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IN THE HIGH COURT OF JUSTICE  
FAMILY DIVISION



Case no: FD24P00306

Royal Courts of Justice  
Strand  
London, WC2A 2LL

25 July 2025

**Before:**

**Mr Justice Harrison**

**(In Private)**

**Re A (A Child) (Abduction from Pakistan)**

**Mr Matthew Stott and Ms Fazeela Ishmael** (instructed by **the legal department**) appeared on behalf of the **Local Authority**

**Ms Shiva Ancliffe KC and Ms Tara Vindis** (instructed by the **National Legal Service**) appeared on behalf of the **Mother**

**Mr Richard Barraclough KC and Ms Rima Baruah** (instructed by **City Law Chambers**) appeared on behalf of the **Father**

**Mr Paul Murray and Ms Anna Hefford** (instructed by **Collins Law**) appeared on behalf of the **Child** by her children's guardian, Cathy Stephens

**Ms Ami Bartholomew** (instructed by **Cartwright King**) appeared on behalf of 'AD' on 1 July 2025

Hearing dates: 30 June 2025 (reading day), 1, 2, 3, 4, 7, 8, 9, 10 July 2025

**APPROVED JUDGMENT**

This judgment was handed down at 2.30pm on 25 July 2025.

**MR JUSTICE HARRISON:**

**Introduction and overview**

1. I am concerned with a fact-finding hearing which relates to a girl to whom I shall refer as ‘A’. She is now aged 7.
2. Although the law relating to fact-finding is very well-established, for ease of reference I set out some of the core principles in an addendum at the conclusion of this judgment.
3. The hearing is taking place in the context of two sets of proceedings:
  - (a) An application by a local authority for a care order under s31 of the Children Act 1989; and
  - (b) An application by A’s mother for the return of A to the jurisdiction of Pakistan under the court’s inherent jurisdiction.
4. The local authority has been represented by Mr Stott and Ms Ishmael. The mother has been represented by Ms Ancliffe KC and Ms Vindis. The father has been represented by Mr Barraclough KC and Ms Baruah. The child has been represented by Mr Murray and Ms Hefford. I am grateful to all counsel and to their instructing solicitors for the helpful and skilful way in which this difficult case has been conducted. I also extend the court’s gratitude to Ms Bartholomew and her instructing solicitors who have acted *pro bono* on behalf of the father’s adult daughter (‘AD’) on 1 July 2025 and at several interim hearings before that.
5. The written material is extensive. The ‘core’ bundle, which I have read entirely, runs to nearly 1,200 pages. I have also been provided with a bundle of police disclosure, bundles containing the foster care logs and notes of contact, a so-called ‘PII bundle’ and a few documents filed separately. Overall, the material in the bundles exceeds 2,000 pages. In addition to their opening notes / position statements, counsel for all parties prepared detailed written closing submissions which I have found very helpful. Before writing this judgment I have carefully re-read my notes of the oral evidence. I

have taken all of the evidence and submissions into account in reaching my conclusions.

6. The father is a UK national of Pakistani descent. He is now aged 69. He lives in England and has done so since 1980. He was previously married to a woman who died in 2002 and has three adult children by that marriage, two sons and his daughter AD. For most of the time he has lived in England he has run a successful taxi company. He also has a home in a small village in the North of Pakistan some three hours' drive from Lahore. I shall refer to this village as 'the village'.
7. The mother is a Pakistani national. She is now aged 33. She has only ever lived in Pakistan. She comes from a city in the North of the country ('KS'), approximately 10 miles away from the village where the father's home is located.
8. It is clear from the chronology set out below that the mother was A's main carer until 6 January 2024 when A (then aged 5 ½) ceased to be in her care. Until she was brought to England by the father in May 2024, A had never left Pakistan.
9. The proceedings in this jurisdiction were initiated after the mother sent AD by WhatsApp a video clip which purports to show the father sexually abusing a young girl at his home in Pakistan. This was passed on to the police by AD, triggering child protection procedures which resulted in A being removed from the father's care. A has lived with foster carers since the end of May 2024. All of her contact with her parents has been supervised; until very recently her contact with her mother has taken place only by video.
10. Within these proceedings each of the parents has raised allegations against the other of the utmost seriousness.
11. The mother alleges that the father is a paedophile who used to abuse young girls from a Madrasa next door to his home in Pakistan, one such instance being captured in the video sent to the police. She asserts that during their marriage he perpetrated domestic abuse against her. She says that he abducted A from her care on 5/6 January 2024 in extremely violent circumstances after she had brought A to his home to have

contact with him. Her case is that, together with two associates and in front of A, the father forcibly injected her with a drug which rendered her into a state of paralysis and semi-consciousness; the men then bound her and carried her to a flat roof; the father's two associates sexually assaulted her and attempted to rape her; the men then abandoned her tied up and unconscious on the roof. She further alleges that since abducting A, the father has coached A into making false allegations against her mother. This is all denied by the father, who asserts that he removed A from the mother and later to England with her consent. He claims that the mother and/or AD and/or members of the maternal family have conspired to create a 'fake' video.

12. The father alleges that the mother and her close family are members of a notorious gang in the part of Pakistan where they reside and that they engage in trading drugs and ammunition and operate brothels. He alleges that the maternal grandmother murdered a previous husband, that the mother engaged in an agreement with the person who arranged their marriage to have him murdered and that the mother repeatedly and deliberately poisoned his food causing him serious harm. He further asserts that the mother and the maternal grandmother engage in prostitution. His case is also that the mother and her family have mistreated A and abused her physically and verbally, punished her with spicy food and rubbed chillies in her eyes.
13. It is common ground that there was an incident on 26 December 2020 when the father was beaten up by the mother's two brothers, suffering fractures to his legs and leaving him unable to walk for a period of time. What precisely occurred is disputed, as is the alleged involvement in the beating of the mother and maternal grandmother.
14. The local authority's case in opening was that whichever parent is telling the truth, A has suffered significant harm in the care of one or both of them: physical, emotional or both. It further alleged that she is at risk of physical, emotional and sexual harm.
15. In their closing submissions on behalf of the local authority, having heard the evidence, Mr Stott and Ms Ishmael largely aligned themselves with the narrative advanced by the mother. The local authority's primary case now is that it is the father who has been the main perpetrator of harm to A and who presents the greatest risks to her; it nevertheless continues to allege that A has been inappropriately physically

chastised by the mother. If, however, I were to reject the mother's case and make findings against her in respect of allegations made by the father, the local authority would rely upon those findings in support of its contention that the threshold criteria are met.

16. As I shall set out below, my task of establishing the facts has been made more difficult by the fact that both parents have lied to the court about significant matters. The father's lies are particularly extensive. It has been necessary to remind myself of the principles in *R v Lucas* in relation to the evidence of both of them.

### **The witnesses**

17. In addition to the parents, I heard oral evidence from AD, the current and former social workers, A's foster carer and two witnesses called by the father: 'SB' and 'MW'. My general findings about the evidence of each of these witnesses are as follows.

### *The mother*

18. In assessing the mother's evidence, I bear in mind that she has never previously travelled outside Pakistan. Travelling to England is likely to have been daunting for her, especially when she has come here to have face-to-face contact with her daughter for the first time in over a year and to give evidence in these proceedings where there is a considerable amount at stake for her. She also had to give evidence about personal and sensitive matters in a crowded courtroom populated largely by strangers. The task of giving evidence is likely to have been made more difficult for her by the fact that the father – a man who, as I find, is responsible for perpetrating a very violent and traumatic assault against her – was present in court throughout her evidence. In my view, the use of the courtroom curtain to shield the mother from having to look at him will have mitigated but by no means eliminated the impact upon her of knowing he was there.
19. I also take into account that the mother gave her evidence through an interpreter and not in her own language. Inevitably, as with any case involving the use of an

interpreter, some of the nuances of what she said are likely to have been lost in translation.

20. I have come to the conclusion that the mother was sometimes truthful as a witness, but sometimes not. Some of her untruthful evidence related to significant matters. She answered most questions that were put to her concisely and in a straightforward manner. In my judgement, however, she was not frank in her evidence about the incident on 26 December 2020; she also sought to minimise the severity of the assault perpetrated against the father on that date and to downplay the impact this will have had upon A. She has embellished aspects of her evidence and allowed herself to recast rumours as fact. Most significantly, in my judgement, the mother has not told the truth about the circumstances in which she came across the controversial video and how she came to send it to AD.
21. As I find, the mother has suffered the traumatic abduction of her daughter from her care, an experience compounded by the length of time during which she has not seen her other than on video. She is highly motivated to recover her daughter and, in my view, this motivation is primarily what has led to aspects of her evidence being unreliable and/or untruthful.
22. Although the mother was composed during most of her evidence, there were points when it was obvious to me that she was struggling to hold back her tears. One such point was when she was asked how she felt about finally being able to see her daughter in person. She was barely able to suppress her emotions as she described this as '*the happiest day*'. Her love for her daughter shone through and the pain she must have suffered as a result of their prolonged separation was all too apparent. When the mother was cross-examined about the violent circumstances of the abduction, she again struggled to retain her composure. Having now heard all the evidence, it is obvious to me that in that moment she was finding it difficult having to relive the traumatic assault she endured.
23. It is also important for me to record that AD gave evidence after the mother. Some of AD's evidence about the controversial video was not foreshadowed in the statements she had filed and, thus, the mother did not address it when she gave evidence. I do

note, however, that the agreed witness template contemplated the possibility that the mother might be recalled to give evidence. No party made an application to recall her.

24. During Ms Ancliffe KC's closing submissions, I raised with her the fact that on one view it might be said that there was an inconsistency between the mother's account of finding the video on the father's phone in 2020 and AD's evidence about the video – or alternatively another similar video - having been sent to one of her brothers in 2017. Ms Ancliffe KC submitted that, on a proper analysis, there was in fact no such inconsistency. She further submitted that it was not incumbent upon her to recall her client and that, in the event that I had concerns about any evidential inconsistencies, I should have required her to be recalled. I reject this last submission. A judge trying a case sits as a neutral umpire. So far as lay witnesses are concerned (different considerations may arise with experts), I consider that it would be wrong for the judge to take the initiative in calling or recalling a particular witness. It would also be a recipe for litigation chaos if a judge was precluded from relying upon disparities in the evidence of two witnesses unless the first witness to give evidence was recalled to give evidence about what the second had said.

