



Neutral Citation Number: [2018] EWHC 2054 (Fam)

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 05/03/2018

Before:

THE HONOURABLE MRS JUSTICE GWYNNETH KNOWLES

A LOCAL AUTHORITY v A MOTHER and OTHERS (RADICALISATION: FACT-FINDING)

Between:

A LOCAL AUTHORITY
- and -
A MOTHER
and
A FATHER
and
J (A Child)
(by her child's guardian)

Applicant
Respondents

Ms Grief QC and Mr Barnes for the Applicant local authority
Mr Nuvoloni QC and Ms Nouri for the First Respondent mother.
Ms Perry for the Third Respondent child.
The Second Respondent father did not appear and was not represented.

Hearing dates: 1, 2, 5, 6, 7, 8, and 9 February 2018.

JUDGMENT FOR PUBLICATION

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

.....

THE HONOURABLE MRS JUSTICE KNOWLES

This judgment was delivered in private. The Judge has given permission for this anonymised version of the judgment (and any of the facts and matters contained in it) to be published on condition always that the names and addresses of the parties and the children must not be published. For the avoidance of doubt, the strict prohibition on publishing the names and addresses of the parties and the children will continue to apply where that information has been obtained by using the contents of this judgment to discover information already in the public domain. All persons, including representatives of the media, must ensure these conditions are strictly complied with. Failure to do so will be a contempt of court.

Mrs Justice Gwynneth Knowles:

1. A local authority has applied for a care order in respect of a little girl called J. She was born in late 2016. This judgment is given at the conclusion of a fact-finding hearing which began on 1 February 2018 and concluded on 9 February 2018.
2. The parties to the proceedings are the mother who is represented by leading and junior counsel and the child through counsel, acting on the instructions of her guardian. The father is presently in detention in another jurisdiction where criminal proceedings are ongoing. He has legal representation in those proceedings and there has been ongoing consular monitoring of that process. The local authority has made extensive efforts to engage the father with these proceedings which have met with a very limited response. The father appeared in court recently and I understand from the local authority that the proceedings against him were further adjourned until April 2018.
3. All the parties were in agreement that it was appropriate in the circumstances of this case for me to proceed with the fact-finding hearing in the absence of the father. I agree. The timescale for the determination of the criminal proceedings against the father is unknown and, if those proceedings result in a conviction, he may serve a sentence of imprisonment. The child's life cannot be put on hold to await her father's participation in these proceedings. In his absence, I must do the best I can to resolve the factual matters which I am required to determine.
4. I have been provided with three volumes of documents and with detailed position statements, a background summary, a chronology, schedules, and a bundle of relevant authorities. I have also been provided with a helpful letter from the paternal grandmother. I have read all of this material and taken it into account in coming to my conclusions.
5. I also heard oral evidence from PC T, a police officer in SO15, the counter-terrorism division of the Metropolitan Police, who specialises in the recovery of digital evidence; DC G, the investigating officer attached to SO15; the maternal grandfather; the allocated social worker; the child's Guardian; and the mother herself. I have carefully considered the evidence of these witnesses when coming to my conclusions.
6. I am extremely grateful to leading and junior counsel for the considerable assistance they have given to me. None of them could have said more in support of their respective cases.

Initial Observations

7. The facts which give rise to these proceedings can be simply put and are not in dispute. The mother and the father married in early 2015 and shortly thereafter travelled to Turkey via a third country. From Turkey, they made their way to Syria. Thereafter they spent time in Syria and also in Iraq before presenting with their child at the Turkish border 2 years after leaving the UK. The child was born whilst the parents were resident in Syria. Both parents were arrested and the mother and child spent time in a detention centre in Turkey before returning to this jurisdiction in late 2017.

8. Relatively few public law proceedings to date have considered the position of families who have returned from Syria. What renders this case even more unique is that this family spent a significant part of the time in Syria living in territory controlled by the jihadist group, Islamic State, also known as ISIL [Islamic State in the Levant]. Further, as is accepted by the parties, it was the father's intention to travel to territory controlled by ISIL in order both to fight with ISIL and to live within its self-proclaimed caliphate. What is in issue in this case is precisely what the mother's intentions were in leaving the UK and whether she too shared the father's extremist and radicalised mindset.

