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[2024] EWFC 368 (B)

Case No: OX23P00576

IN THE FAMILY COURT AT OXFORD

St Aldates
Oxford
OX1 1TL

Date: 23rd August 2024

Before:

HIS HONOUR JUDGE RICHARD CASE

Between:

**Mother
- and -
Father**

Applicant

Respondent

MR R MULLAN for the Applicant
MR J LONGHORN for the Respondent

JUDGMENT

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HIS HONOUR JUDGE CASE :

1. This is my judgment in OX23P00576. The applicant is the mother, represented by Mr Mullan of counsel, and the respondent is the father, represented by Mr Longhorn of counsel.
2. I am concerned with four children who range in age from 14 to 3. I will refer to them as C1, C2, C3 and C4, from oldest to youngest.
3. I have been assisted by both counsel preparing extremely helpful position statements and, before I go any further, want to acknowledge the great assistance that I have derived from both counsel in fairly and properly putting their clients' cases. I want to reassure the mother and father that their counsel have said all that sensibly can be said on their behalf's and, through the process of cross-examination, have allowed me to assess where the truth lies in this fact-finding hearing.
4. In Mr Mullan's position statement he sets out a short background, which I adopt for the purpose of this judgment. He says as follows

The applicant made without notice applications for a non-molestation order and a child arrangements order on 19th December 2024. On 22nd December District Judge Devlin made without notice orders, giving a non-molestation order with a zonal element to the family home and a live with order to the mother and prohibited steps order to prevent removal.

On 9th January 2024, the two applications were consolidated. The hearing was adjourned due to the lack of a safeguarding letter from Cafcass. Cafcass filed their safeguarding letter dated 27th February 2024. The matter was listed before and heard by District Judge Devlin on 16th April 2024. A

finding of fact hearing was considered to be necessary. There was no order for contact. It was recited that the father would need to make a stand-alone application for contact. No application has been made.

The parties met at a tertiary college in 2001. They moved to Oxford in March 2021, selling their Bicester home. On 23rd September 2023, there was a family meeting with regard to the parties' marriage at the mother's parents' home in London.

On 28th October 2023 and 5th November 2023, there was a family meeting in the mother's parents' home in London.

On 11th November 2023, the mother left the family home with the children, taking them to her parents in London.

On 12th November 2023, the mother made complaints to the police of coercive and controlling behaviour and domestic abuse.

On 16th November 2023, the father was arrested and interviewed in relation to the mother's allegations of coercive control. The mother and children returned to the family home.

On 19th December 2023, an application was made for a non-molestation order.

5. The current arrangements are that the four children live with the mother and there is a prohibited steps order for them not to be removed from her care. The non-molestation order is to last until 20th December 2024 and the father is not spending any time with

the children. The mother makes a number of allegations within these proceedings and the matter has been listed for a four day fact finding hearing before me.

6. I conducted a second pre-trial review on 5th August 2024, Judge Devlin having conducted one on 20th June 2024.
7. Originally, the mother's allegations ran to some 74 pages. As a result of the first pre-trial review, that was reduced to approximately 25 allegations and, as a result of the second pre-trial review before me, to 12 specific allegations with an overarching allegation of coercive and controlling behaviour.
8. The father makes very limited admissions but otherwise denies all of the allegations and I will consider his position in relation to each of the allegations in detail as I go through them.
9. I have had the benefit of reading a trial bundle that runs to over 700 pages. In particular, I have considered the most recent schedule of allegations and response at A15 of the bundle; mother's first witness statement at C1, her second witness statement at C214; the maternal grandmother's statement at C387; the maternal uncle's statement at C411; a friend, AA's, witness statement at C368; a friend, SM's, witness statement at C383; and an Arabic teacher, YA's, witness statement at C376. I have also considered the father's witness statement at page C133.
10. I heard oral evidence from all of those witnesses except for SM, whose evidence I did not consider was relevant to the findings that I had to make, given it was essentially multiple hearsay evidence and opinion.

11. Insofar as the law is concerned, I remind myself of the fact-finding self-directions from the helpful summary of Lord Justice Munby, then President of the Family Division in *Re X (Children) (No 3)* [2015] EWHC 3651.
12. That was a public law case, but the guidance given with adaptations is relevant to this case, paragraph 20:

“First, the burden of proof lies at all times with the local authority.

Secondly, the standard of proof is the balance of probabilities.

Third, findings of fact in these cases must be based on evidence, including inferences that can properly be drawn from the evidence and not on suspicion or speculation ...

Fourthly, when considering cases of suspected child abuse the court must take into account all the evidence and furthermore consider each piece of evidence in the context of all the other evidence. The court invariably surveys a wide canvas. A judge in these difficult cases must have regard to the relevance of each piece of evidence to other evidence and to exercise an overview of the totality of the evidence in order to come to the conclusion whether the case put forward by the local authority has been made out to the appropriate standard of proof.

...

Seventh, the evidence of the parents and any other carers is of the utmost importance. It is essential that the court forms a clear assessment of their credibility and reliability.

Eighth, it is common for witnesses in these cases to tell lies in the course of the investigation and the hearing. The court must be careful to bear in mind that a witness may lie for many reasons, such as shame, misplaced loyalty, panic, fear and distress, and the fact that a witness has lied about some matters does not mean that he or she has lied about everything (see *R v Lucas* [1981] QB 720).”

13. I will return to *R v Lucas* in a moment.
14. Lord Justice Munby continued:

“21. To this admirable summary I add three further points.

22. First, that the legal concept of proof on a balance of probabilities “must be applied with common sense”, as Lord Brandon of Oakbrook said in *The Popi M, Rhesa Shipping Co SA v Edmunds*, [1985] 1 WLR 948, 956.

Secondly, that the court can have regard to the inherent probabilities: see Lady Hale in *In re B (Children) (Care Proceedings: Standard of Proof) (CAFCASS intervening)* [2008] UKHL 35, [2009] 1 AC 11, para 31. But this does not affect the legal standard of proof, as Lord Hoffmann emphasised in the same case (para 15):

“There is only one rule of law, namely that the occurrence of the fact in issue must be proved to have been more probable than not. Common sense, not law, requires that in deciding this question, regard should be had, to whatever extent appropriate, to inherent probabilities ... It would be absurd to suggest that the tribunal must in all cases assume that serious conduct is unlikely to have occurred. In many cases, the other evidence will show that it was all too likely.”

15. In his President’s Memorandum on Witness Statements, Lord Justice McFarlane said on 10th November 2021:

“14. Parties should understand that the court’s approach to witness evidence based on human memory will be in accordance with CPR PD 57 AC, appendix paragraph 1.3. This states that human memory:

(a) is not a simple mental record of a witnessed event that is fixed at the time of the experience and fades over time, but

(b) is a fluid and malleable state of perception concerning an individual’s past experiences and therefore

(c) is vulnerable to being altered by a range of influences such that the individual may or may not be conscious of the alteration. “

16. I also direct myself to the judgment of Peter Jackson J, as he was, in *Lancashire County Council v The Children* [2014] EWHC 3 Fam:

“9. To these matters I would only add that in cases where repeated accounts are given of events surrounding ... [in that case injury and death] the court must think carefully about the significance or otherwise of any reported discrepancies. They may arise for a number of reasons. One possibility is of course that they are lies designed to hide culpability, another is that they are lies told for other reasons. Further possibilities include faulty recollection or confusion at times of stress or when the importance of accuracy is not fully appreciated, or there may be inaccuracy or mistake in the record keeping or recollection of the person hearing and relaying the account. The

possible effects of delay and questioning upon memory should also be considered, as should the effect on one person of hearing accounts given by others. As memory fades, a desire to iron out wrinkles may not be unnatural, a process which might inelegantly be described as “story creep” may occur without any inference of bad faith.”

17. That guidance should be borne in mind when considering perceived differences between accounts over time and generally when considering a witness’s recall. As regards demeanour, I have regard to Peter Jackson LJ’s decision in *B-M (Children: Findings of Fact)* [2021] EWCA Civ 1371:

“25. No judge would consider it proper to reach a conclusion about a witness’s credibility based solely on the way that he or she gives evidence, at least in any normal circumstances. The ordinary process of reasoning will draw the judge to consider a number of other matters, such as the consistency of the account with known facts, with previous accounts given by the witness, with other evidence, and with the overall probabilities. However, in a case where the facts are not likely to be primarily found in contemporaneous documents the assessment of credibility can quite properly include the impression made upon the court by the witness, with due allowance being made for the pressures that may arise from the process of giving evidence ...

26. I therefore respectfully agree with what Macur LJ said in *Re M (Children)* at [12], with emphasis on the word ‘solely’:

“It is obviously a counsel of perfection but seems to me advisable that any judge appraising witnesses in the emotionally charged atmosphere of a contested family dispute should warn themselves to guard against an assessment solely by virtue of their behaviour in the witness box and to expressly indicate that they have done so.” ...

28. ... There will be cases where the manner in which evidence is given about such personal matters will properly assume prominence. As Munby LJ said in *Re A (A Child) (No. 2)* [2011] EWCA Civ 12 said at [104] in a passage described by the Judge as of considerable assistance in the present case:

"Any judge who has had to conduct a fact-finding hearing such as this is likely to have had experience of a witness - as here a woman deposing to serious domestic violence and grave sexual abuse - whose evidence, although shot through with unreliability as to details, with gross exaggeration and even with lies, is nonetheless compelling and convincing as to the central core... Yet through all the lies, as experience teaches, one may nonetheless be left with a powerful conviction that on the essentials the witness is telling the truth, perhaps because of the way in which she gives her evidence, perhaps because

of a number of small points which, although trivial in themselves, nonetheless suddenly illuminate the underlying realities."

29. Still further, demeanour is likely to be of real importance when the court is assessing the recorded interviews or live evidence of children. Here, it is not only entitled but expected to consider the child's demeanour as part of the process of assessing credibility, and the accumulated experience of listening to children's accounts sensitises the decision-maker to the many indicators of sound and unsound allegations."

