both parties and having reached the broad conclusion that the mother has told me the truth on the majority of issues, unlike the father, I prefer her evidence, particularly where it is supported by the grandmother. However, I have not accepted all of the mother's evidence and I accept the father has been truthful about some of the more background aspects of the factual matrix, for example, in relation to the background to the relationship prior to their marriage.
96. I therefore accept that the mother and the father met before their marriage in August 2015. That came about initially through family. I acknowledge that the mother was probably socially embarrassed to admit to having any kind of relationship prior to the marriage. I accept that the family were, to a more limited extent, involved in arranging the marriage, albeit the mother and the father knew each other beforehand. They did not meet on the wedding day for the first time. The label of whether the marriage was a "love marriage" or an arranged marriage, in my judgment, is less

important than what actually happened. I prefer the father's evidence that they met and knew each other before the marriage.

97. After their marriage they lived in rented homes in Lahore until they separated in around February 2019. They had a very unhappy relationship. The mother considered that the father travelled abroad too much, did not financially support her, whilst at the same time was controlling and insulting to her. The father believed that the mother came from a family of disrepute and he was not as respected as he should have been. I note that the father has attached some payments to the mother in his most recent witness statement, but I accept the mother credibly explained that those payments were insufficient to pay all the expenses, which included the rent on the Lahore home.
98. AM was born in 2016. The father was away at the time and did not return until around November/December 2016. There was a clear dispute between the mother and the father as to who would pay the hospital fees. I prefer the mother's evidence that there were many arguments between her and the father as to this and it caused her a great deal of upset. I accept the mother's evidence that she had to have stitches following a very difficult delivery in which she could not afford a caesarean section. She was also advised by the medical professionals not to have sexual relations because of stitches for a period of time. I accept the mother's claim that the father pressured her for sex notwithstanding that medical advice that she had communicated to him.
99. The father in his witness statements says that there were no restrictions from the doctors and the mother was perfectly fine to have sex, without indicating how he came about that knowledge, when he was abroad at the time of the birth and for a considerable period afterwards. The father's counter-allegation that the mother's stitches were not broken by him but by a female friend with whom she had sexual relations has been entirely manufactured by him in an attempt to show the mother in a negative light and to deflect blame from him.
100. I accept that it is more likely than not that the father pressured the mother for sex in the way that she has alleged and intimated to her that he should have sex with her sister. That is consistent with his view that the sister was a famous prostitute in Lahore.
101. Within a short period of time after AM's birth, in January 2017 the parties agreed that the mother, AM and the maternal family should move into the father's Lahore home. The difficulties between the parents continued. These included significant financial worries. The mother then went to Dubai on two occasions in 2017 in order to earn money to assist the family.
102. I do not accept that the father coerced the mother to go to Dubai has been established to the relevant standard. I nonetheless accept that the mother made a reasonable decision to go to Dubai in order to financially support her family. I bear in mind that I have not accepted the mother's claim as to the reasons she initially went to Dubai, that is, that she was coerced by the father, but, in my judgment, that can be explained because the mother was embarrassed and felt that there was a social stigma to her going to Dubai.

103. The mother therefore went to Dubai on at least two occasions in 2017. On the first trip she stayed between March and May when she worked in a shop dealing with sim cards. On the second trip she stayed between July and September where she worked at a bar. I entirely reject the father's allegation that the mother became involved in sex work in Dubai or at any other time. I accept the mother's evidence she went to Dubai in order to earn money for the family and in particular AM.
104. The father was also regularly travelling at that time. During his evidence he accepted he was travelling widely and regularly as part of his attempt to further his import/export business. I find that when the mother and father were abroad, the grandmother was the primary carer for AM. Other family members, such as the mother's sister, are likely to have helped, but would not have been a primary carer bearing in mind her young age.
105. The mother's final work trip to Dubai took place between November 2018 and February 2019. The father was abroad elsewhere on business at around a similar time, save that he returned a bit earlier, on 30<sup>th</sup> January 2019. Again, during that time AM was cared for by the grandmother. It was on this final trip that the mother met D.
106. It is very difficult to make clear findings as to what exactly took place between the mother and D. That aspect of the evidence is confused and confusing. It is known that the father made a police complaint to the Dubai police on 6<sup>th</sup> January 2019 alleging that D had kidnapped the mother in Dubai. We know this because there is a contemporaneous email to that effect.
107. Having considered the broad canvas of the evidence available to me, I am satisfied that the following have been established to the requisite standard in relation to this point in the chronology, that is, when the mother was in Dubai on her third trip and met D and when she returned to Pakistan up until AM left with her father in March 2019:
- a) D was very keen on the mother and it is very likely that he made many promises in Dubai regarding looking after her and AM better than her own husband and then whisking her off to Canada away from her difficulties;
  - b) It is likely, given the mother's circumstances and her very unhappy relationship with the father, that she was tempted by D. But I accept the mother's evidence that there was never a sexual relationship and whatever relationship existed came to an abrupt end within a few days or weeks of returning to Pakistan. She never married or lived with D. The father's firm belief that the mother remarried is based upon what D said to him. However, D clearly had nefarious intentions regarding the mother. The parties accepted that the Khula divorce certificate in the bundle regarding their marriage was false and was obtained by D with a view to orchestrating the mother to start a relationship with him;
  - c) The maternal family moved out of the father's Lahore home on around 8<sup>th</sup> February 2019, very shortly after the father returned to Pakistan on 30<sup>th</sup> January. I do not accept the father's evidence that AM was living at this time full-time with him. It is to be noted that the father had only been back in Pakistan on his own case for just over a week. In my judgment, it is much