9. I am mindful of the observations of Newton J in paragraphs 6 and 7 of A Local Authority v M & Ors (Fact Finding) (Rev 1) [2016] EWHC 1599 (Fam) namely:

"6. Every person in this jurisdiction has the inalienable right to freedom of thought, conscience and religion: the freedom to believe whatever one wishes, to be able to express those beliefs, to manifest them in every aspect of life, including to associate with others who hold similar beliefs; additionally, self-evidently, the right to bring up their children within those beliefs and the right not to be treated less favourably than others because of those beliefs. Those rights have long been recognised in our society and are enshrined in our law (Articles 8, 9, 10 and 11 of the European Convention of Human Rights and enacted in the Human Rights Act of 1998). This case, in common with other similar ones, confronts not just behaviours but, as I recorded earlier, whether and in what circumstances the religiously motivated views of parents are so harmful to their children that the state should intervene to protect the child. All families are free to bring up their children as they see fit, provided of course, that within a wide ambit they do not cause them harm. But the question in this and in other cases is under what circumstances might the parents' religious views and activities result in harm to the children's physical and emotional health and well-being.

7. The Government's Prevent Strategy and the radicalisation of some parents and of their children has brought this issue very much to the fore; it challenges the tolerance and neutrality between different religions and perspectives, in particular denying the opportunity to individuals to prevent hatred (and thus extremism). It goes to the very roots of democratic and jealously guarded freedoms. Self-evidently the State cannot place limitations on beliefs that are held by a private individual. It can, however, place limitations on the manifestation of those beliefs if that limitation is a proportionate means of achieving a legitimate aim, which in these circumstances would be protecting public order, health, morals, freedoms or rights of others, generally or individually."

The tension between private beliefs and child protection lies at the very heart of this case.

10. The local authority's case was that the mother and the father, inspired by a shared extremist ideology, jointly and knowingly travelled to territory controlled by ISIL to further that ideology through, if necessary, engaging in terrorism-related activity. If that submission was correct, the local authority asserted that the child remained at continuing risk of significant harm from the mother's extremist ideology.

11. The mother accepted that she exposed the child to the risk of significant harm both in Syria and in the conditions in the Turkish detention camp where they were held. She

thus conceded that the threshold for the making of a public law order had been satisfied. However, the mother did not accept that she posed a risk of radicalisation, flight or domestic terrorism as alleged by the local authority.

12. Further, the mother accepted that she travelled with the father to Syria and confirmed that she remained committed to her religious beliefs. However, she denied either that she had been aware of the father's extremist and radicalised beliefs before leaving the UK or thereafter or that she had ever sought to further her own beliefs through participation in or encouragement of any terrorist activity. It was on that basis that the mother maintained that the child was not at any continuing risk of significant harm.

BACKGROUND SUMMARY

13. I have been provided with a background summary which is largely agreed between the parties. What follows is heavily indebted to that document though I have added my own observations to it.
14. The child was born in Syria, in territory said not to be controlled by ISIL, in late 2016. Her relationship with her mother was confirmed through DNA testing undertaken whilst she and her mother were detained in Turkey awaiting deportation. She is, by birth, a British national.
15. The mother is in her early 20s. She is a British national of [redacted] heritage and is a Muslim. The mother is a member of a large sibling group. Prior to her departure from this jurisdiction in 2015, the mother lived with her parents and her younger siblings.
16. The father is also in his early 20s. He is a British national. Having been raised as a Christian, he converted to Islam. Both his parents live in England and he has an older sister. Prior to his departure from this jurisdiction, the father lived with his mother and sister.
17. The mother and father met in late 2014 or early 2015. The mother asserted that she was given the father's telephone number by a woman she spoke to on Twitter. The mother said that she could not recall this woman's name or her Twitter account name and said she had lost contact with her. Very early in or at the outset of their relationship, on or before 14 January 2015, the father met or spoke to the mother's brother-in-law, Z. Z is a well-known member of ALM [Al Muhajiroun], an organisation proscribed pursuant to the Terrorism Act 2000 ["TACT"].
18. The mother apparently sought permission from her father, MGF, to marry the father. In the course of this process the father and MGF were said to have met. Yet, apparently without the knowledge of their families, the mother and father undertook an Islamic marriage ceremony in March 2015.
19. How the parents met, formed a relationship and married were matters in dispute upon which I was required to come to a determination. I consider these issues later in this judgment.
20. On the day of their departure from the UK, the mother and father were given a lift to Gatwick Airport by a friend of the father. Both the mother and father wore "western"

style clothes to the airport. They travelled on an easyJet flight, the father having booked return tickets on 27 March 2015.