*AD*

25. AD, with the permission of the court, gave her evidence remotely from the offices of the firm of solicitors which has been acting for her pro bono. AD lives near the father and next door to one of her brothers. She works in an administrative capacity at the local hospital.
26. It is important to record the circumstances in which she came to give her evidence. She was the person responsible for passing to the police in May 2024 the controversial video, an action which led to the father's arrest, A's removal from his care and the initiation of these proceedings. As well as passing the police the video, AD also communicated to them certain information about interactions she had witnessed between A and the father. More generally, she has told the police that the father mistreated both her and her late mother during her childhood.

27. AD believed that she was speaking to the police anonymously and that, as an informant, her identity would be protected. She was given assurances to that effect by the police.
28. Within these proceedings an order was made against the police to disclose material held by them in relation to their investigation against the father. The police provided a considerable amount of material, but parts of it were redacted in order to conceal AD's identity (other redactions were also made for reasons which are not material for present purposes). This resulted in a series of hearings at which I had to determine an application advanced by the police to permit them not to make disclosure of the redacted material on the ground of public interest immunity. As part of that process, AD's views were canvassed. She was strongly opposed to her identity being revealed. She asserted that were her identity to become known, she faced serious risks from her father and the wider community. These included an asserted risk that she might be killed. She further alleged that even if she were not harmed physically, she would be shunned by the community.
29. When I considered the matter on paper, I initially determined that the matters disclosed by AD to the police were relevant to the issues in the proceedings. I went on to rule, however, that having regard to the nature of the risks alleged the balance came down in favour of withholding her identity from the father and appointing a special advocate to safeguard his interests within the proceedings.
30. Following my determination, Ms Anita Guha KC came to be appointed as special advocate. She reviewed the entirety of the material disclosed by the police to the parties, including material not contained in the police disclosure bundle with which I had been presented when asked to make my determination of the police's PII application. Ms Guha KC drew to my attention certain documents which had been redacted by the police in a wholly inadequate way. As a consequence of this inadequate redaction, AD's identity had been made blindingly obvious. In those circumstances, and after hearing further submissions by the parties and on behalf of AD, I revisited my previous ruling and determined that there was no purpose to be served in preserving AD's anonymity. Ms Guha KC discharged her responsibilities as

special advocate with consummate diligence and skill and I extend the court's gratitude to her for the important role she played in the process.

31. AD agreed to give evidence in the proceedings, but only in circumstances where she was compelled to do so by the issuing of a witness summons. She had no desire to become involved in the case.
32. Having heard AD's evidence I am entirely satisfied that she was a truthful witness. I find that she was not motivated to come to court and tell lies against her father and reject his suggestion to the contrary. She gave an account of an unhappy childhood in which she and her mother suffered from his abusive behaviour. She did not seek to exaggerate, however. She described only one instance where she was physically abused by him and just one where she witnessed her mother being physically abused.
33. The fact that AD was honest and truthful does not of course mean that her evidence was accurate. I have borne in mind in particular that much of her evidence relates to events which happened a quarter of a century ago or even longer ago than that. After this length of time her memory will have faded. I am satisfied, however, that she accurately described the core details of the instances of abuse which were a feature of her evidence. I entirely reject the suggestion by the father that she produced falsified documents in respect of injunctive proceedings brought by AD's mother under the Family Law Act 1996 which took place around the turn of the millennium.
34. For the purposes of these proceedings the most relevant evidence given by AD concerned essentially three issues: (i) the receipt by one of her brothers in 2017 of a video purporting to show the father abusing a young girl; (ii) her interactions with the mother following the father bringing A to this jurisdiction and the steps she took with the police in response to those interactions; and (iii) her own observations of A and A's interactions with the father following her arrival in this jurisdiction. I am satisfied that on all of these issues the evidence given by AD was honest and accurate, with the following caveats:
  - (a) At this juncture it will be difficult for AD to recall the *detail* of her conversations with her brothers about the receipt of the video in 2017; and

(b) AD speaks Punjabi but she is not fluent in Urdu (the language spoken by the mother). Although there is some degree of overlap between the two languages, I accept the submission made by Ms Ancliffe KC that there was some scope for misunderstanding in the conversations held between the two women in May 2024. Indeed, AD's evidence was that some time prior to May 2024 she and the mother held a conversation by telephone during which AD was able to gather that the mother was in a state of distress but was unable to understand anything that she was saying beyond that.

*The father*

35. I begin by saying that the father was courteous when he gave his evidence and conducted himself appropriately in the witness box. It is also relevant to record that, as the PNC document demonstrates, he has no criminal convictions. In order to obtain and retain his taxi licence he has been subject to vetting procedures from time to time.

36. By contrast with the mother, the father has lived in England since 1980. He has run a successful business for many years and will be accustomed to dealing with authorities such as the local council in connection with his business. As I find, he has also previously been involved in family law proceedings involving his late wife and AD. Nevertheless, I accept that coming to court and giving evidence in these proceedings is likely to have been an enormously stressful experience for him, given what is at stake.

37. The father does have a reasonable ability to understand and speak English but he is not fluent in the language and, in common with the mother, he gave his evidence in Urdu through an interpreter. As with the mother, some of the nuances of his evidence may well have been lost in translation.

38. By contrast with the mother's evidence, in answering questions the father had a tendency to give long, rambling answers which were often irrelevant to the question he had been asked. I give limited weight, however, to the generally unsatisfactory manner in which he gave his evidence. A number of the questions put to the father

were long and/or required passages from his statement to be translated; my feeling was that the length of the questions and the process of interpreting them was, at least in part, the cause of the length of some of his answers.

39. There were regular exchanges between the father and the interpreter where the father would interrupt the interpreter if he felt that her interpretation did not accurately reflect what he wished to say. There were, however, some occasions when clear questions were put to the father repeatedly which he failed to answer. In my judgement, on these occasions the father was seeking to avoid the questions asked.
40. Having made every possible allowance for the father, I regret to say that that I found his evidence to be wholly unsatisfactory. In my judgement he lied repeatedly and about matters of central significance to the issues in the case. As I recorded above, I have given myself a *Lucas* direction and reminded myself in particular that the fact that a witness lies about one matter does not mean that I should reject his evidence about other matters.
41. Regrettably, in addition to telling lies, I also find that the father has forged documents, coached A into making false allegations against her mother and procured witnesses to tell lies on his behalf. These are all serious matters which inevitably have an impact upon his credibility.
42. Having given myself the *Lucas* direction, I have been driven to the conclusion that the extent of the father's lies and the scale of his dishonesty is such that I am unable to rely upon anything he says which is not corroborated with evidence from other sources.
43. As *Lucas* reminds me, the fact that the father has told lies does not mean that the allegations to which the lies relate are true. The burden of proof remains at all times on the person or authority advancing a particular allegation.

*The two social workers and the foster carer*

44. The social workers are professional witnesses. They have no reason to be anything other than honest and no party suggested the contrary. The current social worker in particular gave her evidence with particular care. I have no hesitation in accepting her evidence and I also accept the evidence of the previous social worker.

45. I also accept the evidence of the foster carer ('FC'), who has no reason to be anything other than honest and helpful to the court. As she made clear, the logs she has produced have been written on the assumption that they may be read one day by A when she is an adult and for that reason do not record every matter of relevance.

*SB*

46. The first of the two witnesses called by the father went by the name of 'SB' although I am not satisfied that this is her real name. She failed to produce a document to verify her identity. I am satisfied that she lied as to her inability to do so and that had she produced her ID card it would have revealed that she was somebody other than the person she claimed to be. In response to a question from Ms Ancliffe KC about her failure to confirm her identity, she said '*I do not have a document **which could prove I am [SB]***' (my emphasis). This, in my view, was just about the only aspect of her evidence which was true. She made the extraordinary claim that she did not know her date of birth, giving her year of birth as 1975. If true, this would mean she was aged 50 which is unlikely to be the case if, as she claims, she has children aged 3, 2 and 1. She also claimed to have witnessed the mother's abuse of the child on specific dates when all parties accept that the child was not in the mother's care. In my judgement, SB was either a friend or associate of the father or somebody paid by him. She was prevailed upon by him to give false evidence on his behalf.

*MW*

47. MW is, in his words, a '*very close*' friend of the father. The father took A to stay with him in the aftermath of the abduction and remained living at his home for some four months before coming to England.

48. I am not prepared to give any weight to MW's evidence about the things he claims that A said either to him or in his presence. His evidence is inconsistent with the more recent and reliable evidence about things A has been saying to her foster carer and about the observed quality of the relationship she has with her mother. In my judgement, MW has either lied to the court at the behest of the father or alternatively he has recorded things A may have said devoid of the crucial context that the father was in the process of coaching her to make false allegations against her mother.

## **Background**

49. The basic chronology can be set out relatively concisely.

50. The father was born in Pakistan in 1956 and is now aged 69. He grew up in Pakistan until 1975. That year he moved to Bahrain where he worked for 5 years. In July 1980, he moved to the UK on a fiancé visa. He married his first wife ('W1'), AD's mother, shortly afterwards. The father and W1, went on to have three children together. AD was born in 1981 and is now aged 44; his older son was born in 1984 and is now aged 41; his younger son was born in 1986 and is now aged 39. The father has one grandchild, aged 11; she is the daughter of his younger son.

51. Following his move to England, the father undertook a course before working for a few years as a gas engineer.

52. In 1988 the father founded a taxi company, which went on to enjoy some success. At some stage it secured contracts with the local authority to transport school children. The father worked as a taxi driver until the onset of Covid in 2020. He is licensed as a driver by his local council.

53. Sadly, the father's first wife died in 2002 having been seriously ill for some time before that. At that stage, their children were aged approximately 20, 18 and 16.

54. The mother was born in 1992 and is now aged 33. She is a Pakistani national who has only ever lived in Pakistan. Until she came to England recently to participate in this hearing, she had never left her home country.