more likely that AM remained with the maternal family, as had been the status quo for a lengthy period of time, albeit she spent time with her father both at the maternal family home and the father's home;

- d) The mother returned to Pakistan with D on an urgent basis because AM was ill. She did so with D because he paid for the flight and she took the route that she did in order to get her home as soon as possible;
- e) Upon her return and after bringing AM home from hospital on around 19<sup>th</sup> February the parents argued, which led to the father physically assaulting the mother with a curtain rod in the manner alleged by the grandmother, who was a direct witness to that argument. The grandmother described going into the room they were in and intervening. In my judgment, her evidence was very clear indeed and I accept her account of this incident. The father denied that the incident took place on the basis that he was living at his home. I accept that the father was probably living at a different home by this stage, but, in my judgment, it is likely that he visited the maternal family home from time to time in order to spend time with AM and did so on this occasion;
- f) I accept the evidence of the mother and grandmother that after this assault the parents decided to separate and AM remained living within the maternal family home but continued to spend time with the father;
- g) At around this time the mother realised she was pregnant. The father believed the child to be D's, but I accept the mother's evidence that there was no sexual intercourse with D and that the child was the father's but he did not believe her and she had an abortion;
- h) D came to the mother's home shouting and swearing for her and at her. That also resulted in him driving off quickly, which had the consequence of the grandmother sustaining an injury. I do not accept that the mother ran off with D to be his partner at this time or at any other time. I note the messages that the father has relied upon between D and the grandmother and other family members. But even taking that evidence at its highest, that does not undermine the finding that this mother did not enter into a relationship with D in a sexual way;
- i) I accept that D made serious threats towards both the mother and the father. He sent some very concerning threatening messages to the father in particular. I accept that the father at that time was entitled to be very concerned about this and to be concerned about AM's safety. As a result of this he asked the grandmother to take AM away for two days to her family members and she did so;
- j) However, I accept the mother's evidence that D, who is a Canadian national, returned to Canada at around the end of February 2019 and she has had no communication with him since. Indeed, D blocked her on Snap Chat and she later deleted the app. The father has also accepted that he had no direct contact with D since that time;

- k) I accept the mother's evidence that she decided to divorce the father at around this time and to get a job in Pakistan in order to support herself and AM;
- l) On the information available to me, I am not satisfied that the mother actually obtained a divorce from the father. She may have taken steps to do so, but it is difficult to see why she has not been able to produce a divorce certificate in support of this. That does not mean that the mother is not entitled to regard herself as no longer married to the father in the sense that she is separated from him;
- m) I accept the evidence of the mother and grandmother that AM was wrongfully removed from their care. In particular, I accept what the grandmother said about this at paragraph 9 of her witness statement, where she says this:

“The day [the father] wrongfully removed AM she was in my care. [The mother] had gone to Islamabad to do some shopping and left AM with me. [The father] came to collect AM, saying he wanted to take her shopping. He then said he wanted to take AM to his village for the day and said he would return her in the evening. [The father] asked me to give him winter clothes ... I had no idea that [the father] would not return AM. Two or three days later when I was at my maternal family home [the father] sent me a video and called me. He asked me to guess where he was and told me he was in the UK with AM. He then disconnected the call and blocked my number. I immediately called [the mother] to inform her.”