21. After a few days abroad, the parents travelled onwards to Turkey. From Turkey, the parents then crossed into Syria by road and entered territory controlled by ISIL. Shortly after their arrival the parents travelled to Mosul in Iraq where they spent several months. In about July 2015 the parents travelled to Raqqa, living there for about eight months. At the time the parents lived in Mosul and Raqqa, this was territory in the control of ISIL. Thereafter they moved to a town close to the Turkish border. Whilst the parents were living there, the child was born.
22. In early 2017 the parents travelled from Syria to Turkey and presented themselves with the child at a town near the Syrian border. The parents were arrested and detained by the Turkish authorities, the child remaining with her mother at all times. The father was charged with terrorism related offences and remains subject to an ongoing criminal process. Relatively shortly after her arrest, the mother attended a court hearing. It appears that during the hearing it was determined that the mother was not a member of ISIL and the legal proceedings against her were discontinued. She was, however, detained along with the child pending deportation to this jurisdiction.
23. Both parents received consular support during this time. The mother sought assistance to be repatriated along with the child and applied for a passport to be issued to the child. This necessitated DNA testing which established the child's maternity and thus her British nationality. The mother and child were deported from Turkey to this jurisdiction and on arrival the mother was arrested and the child made subject to police protection and placed in the care of the local authority.

Local Authority Involvement

24. Following the mother's departure - and with a number of other matters of concern considered - the maternal family was referred to the local authority's Social Inclusion Panel. An assessment undertaken by the local authority concluded following limited engagement from the family.
25. After the local authority was informed by SO15 that the parents had been detained in Turkey and had presented with a child, a further assessment of the wider maternal family was undertaken by a social worker. In anticipation of the mother and child's deportation to this jurisdiction, viability assessments were also undertaken with members of both the maternal and paternal family. On arrival in the UK the child was placed with a local authority foster carer following the exercise of police powers. The child has remained placed with the same foster carer to date.
26. On the mother's return she was initially bailed to the address of the maternal grandparents. The mother subsequently moved to the address of a friend whose identity she has refused to disclose within these proceedings. At the hearing on 24 November 2017 the local authority confirmed that it would provide the mother with assistance to secure bed and breakfast accommodation. The mother remains in the accommodation secured with the assistance of the local authority.
27. The local authority has undertaken assessments of the paternal grandmother and grandfather. With the agreement of the mother, a referral was made to a specialist

resource which was able to meet with the mother and the child relatively early on in the proceedings and a report dated 7 December 2017 was prepared. Input into the contents of that report came from adult psychiatric, child and adolescent psychotherapeutic and systemic family psychotherapeutic perspectives.

History of the Proceedings

28. The day after the mother and child's arrival in the jurisdiction the local authority issued proceedings under Part IV of the Children Act 1989. A hearing took place that afternoon at which the local authority and the child were represented but without notice to the mother. An interim care order was made by Francis J. The proceedings came before Francis J on a return date a week later when directions were given for a contested interim care hearing. Due to lack of court time, that hearing did not take place until 20 October 2017. Having heard a contested application for the continuation of the interim care order, I gave an ex tempore judgment continuing the interim care order.
29. A further case management hearing took place on 1 November 2017 which, amongst other matters, considered disclosure of information held by the Metropolitan Police into the care proceedings. The Metropolitan Police initially resisted the disclosure of information relating to their investigation of the father and provision was made for a hearing on 24 November 2017 to address this. The Secretary of State for the Home Department attended the hearing on 1 November 2017 and confirmed that she did not object to the disclosure of two emails in her possession subject to (a) consideration of the same by the Commissioner of the Metropolitan Police and (b) any application the Commissioner might make for public interest immunity being applicable both to the material generated by the police investigation and to the emails in the possession of the Secretary of State.
30. At the hearing on 24 November 2017 disclosure was provided by agreement of the Metropolitan Police. Further directions were given and the fact-finding hearing was listed to commence on 1 February 2018. On application by the mother, I indicated that contact should take place on five occasions each week for four hours on each occasion and the local authority acceded to this request.
31. A hearing took place on 11 December 2017 to consider an application by the local authority to disclose the assessments of the maternal family into the proceedings. That hearing was attended by the local authority, the maternal grandfather and his eldest daughter. After hearing submissions, I approved the disclosure of these assessments into the care proceedings. Consideration of the application in so far as it related to two other maternal relatives was adjourned to allow them to make further representations. By way of a written judgment dated 20 December 2017, I permitted the disclosure of the assessments relating to these relatives into the proceedings.