18. In relation to electronic messages I remind myself of the observations in *Stocker v Stocker* [2019] UKSC 17, in which Lord Kerr cautioned against:

"elaborate analysis of a tweet; it is likewise unwise to parse a Facebook posting for its theoretically or logically deducible meaning. The imperative is to ascertain how a typical (ie an ordinary reasonable) reader would interpret the message. That search should reflect the circumstance that this is a casual medium; it is in the nature of conversation rather than carefully chosen expression; and that it is pre-eminently one in which the reader reads and passes on."

19. Next I remind myself of the revised *Lucas* direction elaborated on by Macur LJ in *Re A* [2021] EWCA 451:

"That a witness's dishonesty may be irrelevant in determining an issue of fact is commonly acknowledged in judgments ... in formulaic terms:

"that people lie for all sorts of reasons, including shame, humiliation, misplaced loyalty, panic, fear, distress, confusion and emotional pressure and the fact that somebody lies about one thing does not mean it actually did or did not happen and / or that they have lied about everything"

"But this formulation leaves open the question: how and when is a witness's lack of credibility to be factored into the equation of determining an issue of fact? In my view, the answer is provided by the terms of the entire 'Lucas' direction as given, when necessary, in criminal trials. "

"55. Chapter 16-3, paragraphs 1 and 2 of the December 2020 Crown Court Compendium, provides a useful legal summary:"

"1. A defendant's lie, whether made before the trial or in the course of evidence or both, may be probative of guilt. A lie is only capable of supporting other evidence against D if the jury are sure that: (1) it is

shown, by other evidence in the case, to be a deliberate untruth; i.e. it did not arise from confusion or mistake; (2) it relates to a significant issue; (3) it was not told for a reason advanced by or on behalf of D, or for some other reason arising from the evidence, which does not point to D's guilt.

2. The direction should be tailored to the circumstances of the case, but the jury must be directed that only if they are sure that these criteria are satisfied can D's lie be used as some support for the prosecution case, but that the lie itself cannot prove guilt. ..."

20. What I have said above in relation to memory applies equally to a consideration of whether a person is in fact lying, that is to say, whether they are dishonestly not telling the truth. In this case, the mother relies upon evidence given by C1 in a police interview and on hearsay evidence of friends' children. I remind myself of MacDonald J's summary in *Re P (Sexual Abuse: Finding of Fact)* [2019] EWFC 27 Fam:

"577. That said, and considering the authorities set out above, the Report of the Inquiry into child abuse in Cleveland 1987 Cm 412 and Report of the Inquiry into the Removal of Children from Orkney in February 1991 among others and the contents of the current ABE Guidance, I am satisfied that this court can take judicial notice of the following matters:

- i) Children, and especially young children, are suggestible.
- ii) Memory is prone to error and easily influenced by the environment in which recall is invited.
- iii) Memories can be confabulated from imagined experiences, it is possible to induce false memories and children can speak sincerely and emotionally about events that did not in fact occur.
- iv) Allegations made by children may emerge in a piecemeal fashion, with children often not reporting events in a linear history, reporting them in a partial way and revisiting topics.
- v) The wider circumstances of the child's life may influence, explain or colour what the child is saying.
- vi) Factors affecting when a child says something will include their capacity to understand their world and their role within it, requiring caution when interpreting children's references to behaviour or parts of the body through the prism of adult learning or reading.

vii) Accounts given by children are susceptible to influence by leading or otherwise suggestive questions, repetition, pressure, threats, negative stereotyping and encouragement, reward or praise.

viii) Accounts given by children are susceptible to influence as the result of bias or preconceived ideas on the part of the interlocutor.

ix) Accounts given by children are susceptible to contamination by the statements of others, which contamination may influence a child's responses.

x) Children may embellish or overlay a general theme with apparently convincing detail which can appear highly credible and be very difficult to detect, even for those who are experienced in dealing with children."

21. I need not set out in detail the Achieving Best Evidence guidelines, but I acknowledge the authorities that require the court to have regard to it and the circumstances in which, in particular, children are interviewed.

22. Lastly, in terms of the law, I return to consider domestic abuse. In *Re H-N and Others (Children) (Domestic abuse: Finding of Fact Hearings)* [2021] EWCA Civ 448, the Court of Appeal gave the following guidance in relation to allegations of domestic abuse:

"4 ... Where past domestic abuse is found to have taken place, the court must consider the impact that abuse has had on both the child and parent and thereafter determine what orders are to be made for the future protection and welfare of parent and child in the light of those findings. Depending upon the circumstances, such orders may substantially restrict, or even close down, the continuing relationship between the abusive parent and their child."

23. Section 1 of the Domestic Abuse Act 2021 defines domestic abuse in the following way:

"(2) Behaviour of a person ("A") towards another person ("B") is "domestic abuse" if—"

(a) and B are each aged 16 or over and are personally connected to each other, and

(b) the behaviour is abusive.

(3) Behaviour is “abusive” if it consists of any of the following—

(a) physical or sexual abuse;

(b) violent or threatening behaviour;

(c) controlling or coercive behaviour;

(d) economic abuse (see subsection (4));

(e) psychological, emotional or other abuse;

and it does not matter whether the behaviour consists of a single incident or a course of conduct ...

(5) For the purposes of this Act A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).”

24. Practice Direction 12J of the Family Procedures Rules adds the following at paragraph 3:

“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;”

25. In *F & M* [2021] EWFC 4 (Fam), Hayden J set out a list of “paradigm behaviours” may be coercive or controlling. The list at paragraph 60 was quoted with approval in *Re H-N* and includes the following:

Isolating a person from their friends and family;

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;

Repeatedly putting them down such as telling them they are worthless;

Enforcing rules and activity which humiliate, degrade or dehumanise the victim;

Threats to hurt or kill;

Threats to harm a child and assault.

26. The Court of Appeal in *Re H-N* noted the ways in which a child may be harmed by domestic abuse at paragraph 31:

“(i) Is directed against, or witnessed by, the child;

ii) Causes the victim of the abuse to be so frightened of provoking an outburst or reaction from the perpetrator that she/he is unable to give priority to the needs of her/his child;

iii) Creates an atmosphere of fear and anxiety in the home which is inimical to the welfare of the child;

iv) Risks inculcating, particularly in boys, a set of values which involve treating women as being inferior to men.”

27. The Court of Appeal emphasised that criminal law principles and concepts are not relevant to fact-finding.

28. Finally, in *Re H-N*, at paragraph 32, the Court of Appeal said:

“It is equally important to be clear 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 on the harmful impact of the behaviour. We would endorse the approach taken by Peter Jackson LJ in *Re L (Relocation: Second Appeal)* [2017] EWCA Civ 2121 (paragraph 61):

“Few relationships lack instances of bad behaviour on the part of one or both parties at some time and it is a rare family case that does not contain complaints by one party against the other, and often complaints are made by both. Yet not all such behaviour will amount to ‘domestic abuse’, where ‘coercive behaviour’ is defined as behaviour that is ‘used to harm, punish, or frighten the victim...’ and ‘controlling behaviour’ as behaviour ‘designed to make a person subordinate...’ In cases where the alleged behaviour does not have this character it is likely to be unnecessary and disproportionate for detailed findings of fact to be made about the complaints; indeed, in such cases it will not

be in the interests of the child or of justice for the court to allow itself to become another battleground for adult conflict.”

29. Having set out the law at some length, I turn to my findings. I am going to consider each of them in turn, although not in the order that they appear in the Schedule of Allegations. Before doing so, I want to make some general observations on the credibility of the parents, starting with the credibility of the mother.

Credibility of the mother

30. There were some aspects of the mother’s evidence that were not entirely consistent. I will address where this particularly impacted a specific allegation later in my judgment, but I must bear in mind, in a general sense, she was being asked to recall, in some detail, events, some of which took place many years ago and some of which occurred over an extended period of time. For instance, in relation to allegation 1, the signing-in book, in cross-examination she initially said only her writing would have been found in it, but a few moments later said, “He would sometimes sign the book,”, although explained that when she said it was her writing in the book, she did not view his signature as writing as such.
31. She also gave somewhat inconsistent evidence in relation to her use of the father’s phone, saying initially that she had never used it without permission, but then accepting, as in her statement, she had done so to take photos, and when asked to explain how that was consistent with the assertion in her statement that, “I was forbidden from even touching his phone,” reference C22 paragraph 72, she said that she meant, “I am not allowed to go through his phone”.
32. However, more generally I note that she was balanced and reflective in her evidence. At one point she said, “No human being is the same all the time. There were good

patches and there were worse patches. There were times when life felt great and times when it was horrific, even in an abusive relationship.” I find that evidence refreshingly candid in a case such as this.

33. I have to step back and ask myself whether there is an obvious motive on her part for fabricating these allegations. One was advanced by the father, although I remind myself it is not for him to prove that was in fact the reason. The burden at all times rests on the mother to prove the allegations that she makes.

34. There was this exchange when I asked him if he could shed any light on a possible motive for the mother to fabricate:

“Father: I was no longer prepared to support it [that is home schooling arrangements] financially and preferred the children to go to school and whilst I had been paying all these years, I was no longer willing to, and alarm bells rang in her head”

Judge: And that prompted her to make these very serious allegations.

Father: I think so.”

35. Against this I have to weigh the fact that if the mother was making up the allegations, it would need to be a fabrication that drew in the police, her friends, her family, and in that respect some of the allegations also led to her children telling her friends’ children of the abusive behaviour; and all of that because, as the father suggested, there’d been a disagreement about the children’s education. Fundamentally, whilst I find that is certainly possible, it seems very improbable. As I say, it is not for the father to prove a motive and I am entitled to take into account what motive there might have been in assessing the mother’s credibility and to take into account the lack of an obvious motive to fabricate what she alleges.