- n) Now, whilst the grandmother may have got the timings slightly off because it may have been more than two or three days after the father removed AM that he made the call, I am satisfied that her broad recollection of events is accurate. The mother's description of what she did when she returned home to find AM missing is entirely plausible and credible, and set out in some detail within her witness statements. By contrast, the father's evidence as to what he said or did not say is fundamentally inconsistent, as I have already described. He varied between there being an agreement between him and the maternal family, including the mother, for him to take AM to the UK and other explanations. I therefore fully accept that the father wrongfully removed AM from the care of her mother and maternal grandmother;
  - o) I reject the father's case that the mother consented to his leaving Pakistan. The mother was adamant in her own oral and written evidence to the contrary, which I accept and I note the steps that she took included going overnight, on her own, at some risk to herself in the context of Pakistan to the father's family rural home in order to find AM;
  - p) I acknowledge that there was a significant period before these proceedings were lodged, but I accept that the mother tried, but failed, to instruct solicitors able to help her until she was placed in touch with a non-governmental organisation who organised for her to instruct her current solicitors.
108. In my judgment, the father's approach to contact has been indicative of a pattern of continuing resistance to the mother playing a material and fulfilling role in AM's life from March 2019. In my judgment, it is part of a deep-seated, controlling and manipulative instinct on the part of the father to airbrush the mother, unless and until

the mother complied with the father's own expectations of her. The reasons offered by the father for doing so on the basis of the evidence before me are not credible and do not stand up to any serious scrutiny.

109. The suggestion that the mother in some way poses a risk to AM's life by reason of her association with her own family or D is difficult to follow, inconsistent, incredible and implausible. I accept the mother's evidence that she has had no contact whatsoever with D since she made it clear to him that she wanted nothing more to do with him after his actions in 2019.

#### CONCLUSIONS ON THE DISPUTED ISSUES

110. The chronology I have set out above is inevitably set out in a linear manner. It is, however, to be read as an overall assessment and evaluation of the interlocking evidence.

111. The mother made allegations and the father made counter-allegations. I have considered the father's counter-allegations in the context of addressing his responses to the mother's allegations, not necessarily because they are any less serious but solely because that is a convenient way to approach the factual matrix.

112. I make it clear that I do not accept every matter set out in the schedule, but I do accept the overarching umbrella allegations made by the mother.

- i) I accept that the father and mother had a very unhappy relationship once they married. That included:
- a) Father physically abusing the mother, albeit limited to the two incidents I have already described concerning the mobile phone and after AM returned from hospital;
  - b) Father frequently verbally and emotionally abused the mother by shouting at her and calling her horrible names. I do not accept his evidence that he approached disagreements in a calm and loving manner;
  - c) Father exhibited some coercive and controlling behaviour toward the mother during their marriage. I do not accept all the matters in the schedule in this respect. I do accept that he controlled the family finances to such an extent that the mother became dependent and at his mercy for her and AM's basic needs and there were occasions when she was simply unable to buy essentials for AM. I also accept the father pressured the mother for sexual intercourse despite her explaining the doctor's recommendation to abstain due to her stitches. I accept the father throughout their marriage insulted the mother and her family because of his irrational belief that they were somehow involved in sex work, drugs, mafia etc;
  - d) Since their separation the father has sought to continue to be controlling of the mother through the stipulations he placed upon the mother before she could be permitted to spend time with AM;



- ii) I accept that the father wrongfully removed AM from Pakistan in the sense that he did so without explaining his actions to the mother or grandmother, with whom AM was living at the time.
- iii) The father has suggested that AM remains at risk in Pakistan, but there is currently no credible evidence in support of such a fear being well founded. I accept the evidence from the mother that there has been no contact from D since 2019. There may have been a risk at the hands of D in 2019, but it seems to me that circumstances have materially changed;
- iv) After removing AM, the father alienated her from the mother and the maternal family by effectively suspending all meaningful contact and communication. This is not really denied by the father. His position is that his actions were fully justified. For the reasons I have provided this reasoning is inconsistent and implausible.

113. Those are the overarching findings of fact that I have made for the reasons that I have provided.

#### INTERIM ARRANGEMENTS

114. Both parties accepted that this matter should come before the court as soon as possible after an appropriate period to reflect on the findings made and to seek further input from CAFCASS with a view to case managing the next stage of the proceedings. The parties agreed that that could take place on Teams before me on 7<sup>th</sup> September and I would appreciate if position statements could be served the day before by twelve noon.

115. That is my judgment.

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**(This judgment has been approved by the Judge.)**

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