ISIL: Context

32. In the UK, under the terms of TACT, the Home Secretary may proscribe an organisation if she believes it is concerned in terrorism and it is proportionate to do so. For the purposes of the Act this means that the organisation:
 - a) commits or participates in acts of terrorism;

- b) prepares for terrorism
 - c) promotes or encourages terrorism (including the unlawful glorification of terrorism); or
 - d) is otherwise concerned in terrorism.
33. Contrary to section 11 of TACT, it is an offence to belong or profess to belong to a proscribed organisation in the UK or overseas. The Home Office document “Proscribed Terrorist Organisations” dated 22 December 2017 notes the following in respect of ISIL:

“Islamic State of Iraq and the Levant (ISIL) also known as Dawlat al - 'Iraq al - Islamiyya, Islamic State of Iraq (ISI), Islamic State of Iraq and Syria (ISIS) and Dawlat al Islamiya fi Iraq wa al Sham (DAISH) and the Islamic State in Iraq and Sham - Proscribed June 2014.

ISIL is a brutal Sunni Islamist terrorist group active in Iraq and Syria. The group adheres to a global jihadist ideology, following an extreme interpretation of Islam, which is anti-Western and promotes sectarian violence. ISIL aims to establish an Islamic State governed by Sharia law in the region and impose their rule on people using violence and extortion.

ISIL was previously proscribed as part of Al Qa'ida (AQ). However on 2 February 2014, AQ senior leadership issued a statement officially severing ties with ISIL. This prompted consideration of the case to proscribe ISIL in its own right.

ISIL not only poses a threat from within Syria but has made significant advances in Iraq. The threat from ISIL in Iraq and Syria is very serious and shows clearly the importance of taking a strong stand against the extremists.

We are aware that a number of British nationals have travelled to Syria and some of these will inevitably be fighting with ISIL. It appears that ISIL is treating Iraq and Syria as one theatre of conflict and its potential ability to operate across the border must be a cause of concern for the whole international community.

In April 2014, ISIL claimed responsibility for a series of blasts targeting a Shia election rally in Baghdad. These attacks are reported to have killed at least 31 people. Thousands of Iraqi civilians lost their lives to sectarian violence in 2013, and attacks carried out by ISIL will have accounted for a large proportion of these deaths.

ISIL has reportedly detained dozens of foreign journalists and aid workers. In September 2013, members of the group kidnapped and killed the commander of Ahrarash - Sham after he intervened to protect members of a Malaysian Islamic charity.

In January 2014, ISIL captured the Al-Anbar cities of Ramadi and Fallujah, and is engaged in ongoing fighting with the Iraqi security forces. The group also claimed responsibility for a car bomb attack that killed four people and wounded dozens in the southern Beirut suburb of Haret Hreik.

ISIL has a strong presence in northern and eastern Syria where it has instituted strict Sharia law in the towns under its control. The group is responsible for numerous attacks and a vast number of deaths. The group is believed to attract foreign fighters, including Westerners, to the region. The group has maintained control of various towns on the Syrian/Turkish border allowing the group to control who crosses and ISIL's presence there has interfered with the free flow of humanitarian aid.

Note: The Government laid an Order in August 2014 which provides that “Islamic State (Dawlat al Islamiya)” should be treated as another name for the organisation which is already proscribed as ISIL. The UK does not recognise ISIL's claims of a ‘restored’ Caliphate or a new Islamic State.”

34. ISIL began to refer to itself as “*the Islamic State*” on 29 June 2014 declaring the territory it occupied to be a new caliphate. Its leader, Abu Bakr al-Baghdadi, was named as its caliph (ruler). It made significant territorial gains in the course of 2014 and 2015 and it was also active in online environments as detailed in the report of Professor Andrew Silke and Dr Katherine Brown dated 6 November 2015 which is annexed to the judgement of Hayden J in London Borough of Tower Hamlets v B [2016] EWHC 1707 (Fam).