Credibility of the father

36. Again, I remind myself, the father had to do his best to recall events that occurred some time ago and in some cases alleged over extended periods of time. In a sense, it was harder for the father because he was responding to allegations that the mother said she had recalled and which he, of course, may not have any good recall of or any recall at all; but for the reasons I am about to set out, I generally found his evidence unsatisfactory and I will consider the reasons in relation to six of the allegations.

Allegation 1

37. In relation to this allegation, the signing-in book, for the first time in cross-examination, the father said, “One evening the mother made a proposal to have some kind of a book. It’s the only night I saw that book.” It is startling that this was never mentioned in the father’s witness statement and further that in the response to the allegations just a few days ago, he said for the first time it, “was the applicant’s idea forced upon me,” page A16, yet none of the detail now given was set out in his statement or in the response to the allegations.

38. I asked him about that in the following exchange:

“Judge: Why not say that in your written statement?”

Answer: I don’t remember. The statement was written at a time when I was under a lot of pressure. I was homeless.

Judge: Are you seriously suggesting it’s not something you’ve thought of?

Father: I put it down to an oversight.

Judge: At page C145 you say, “This is completely false.”

Father: It was one night and not something on my radar.”

39. My marginal note at the time that the evidence was given was that this was nonsense, given the length of the father's witness statement. It is a view I still hold. The allegation was clear. His statement was lengthy, just under 40 pages. I do not find the explanation for not mentioning within it that there was in fact a book, albeit he had only seen it once, and that it was his, and that it was her idea, at all credible.

Allegation 2

40. There were inconsistencies in his evidence about this allegation, namely monitoring by cameras installed in the home. I will refer to those inconsistencies when I come to consider Allegation 2 but there was also significant evasion in his evidence about this allegation:

“Counsel: In your police interview, you say a camera used to be in your office, [That was a reference to page E106 of the bundle, at which the father was recorded as having told the police, “We have the back garden and there is one camera that used to be in my office”], but there was one in the office.

Father: Yes, I said there was. It's inaccurate, [i.e. the response to the police that it used to be in the office was inaccurate].

Counsel: It was to put the police off the scent.

Father: No.

Judge: Why did you say it to them then?

Father: For me, it's not saying it's been taken out.

Judge: If that's right, why did you just tell counsel the answer that you gave to the police was inaccurate?

Father: Because counsel was saying I was saying it was there and it was no longer there.”

41. I confess I struggled to understand his answer, but he seemed to initially have told counsel that what he told the police was wrong, but then asserted that it was somehow consistent with his case, i.e. not wrong, his case being that the camera was still in the

office. In any event, I find it very hard to read, “that used to be in my office” as meaning anything other than the camera used to be, but is not now, which is not true, because on his own case it remained in the office.

Allegation 4

42. In relation to allegation 4, there was further evasion and the following exchange between counsel and father:

“Counsel: Allegation 4, you insisted the children sat on the floor to eat.

Father: my children did sit on the floor, but insisted is not the best way of describing it.

Counsel: You can see into the Oxford house on both sides.

Father: Yes, the front has a pavement on the road.

Counsel: You didn’t have curtains?

Father: No.

Counsel: The consequence of that was you insisted C1 and the mother wore headscarves in the home at all times.

Father: No.

Counsel: So the mother made that up?

Father: The window was covered with a film, unidirectional film.

Counsel: You’ve never referred to that in your written evidence [I do not recall there being an answer to that].

Judge: Do you have an explanation for that?

Father: It was a long document, and I don’t have much time to go through it and responded to what I thought it was important to respond to.”

43. Again, I remind myself the father’s witness statement was almost 40 pages in length, excluding exhibits and it is simply not credible to say he did not have time to address

this issue when he seemingly had time to respond in great detail, as he has done, in relation to other matters.

44. The point was squarely raised by the mother in her witness statement at C20 paragraph 62. His failure to ever previously mention the unidirectional window covering is inexplicable.

Allegation 5

45. In relation to allegation 5, the father's use of the mother's phone, there was this exchange:

“Counsel: You had her passwords or PIN.

Father: Initially, but she changed it.

Counsel: You had the new ones?

Father: No, I was locked out.

[A little further on]

Judge: Your evidence at page C154 is in direct contradiction. “Furthermore, if she didn't want me looking at the photographs of my children, she could have easily changed the password on her phone to block me out completely. She never did this.” That is contradictory?

Father: It is a contradiction.

Judge: What is the explanation for it?

Father: [Very long pause] I can't offer an explanation. I know I always looked at the phone with her permission. At some point I had the password.”

46. It follows, he was accepting his statement was entirely inaccurate on the point.

Allegation 6

47. In relation to allegation 6, using third parties to influence the mother, there is an example of the father changing his evidence to suit the question that he was asked:

“Counsel: So there is no question of any possibility of religious leader SA contacting your wife without your consent and approval?”

Father: He did do that.

Counsel: Without your consent and approval?

Father: Yes, he contacted the mother unbeknownst to me.

Judge: How could it possibly have been the case that you did not know he had contacted the mother, given that you gave the keys to the house to him for him to get them to the mother?

Father: He said he’d go there and meet them.

Judge: So he would have had contact with the mother?

Father: He would have.

Judge: So how could it have been, “unbeknownst” to you he’d had contact with the mother?

Father: I thought the question was about a telephone call.

Judge: You’ve just told me that religious leader SA said he would drive to Oxford. In your statement you say he would do that if necessary. That’s an important difference, because if he wasn’t driving to Oxford, he would have to contact her some other way, by phone.

Father: I think I am saying the same thing in different words.”

48. He clearly was not saying the same thing in different words. He was saying something different, inconsistent things.

Allegation 10

49. In relation to allegation 10, the mother having to barricade herself into a bedroom, a new scenario explaining how the mother had got the incident wrong was put to the mother in cross-examination for the first time. This was quite different from the father’s response to the schedule, which came after my pre-trial review on 5th August 2024, and which was, “I don’t remember the full context of this incident”.

50. From the start of proceedings, from the C1A form, dated 10th December 2023 at B52, the father was well aware of this allegation. It was also referred to in the mother's first statement at C24, in some detail, including reference to C1 having refused to clean the kitchen, which one would have thought would have triggered a memory in the father and it appears in all three of her various schedules of allegations; and yet the father made no substantive response to it until this hearing.
51. Having set out those general observations of the parents' credibility, I turn to the allegations themselves.

Allegation 1: Signing in book and written contract

52. At page C15, paragraph 47, the mother says:

“After an argument in December 2014 in which the respondent had shifted all blame onto me for leaving our home, or allowing people to enter without his permission, he told me contravened our faith, I was made to sign a contract stating that I could not go out or have company unless he had signed these visits off. There was a book I had to write into.”

53. In her oral evidence, she said the book was in use until the move from Bicester to Oxford in March 2021. She said that by then she had learned the rule was that she must ask the father's permission for visitors or visits, so it was not required. She said when in use, it would sometimes be signed off by father, but at other times she would have to chase him to do so. In that respect, she referred me to a series of text messages at C107 of the bundle, apparently dated 7th June 2015. They are messages from the mother.
54. Two of them in particular say this:

“Mother: Can we go to Jay's this Tuesday? We haven't seen them since April.”

“I put it in the book ages ago, but I don’t think you’ve been looking at it.”

55. As counsel for the mother suggested to the father, it seems somewhat far-fetched to suggest that this was part of a plan to fabricate the allegation, given that the allegation has not been made until these proceedings, which commenced in 2023, and the message is dated 7th June 2015, some nine years ago. That is, unless the document, the messages themselves, are fabricated, which has not been alleged.
56. I note in passing that the other messages on that page are consistent with the alleged level of control. There is an exchange of messages on 23rd July 2015. Firstly from the mother, saying, “You’ve received a parcel. Can I go into the office to put it on your table?” Response from the father, “Yes, please do, just make sure it’s locked again.” Then an undated message, a series of messages, which ends with the father saying, “You’re allowed to stay one more week in London. Then I want everyone back in Bicester.”
57. I caution myself against placing too much weight on isolated messages, but they indicate directives to the mother about returning to Bicester in the second message, and that she felt she had to ask permission to do a favour for the father in the first exchange.
58. When the father was cross-examined on the messages, he said of the second, that is the directive to return from London, “I am saying I want everyone back to be with me. Not controlling, it’s, “do come back.””. It was put to him that he was minimising the control that he was exercising, and he denied that, but frankly I agree. He appears in his answer to be minimising what seems to plainly be the exercise of control, the directive to return to Bicester. Even when I remind myself of the limitations of short messages, that gives me a good indication of his state of mind.

59. To some extent, the mother's case on this allegation is corroborated by her friend AA. At C372 paragraph 18, the witness said, "It was also evident there was no relaxed home environment when her husband was around. She would say things like, father is home, so I can't have anyone around, or he is home and it's going to be really difficult for us. Therefore, we became accustomed to her and the children being even more anxious when her husband was at home."
60. Then the Arabic teacher YA at C379 paragraph 19, "C1 regularly told my daughter that her mother and the children always had to get their father's permission before they could do anything or go anywhere." I accept that is, of course, hearsay evidence via a child.
61. There is some corroboration from the maternal grandmother who describes a time in mid-2023, the exact date is not clear to me, when at C407 paragraph 105, she says, "Mother and the children arrived at our house early on Saturday morning. She was shaking with panic. We settled the children and she said she wanted to talk to us and tell us everything she and the children have endured at the hands of father. She told us about how he would control everything she and the children did, even in the home, that she was not allowed to go anywhere without his permission." That is not directly witnessing what the mother said was happening, but it is a complaint to an independent source and of some limited weight.
62. Finally, the allegation is corroborated by C1 when she was interviewed by the police, albeit with mother present, on 13th February, 2024, at E78:

"... and mum also used to have to write down all the events that she had to, like there was this blue book, like, [inaudible] on the mantelpiece, and I had to write down every single thing that we do that day."