55. The mother comes from the city of KS in the North of Pakistan, where members of her family also live. The maternal grandmother ('MGM') lives locally, as do the mother's step-brother and her two brothers ('MU1' and 'MU2'). The mother's older brother, MU1, was born in 1989 and is now aged 35 or 36. Her younger brother, MU2, was born in 1997 and is now aged 27 or 28. Her step-brother was born in the early 1980s (the mother's evidence was either 1981 or 1983) and will now be in his early to mid-forties.
56. The mother was previously married to a British national, a marriage which ended in divorce prior to her meeting the father.
57. In 2017, while visiting Pakistan, the father was introduced by friends to a marriage bureau. As a consequence, his marriage to the mother came to be arranged. The father was aged 61 at the time and the mother was 25.
58. The mother, in her oral evidence, said that she was an independent person with a strong character; although her family had been responsible for arranging the marriage she had made the choice to do so. I gained the impression that, for her, marriage would remove some of the social stigma of being a divorced person. Although the father was significantly wealthier than the mother's family, contrary to the suggestion made by the father, I do not consider that the mother was particularly motivated by financial considerations, although no doubt his financial stability will have been a factor in her decision.
59. The father says in his first statement that initially he believed the mother to be a 45-year-old virgin and only later discovered that she was divorced and was in fact younger than he had been led to believe. I reject this evidence. The mother's age is clearly stated on the marriage certificate. From her appearance alone, the father could not possibly have thought she was in her mid-forties.
60. The parents were married on 10 July 2017.
61. It was suggested to the mother on behalf of the father that prior to the marriage the mother conspired with the marriage arranger to have the father killed following the

marriage so that she and the marriage arranger could then marry themselves. I have no hesitation in rejecting this.

62. In the mother's first statement at paragraph 6 she said that '*during the marriage*' she lived apart from the father, even when he was in Pakistan, and that the two of them would visit each other in their respective homes. This assertion is inconsistent with her subsequent statement dated 6 December 2024 and with her oral evidence; it overstates the position. While there came a time from 2019 when the parties lived roughly as the mother describes in that statement, I am satisfied that in the early part of the marriage there were periods when they lived together.
63. Soon after the marriage, in about the beginning of September 2017, the mother became pregnant. According to the mother's oral evidence, which I accept, the father remained in Pakistan for approximately 4 months after the marriage. He therefore will have returned to England in roughly November 2017. During that four-month period the parties were living in the father's home in the village. They did not live together before the marriage.
64. According to the father's passport (issued on 1 June 2018), he returned to Pakistan on 14 March 2018 when the mother was about 6 ½ months' pregnant. The mother's evidence was that during the period when the father was away she lived with her mother in what I understand to be another village on the outskirts of KS. I infer that she remained there after the father's return, as it was her oral evidence that she was living with her mother at the time of A's birth and that she remained there until A was approximately 3 weeks old.
65. A was born on 1 June 2018. On the basis of the mother's evidence, she moved back to live with the father at his home in the village towards the end of that month.
66. From the father's passport, it is clear that he left Pakistan and returned to England on 12 August 2018, when A was 9 weeks old. Thus, they lived together for about 6 weeks before that occurred.
67. The father then remained in England for a period of some six months, returning to Pakistan on 6 February 2019 when A was 8 months old. The father's evidence (not

disputed by the mother) is that in 2019 he began renting properties for the family in a town called GT, which on my understanding, is part of the larger KS conurbation. They initially rented a property for a short period of time, before moving to a second property also in GT. At some point they moved to a third property in GT. This third property, in my judgement, is the one which was rented in the mother's name and where the mother and A were based over the Covid period.

68. The father stayed in Pakistan for 5 months from 6 February 2019, save for a two-week period in March/April 2019 when he travelled to Saudi Arabia for a religious pilgrimage. He returned to England on 15 July 2019 when A was 13 months old. The father travelled back to Pakistan on 19 September 2019 and remained there for just a month, returning to England on 22 October 2019. In my judgement, over 2019 the mother and A lived in the rented properties. When the father was in Pakistan he lived with them for some of the time, but also stayed in his home in the village. The mother would sometimes stay with the father in his home, but in my judgement it was more common for him to join the mother and A in the properties he had arranged to rent.
69. The father next came back to Pakistan on 27 February 2020, staying there for the remainder of that year. According to the mother's oral evidence, '*during Covid*' she and A lived in a rented property in KS, the rental agreement being in her name. She was referring, in my judgement, to the third rented property in GT; I infer that she continued living in this property throughout 2020. The mother's oral evidence was that this was the property '*where we had a fight*' (a reference to the incident on 26 December 2020). As had been the case in 2019, the father stayed sometimes with the mother and A in the rented home but also lived at his home in the village, where the mother and A would occasionally visit him.
70. It is common ground that the parties separated on 26 December 2020, following the incident when the father was beaten up by the mother's brothers. A was aged 2 ½ at the time of the separation. During the 30 months of her life over which her parents' relationship endured, the father was absent from Pakistan for approximately 12 ½ months. For the majority of the remaining 17 ½ months, the father spent a significant amount of time living separately from the mother and A at his home in the village.

71. In his statement dated 29 October 2024, the father asserted (para 9) after A was born he took on '*the primary carer role of caring for her*'. The chronology I have set out above demonstrates that this is patently untrue. The father was also wrong in that statement in asserting that he had remained in Pakistan until A was 5 or 6 months old.
72. Following the 26 December 2020 incident, the father was hospitalised for a period of time and, as a result of his broken legs, had limited mobility for at least a few weeks (and probably months) upon his discharge from hospital. After recovering from his injuries, the father remained living in Pakistan throughout 2021, albeit living separately from the mother and A. At some point during that year the mother and A moved to a further rented property before moving again to live at the home of the MGM, where the mother's younger brother, MU2, was also living.
73. The father returned to England on 14 December 2021 (when A was aged 3 ½) and remained in England for the next 17 months. He came back to Pakistan on 9 April 2023, when A was just two months shy of her fifth birthday.
74. Upon the father's return to Pakistan he resumed living in his home at the village. The mother and A either were or had been living with the MGM, but at around the time that A started at school they moved to live in their own independent accommodation in the city of KS (the precise date is unclear to me). It appears to be common ground between the parties that the mother would periodically bring A to the father's house to facilitate contact with him, sometimes staying the night there.
75. At some point during 2023, A was enrolled by the mother at a school in KS. I have seen a short report from the school which suggests that she was doing well.
76. In early January 2024 the mother brought A to see the father at his home. On the mother's case, this was a regular contact visit. The father's case is that they came, having agreed that the father would take A to England to meet her siblings. He relies on a document which he says is a form of consent provided by the mother to enable A to travel, a document which the mother asserts has been forged.
77. A and the father left his home together in the early hours of 6 January 2024. They travelled to Lahore airport, but were prevented from travelling by the border police as

A did not have an ID card and her passport was about to expire (it expired on 9 January 2024).

78. Instead of returning home, the father then took A to stay at the home of his friend MW in S village near Lahore.
79. At some point on 6 January 2024 a formal First Information Report or ‘FIR’ was made by the mother to the police in KS. In her complaint she alleged that A had been abducted from her in the violent circumstances I summarised above. The making of this report resulted in the story being reported in the local press in Pakistan.
80. On the father’s case, the day following his arrival at MW’s property (i.e. 7 January 2024), A began to make a series of allegations about how she had been abused by the mother and her family and made it clear to him that she did not wish to return to the mother’s care. Accordingly, on the father’s case, he decided that he would retain A away from the KS region and bring her to live with him in England once he had obtained the relevant travel documents.
81. The mother, as I find, had no idea what had happened to A or where she had been taken.
82. On 10 January 2024, the mother’s brother MU2 made a report to the UK police (initially online and then by speaking to an officer) that A had been abducted from his sister in violent circumstances. The mother did not know that A remained in Pakistan.
83. The father did not make contact with the mother until April 2024.
84. On 12 May 2024, as an entry on his passport shows, the father and A flew from Pakistan to London. He took A to stay at his home in a town in the home counties.
85. Following his arrival in the UK, the father sought to introduce A to his older daughter, AD. AD had become aware of the report in the press alleging that her father had abducted her half-sister.
86. Once AD knew that A was in this jurisdiction, she took it upon herself to contact the mother to let her know that her daughter was here. On AD’s evidence, during her

conversation with the mother she drew attention to the fact that in 2017 a video had been sent to her older brother purporting to show her father abusing a young child and enquired whether a copy of this video could be made available as evidence against the father. On AD's evidence, which I accept, she and the mother have not spoken since.

87. I have seen a record of the WhatsApp messages between the mother and AD. This shows that the phone call to which I have just referred was made by AD by WhatsApp on 20 May 2024 at 3.55pm. It lasted for 14 minutes, thus ending at 4.09pm. At 4.19pm (just 10 minutes later), the mother sent AD the controversial video by WhatsApp.

88. On 22 May 2024 AD made a report to the police, sending them the video via a secure link.

#### **The father's arrest and subsequent events**

89. On 22 May 2024 the father was arrested at his home for the offence of sexual assault against a child under the age of 13. A was in the property at the time. In response to his arrest, the father commented that he had not been able to perform sex for 3-4 years.

90. Following the father's arrest, A was placed in police protection and the local authority were notified about her situation. The following day she was placed in foster care where she has remained since under a series of interim care orders, the first of which was made on 30 May 2024, two days after the local authority commenced care proceedings.

91. The police evidence is that during their initial conversation with A following the father's arrest, A spoke to them very quickly in Urdu. The police used Google translate to understand what she said. Her words were translated as follows:

‘She used to put chilies in her eyes, she used to hit her finger in her eyes, she used to put meeting in her mouth, she used to lock herself in the room at night, she used to put chilies in her food when she didn't like it, she used to hit her mother with shoes, she used to say that it was wrong, she used to say that I will kill you. I will get married one day. My shoes used to beat one day.’