63. That contradicts the mother's evidence in terms of the location. In cross-examination by the father, she had said the book was kept in the study, although over a period of time which mother alleges the book was used it may be consistent if it moved its location. But C1 does give the detail of the colour of the book.
64. The father's response to this allegation was little more than a bare denial; at C141 he said:
- “The reason she makes these allegations is that she's fully aware that I gave her complete freedom of movement, but in order to make a false allegation of coercive control and domestic abuse, she's fabricated these lies.”
65. I have noted above how a new case has been advanced since 5th August 2024, that mother produced the book to him, and he saw it only once. As I noted above, I found father's evidence on that lacked credibility.
66. Further on in his witness statement at C145, he says that between 2015 and 2020, he was in [] on Monday to Thursday, employed full-time at a religious institute and lecturing at the university; and from 2021, it was Monday to Wednesday, and during these times, the mother would have been free to do what she wished.
67. When the mother gave oral evidence, she explained this broadly as a handful of people, “who had a past” because their children were also homeschooled and they were part of a homeschooling collective, although she said she did tend to say when they were coming or tell him that they had come if they visited unexpectedly. But if they visited unexpectedly when he was home, she would send them away.
68. On the one hand, I accept no book has been produced. On the other, there is no obvious reason for the mother to fabricate this allegation. It is partially corroborated by the other evidence I have referred to, including C1's evidence, and I have concerns

that I've set out already about the father's credibility and response in respect of this allegation.

69. On that evidence, I am satisfied on the balance of probabilities the mother has proved:

The father required the mother to use a book to request permission for activities and visitors whilst the family lived in Bicester, and this represented significant control over her movements.

70. I am not satisfied that, as further alleged by the mother, there was a written contract to prevent her from entering parts of the home, namely the study. The document has not been produced and there is no corroborative evidence of any sort.

Allegation 12: Slapped and hit C1 across her head inappropriately in 2023.

71. The mother's written evidence is C27, paragraph 91.:

“In the worst instances, the respondent would become so furious he would hit C1. This physical abuse began around the age of nine when she began to go through puberty. He would lose his temper and strike her, usually across the head with his hand, making her head jolt at least once a month.”

72. She says that in the spring of 2022, in relation to an incident about moving rooms, which I will refer to elsewhere in this judgment, C28, paragraph 92, that:

“because C1 was not getting her things out of the room fast enough, according to the respondent, he began to fling her belongings out of the room. She protested and he struck her on the head. ”

73. Then C29, paragraph 97:

“In summer 2023, the respondent struck C1 around the head, causing her head to hit the wall beside her. He did this ... she refused to carry out one of his demands in, and his fury, he assaulted her [sic].”

74. The mother is reported to have told the police on 20th November 2023 that, “her husband had previously struck his eldest daughter, C1, around the head in what she described as a light open hand slap.”
75. In her 6th December 2023 police statement, she said, E57, “He would slap her around the face with an open hand. This did not leave any marks or injuries” and “when C1 refused to take her stuff, he hit her. I had to get in between them to try and stop this. He would hit her around the head with an open palm.”
76. The father’s response to the schedule is: “I have gently slapped C1 on two or three occasions when she was a danger to our other children or to discipline her for inappropriate behaviour.”
77. He says that he slapped C1, but, “never more than slaps on the shoulder,” at C159, and he blames C1’s behaviour on mother “implementing cold, heartless parenting strategies from the moment C1 was born” and “many, if not all, of our eldest daughter’s problems stem from the psychological and physical abuse she suffered at the hands of my wife in those early years, actions which my wife has regretted ever since.”
78. I am quite troubled by this evidence because rather than addressing the allegation in more detail, such as by setting out the circumstances of the limited two to three occasions he refers to, he sought to shift the blame to parenting techniques he says the mother used 14 years ago. At best, this is irrelevant. At worst, it is minimising his behaviour towards C1.
79. His evidence changed in cross-examination when he accepted that on one occasion he, “raised my hand to slap her on the head,” i.e. he intended to hit her on the head,

but did not in fact do so because she moved away, losing her balance and hitting her head on the stair, as I understood his evidence. There is no explanation for missing that out from his written statement or his response to the allegations, despite it being highly relevant. I have already commented on the length and detail of his statement, such that the absence of this evidence is either because he forgot it but has now suddenly remembered for reasons that he has not told me, or alternatively, he deliberately avoided putting it in the statement because it showed him in a poor light.

80. C1 herself has given evidence of the father's behaviour in her police interview:

“C1: Or like, if they don't stop, like, jumping on the bed right now and making so much noise, I am going to come upstairs and lock them in their room and, like, tell them off, or stuff like that, or he'd always be like, I'm going to give you a thump, and he'd kick her sometimes, or, like, hit us across the head, or, like, yeah, like that if we didn't do that, that's normally what he'd threaten to do ...

C1: Because he's really big, he'd come toward me, and he'd hit me, and it would hurt, and if I was like ... when I was seven, I'd try to hold back my tears and everything, and, like, when your voice comes out, it kind of, like, comes out sort of, like, short.”

81. Then at E75:

“Officer: What do you mean by thump? Just we can ...

C1: Thump, you know, hit, kick us like that, like in a corner.

Officer: Yeah.

C1: Or, like, if you're crouching on the ground, he'll, like, he'll just thump like that, like whack us across the head, like slap us.

Officer: With, like a -- an open fist or a closed fist or?

C1: Open [inaudible] sometimes.”

82. At E76:

“C1: November the 15th, so he left us. Yeah, so, like, earlier that year, like, in the summer, I'd say, like, in May, he'd -- it happened, like, every week, but where the specific one and he hit me, and I was like,

near the hallway, and he hit me hard enough so my head smashed in, back into the wall.”

83. She was asked to give further detail about that by the police by way of an open question, “What led to that sort of incident happening?” and then she gave this evidence at E77:

“C1: I think it was because I was, like ... I had finished ... I wasn't, like ... I came downstairs and I hadn't made my bed or something.

Officer: Hmm-hmm.

C1. And then he was, like ... I came to the middle floor, and I was, like, I am just going to go downstairs and get something, because he asked me, go upstairs and clean your room immediately, because it's not cleaned properly. So, he hadn't done his room, because mum has to clean his room every single day, and he was, like, go and clean your room and immediately I was like, I just need to go downstairs and something quickly, and he was, like, no, go now, and I was, like, please can I just go and get something? I'll be really quick, and he got angry with me, and I was, like, why? Can't I just have a minute to go and quickly get something from downstairs? I ... you literally never clean your bed ... I got angry at him. I was really frustrated at him ... because this was, like, a year and a half, yeah [inaudible] a year ago, and I was like older and I was, like, really angry and mad at him all the time, yeah, because I knew what was going on. I could see he was, like, really, like, abusive and really mean to us, and I was just really fed up with him, so I was, like, really silent and just, like, I'd just, like, hardly talk to him, like ... like, I'd just be, like, I wouldn't even say hello in the morning to him, because he'd never say hi to me, and, like, we'd be, like ... and it was just, like, it's not a natural relationship. It's, like, I hardly talk to that kind of person.

Officer: Yeah. So, has he hit you once that's made you fall back?

C1: . So, yeah, I, um, he hit me, and I ... I lost balance, and I just, like, leaned. I, like, fell back into the wall behind, and I hit my head.”

84. Later on, on the same page:

“C1: and it was like pain for about two minutes, but then it kind of like cooled down.”

85. Then E78:

“C1: Yeah, so that was one event, but there was loads of events, but I honestly, I can’t really remember them now, like, after all these processes have happened and, like, he’s gone and, like, um, kind of like, tried to forget about him.”

86. Through counsel, the father draws my attention to the difference between what C1 says at E76, saying that the father hit her hard enough so her head smashed into a wall, and at E77, where she says it caused her to lose her balance and fall back into the wall. I do not characterise that as an inconsistency. She was hit hard enough that her head hit a wall. That is consistent with the reason for hitting the head on the wall being the force of the blow causing her to lose her balance.
87. I also note that both the mother and C1’s account is now consistent with what the father said in cross-examination, in that he now admits raising his hand to hit C1 in this incident.
88. Given the direct evidence from C1, corroborated by the mother, and now belatedly partially accepted by the father, I am satisfied the father did hit C1. There is no suggestion that it was reasonable chastisement from the mother, C1, or indeed from the father. Indeed, the fact it was more than a slap to the shoulder, it was raising of the hand to slap her head on his own evidence, suggests that it was an action beyond reasonable chastisement and, in the circumstances, I am satisfied on the balance of probabilities that:

In the summer of 2023, the father hit C1 to the head, causing her to lose balance and fall and hit her head on the wall.

89. As to the other “multiple occasions” alleged, given a finding he has done it once on the balance of probabilities, and in light of the mother and C1’s evidence of him hitting C1 more generally, I find this was not the only occurrence, but I cannot do more than find it was on more than one occasion, and I make the further finding:

At other unspecified times, the father hit C1 in a way that went beyond reasonable chastisement.

Allegation 8: Baseball bat threat from 2021

90. The mother's written evidence was that at C23, paragraph 76, in May 2021 the respondent purchased a metal baseball bat.

"I was told it was for protection. In fact, the respondent used to wield it whilst furiously marching around the house and threaten our daughters. The smallest things would trigger an unnaturally furious response. On a Wednesday, he would come home and inspect the house. Any scuff mark, dent, etc that he saw, he would rage and demand an explanation whilst waving the baseball bat around to threaten the girls. This created sheer terror amongst the children and I."

91. The allegation is corroborated by the hearsay evidence of mother's friend AA at C 370, paragraph 11:

"The worst thing she shared was about him wielding a metal baseball bat against the children and her. I cannot recall exact dates of these conversations, but it was around the time of 2021, 2022. It started with her telling us that her husband wielded a metal baseball bat around the house against the children and her and she wanted to know if that was normal. We were horrified and told her explicitly that this was not normal or acceptable. Her question was prompted after she first told us about the baseball bat. She said something like he just spends all his time running around with a baseball bat. This made us chuckle and when we saw she was not laughing we asked her what was wrong and she said you don't understand he runs around threatening the children with it all the time and they're terrified. C2 is having night terrors all the time because of it."

92. Whilst the mother may have been fabricating that to a friend and to the Court, it is noteworthy that AA remembers the allegation having been made in 2021 to 2022, long before these proceedings were started or the mother reported the father to the police in November 2023. So if it was fabricated it is a very long standing plan.

93. There is also some limited corroboration from the Arabic teacher YA who said in her statement C378:

“10. C1 also told my daughter that her father had a metal baseball bat and when C4 was crying he would go up to C4 and threaten him with the bat and she was terrified that he would hit him. At that time C4 was only a year old.

11. At the same time my son told me that C2 who was in his class at the time had shared with him that her father had rushed at C4 with the baseball bat because he was crying. C2 said she was really scared because she thought he would hit C4 with the bat. C2 also shared with my son that her father used the bat to scare them if they were doing anything he didn't like such as talking loudly or for making a mess.”

94. I remind myself this is a third hand report from the children to AA's children and then to AA but the description is strikingly similar to the allegation made by the mother.

95. Similar corroboration comes from the paternal uncle who at C426 paragraph 50 says:

“During the November 2023 period I was driving C1 to karate practice from London. C1 had been quite closed with me about what was going on within the family. I think she was unsure how much I knew and what she could safely tell me. She was in a similarly closed mood at the start of the journey. I tried to ease into conversation and she abruptly opened up. “Do know about the baseball bat?” I said I knew that the father had been threatening her and her siblings with it.”

96. Finally there is corroboration from C1 in her police interview at E73

“C1: But he wouldn't try to fix the situation calmly or anything. He'd just shout at us and make it be done, like, by scaring us, yeah, and he would have that metal baseball bat for protection. Obviously he said at work he used to give us like baseball practice. That never happened. He'd just walk around the house with it and like threaten to hit us with it and he'd like do this against his hand to show that it hurt.”

97. Then at E80:

“Officer: And then you say he threatened. How has he threatened, well, everyone?

C1: Well, like he'd say if you don't do your things now, I'll kind of hit you and he'd like walk towards you, kind of, with the bat.

Officer: That's good -- it's good to hear. Is there anything more you want to talk to me about or anything you can remember or anything that's sort of like burning?

C1: There were events like big events, but I can't really like, there was this one time, it was a Friday and then it was ... he told me he wanted to pack us all off and take us all [inaudible] because he had got really angry and he got really scared [inaudible].

Officer: Was this last year, was it?

Mother: No, it was ...

C1: Run away, this was like a year and a half ago.

Mother: Yeah, I think this was in 2022.

Officer: Oh okay.

C1: Yeah, so he ... he just got so mad at us and we were like ... we were scared and mum and me were mad at him as well. So then mum went up and they had a big like shouting argument in the office upstairs and then mum was like I don't want to live here anymore and we just tried and like I was just like packing everything, and we were all like trying to run to the door, packing all our stuff packing the little kids and stuff and we were just like about to go and he was like trying to stop us and stuff and he was getting angrier and he was like why are you doing this just stay home it will be fine it will be fine but ...

Mother: But do you remember why, why he said that, what had happened?

C1: Do you remember? I think it was because ... do you remember?

Mother: I do, yes, but it's your story.

C1: Yeah, it was because I think there are so many events. It's just like a jumble in my brain but I can't remember, but it was like a really, really big thing and I remember after that happened, I was just so mad and I just went ... went straight to my friend and I just like started talking to them. I was just like oh, I hate my life, I hate my dad, I hate what's going on in this family. I wish I could live with you.

Officer: Hmm.

C1: I was just like that, yeah. In the end, we didn't leave because he wouldn't let us but we were like on the edge to leaving. He wouldn't let us go through. He didn't physically hold us away from the door but he would ... he was like [threatening us?]. He got his bat out again and then he was just really angry and just shouting and shouting and shouting. Yeah, I can't remember what the event was."

98. The father's written response at C155 is this

“In paragraph 76 and elsewhere the applicant highlights the metal bat with which I’ve supposedly abused her and my children. This is completely false. Whilst I did purchase and own a bat, the applicant has picked on its existence to fabricate domestic abuse allegations, knowing that it was an easy item around which to sensationalise her abuse allegations. As I explained to the investigating officer in my interview at the police station on the day I was arrested, I purchased the bat as a last resort with which to defend my family if ever our home was attacked by intruders ... I do admit to having role played on two or three occasions, maximum, the role of a police officer with a whistle and baton to get my younger kids to comply with bedtime routines etc, when they were especially hyperactive. It was a fun and certainly non-malicious way of speeding up bedtimes when they’d already stayed up past their bedtimes.”

99. Initially in his police interview he said at E103:

“It was all a joke, it was all playful. Even the kids knew it was a joke and we all laughed etc, and that was it and then when -- whenever -- whenever other parenting methods failed -- and I’m only talking about perhaps another two occasions at most maybe, maybe three, two -- I would use the bat in that sort of joyful, playful, just innocent way of getting the kids to move on to the next stage of whatever it is they needed to do; whether it’s brush their teeth or stop jumping on the banister or you know stop punching your sister or whatever. It was never ever intended as a weapon against my children.”

100. His statement and that answer to the police does not sit easily with his later answer to police in interview at E104:

“Father: No, I think out of all the instances, there was probably one -- one -- one particular case where it wasn’t ever again intended to be used against the children, but it was said in a kind of hurry up I am getting angry or something like that.

Officer: Okay.

Father: Right, you know, and obviously children being small human beings, they may have been scared by that and in hindsight now, I wish I’d obviously not acted in that way.

Officer: Okay, and were you angry at the time?

Father: No, of course not. I’ve never lifted that in anger, not once, no. It’s always been a de-escalation tool.”

101. It follows from that evidence, that he does accept using the baseball bat. He accepts saying "I am getting angry". He accepts that the children may have been scared. None of that suggests to me joking, fun role play.

102. It is also notable that he refers to one incident when, in his later statement, he admits to two or three, which suggests the possibility of some minimisation by him and in re-examination, he was asked if he made threats to the children and he said:

"In the context of the role play, it was quite evident we need to get ready for bed or the police officer will get angry. I've never suggested I really would do something. There's no point waving the bat unless trying to get the children ready for bed."

103. What I took him to mean was that there must have been an implication that the bat would be used or it would not have been any use to discipline the children.

104. In re-examination he also said:

"It was a joking way of getting things moving forward when things were getting out of hand"

105. When I asked him to clarify what he meant by getting out of hand, he said:

"Not getting ready for bed or misbehaving or being hyperactive."

106. I confess I find it hard to reconcile a jokey role play with him using the bat as a form of discipline or control of the children. When I asked the father about that, I felt he was not able to give me a satisfactory answer.

107. Given the extent of the corroboration, the unsatisfactory nature of the father's evidence that had changed from police interview to witness statement, and the inconsistency between using the bat in a jokey role play but also using it for discipline, I am satisfied on the balance of probabilities that the allegation is made out to this extent and I make this finding:

The father used a baseball bat to threaten the children as a form of discipline from 2021

Allegation 9: Hit C4 with bat

108. In cross-examination the mother accepted not having seen the father hit anyone or touch anyone with the baseball bat which he had in the home until the summer of 2023. She relies upon what C1 had said to the maternal uncle, namely that the father “hit C4 over the head with the bat causing him to cry” C24, paragraph 29.

109. The maternal uncle’s evidence was C426 paragraph 50:

“”Yeah, well he hit C4 with it.” I asked if she was sure. “Yes, he hit him on the head.” I then asked, “But did he mean to? Like was he trying to scare you?” To which she replied, “yes he meant to. He hit C4 so hard, that he started crying.””

110. This allegation comes from C1, therefore, via two separate sources, the mother and the maternal uncle. It is correct to say that the mother’s evidence has changed over time. She initially told the police that C1 had said that father had “tapped C4 on the head with the bat” E57 in her statement to the police.

111. At E73 C1 told the police about it. She said:

“Once he hit [inaudible] with it, with the bat, so it was on the middle floor landing, I hadn’t ... I had talked back him. I was like why do I have to do this thing that he wanted me to do? I’m not sure what it was again, it was just probably cleaning or something or getting him something, like feeding him breakfast or something and he was like, go and do your work. Then to demonstrate that it was hard, he hit [inaudible], not like full whack, but he did tap enough for him to start crying and get scared.”

112. At E79 in the interview, she says:

“I talked back to him and then he hit me, then he went back to his -- like, mum started trying to protect me. C2 started crying. Then went to his office and then he came back with his bat. He hit [a name similar to C4’s name] on the head and then [inaudible] started crying.”

113. At E80:

“Officer: Left any injuries or did you say it was like a knock or was it a proper ...

C1: No, it wasn't. Yeah, it was a knock.”

114. Counsel for the father observes that the evidence of C1 changes from tap to hit to knock and the reports of the mother and maternal uncle were of a hit. I checked with counsel for the father if he was relying on any alleged breach of the ABE guidance in relation to the interview of C1 and, save that the mother had intervened to correct a date at one point in the course of the interview and was present, no point was taken.

115. Whilst there is the inconsistency which counsel for the father identified, I remind myself that C1 was 13 at the time and really a tap and a knock is not so different from a hit for a 13 year old and indeed that appears to be consistent with what she tells the police at E73, which is that, “it was hard he hit, not like full whack but he did tap.”

116. So in the same sentence she has used both interchangeably. Accordingly, I do not place any weight on that inconsistency. In those circumstances, C1 has reported broadly the same allegation to her mother, unprompted to the maternal uncle and to the police in interview. There is no evidence, no assertion from the father, that she is prone to lying.

117. I find that on balance the father has not told the truth about allegation 12, which I have already addressed, hitting C1; and there is no reason that the father advances for not having told the truth in relation to that allegation. That is something I am therefore entitled to take into account in relation to this allegation, that he hit C4.