92. The arresting officer noted that A did not ask for her father during this initial conversation, although later, in the car, she did ask after him and was upset. At the police station, A told officers that she had come to England *'five days ago'* from Pakistan and that in Pakistan she had been living with her mother and father. Asked if A speaks to her mother, she responded *'only once'*, adding that she does not like her as her mother *'beats her up'*. She went on to say that her father had taken her from their home in Pakistan to *'a relative's address'* because *'she didn't like her mother'*. She stated that she had stayed with various other relatives in Pakistan. A spoke about flying from Lahore with her father and said that he had been trying to obtain a new passport for her. She said that she got on with everyone at the house in England and that she liked playing games with *'her sister'* (a reference, I presume, either to AD or to her older brother's daughter).
93. On 23 May 2024 the father was interviewed by the police under caution in the presence of a solicitor and with the assistance of an interpreter. He answered *'no comment'* to many of the questions put to him. He did, however, restate to the police his inability to perform sex, making different claims as to when this had first occurred. He referred to the incident on 26 December 2020 as being the cause, but also claimed that his lack of sexual function dated back to the period following A's birth when the mother had poisoned him by adding a substance to his food. At one stage he went so far as to claim that he had not been sexually capable for 12 years.
94. The father also asserted in his interview that the video *'has been made up by my wife'*. He described her as *'not a good woman, doing prostitution work'*. Asked how the mother felt about him bringing A to England, he claimed that *'at first she was happy'*, asserting that she had probably changed her mind after a few months motivated by the potential to come to England herself. He claimed to have removed A from a situation in which she was being abused by the mother and that A herself had asked him to *'take me to England, I want to get education there'*. He asserted that A was scared of the mother and did not want to meet her.
95. At one stage during the interview the father was shown a still image from the video and asked if he recognised the location. He initially responded *'no comment'*. Asked

whether it was his home in England, he replied '*No, in Pakistan. I don't want to comment. Bed and things, it's Pakistan.*' When the interviewing officer suggested to the father that the female person in the video looked like a child, the father gave the following response:

'Where I was living in Pakistan, no girl or any under-age was allowed to come there. I was living alone, but in Pakistan some people physically very slim and thin, even they have age but they look like really young, sometimes that happen. Wife, she is 30 years old but she looks really young because she's slim, short.'

96. At certain points of the interview, the father departed from his '*no comment*' approach to deny emphatically the allegation being made against him. Asked about his relationship with his children, the father described them as '*very good children*' who love and respect him. He said they were '*So honest. So good. And I love them*'.
97. At around the time of the father's arrest, his home was searched. The items removed from the home included Viagra and what the police notes describe as a '*sex book*'. I do not attach any significance to these items having been found. The father was not the only adult who lived at the property and I am not able to infer that these were his items.
98. The father's mobile phone was removed from him at the time of his arrest. It was searched comprehensively. The search did not reveal any videos, images or other material to suggest that he has an interest in under-age girls.
99. Following A's removal into care, she has said things to her foster carer, FC, and to social workers which are highly relevant in these proceedings. On 28 May 2024 she told a social worker that she did not want to see her mother and that she was '*evil*'. Through a 'direct work' exercise, she conveyed that she was happy with her father and sad with her mother, whom she described as '*a witch*'. On that day she threatened to break the phone if made to speak to her mother.
100. On 28 May 2024 A spoke about travelling in '*a big white taxi*' on the date she left her mother, stressing that she had requested her father to travel with her to the UK

and speaking about hiding under a bed to prevent her mother from finding her. According to the first social worker's evidence:

‘[A] then spoke about a plan that her father had. If he was arrested, he was going to stay with a friend ..., who would be able to take him back to Pakistan. [The friend] was then going to take [A] separately to meet [the father], after which they would travel together to Saudi Arabia, she said they were planning to travel to the Holy Land.’

101. On 21 June 2024 A had a conversation with the second social worker and continued to speak negatively about the mother alleging that she would become angry and hit her.

102. FC has given evidence about the period since 23 May 2024 during which A has been in her care. As I set out above, she has prepared daily logs which have been produced in these proceedings, written on the basis that they may one day be read by A. When A first started living with FC she did not speak English.

103. FC's evidence set out in her first statement dated 21 November 2024, which I accept, is as follows:

‘Since [A] has been in my care she has spoken often about her mother and father and her experiences before her arrival in the UK. She has spoken about incidents in similar ways on different occasions and I have recalled what she has said, or expanded upon in the foster carer logs. I recall that the day after she was placed in my care, [A] told me that she did not miss her mother as she was not a nice person. In the early days of her staying with me [A] would say that her mother was fat with spots on her face and her mother was very ugly. She didn't call her by her name, she called her “a witch”. Before [A] started to have video contact with her mother she was worried about her father finding out that she was seeing her mother. She also asked me whether she would be sent back to live with her mother. When she was reassured she seemed excited to be having contact with her mother.

At first [A] was adamant that she didn't want to have anything to do with her mother. [The social worker] spoke to her about her situation and how [A] being removed from her father's care by the police was nothing to do with her mother. [A] was very shocked after this. She spoke to me later that day to ask whose fault it was that she had been removed from her father's care. I said that it was another adult, she asked who it was and I said I didn't know. I said that in Pakistan people don't listen to children but here [the social worker] will

listen to you and tell you what is going on. [A] asked whether that was why you don't have to hide a child from a parent here.

When [A] started having video contact with her mother she was surprised at how pretty her mother was, she was surprised she didn't look like a witch. She had so much anger towards her mother previously it was as if she had forgotten what her mother actually looked like.

Now [A] talks about her mother and father freely on a daily basis. It is mostly positive experiences. When she has contact with her mother she enjoys the contact and speaks happily about the contact afterwards, she doesn't talk so much after she has had contact with her father.

[A] seems to enjoy her contact with her mother, she has asked for it to be extended as she says it is over so quickly. They have conversations and talk about their memories. She has told me that they would cook together, and go to parks and the Zoo. She speaks to her mother in Urdu. [A] tells her mother that she is happy, what she has been doing at school and in free time when with me. She speaks freely with her mother, as if she doesn't have to hide anything from her mother. She says she misses her mother.

104. As is apparent from that evidence, in the early days following her removal to foster care, A spoke very negatively about her mother. For example, she made allegations of physical chastisement with a shoe on 29 June 2024 and 29 August 2024 and on 17 September 2024 she alleged that chilli powder was put in her mouth as a punishment. By contrast, she was wholly positive about her father, enjoying her contact with him and describing him as a '*wonderful person*'. To FC, she sounded '*very scripted*' when speaking of her parents. When she first started living with FC, she had nightmares.

105. As is also apparent from the evidence, over time a very different picture began to emerge from the early days. Not only did A respond with warmth and affection to the contact she had with her mother and speak about missing her, she began also to reveal things which painted a worrying picture about her father. She said she had witnessed him shouting loudly at her mother, as well as the parents shouting loudly at each other. Moreover, according to FC's evidence, A conveyed revealing information about the period following her removal from the mother's care:

‘[A] recalls arguments between her parents when she and her father travelled to [S village]. She said that she didn’t see her mother at all during this period and she missed her mother. [A] was not allowed to talk about her mother.’

106. In her second statement 4 March 2025, FC set out details of significant events since the date of her first statement. These include the following:

3 December 2024

‘[A] speaks about missing her mother and she gets upset and says she misses her. [A] used to speak about [S village] when she first came to stay, but she speaks less about it now. She used to speak about [S village] as a happy time but now she seems more negative about the experience and she gets upset when she speaks about [S village]. She is triggered at times with an old memory. I was making a voice note on my phone and [A] said to me that she knew how to make a voice note and she then went on to say that her father had made her make voice notes on his phone. Some of the things he would tell her to say were true and some of the things were untrue. He told her to say that her mother would hit her and this was untrue. She now feels guilty about making the voice notes and lying about her mother’s behaviour towards her. [A] also told me that when she was having face to face contact with her father, he took the opportunity of saying to her when they were away from the interpreter/contact supervisor to tell her not to speak to her mother otherwise she would be sent back to Pakistan. [A] has told me that he is more short tempered with her as what she is saying is getting him into trouble.’

5 December 2024

‘[A] often is upset after video contact with her mother and maternal grandmother and uncle, she says that she doesn’t have long enough with her mother and maternal family. When she has contact she tells her mother about her day and she is happy and I can hear that the mother and maternal family are responsive, they sound interested in her day and what she has been up to and she likes to chat to them. She tells her mother that she is happy, she doesn’t tell her father that as I think she feels responsible for him and doesn’t want to upset him. She tells me that she would rather talk to her mother on Fridays than her father.’

28 December 2024

‘[A] started to pick her lip when she had a cold and her lips were dry. She now seems to pick her lip when she is anxious, this would often be when she had contact with her father. This was during virtual contact as I would see her doing this, I don’t know whether she does this during face to face contact as I am not present. I remember during one contact session the father complained the whole time that [A] was playing with an elastic band, he told her to stop playing with it and to sit up straight. I am not always in the room when the

father is having contact and I can hear her sobbing through the door, she often cries during her contact with the father and hides under the table. He will tell her to stop crying and to smile for the camera as they are being recorded. Sometimes she will shout

at him and pull faces at him. He tells her not to pull faces at the student social worker, ... who is also on the video call and [A] says I am not pulling faces at [the student social worker], I am pulling faces at you.

I noticed that over the Christmas period when [A] was not having contact with her father, she picked her lip less and she seemed more relaxed and happy.'

31 December 2024

'You told me that the father was whispering to you in face to face contact to say, don't tell anyone what I tell you during contact. She told me that he said not to talk to the mother and she used to hit you. The contact workers have told [A] that she needs to come and stand by them if the father tries to whisper anything to her.'

2 January 2025

'[A] told me that she doesn't love her father anymore and she wants to live with her mother. I didn't ask her why and said she can talk to [the social worker] about it.'

3 January 2025

'[A] was really pleased that she didn't have video time with her father today as she says it is no fun for her.'

107. On 9 January 2025, A had a conversation with FC, the content of which is highly relevant to the issue as to the circumstances of her removal from the mother's care. FC's evidence is as follows:

'[A] told me that she only liked to have contact with her mother and not her father. After mum's contact today [A] said I really don't want to talk to my dad anymore. I don't like talking to him, I asked if she is worried about video contact on Friday, she said I don't want to talk to him. However I will because dad makes me feel sad and feel hurt but I like the feeling of being sad and hurt.