118. On balance, therefore, I find as follows:

On a date unknown after the birth of C4, and before 2023, the father tapped C4 on the head with a baseball bat, causing him to cry.

Allegation 10: Father chased C1 leading to the children and the mother barricading themselves in a room

119. The mother's written evidence at C24 paragraph 78 is this:

“On one occasion when C4 was a new born, late 2021, early 2022, and I was putting him to bed, C1 refused to clean the kitchen at the father's demand. She fled to me as she shared the room with C4. The younger girls followed quickly as their father had become enraged and they were frightened. C4 was distressed by everyone's fear and began to cry. The respondent demanded we allow him into the bedroom. He was shouting loudly and I moved the cot to block the door because I was afraid he wanted to hit C1 for disobeying. I simply wanted to protect all the children in their state of terror, so close to their bedtime. He shoved and banged at the door and we feared it would open, so we all climbed into the cot to weight it down. The children were all screaming with fear and crying. He continued trying to shove the door open for several minutes, before eventually leaving us.

120. The Father's response to that allegation at A25 is to say:

“I don't remember the full context of this incident.”

121. But when mother was being cross-examined on his behalf, a full version was put, or a fuller version at least was put:

“Counsel: Father will say that this was a simple argument when C1 was baking and refused to clear up the mess and C1 has gone upstairs rather than cleaning up and father has gone upstairs, knocked on her door, asked her to clean the mess up and then gone downstairs.”

122. I have commented above on how the lack of any early response to the allegation is relevant to the father's credibility. When he gave his evidence in chief, he said this:

“I think out of all the allegations, I don't remember entirely, but I have some knowledge. C1 was working in the kitchen and she had spent a lot of time on the bake and by the end there was a considerable amount of mess; and I'd come down and seen the mess and asked her to tidy up and she abruptly said no and ran upstairs. As she ran upstairs, I was

upset. I went upstairs to speak to her. Mother was in the bedroom with the other children and C1 entered and slammed the door shut. I have gone to the door and tried to speak to C1 and it became evident my entry was blocked. I tried to call out and knocked on the door and was refused entry”

123. I find that evidence very curious. First the use of the word ‘upset’ seems out of kilter with the scenario. I would perhaps have expected him to use the word ‘angry’.
124. Second, and more importantly, his words “it became evident my entry was blocked” seemed designed to hide the most likely heightened emotion of the situation and that became apparent later in his evidence. In cross examination he said he could not deny shouting, which would appear to be an acceptance of more than just being upset. Then when it was put to him he was attempting to gain entry to the room, his response was, “I remember not being allowed in”. Again this seemed to be an attempt to minimise his actions. When I asked him how he discovered he could not get in, he admitted to initially using normal force and then trying to push harder and when counsel for mother put to him, “You shoved and banged at the door,” he tried to evade directly answering by saying, “I would have tried to get in, yes.”
125. He accepted in his evidence he was aware the mother and children were inside. He could not remember if they were crying or screaming. Overwhelmingly the impression I have is of the mother and children in the room not letting the father in. It is entirely incredible that that is in response to the father calmly going upstairs to express his upset to C1. I find for the reasons that I have set out the father has sought to minimise his anger. That coupled with the initial bare denial, makes me satisfied on the balance of probabilities that the allegation is true and I make this finding:

In late 2021 or early 2022 the father chased C1 in anger, leading the mother and all the children to barricade themselves in a room. The father shouted and shoved and banged at the door. The children were screaming and crying.

Allegation 6: Using third parties to pressure mother to change her account to the police and contact with the mother in breach of bail arrangements

126. At C4 paragraph 11 the mother says:

“The respondent was arrested on Thursday 16th November 2023 and bail conditions were imposed, which include not to contact me directly and indirectly save to arrange contact; not to attend an address where the respondent reason believes I will be at; not to have unsupervised contact with the children. These conditions do not sufficiently protect the children and I, and the respondent has found ways to communicate with me. Shortly after this, his family members began to message and call me and my family. Then his mentor, religious leader SA, contacted me on 20th November 2023 and attempted to manipulate me into dropping my police complaint and offered to mediate to resolve issues.”

127. I have now in fact, and I am grateful to counsel for the father for this, been shown the father’s police bail sheet. As far as is relevant to this allegation, they include:

“1. Not to contact mother directly or indirectly except via third party solely to arrange child contact”

128. The mother continued in her witness statement C41 paragraph 134:

“Whilst we were in the car deciding on what to do next, my phone rang from a number I did not recognise. My brother answered the phone, but initially no one spoke. Finally the caller spoke and informed us it was religious leader SA. I was stunned because he was a highly recognised Islamic scholar and the respondent’s senior at the institution where he’s employed. He started to tell me that the respondent had changed the locks on the advice of a lawyer. He referred to the respondent as the poor kid told me that he had to do this and that we have to keep open channels of communication. We don’t want to look back at this and regret what we’re doing. He stated that we were locked out and that the keys to the house were in [] and that suggested some form of cooperation to be let back into the house. I felt scared that the respondent was calling on figures of religious authority to try to control my behaviour even whilst doing so was in breach of his bail conditions.”

129. The maternal uncle in his witness statement at C424 paragraph 42 says:

“Whilst he was careful with his words, his invitation was essentially to cease treating the matter as one of serious criminal activity and domestic abuse and instead pretend that this was a simple case of marital issues that could be smoothed over with the involvement of senior community figures. His politely worded comments that failing to do so would not be good and lead to a lot of regrets are easy to see as threats in that context.”

130. The maternal uncle accepted in cross-examination there was no direct suggestion that the mother should not pursue her complaint to the police. But communication can be more than just direct words. There is tone, innuendo, suggestion. Often what is unspoken is more powerful than what is spoken but the burden nevertheless remains on the mother to prove the allegation.

131. I do not consider that the evidence tips the balance in favour of a finding of pressure being exerted on the mother. The mother may have felt that but it does not mean the father intended it, even if he did request religious leader SA to contact the mother.

132. The father’s evidence at C614 is as follows:

“Knowing that I’d changed the locks and that the applicant would need a new set of keys to get in, I went to SA’s office, located next door to my office, and explained to him what was going on. By then he was already aware of what was going on in our relationship. I did not know what to do and did not know how I could get the keys to my wife. SA told me not to worry and that, if necessary, he would drive to Oxford and give the applicant the keys.”

133. There is no direct evidence that the father asked SA to contact the mother but I can reasonably infer that from the fact of the call and the inconsistency of the father’s evidence on the point which I have referred to above when considering his credibility, as reported by the maternal uncle the call went much further than arrangements for the delivery of a set of keys but, in any event it was not about child arrangements. Accordingly, I find:

On 20th November 2023 the father breached his police bail in asking a religious leader to contact the mother other than for the purpose of making arrangements for child contact.

Allegation 3: Refusal of entry into the home

134. It was not immediately apparent to me when this incident is said to have occurred but from the mother's oral evidence it was "maybe 2007". In her witness statement at C10 paragraph 30 she says:

"On one occasion I went to my parents' house without his permission when I had disagreed with him, leading to an argument. When I came back, I found that he had locked me out of our home. I cannot remember the incident clearly. I recall holding my trolley bag, despairing, as I stood outside our home and him refusing to open the door. I believe I went to his parents' home out of desperation as I had nowhere else to go. I could not go back to my parents' house as they would have asked me questions that I knew I would not be allowed to answer. His family knew what he was like with me but they had decided not to intervene."

135. In cross examination she was challenged on whether in fact she could be sure that the father had heard her at the door and she said:

"I was knocking for a long time. I knew he could hear me and I knew it was because I had left after an argument and he was punishing me. Why wouldn't he be able to hear? It's not a huge house and the bedroom is right above the front door at the front of the house. It was a small semidetached house. It was a quiet road in a residential area."

136. Then she said she was knocking for a long time and she "feels sure she was aware of his movements", in the house that is. That was not the first answer she gave and I asked her why she had not initially said that she was aware of movement in the house and she said she did not know. She said she had a memory of a feeling of that. I find the answer causes me to be concerned about whether she is honestly recalling what she can remember. The incident is corroborated to some extent by the maternal grandmother who, at C390 paragraph 17 says:

“On one occasion circa 2008 mother came to visit us suddenly and she was talking to her father in a closed room and didn’t want me to hear. She was tearful afterwards but when I asked what the matter was, she said everything was fine and that she’d missed us a lot and she felt lonely living so far away. I later found out that as she had come in haste, without father’s permission, she had left her keys behind and father had refused to open the door for her to come back in upon her return. She was so ashamed that at the time she didn’t call us and instead went to her in-laws for shelter.”

137. The problem with that evidence is first it is apparent that the information was provided by the mother sometime after the event, perhaps a year, and also it is hearsay evidence of what the maternal grandmother says the mother had said to the maternal grandfather. In her oral evidence the maternal grandmother said that the mother had told her directly what had happened, but that only came out in her oral evidence.
138. The father’s response to the allegation is to deny it, saying the mother had her own keys, although in response to this, the mother in her written statement had said she had left them in her rush to leave.
139. I cannot be satisfied on the balance of probabilities that this allegation is made out because I cannot, on balance, find that the father was in fact aware that the mother was actually at the door without keys and trying to gain admittance. That is because the mother’s evidence is not clear and has come out inconsistently as to whether the father was moving around in the home or not.

Allegation 2: Cameras within the home

140. The mother alleges that security cameras were installed in 2019 in the Bicester house and she “was concerned that his purpose was to spy on the children and I” from C16 paragraph 48.