[A] then said that I need tell you something but I don't know if I can as my heart is beating really fast. I need to tell you what Dad did to my Mum in

Pakistan. [A] said my Dad injected Mum with a syringe at my Dad's house and he had 8 men with him helping him, who she described as 'bosses' and his taxi driver. She said after the injection mum was crying loudly and was saying her prayers in Arabic as she thought she was dying. My Dad then wrapped Mum in a blanket and men carried her away to the second storey room in the house. I saw her in the room and she was crying and she gave me hug to say goodbye. I don't know what happened to Mum after this but my Dad was very cold. He did not care what he did to his wife (my Mum) and he didn't feel sorry for her. After that he took me and we left for [S village] and the same taxi driver took us.

She said I used to think that my dad was a really good person but he is not a nice person. My Dad used to say behind my Mum's back that only 2 of us are going to England but I used to say 'no' all 3 of us going but he said no only me and you are going and he used tell me that my Mum is a witch and a bad person and in future it will just be two of us. [A] then said I now realise that the bad person is my Dad.

[A] further said that a few months before we [w]ent to [S village] that when she was at her dad's house with mum her parents argued and my Dad picked up the saucepan and hit Mum on her hand and her fingers were bleeding badly. [A] and her Mum then left and went to sit in the graveyard near the house. My Nan came and took me and Mum home after that my Nan and Uncles beat up my Dad with a metal pole wrapped in a wire and he was bleeding from everywhere, the ambulance came and took my Dad away. [A] then said I always remember what happened to my Mum in my head but did not know who I could talk to. I think my Dad thought that I won't remember anything as I was only 5 years old but I do.

I did not put this information into the diary sheets as it is not child friendly. I did inform [the social worker]. After [A] told me this account, she seemed a lot happier, as if a weight had been lifted from her.'

108. By contrast with the positive experiences FC was having with the mother, FC's second statement describes problems in the contact with F. On three occasions in January and February 2025 she refers to A being upset during contact. On 14 February 2025 A spoke about being keen for the contact to end.

109. The more recent evidence about contact is essentially to the same effect. Most recently A has started having face-to-face contact with the mother and this has been a

positive experience for her. By contrast, I was told that on at least one recent occasion she had refused to see the father.

## Findings

110. For the purposes of this judgment, it is convenient to set out my findings under the headings set out below. I should make clear, however, that I have not analysed the evidence in this linear way. I have considered the totality of the evidence in making my findings, even though it is not possible to rehearse it all without making the judgment unduly lengthy.

### *AD's allegations about her childhood*

111. It is unnecessary for me to go into detail about this aspect of the case. I am satisfied that AD told the truth and that her childhood was blighted by her father's frequent absences from home and the fact that she had to assume caring responsibilities for her mother. I am also satisfied that, as a girl, her father treated her less favourably than her brothers. I do believe that he loved his daughter and his wife but this love did not prevent him from behaving abusively to both of them. In the main, on the evidence, his abuse was verbal and sometimes involved threats but I accept AD's evidence that there was an occasion when he was displeased with her and kicked her from behind causing her to hit her head. The father gave an account of this incident which I find to be untrue. I also accept that AD witnessed her father physically assaulting her mother in the manner she described which included grabbing her around the throat. Proceedings were brought against the father under the Family Law Act 1996 which resulted him giving undertakings to the court. His denial of the existence of those proceedings was manifestly untrue as was his allied suggestion that AD has somehow falsified documents such as solicitors' letters and an undertaking form.

112. I reject the father's case that AD has become his enemy as she is motivated by financial considerations and/or her displeasure at A being brought to England. I note that in one of his early statements in these proceedings he sought to emphasise that AD was an integral part of his family with whom he enjoyed a good and supportive

relationship. He said something to similar effect in his police interview, as I have recorded above.

*Abusing girls from the local Madrasa*

113. Having heard the evidence, I am satisfied that at some point a building next to the father's home in the village, which had previously been semi-derelict, was renovated by the father (or at his behest) and converted into a school or Madrasa for girls. AD's evidence was that he built a school next door to his home in about 2005 and whilst she may not accurately record the date, I accept that she was telling the truth about this. The photographs show a change from the old yellow building to one which is pink and more modern looking. The pink building had a sign outside and a flagpole which suggests that it fulfilled an official function. I reject the father's evidence to the effect that the building remained unused until he decided that it should be gifted to an unspecified charity. I do not accept that a man who is clearly a shrewd businessman, having run a successful taxi company for decades, would have acted in this way; still less that he would be unable to recall any detail of the arrangement to give away his property. This is one of many lies he has told and I need to consider its significance to the allegation of sexual abuse. It is a lie which is consistent both with a motive to cover up a true allegation but also with seeking to avoid making any admission which might be used against him in the context of his arrest by the police and the risk, as he will have perceived it, of being prosecuted for child sex abuse.

114. The allegation that the father procured girls from the school for his sexual gratification was first made by the mother on 28 May 2024. On that date she spoke to the first social worker. As recorded by the social worker, she alleged that the father is a 'paedophile' who ... assaulted young girls from the local school from poorer parts of the community'. The social worker's evidence is that:

'[The mother] described [the father] as a paedophile and said that he is sexually interested in young girls. She spoke **in detail** about him telling her to go to the 'Madassa School', where young girls studied and she would bring them to him, if she did not, he would beat her.

[The mother] recalled on one occasion that [the father] was sexually assaulting a child who was 12 years old and as she cried, he undressed her, he then put a curtain up at the window and she was not sure what happened to her.

[The mother] accused [the father] of targeting young girls in the poorer parts of the community and if they did not do what he asked of them sexually, he would blackmail them.’ (my emphasis)

115. The mother denies having said that she ‘*would bring girls*’ to the father. In her first statement, she said that she would refuse to act as he instructed and that he would beat her as a consequence. She also said that the father would make his own arrangements by bribing the teachers and guards. Having heard the evidence I am satisfied that the social worker accurately recorded the conversation and I reject the mother’s denial. This does not, however, mean that what the mother said was true and I consider this further below. I do accept the mother’s evidence that her reference to having seen a twelve-year-old girl being assaulted is to the video as opposed to something she personally witnessed.

116. The mother’s case about the procurement of girls from the Madrasa overlaps with her case about the video. In her first statement, the mother gave little detail about how she came across the video, saying only that she saw it in 2020 after it ‘popped up’ whilst A was watching cartoons on the father’s phone. She also said that the girl belonged to ‘a religious studies group’ (I infer that this is a reference to the Madrasa) and that the father has made ‘*many videos of a similar nature whereby he uses footage to blackmail young girls*’ (it thus appears that, on the case she was articulating, the father was regularly procuring girls from the Madrassa and making recordings of them similar to that shown in the video). She said that the video was from 2016 (a date which appears in the video itself), before she met the father. The mother also said:

‘I am aware of how concerning and alarming viewing that video is, but in Pakistan, men have gotten away with such things and culturally things are different, not that I agree with it. However, [A] was always in my care and therefore I was not concerned about her welfare. ...

When the Father visited me and [A] she would always sleep with me and the Father was never alone with her.’

117. In her schedule of allegations dated 25 October 2024, the mother alleged that in 2018 and 2019 the father physically assaulted her ‘*on multiple occasions*’ when she refused to bring girls from the local school for him to sexually abuse. In the statement

which accompanied this schedule, also dated 25 October 2024, the mother said the following:

‘In or around 2018 to 2019, I lived directly next to a school for girls. The Father began to befriend the teachers at the school. At first, I did not understand what his motive was but as time went past, I began to understand that he was trying to make friends to conceal sexually abusing young girls. I understood that the Father had a sexual interest in young girls. The Father would tell the teachers that he needed girls to come over to my house to help me with the housework. I had no idea what the Father’s intentions were. Nevertheless, when I understood his motive, I spoke to the teachers at the school and made it very clear that I did not need any assistance, and they needed to stop sending girls to the house as the Father’s motives were very disturbing.’

118. If it was true that the mother believed that the father was a paedophile who was sexually abusing, filming and blackmailing multiple young girls, I would consider her actions in allowing A to spend time with him, including overnight at the very premises where a pattern of recidivist and organised sexual abuse was taking place under her nose, to be an extraordinary failure of parenting on her part and one which placed A at serious risk of sexual and emotional harm. The mother is therefore fortunate that I do not believe her evidence about this. I am unable to believe that as a loving mother she would have exposed her daughter to such obvious risks. Although the mother was vulnerable, she was living independently and strongly supported by her family. Her brothers have demonstrated that they were prepared to resort to using extreme physical violence against the father, if necessary to protect their sister from him.

119. In the background section of this document I have set out my findings about the periods of time the parents spent together. As I set out there, the only period in 2018 and 2019 in which the parties lived together at his home in the village was for approximately six weeks when A was a tiny newborn baby. I consider it wholly implausible that the behaviour described by the mother would have occurred at that particular time and I am unable to accept her evidence. Thereafter, the mother stayed at the property occasionally, but was mainly based in her own home. I find it implausible that the father would have indulged in a habit of sexually abusing young girls over the limited periods when his wife and daughter were staying with him,

when he had ample opportunity to do so at other times. I also consider it wholly improbable that the teachers at the school would have been complicit in the father's nefarious scheme as the mother alleges; if it were true that the father had been able to *bribe* staff at the school to supply him with girls to abuse (as she also alleges), it is similarly improbable that the mother would have had the ability to intervene and prevent this from happening in the manner she asserts. Had she done so, the father would undoubtedly have found out and she would have faced serious reprisals (if her case were true); yet her evidence is silent about this.

120. In my judgement, in May 2024 the mother is likely to have felt overwhelmed at the daunting task of recovering her child from a jurisdiction with which she was completely unfamiliar in circumstances where it will have seemed to her that her case against the father will have been her word against his. Her task will have appeared especially daunting as the father was wealthier and more sophisticated than her and her daughter was making allegations of abuse against her. In that context, she had a clear motive to present the father in the worst possible light and, in my judgement, she chose to exaggerate her case by making the allegations she made to the social worker on 28 May 2024. Having done so, she must then have realised that what she said amounted to a highly damaging admission to procuring children for the father to sexually abuse. I consider that she has therefore crafted an elaborate and implausible story involving bribing teachers in order to cover this up.