141. That written evidence was not entirely consistent with her oral evidence which was that even at the point of the move to Oxford in March 2021, she “was not aware of the consequences”, i.e. was not aware she was being spied upon. She said, “I hadn’t thought of it in terms of monitoring me. I’d thought about it in terms of being a security device which it was purported to be.”
142. Of course her witness statement may be a conflation of her thoughts or her final thoughts on the matter but I was concerned that the evidence that she gave about not really twigging in March 2021 that the cameras were to spy on her was rather a convenient way of explaining away a message that was sent early on in the time in Oxford in which she appeared to suggest that a camera which had been inside looking out through the kitchen to the back garden, i.e. somewhat intrusive on the occupants, should not have been moved outside to look across the garden where it was less intrusive. The message is at page C181.
143. She also agreed in cross examination that she was the one who changed the batteries in the cameras, which she said she did “out of habit” and “I wasn’t conscious then they were being used as surveillance”.
144. Her evidence could perhaps be reconciled by concluding that she had some underlying concern in Bicester and at the time of the move to Oxford, but it was later that she came to see this as part of the father’s control of her, a dawning realisation perhaps; but at the time of the move to Oxford she put that to one side and accepted that the cameras were for security.
145. There is some evidence of the father actually using the cameras to monitor the family remotely. So at page C109 there are a series of messages dated 10th December 2019.

The first appears to be the father sending an mp4 video file to the mother and then a second message saying, "Caught in the crime."

146. On the same page there is an undated series of messages. They come immediately before 27th June, but the year is not given, and the father asks in those messages, "Where did you go at 10pm? Saw you coming back with C2 late. Why are you all awake and out so late." Those are two messages sent at 22.51 and 22.52. All of those messages indicate some remote observation by the father of the family home.
147. In cross examination, the father accepted that, in relation to the first message when a video file was sent, he had picked up somebody being in his study from the video footage. It is clear from that that it was in Bicester, there was a camera in the study and he was monitoring it, at least for part of the time. As to the second message it was put to him that the reason he was asking "where did you go at 10pm? I saw you coming back with C2 late" was information which he derived from the camera equipment, he agreed, and again that is evidence of him monitoring the camera footage in the home.
148. In closing submissions it was suggested that that was the action of a father concerned about his family. There are two difficulties with that submission. The first is it is not clear why the father would be monitoring the footage. He might be concerned, having seen it, but not clear why he was monitoring it in the first place. Secondly, it was not an isolated example of monitoring. There is the message at the top of page C109, as I have already referred to, but there is a further message at C120. In the course of that message, the father asked the mother if she had allowed C1 to take C4 to the park by herself. That was a message sent at 23.47 on 7th August 2023. The father denies that that information was obtained from remote observation by cameras in the home. At

C161 he said he had called to speak with the children at 18.30 and C2 had said C1 was out of the park with C4 and “it was already getting dark”.

149. It is not credible for the father to say that it was getting dark at 18.30 on 7th of August, when sunset would not have been for another two hours or so and secondly, his explanation of having been told at 18.30 is not consistent with the time of his message at 23.47, which tends to support a case of him having reviewed the camera footage that evening and then sent the message. If he was genuinely concerned about C1 being out with C4 at the park at 18.30, I would have expected the message to have been sent around that time, not much later in the evening. His evidence on that point was extremely evasive. I asked him why there was the delay and he said, “By then, the mother would have been free from putting the children to bed.” I asked what time they went to bed and he said C1 last at 21.00, so I asked him again the reason for the delay thereafter of two and three quarter hours, and he said, “I might have been at a social event.” That does not sit easily with the earlier message which is also seen at C120, timed at 21.03, asking “Did you call?” i.e. he was not so occupied that he couldn’t message the mother at 21.03 and it is not clear why he could not, at the same time, have asked her why was C1 taking C4 to the park? There was no explanation then why he waited until 23.47.

150. Secondly, his explanation that he might have been at a social event was not the first answer he gave. The first answer he gave was he was waiting for the mother to be free from putting the children to bed and I asked him why he had given different answers and he said they are not different. They plainly are.

151. I also asked him about the mother’s evidence that it would not have been getting dark at 18.30 in August and he said, “Whether it’s dark or not is irrelevant.” What he

meant was his main concern was about C1, who was 13, taking C4, who was I think then two, to the park and yet in his witness statement at C161 that is in fact his second listed concern, not his first. If it was irrelevant, I question why it would have been in his witness statement at all. I asked him if he could give an explanation for that and he said he could not. The whole exchange exemplified his evasion and shifting evidence in response to difficult questions.

152. In his police interview there was the following exchange at E106:

“Officer: Okay just to ask you blankly because it’s an allegation that’s been made, have you used any of the cameras inside the property or outside the property to monitor your family?”

Father: I’ve just said I do. I check to make sure they’re home.”

153. In other words it was an admission of monitoring.

154. It was suggested to the mother in cross examination that she had access to the camera software. I am not sure, even if she did, that negates the allegation but in any event, her evidence was that she had access to some, not all, of it. So for instance, she said she did not have access to the Ring doorbell camera software, a camera that was installed in Bicester and that would be consistent with the message she sent to the father asking him to “delete today’s recordings” because C1 was concerned that her sister and another female child would have been recorded by it without their hijabs on. That is from C111.

155. Mother also produces photographic evidence of the location of an internal camera in Bicester at C336 to C343. Her oral evidence was that they were in the office, the kitchen and on the upstairs landing.

156. In cross-examination the father accepted that in Bicester one of the cameras at times was showing a view of the living area. Again his evidence had to be extracted from him, rather than being volunteered, and there was the following exchange:

“Judge: The cameras in Bicester appear to be pointing into the living areas.

Father: C338 is in the conservatory, pointing at the door to the garden. C339 is pointing towards the photographer.

Judge: Showing a view of the living area?

Father: Possibly.

Judge: It appears to be a certainty.

Father: It would show a view of the living area partially.”

157. In Oxford, too, the mother said there were two Blink cameras in the girls’ classroom and one in the kitchen/living room. That would be consistent with the father’s message when he moved one camera to the back garden in Oxford and said, C181, “Going to put the Blinks indoors.”

158. The mother’s evidence is corroborated by C1 in her police interview at E79:

“C1: Yeah, um, like he’d spy on us all the time and like if I was like in the kitchen and I was like ... like sometimes things, like when we first came into this house, I was like not allowed to touch the brand new kettle. I wasn’t allowed to touch the brand new coffee machine and if [inaudible] coffee or if I touched the kettle to make my cup of tea and stuff [inaudible] he’d ... if he’d seen the footage or if he was looking live at it, he’d talk out sometimes to me like, what are you doing? Why are you doing that?”

159. Pausing there the father accepted Alexas were installed, certainly in the Oxford house, and that there was - the cameras allowed - communication remotely.

160. In police interview, C1 continues:

“Or if like he thinks me and [inaudible] are having a conversation that is like a fight, he’d be like, guys, stop fighting sometimes and stuff like

that.

Officer: Yeah.

C1: Yeah, and also in his office upstairs, and even in Bicester, he had -- he had have cameras in both and, um, every time we'd go in, he would just like put his post there, which he [inaudible] to do. He'd be like [inaudible] immediately and lock the door behind me, stuff like that, yeah."

161. There is corroborative evidence from the maternal grandmother when she gave oral evidence. She said as follows:

"Counsel: You've not heard or seen the father being verbally abusive to the children?

Maternal Grandmother: In Bicester, many times. I went and told the mother that her husband is spying on us because he's supposed to be in his library or sleeping and suddenly when I'm with the children in the house, he shouts, C2, C1, I'm going to get you if you don't stop this. They have some Alexa pods and he was, I don't know, the only explanation was he was seeing what we were doing and these shouting happened several times. His tone of voice was angry. I heard his voice from the Alexa.

Judge: Could he have heard, other than via a device?

Maternal Grandmother: The way he was talking, it wasn't that they were shouting or being noisy, but silly things. Like they dance and he doesn't want them to dance and he said I don't want you to listen to the music. It wasn't the volume of the music was very loud. He must have been watching or listening via something."

162. I note that that answer was volunteered in relation to another question. It came out quite naturally. I then followed it up. It has the ring of truth to it, a sense that this was more than just the father hearing what was going on through the walls or the floor, as it were, but actually him being remotely in the room.
163. The father asserts that the cameras in Oxford were for security and he was in a WhatsApp group that suggested there had been repeated incidents of antisocial behaviour and thefts. Whilst he did not directly address the need for cameras in Bicester, he did say the family had always had some security system, including what

the mother described as an old-fashioned alarm system when they were in [], before they moved to Bicester.

164. I am satisfied, given the content of the messages, the admission in part by the father of remote monitoring, the photos of the camera in Bicester, and the corroboration from C1 and maternal grandmother, that the allegation is proved in this way:

Father installed cameras within the family home in Bicester and Oxford in part to observe the movements of the children and the mother.

Allegation 4: Insisting the mother and children sit on the floor

165. The mother alleges that on the move to Oxford, she and the children were required to eat while sitting on the floor, while the father ate on the sofa. The father's response to that allegation is that, "It is normal custom in Muslim families to sit on the floor" to eat and there was no dining table in Oxford and he said he used the sofa because of a painful knee, the result of Osgood Schlatter Syndrome.
166. I note this evidence did not appear anywhere in his witness statement. It only came in response to the reduced schedule of allegations I directed at the second pre-trial review. In his oral evidence, he said the children ate on the floor because otherwise they would make a mess on the sofa and the mother was on the floor, feeding C4, but he did not insist upon it.
167. In oral evidence the mother denied it was the custom, save at big family meals when they cannot all fit round the table, that they would sit on the floor. She did accept that it would happen at the mosque. She did accept the father had long complained of knee problems.

168. I accept that it may be the case in some Muslim families that food is eaten while sitting on the floor. I do not accept it is a universal custom. I also accept the father's evidence that he insisted the children sat on the floor, but his explanation of why, namely to avoid mess, was credible and it was not for malicious or controlling reasons.
169. In relation to the mother sitting on the floor, again a realistic reason is advanced by the father, namely to feed C4 and on balance, therefore, I don't find this allegation proved in the way alleged, i.e. that father's insistence that they sit on the floor was for coercive or controlled reasons

Allegation 5. Searching the mother's phone

170. The mother says at C72 paragraph 72:

“The respondent would regularly look through my phone without my permission, even when I told him not to. I would explain that I didn't want him to look at the pictures of my female friends and family who were not wearing their headscarves as this breached their privacy. However, he would still take my phone and I believe he was doing this to keep track of me and to control me.”