121. I do consider it true that there were rumours circulating about the father being a paedophile. AD's evidence was to this effect. I also consider the father's denials about the existence of the Madrasa to be highly suspicious. In the final analysis, however, I am unable to find the case which the mother has advanced (and which the local authority has adopted) is proved, however suspicious I may be.

122. The mother is bound to have been aware at some stage of the rumours which have circulated about the father. The account she has given is likely to be the product of her embellishing those rumours and recasting them as if she had personally witnessed and been involved in the matters she alleges.

123. Ultimately, I have found that the mother has not been truthful and I do not have reliable evidence on which I can make findings. The existence of rumours (the source of which is unknown to me) and the father's lies are not sufficient for me to do so.

*The video*

124. In the mother's schedule of allegations dated 25 October 2024, she alleged that '*in or around 2020*', as shown in the video, the father sexually assaulted '*an unknown girl*'. The schedule is inconsistent with the case now advanced by the mother, which is that the girl in the video is somebody she recognised who has the name 'F'. The mother further alleges that her viewing this video resulted in a '*big argument*' between the father and her siblings culminating in the assault on 26 December 2020 (the schedule says 2022 but this must be a mistake) and the subsequent criminal investigation.
125. As I have set out above, the video was sent by the mother to AD on 20 May 2024. AD's evidence, which I accept, is that it was sent to her after she raised with the mother in a telephone call the fact that a video showing her father engaging in the sexual abuse of a girl had been sent to one of her brothers in 2017.
126. I have seen the video. There is an agreed description of it in the bundle. It shows or appears to show a scene taking place in a room in the father's house. An adult male who looks like the father is in the video as is a girl who appears to be in her early teens. In view of the agreed description, it is unnecessary for me to set out in great details what occurs. It is relevant to record that the adult male and the girl are clothed. The recording shows them on a bed with him touching and kissing her inappropriately and pulling her towards him. She is resistant, flinching, pulling away from him and kicking her legs. The man eats some melon in the video and offers a slice to the girl, which she refuses. At one stage the man appears to attempt to put cream on the girl.

127. There is a point in the video when the man can be seen walking out of a door following which he appears to speak to a third party (probably another male). On his re-entering the room, the camera is covered by a black blanket or shawl, which had previously been seen on the table. When the image returns the blanket/shawl can be seen in exactly the same location it had been previously. The melon is also in the same location as previously.
128. The images in the video are of poor quality.
129. The video bears a date from 2016 and has a time recorder. The first recorded time is 23.31:00. The latest recorded time showing in the video is 23.39:28 (some eight and a half minutes later). Towards the end of the video, however, it cuts back in time jumping to 23.32:16. The final five seconds of the video appear to be in double speed as over that five second period the time stamp accelerates by ten seconds to 23.32:26.
130. The father's case is that the video is 'a fake' and/or the male person shown in the video is not him.
131. The version of the video sent to the police by AD was analysed by an expert in video forensics from Verden Forensics. Their report dated 2 December 2024 contains the following conclusions:
- (a) The '*observations*' (by which, in ordinary language, the expert means 'images') in the video are '*much more probable*' if the video is not an original recording. In support of this conclusion, the expert notes features of the video such as a sudden transition from a black frame to an interior environment, a jump backwards in the screen time, the sped up section of the video and the appearance of duplicate frames in the video.
  - (b) The observations are '*much more probable*' if the video has been subject to an edit operation. The expert again refers to the sudden transition and the jump backwards in time, an event associated with a splice operation.
  - (c) The observations are '*more probable*' if the video does not contain artificially generated content. The expert notes in this context that the video contains no specific indication that it contains artificially generated content, but

acknowledges the possibility that it could include such content, a possibility that could only be refuted by considering the original recording (which this is not).

(d) It is not possible to determine when or where the recording was made.

I accept the expert's conclusions set out above.

132. The expert also stated that to opine further about the authenticity of the video, further information would be needed about '*the source of capture*' and the chain of custody.

133. Verden forensics were then instructed to prepare an addendum report considering another version of the recording, this time provided to them directly by the mother from her device, and to address certain questions. These included consideration of whether the recording provided by the mother was the same as the version analysed by the police. The expert's conclusions in this addendum report were as follows:

- (a) The '*file container*' in the version sent by the mother is not the same as in the police version.
- (b) The '*video stream*' is the same in both versions.
- (c) The '*audio streams*' in the two versions are different.
- (d) It is not possible to determine whether the video was in the mother's possession before 20 May 2024.

Based on my understanding of the technical sections of the report and what is set out in a second addendum report, my conclusion is that the two versions are likely to be the same; the differences in the so-called '*file containers*' and '*audio streams*' result from the process of transmitting the video between devices.

134. In her first statement, the mother said very little about the circumstances in which she came to be in possession of the video. As I have already set out, she said she had first seen it in 2020 when it '*popped up*' while A was watching cartoons on the father's phone. She referred to it as being one of many similar videos that the

father would make and use to blackmail young girls. As I noted, she did not name the girl but referred to her as being a member of a religious studies group.

135. In the mother's second statement dated 25 October 2024, made in support of her schedule of allegations, she elaborated on the circumstances in which she had found the video [321]:

'In or around **2020**, [A] would always be playing games on the Father's phone. On one occasion as she finished playing, I noticed that on **his photo album** he had an unusual video. I opened the video to see what he had recorded, and I noticed that there was a young girl in the video. I could clearly see that the Father was touching the young girl on the chest, vagina and thighs. I was mortified by what I had watched.' (my emphasis)

She further said:

'In around **December 2020**, I asked the Father about the video of the underage girl on his phone. I did mention this to my brothers. My brothers were mortified by what I had told them. As a result, my brothers confronted the Father which resulted in an argument....[SHE THEN SETS OUT DETAILS OF THE INCIDENT ON 26 DECEMBER 2020]' (my emphasis)

I observe that on a reading of this statement and in particular the dates I have highlighted, the mother appeared to suggest that some time elapsed between her first seeing the video and speaking to the father about it.

136. On 6 December 2024 the mother filed a third statement, four days after the report from Verden Forensics which had highlighted the importance of the chain of custody and after the father had filed a statement dated 26 November 2024 to which he had exhibited police reports about the incident on 26 December 2020, none of which make reference to the video. She said the following at paragraph 5 [399]:

'At paragraph 44 of my first statement dated 7 July 2024, my statement did not translate well and I want to clarify how I come to find the video of [the father] and the young girl. [A] would always watch cartoons on [the father] mobile phone. Whilst downloading a cartoon video for her I noticed the video in **his downloads**. I sent the video to myself via WhatsApp. It took me a few days to ask [the father] about this video. When I finally built up the courage to do so he physically abused me. **I recognised the girl in the video as she was a student at the Madarsa school. I did tell her Mother but she did not want the police to be told. She was very poor and could not deal with**

**potential costs, and culturally it was embarrassing for her family.'** (my emphasis)

137. I do not attach any particular significance to the inconsistency between the references to the video having been found in the 'photo album' versus the 'downloads' folder as this could easily have occurred as a result of a miscommunication with a translator. The suggestion that the mother recognised the girl in the video is, however, wholly inconsistent with the mother's previous case that the girl was '*unknown*'. In my judgement, it is something she invented to explain away the surprising fact that no mention had been made to the Pakistani police about the video, despite the fact that on the mother's evidence it had been a central cause of the incident on 26 December 2020, an incident which had led to her arrest and that of her brothers and mother.

138. On 20 January 2025, I made a direction for the mother to file a statement addressing a number of issues about the video as I considered that her evidence left unanswered important questions about the chain of custody. My direction required the mother's statement to address, inter alia, the following:

- (a) How soon after seeing the video she had sent it to herself and how she had done so;
- (b) To whom and how she sent it on thereafter;
- (c) Whether she sent it to any other device of hers;
- (d) In view of her evidence that her phone had been damaged by the father in January 2024 causing her to lose her photos, how she had been able to access the footage to send it on to AD.

139. In response to this direction, the mother filed a further short statement dated 30 January 2025. In that statement she said the following:

- (a) In around **December** 2020 A had accessed the father's phone and was watching cartoon videos on it (I note that the reference to this having occurred in December is a departure from her previous evidence).
- (b) The father had downloaded other cartoons on his phone and these had gone straight to his phone gallery.

- (c) When she clicked on the phone gallery she saw '*a video briefly*'. The father was in the bathroom and she had limited time so she sent it to herself via WhatsApp and deleted the video from the father's WhatsApp messages so that he could not see what she had done.
- (d) She showed the video to her brothers on her phone but did not sent it to them.
- (e) She was nervous about the father finding the video on her phone and questioning her and so on an unspecified date she transferred the video to her laptop and then on to a USB stick.
- (f) She deleted the video from her laptop and phone retaining just a copy on her USB stick, which was kept in a safe place.

I later gave directions for the USB stick allegedly containing the video to be brought to England for analysis. For reasons relating to the law in Pakistan this has not been possible.

140. The mother also said the following about the sending of the video to AD in her statement dated 30 January 2025:

'In May 2024 after [A] was removed from my care, I was terrified of what could happen to her given that I had been poisoned by [the father]. I tried seeking help from the police, but they did not assist me. I reached out to [AD] [who] asked me if I had any proof of [A]'s abduction by [the father]. I confirmed that I did not have any evidence of the abduction however, I did have a video of [the father] abusing a young child. I decided to share the video with [AD] in they hope they could assist me and provide the video to the UK police and assist me with [A]'s return to my care.

I asked my brother ... to help me transfer the video from the USB stick onto my [smartphone]. I then shared the video on WhatsApp with [AD]'

141. I regret to say that I find that this account has been invented by the mother. I also find that she has been untruthful about the circumstances in which she first came across the video:

- (a) I find it implausible that the father would have stored this video on his phone if he was allowing the mother and A to use the phone on a regular basis to watch videos. The risk of discovery would have been high.
- (b) I find it even more implausible that the father would have stored it in a place where it could be seen easily by the mother while accessing cartoons which had been downloaded for A to view.
- (c) The mother gives no explanation as to how she initially viewed the video while at the same time managing her two and a half year old daughter and preventing her from seeing its content.
- (d) In circumstances where she and her brothers and mother had been arrested for assaulting the father on 26 December 2020, I find it highly unlikely that none of them would have made any mention of the video if it was a central feature of the incident.
- (e) I reject the mother's claim that she recognised the girl in the video. It is unlikely given the poor quality of the video and the fact that it was filmed in 2016 but, on the mother's case, observed by her in 2020. It is also inconsistent with the schedule of allegations where she said the identity of the girl was unknown. As set out above, this claim has been invented by the mother to explain away the absence of mention of the video to the police.
- (f) I find it highly implausible that the mother would choose to store the video on a USB stick as opposed to sending it to her brothers (to whom she had showed it) if she was concerned about the father finding it.
- (g) On the mother's case, one of the reasons for putting the video on the USB stick was to avoid the risk of the father finding it on her phone. If so, it does not make sense that she retained the video on her phone and showed it to her brothers after the transfer (her oral evidence was to this effect). It would have made far more sense for her simply to forward the video to one of the brothers.
- (h) I consider that the elaborate explanation about the USB stick has been invented to explain away the fact that on the mother's evidence all of the photos on her phone were destroyed in January 2024.
- (i) The mother's evidence about the reloading of the video onto her phone in May 2024 with the assistance of her brother is consistent with there having

been a short gap of just 10 minutes between her conversation with AD and the sending of the video. This strongly suggests that the video was either or already on the mother's phone or that she was able to ask somebody to forward it to her from another device.

- (j) I am also troubled by the mother's failure to make any mention of the video or at least 'a video' having been sent to AD's brother in 2017, although I do not attach much weight to this as I accept the submission made on the mother's behalf about the potential for miscommunication between the mother and AD.

The fact that the mother has lied about the provenance of the video does not of course mean that it is a faked video, still less that she has been involved in faking it.

142. I am also satisfied that the father has told lies about the video. He has lied in pretending not to recognise the room in which it is shot which is clearly a room in his house and in his reluctance even to acknowledge that the man shown in the video purports to be him. As I set out above, in one of his answers to the police he made what I consider to be an admission about room being at his home in Pakistan. I also find that the father was aware of the existence of the video prior to his arrest by the police. He made comments at the time of his arrest, as shown in the bodycam footage, which suggest that this is so. I find the father's lies highly suspicious, but this does not mean that I should find that the mother's case is established.

143. I have read and re-read the evidence about the video several times. Ultimately, I have come to the conclusion that I cannot safely make any findings about it and I determine that the mother's case that father is the man shown in the video is not proved:

- (a) I have found that the mother has been untruthful about the provenance of the video and I do not know why. I suspect that she is covering up for somebody, perhaps a member of her family, but I cannot make a finding about this.

- (b) I take into account that no other incriminating material has been found on the father's phone.
- (c) The video has clearly been edited in some way. There is no reason the father would have edited it. The fact that it contains time splicing is highly suspicious. In my view this increases the chances that it may have been altered in other ways which Verden Forensics are unable to detect without considering the original.
- (d) It does not have the character of a video that would be kept by the father for sexual gratification. I am unable to determine how the video came into existence, but it has the character of something created to blackmail the father. The potential for blackmail to lie behind the creation of the video is consistent with it having been sent to the father's son in 2017, but I do not have sufficient evidence to make a finding about why or how it was created or by whom.

144. On the balance of probability, I do think it is more likely than not that the video sent to AD in May 2024 is the same video that was sent to AD's brother in 2017; it seems too much of a coincidence for there to have been two such videos in circulation and the mention of the 2017 video by AD is what prompted the mother to send her the video which was passed to the police. It follows that it was created before the parents even knew each other and the mother cannot have been involved in its creation. It remains unknown to me how or when it came to be in her possession.

145. I am unable to make a finding that video has either been 'faked' (in the sense of altered with AI-generated content) or is genuine in the face of so many unanswered questions. I do consider it unlikely that the mother would have allowed A to continue to stay with the father at the home where the video was shot, if she had been provided with concrete proof of his nefarious activities there in 2020 and I consider it likely that either it has come into her possession much more recently or that she has harboured her own doubts about its authenticity.

*The father's allegations about the mother and her family being involved in prostitution and other criminal activities*

146. I have no hesitation in rejecting all of these allegations. I regard the father as a wholly unreliable witness and there is not a shred of reliable evidence to substantiate his claims. I give no weight to the FIR he has produced. Given all my findings about the father's dishonest conduct of this litigation I am not satisfied that it is a genuine document and in any event it merely contains allegations; it does not establish their truth.

147. Some of his claims, such as the plot with the marriage arranger to murder him, the murder of MGM's first husband and the mother's repeated attempts to poison him were far-fetched and clearly invented by him.

148. I am unable to find that the mother's family are members of a 'notorious gang'. It is not difficult for me to find, however, that her brothers are capable of meting out serious violence, as the incident on 26 December 2020 demonstrates.

*The father's allegations that the mother has been verbally and physically abusive to A*

149. I reject these allegations. I am unable to accept the father's evidence nor that of his supporting witnesses for reasons I have already given.

150. I have considered very carefully the allegations which A herself has made to FC and to professionals. I do not think the things she has said can safely be relied upon, as:

- (a) There is considerable evidence that she has been brainwashed into making false allegations by the father. As I set out below, this is a finding I make.
- (b) A herself sought to retract her allegation that her mother had hit her when she spoke to FC on 3 December 2024.
- (c) The allegations are inconsistent with the loving relationship which A and her mother have been observed to have during contact.

151. I accept Ms Ancliffe KC's submission that A's allegations must be looked at through the lens of a child who has openly said that she was coached and who then sought to retract her allegations.

152. I have thought especially carefully about the physical reactions displayed by A when, for example, she dropped food and her recent description of being roughly disciplined after spilling nail varnish on a dress. FC's evidence was that the physical reaction appeared to be genuine as opposed to the product of coaching. On balance, I consider it likely that A may have been disciplined harshly by the mother at times but I am unable to find that she did so at a level which caused A significant harm. I consider that her physical reactions are likely to be the product of a combination of her lived experiences and the extreme level of coaching to which she has been subjected.

153. The father seeks to rely on three audio recordings he has produced which he says are of conversations between himself and the mother. The recordings, he says, were made on dates in March and May 2023 when he was in England. In fact, as his passport shows, he returned to Pakistan in April 2023. I am unable to place any reliance upon these recordings as I am not satisfied that they are genuine. The father, as I have found, has been seriously dishonest in these proceedings including procuring witnesses to lie for him and falsifying documents. I find it unlikely, as he claims, that he would suddenly have come across these recordings on his phone, recordings which on his case he was unaware that he had even made as they occurred accidentally. Without clear analysis as to their authenticity from a forensic examiner I am not prepared to accept that they are genuine. By March 2023 the parents had been separated for over 2 years and I also consider it unlikely that they would have held the types of conversation the father claims to have recorded. Moreover, even if they were genuine, I am far from satisfied that the recordings capture the mother making the types of admissions asserted by the father. The whole conversation seems to be conducted in a manner which is difficult to follow and causes me to wonder whether it has been accurately transcribed and translated. It does, however, have the flavour of the male person seeking to lead or entrap the female person into making admissions. Some of her answers – said by the father to be admissions – are in reality repetitions of propositions put to her and consistent with being expressions of incredulity just as much as admissions.

154. The father has also produced a recording of A purportedly making allegations of abuse against the mother after she had been abducted from her mother's care. Again, without clear forensic proof, I am not prepared to accept that this is a genuine recording given the other findings I have made about the father. If, however, it is genuine, in my judgement it strongly corroborates the finding I make below about the father having coached A into making false allegations against the mother. I could attach no weight to it at all as evidence of the mother's abuse.

155. I give no weight to the content of reports made by the father to the police about the mother. Even if they are genuine documents (which is open to serious doubt) anything reported by him is plainly self-serving and unreliable.

156. Accordingly, for the avoidance of doubt, I make no findings in respect of the allegations that the mother was physically or verbally abusive to A or that she forced her to eat spicy food.

*The mother's allegations that the father was abusive towards her on a regular basis*

157. I accept the mother's evidence that from an early stage of the marriage she was treated abusively by the father when he was in Pakistan. I find that she was subjected on a regular basis to physical and verbal abuse, which continued throughout the marriage and after the parties' separation. The abuse included being hit, pinched, smacked and kicked. He humiliated the mother and caused her to feel trapped in the marriage. A was exposed to this abuse at times when the parents were together and suffered significant emotional harm as a result.

158. The mother's case is consistent with the evidence of AD about her own mother's treatment by the father. It is also consistent with the exceptionally violent manner in which the father abducted A, an allegation I find to be established.

159. In my judgement, the father's abusive behaviour towards the mother is likely to have been the cause of the incident on 26 December 2020. I believe that, against a background of abuse, there was a precipitating incident which caused the mother's brothers to intervene to protect their sister.

160. I am unable to make any findings about the allegations of financial abuse.

*Divorce and remarriage*

161. For the purposes of these proceedings it is unnecessary for me to make findings as to whether the parties are divorced and/or the mother has remarried. I decline to do so. Were these to be issues requiring resolution, better evidence would be required, including potentially expert evidence.

*The incident on 26 December 2020*

162. On this date the father was assaulted very violently by the mother's brothers. He sustained two broken legs, as is corroborated by the medical records that have been produced.

163. I have already rejected the mother's case that her revealing the existence of the video to her brothers was a precipitating cause.

164. In my judgement, what is most likely to have occurred is as follows.

165. I accept the mother's evidence that on the morning of 26 December 2020 she was subjected to an instance of domestic abuse (this may have involved the use of a pan as A appears to recall, although it is unnecessary for me to make precise findings about this). I also accept the mother's evidence that she and A were evicted from home by the father and going to the home of MGM (this is also supported by what A appears to recall although given her young age at the time I cannot place much reliance upon this). What happened between the parents is likely to have been significant, given the severity of what followed.