171. The father's response at C154 is:

“In paragraph 72 the applicant states that I would look in her phone. This is true and happened on a handful of occasions only, always in her presence. The only reason I did this was to look at the photographs my wife had taken of our kids when they'd gone on school trips or when she'd accompanied them to important milestones that I could not attend due to full time work ... her claim that I did this to keep track of her and to control her is false. Furthermore, if she didn't want me looking at the photographs of my children, she could have easily changed the password on her phone to block me out completely. She never did this.”

172. To which the mother replied at C283 paragraph 129 that she did change the password but the father asked for it or made her unlock the phone and added his fingerprint to

her account at times. I found the mother's oral evidence somewhat lacking in support of this allegation she said that the father did not "always" ask for permission and when he looked without first asking, she would tell him not to look through her photos because, as I understand it, she was concerned he would see female family and friends without their heads covered, but she never told him not to look at all. I also remind myself of the inconsistencies and the evidence she gave about how she used the father's phone, which I have set out above, and I also bear in mind the father's inconsistencies which I have set out above.

173. The burden though is on the mother to prove the allegation and, in light of the concerns I have set out, I cannot be satisfied that the allegation is made out.

Allegation 7. Inappropriately critical of C1

174. The mother's written evidence at C26 paragraph 87 is:

"He would body shame C1 about getting fat, when he himself was obese and refused to exercise. He called her blob and lamppost."

175. At page C27, particularly paragraph 8:

"When going out, he would demand she change her clothes repeatedly, making her late for classes sometimes if he felt her clothing was not Islamically suitable. He did this whilst knowing she had very limited clothing, as he refused to provide us with the funds to clothes shop."

176. C27, paragraph 90:

"He was quick to criticise her and, after weeks of displaying no interest in her schooling, he would arbitrarily decide she must show him her books. He would then demolish all she had done, complain that she was not doing what her tutors were telling her to enough and refuse to listen to her explanations."

177. C27, paragraph 91:

“On one occasion, in spring 2022, he demanded she rewrite her maths work three times because her number ‘9’ was not written in a particular way. She became increasingly upset until she was tearful and to cover this up, she spoke less, which he interpreted as rudeness and so to punish her, he demanded she move out of the bedroom she shared with C4 as she did not deserve a £500 desk if she would not work. He commanded C2 to bring her things downstairs. All the girls were in a frenzy of panic. C2 did not want to upset her sister and said she did not want to move. The respondent declared that either she or C3 must have the room. This was deeply manipulative of C2, who had long wanted to have her own space. His actions to grant her this wish directly at the cost of her older sister’s happiness caused massive amounts of resentment between the two of them.”

178. She says that on a trip to Turkey in July 2023, C34 115:

“When we got to Turkey, the respondent said he has a gout attack, so he was unable to help with luggage and he slept in every day, spending little time with the children in the daytime beyond meals, which were almost unbearably tense with his constant criticism of C1. He would say things like she was eating too much, she had already had a treat, she was not allowed soda, et cetera.”

179. Then at C34, paragraph 116:

“On the final day, he refused to allow C1 to leave the table for the bathroom, telling her to pee on herself if you have to. Because she defied him and left without his permission, he was infuriated, telling her she was not allowed to come back home with us. He dressed her down in front of his parents, calling her lazy, rude, useless. He demanded his parents take her back to [] with them, without my consent.”

180. On 27th July 2023, C35 paragraph 119, she says that the father, “threw C1’s shoes out of a third floor window for not obeying him fully and immediately.”

181. More generally, she said that C1, “was often not included and when the other children chose what they’d like to eat, he would not allow her the same choice because she was too fat”, C47, paragraph 156.

182. In support of the allegations, the mother exhibits a number of messages at C116. First of all 22nd March 2014, mother says, “C1 would like to get her hair cut with my mum.

Is that okay? They're going to the local salon near us?" Father's response, "An inch max and no shorter."

183. Then on 14th August 2016, father says "C1 looks silly with all that make up. I don't like it. The mother, "Sorry." Father, "We should not be encouraging that." Mother, "But it's the only time she gets to wear it." Father, "Well, she looks silly, like she works in a circus. I'm going to pretend I haven't seen this because it's annoyed me a lot." Mother, "All little girls want to wear makeup, hun. If you don't let them do it on a safe fashion, then they'll do it behind your back. It's better if we're in charge of it." Father, "Not having this conversation. They don't got to weddings with you again."
184. There is corroborative evidence from the Arabic Teacher, YA, at C377, paragraph 7. She says, "It started with C1. She was telling my daughter and other girls in her class that her father would prevent her from eating food because he didn't like the way she wrote her numbers or letters. This must have been happening quite often because my daughter informed me that due to C1's father's constant punishments of not allowing C1 to eat, she said she'd lost her appetite and no longer wanted to eat. My daughter and the other children in the group would offer her food to encourage her to eat. I remember my daughter was quite upset about this."
185. Whilst this is hearsay evidence, i.e. report from C1 witnessed by YA, it coincides with the mother's evidence about father's reaction to the way C1 wrote the number 9. YA's hearsay evidence also coincides directly with the incident the mother reports in the spring of 2022. So at C378 paragraph 8 YA says:

"C1 also told my daughter that her father had kicked her out of her own bedroom and given her room to her sister as a punishment."

186. More generally the evidence is internally consistent with YA's direct evidence of her children's response to the father at 379 paragraph 18, where she says her children did not want to visit the mother and father's household because of father frightening them.
187. The maternal grandmother also gives direct corroborative evidence in her witness statement at C400 paragraph 66, saying C1 "was subjected to derogatory comments about her eating too much and told she was fat in front of us".
188. The father's evidence is very limited. He says he has not imposed rules on what the children could or could not wear. There was no response to the other matters in the mother's witness statement that I have set out above.
189. I am entitled to take account of my other positive findings against the father. The allegation chimes with my findings against him that he hit C1 to the head in the summer of 2023 and at other times that he chased her upstairs in anger in late 2021 or early 2022. It would be consistent with the exercise of control over the family through remote monitoring that I have found approved and in the circumstances, on the balance of probabilities, I find:

- ix) The father was inappropriately critical of the appearance and behaviour of C1.

Allegation 11. Threw a sewing box at the mother in May 2023

190. In relation to this last specific allegation, the father relies upon an alleged inconsistency in the mother's evidence, in that at E28, the police report on 14th November 2023, she had reported, "no physical abuse has ever taken place in their relationship" but at E57, her later witness statement to the police, she said, "father

then went into our bedroom and started to throw items around in the bedroom. He threw a sewing box and it hit me. I believe he did not intend to throw this at me. He was just throwing items around the room, just to damage them.”

191. I do not find that inconsistent at all. The mother is not alleging the box was thrown at her to hit her, at least not at that stage, but in the later statement, there is a possible inconsistency at C22 paragraph 73 because she says, “the respondent had thrown things at me and advanced towards me to physically assault me” and at C31 paragraph 104 she says, “when it came to bedtime, he started throwing my things around in our bedroom and threw the sewing box in my face”.
192. In the 74 page list of allegations dated 7th June 2024, she had said, “He struck me in the face with a sewing box.” By 3rd July 2024, that had become the allegation which is now put which is, “The father threw a sewing box towards the mother hitting her in the face”, which now coincides with what she told the police, certainly as I read it, which is that he was throwing things and happened to throw a sewing box which hit her.
193. I do find there was some exaggeration, or at the very least, a lack of clarity on the part of the mother in relation to this allegation in her witness statement but the evidence closest in time to the event is likely to be more reliable and it is consistent with displays of violence demonstrated by the father in hitting C1, chasing C1 and, to some extent, hitting C4 with a baseball bat and his threats of violence with the baseball bat.
194. Accordingly I find on the balance of probabilities:

- x) In May 2023 the father threw a sewing box in the bedroom which hit the mother. He

did not intend to hit her but it was thrown
in the context of an angry outburst.

Coercive or controlling pattern of behaviour

195. Lastly, I have to consider the overarching allegation of coercive and controlling patterns of behaviour in light of the specific findings I have made. To summarise those findings, they are:

- i) Allegation 1. The father required the mother to use a book to request permission for activities and visitors whilst the family lived in Bicester and this represented significant control over her movements.
- ii) Allegation 2. Father installed cameras within the family home in Bicester and Oxford, in part to observe the movements of the children and mother.
- iii) Allegation 6. On 20th November 2023 the father breached his police bail in asking a religious leader to contact the mother, other than for the purpose of making arrangements for child contact.
- iv) Allegation 7. The father was inappropriately critical of the appearance and behaviour of C1.
- v) Allegation 8. The father used a baseball bat to threaten the children as a form of discipline from 2021.
- vi) Allegation 9. On a date unknown after the birth of C4 and before November 2023, the father tapped C4 on the head with a baseball bat causing him to cry.

- vii) Allegation 10. In late 2021 or early 2022 the father chased C1 in anger, leading the mother and all the children to barricade themselves in a room. The father shouted and shoved and banged at the door. The children were screaming and crying.
- viii) Allegation 11. In May 2023 father threw a sewing box in the bedroom which hit the mother. He did not intend to hit her, but it was thrown in the context of an angry outburst.
- ix) Allegation 12. In the summer of 2023 the father hit C1 to the head causing her to lose balance and fall and hit her head on a wall. At other unspecified times, the father hit C1 in a way that went beyond reasonable chastisement.

196. Findings 1, 2, 7 and 8 are sufficient for me to be satisfied on the balance of probabilities that the father was coercive through the use of the baseball bat, and controlling through the use of the signing book, cameras and the criticisms of C1.

197. Accordingly I also make that finding against him.

198. That concludes my judgment.

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