166. In my judgement, the mother is likely to have spoken in detail to her family about what had occurred against a background where she had been experiencing domestic abuse for some time. As the mother said in her oral evidence, her brothers will have become angry. Part of the anger may have been triggered by the family's guilt in having played a part in arranging the marriage.

167. As a result, the brothers accompanied by MGM and the mother decided to return to the home to confront the father about what had occurred. A was left behind with another relative. Once the maternal quartet arrived at the family home, it is likely that there was a heated confrontation which escalated. I do not believe that the father shot at the brothers and missed. This seems highly implausible and I consider it to be an embellishment which the mother's family has relied upon to justify the violence which followed. Nor do I believe that the brothers were brandishing a gun as alleged by the father.

168. The escalating row became physical. At some point, one or both of the brothers used a metal pole or poles to assault the father and break his legs (I am unable to determine whether the brothers came pre-armed with poles or whether they used one which happened to be lying around). I reject the father's allegation that the mother and MGM were active participants in the assault. The mother's alleged involvement is inconsistent with her having accompanied the father to the hospital; the medical notes do not corroborate the father's allegation that they assaulted his genitals. Equally, the mother and MGM did not intervene to prevent the assault. The brothers were much younger and stronger than the father and their actions went far beyond what could possibly be justified as self-defence.

169. Although A was not present at the time of the assault, she was brought to the home at which it took place sometime afterwards and will have gained some awareness of what occurred. Her exposure to this serious violence, even if only indirectly, will have caused her significant emotional harm.

*6 January 2024*

170. The mother's account of what occurred on the night of 5/6 January 2024 involves a level of violence by the father which is extreme. I have borne in mind that it is inherently improbable that a person would act in such a way, especially in front of their own young child.

171. Having weighed up the evidence, however, I have been driven to the conclusion that the mother's account is truthful and broadly accurate, notwithstanding the inherent improbability of the father having behaved in such a manner.

172. I accept the mother's evidence that on this date A was removed from her care in extremely violent circumstances. The father brought two other men to the property to assist in him what was clearly a premeditated enterprise. In order to facilitate his abduction plan he drugged the mother, first with soup and then by forcibly injecting her with an unknown substance which rendered her into a state of semi-consciousness and paralysis. I also accept that, on the father's instructions, the mother was tied up and carried to a roof where she was abandoned. The mother believed that she would die, understandably so and was saying prayers as a consequence. I am not able to make a finding about whether the father's associates attempted to rape the mother, although I can well believe that they sexually assaulted her when they carried her bound up to the roof and deposited her.

173. The mother was eventually able to free herself and seek help.

174. I listened carefully to this aspect of the mother's evidence and have no difficulty in finding that she was truthfully recalling a hugely traumatic experience.

175. It is likely that the father's motive in tying up the mother was to prevent her from raising the alarm for as long as possible, but in leaving her abandoned on the roof in a drugged state he exposed her to a risk of death or serious harm.

176. The mother's evidence about this event is, in my judgement, wholly corroborated by A's disclosure to FC in January 2025. Although her account does not entirely match that of the mother (eg 8 men rather than 2), the core details she gave of the incident are the same. Since 6 January 2024, A has had no contact with her mother except once by telephone in April 2024 when she was monitored by the father and latterly since the Autumn of 2024 when all of her contact has been closely supervised and, save for very recently, has taken place on video. In my judgement, A could not have come up with what she said unless, as I find, it was something she personally witnessed. I accept the evidence of FC and the social workers to the effect

that it would not have been possible for the mother or her family to instruct A into making such an allegation without this having been detected.

177. I do not accept that A having said that her mother thought she was dying should lead me to the conclusion that her account is the product of coaching. I find that this is a view A is likely to have formed from the prayers she heard her mother saying and, no doubt, her other desperate utterances as she was enduring this terrifying attack.

178. The mother also relies upon a recording she made in April 2024 when she made reference to this incident in a conversation with the father. I accept that the recording is genuine and that it provides some limited degree of corroboration for the mother's case. I attach little weight to it, however, given its covert nature, the fact that the mother appears to be trying to lead the father into making admissions and the fact that the father appears to realise he is being recorded and essentially denies what is being suggested to him. The mother's oral evidence and the evidence of what A herself has said are far more compelling.

179. I do not accept that the veracity of the mother's account is undermined by her failure to go to hospital. There are a number of reasons why she may not have done so.

180. On my findings, the father caused A to be exposed to an exceptionally traumatic incident which is likely to have caused her severe and enduring psychological harm.

181. It follows that I have no hesitation in rejecting the father's case that the removal was consensual. The fact that reports of the abduction were made to the police both in Pakistan and England in the aftermath of 6 January 2024 is inconsistent with that assertion, as is the father concealing A from her mother for a prolonged period of time. The purported consent documents which the father has produced are ones which, I find, he has falsified.

182. Only the father will know why he acted as he did. I consider it likely that he was enduringly resentful of the mother and her family as a result of the December

2020 assault and the mother's decision to separate from him and that this dishonour he suffered may well have been a motivating factor.

*'Brainwashing'*

183. Since abducting A from her mother's care on 6 January 2024, I find that the father has actively and repeatedly sought to coach A into remembering a false narrative and into making false allegations against her mother. I base this finding on the following:

- (a) AD witnessed the father prompting A to make allegations against the mother in May 2024 and I accept her evidence about this.
- (b) A's early descriptions of her parents appeared scripted and rehearsed according to FC, whose evidence about this I accept.
- (c) There is evidence that the father has been whispering things to A during his contact with her.
- (d) There is a complete mismatch between A's allegations against her mother and the good quality relationship they have been observed to have.
- (e) The father's concealment of A from her mother and denial of contact for a lengthy period is consistent with him seeking to alienate A from her mother.
- (f) Despite experiencing the traumatic event on 6 January 2024, A spoke positively about the father in the early stages of these proceedings. This is consistent with her having been coached into a false narrative. More recently a truer picture has been emerging.
- (g) A told FC that the father had told her to make false allegations and retracted her allegations against the mother. I consider that what she said is likely to be true.

184. The father's conduct has caused A further significant psychological harm which will have compounded the trauma of her abduction.

**Other**

185. The findings I have made raise issues as to the mother's ability to protect A which will require further consideration. Despite describing herself as an independent and strong person, in my judgement the mother is clearly very vulnerable. She was unable to escape from a relationship in which A was exposed to the serious domestic abuse which the father perpetrated against her. Even after the parties had ended their relationship she continued to bring A to see the father and to stay at his home despite everything he had done to her.
186. In December 2020, A was exposed to the aftermath of a very violent incident and she personally witnessed an incident in January 2024 which is likely to have enduring psychological consequences for her. She may well need specialist support to alleviate the impact of this and help her come to terms with what has happened.
187. A has also recently conveyed information to FC which raises a concern that she may have experienced sexual abuse at the home of a relative in Pakistan. This is matter which is likely to require further consideration.
188. I invite the parties to consider what directions may be needed to take the matter forward.

**Addendum: the principles relating to fact-finding**

189. A number of cardinal principles relating to the process of fact-finding, which I have borne in mind throughout the hearing and in preparing my judgment, are well established. They include the following:
- (a) Facts must be proved on the simple balance of probability. Neither the seriousness of the allegation nor the seriousness of the consequences makes any difference. The inherent probabilities are simply something to take into account in deciding where the truth lies (*Re B (Minors)* [2008] UKHL 35 at [para 70]).
  - (b) There is no room for a finding by a court that something might have happened (*Re B (Minors)* at [paras 2 and 70]).

(c) A failure to find a fact proved does not, without more, equate to a finding that the allegation is false (*Re M (Children)* [2013] EWCA Civ 388 at [para 17]).

190. So far as the assessment of witnesses is concerned, in *Re B-M (Children: Findings of Fact)* [2021] EWCA Civ 1371 the Court of Appeal said the following at para 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. Indeed in family cases, where the question is not only 'what happened in the past?' but also 'what may happen in the future?', a witness's demeanour may offer important information to the court about what sort of a person the witness truly is, and consequently whether an account of past events or future intentions is likely to be reliable.”

191. In undertaking its evaluation, the court must have regard to all of the available evidence. Evidence cannot be evaluated and assessed in separate compartments. The court has to have regard to the relevance of each piece of evidence to other evidence and exercise an overview of the totality in order to come to a conclusion about whether the case put forward has been made out to the requisite standard (*Re T (Abuse: Standard of Proof)* [2004] EWCA Civ 558).

192. In a case where a court finds that one or more witnesses has lied it is important to bear in mind the guidance given in a criminal context in *R v Lucas* [1981] QB 720. The fact that a witness has lied about one matter does not mean that they have lied about other matters or that the court should reject the whole of their evidence. A witness may lie for a number of reasons, which include shame, humiliation, loyalty, panic, fear, distress, confusion and emotional pressure.

193. It is also important for the court to bear in mind the fallibility of human memory and the pressures of giving evidence. The need for caution when placing reliance upon the memory of witnesses was highlighted in *Gestmin SGPS SA v Credit Suisse (UK) Ltd* [2013] EWHC 3560 (Comm) by Leggat J (as he then was) at paras 15–21.

194. That does not mean, however, that the court is prevented from relying upon a witness's memory alone as a basis for finding a disputed fact proved: see, for example, *Barrow and Ors v Merrett and Anr* [2022] EWCA Civ 1241, where the Court of Appeal held that the trial judge “*was right to think that Gestmin, which was a commercial dispute, in which there was a significant ‘digital footprint’, did not require him to reject the evidence of the eye witnesses in a road traffic accident*”. The relative significance of oral testimony and contemporaneous documentary evidence will vary from case to case. Ultimately, the court must assess all the evidence in a manner suited to the case before it, without inappropriately elevating one kind of evidence over another (*Re A* [2020] EWCA Civ 1230 at [para 41]).

195. In disputes as between two parents, the court must also be alive to the reality that the allegations are not being made by a neutral and expert local authority with nothing to gain, but by one parent seeking to gain an advantage in the battle against the other; that does not mean they are false, but it does increase the risk of misinterpretation, exaggeration, or downright fabrication (*W (Children)* [2010] UKSC 12 at [para 29]). In this case I am primarily concerned with proceedings brought by a local authority, but it is mainly based upon allegations which the parents make against each other.