THE POLICE INVESTIGATION AND EVIDENCE

35. Following the parents’ departure, the police were not alerted until a fortnight later when the paternal grandfather contacted them as he was concerned about the father’s whereabouts. The mother’s family made no missing person’s report to the police and, in fact, were informed by the police of the mother’s departure from the UK.
36. Search warrants were executed by the police at the home address of both parents and a number of exhibits (including electronic devices) were recovered. A computer tower was seized from the father’s home which contained two hard drives, both of which had a registered owner bearing the father’s first name. Prior to the police search, the father’s mother had asked her brother, an IT consultant, to look at the father’s computer tower in an attempt to find out where the father might be. The uncle took a ghost image of the hard drives and scanned them, identifying material about Islam, Syria and the war in Syria.
37. Having set up a missing persons page on Facebook, the paternal aunt was contacted by a man, X, who claimed to be a friend of the father and to have knowledge of his intention to travel to Syria to fight with ISIL. X provided details of the father and mother’s Twitter handles and the father’s Skype name.
38. The police produced evidence from a Twitter account alleged to belong to the mother. She accepted that this Twitter account was hers in discussion with the [redacted] and later with the social worker in December 2017.
39. Following her arrest on suspicion of an offence under section 11 of TACT (membership of a proscribed organisation), the mother was interviewed in the presence of her solicitor the following day. The mother provided no comment answers to the questions asked and was bailed to return. By letter dated 27 October 2017 the police confirmed that the case against the mother had been discontinued on 20 October 2017.
40. A detailed forensic analysis was undertaken by PC T on the computer tower recovered during the search of the father’s address. An extensive Skype chat history was recovered which included a large number of messages exchanged with X and others. X was interviewed by the police in the jurisdiction where he lives and I had a short summary of that interview available to me. Due to concerns about X’s safety expressed by the police, it has not been possible to obtain a further statement from him during the course of these proceedings or call him to give evidence. Also recovered from the father’s computer were a large number of images, which it was said demonstrated the father having shared what are termed “*atrocious videos*” and texts suggestive of an extremist mindset.

41. It is not known what action, if any, the Metropolitan Police would take in the event of the father returning to this jurisdiction.
42. I heard oral evidence from PC T who had downloaded and analysed the contents of the father's computer tower. He told me that it was unlikely that the uncle's intervention had impacted upon the digital evidence recovered by him. The computer's attribution to the father appeared to be beyond doubt and he confirmed the username of the father's Skype account. He also confirmed that the records in the internet search history were normally due to user activity.
43. PC T explained that the Skype conversations which took place in text form (by typing) could be accompanied by additional concurrent communication on "mic". This was confirmed by the Skype call records provided at my request. Those records were automatically created at the time of the messages being sent and show over 300 successful or attempted calls between the father and X with calls, on occasions, lasting over an hour. I agree with Miss Grief QC that the value of this evidence is enhanced by the passive manner in which it was stored on the computer and then extracted. In my view, this material provided a unique insight into the father's mindset and intentions in unguarded moments, which he could never have expected to be available to a later investigator. At my request, further enquiries were made with PC T which produced a more detailed analysis of the images found on the father's computer. Helpfully, the date on which the document was created on the father's computer was provided for the majority of the files.
44. PC T was a careful and conscientious witness who remained within the strict boundaries of his expertise as a forensic analyst of computer material. His analysis of the father's computer took place at an early stage of the police investigation. Neither his evidence nor his work was the subject of any significant challenge. It has been of considerable assistance to me.
45. I also heard evidence from DC G, the current investigating officer within SO15. She took over responsibility for this case in April 2017 and was largely dependent on the investigative work which preceded her own involvement. She accepted that she was relatively inexperienced, having only been recently assigned to SO15.
46. Miss Grief QC has quite properly drawn my attention to the limitations of the police investigation. I summarise these as follows: (a) the initial focus was that of a missing persons' enquiry; (b) thereafter, the focus of the enquiry was whether X's report of the parents' location was correct; (c) the key investigative focus was on breaches or potential breaches of TACT; (d) the mindset of both parents was of relative insignificance and the mother's family circumstances were not considered in any depth; (e) the police struggled to specifically attribute to an individual either the mother's Twitter account or some of the physical evidence discovered in the mother's former home; (f) searches were undertaken on public and open source social media sites without steps also being taken to obtain either private messages or call or phone messaging data; (g) the mother gave a no comment interview; and (h) following very limited further investigation, it was decided that no further action would be taken in respect of the mother.
47. Having heard the evidence of DC G, it was apparent that the police analysis which suggested that X was not a reliable witness was based on a single error, namely that

the father had returned to this jurisdiction. X's error in that regard was made in the context of the father having communicated a desire to return to this jurisdiction to his family, to [redacted] and to the Foreign and Commonwealth Office. In numerous other respects, X's assertions had been corroborated. It was also evident that a number of communication devices belonging to the father and mother had not been subject to any analysis as they were never available to the police - I note, for example, that the mother told me that she took her mobile phone abroad with her. Communication between the father and the mother took place by phone and was not available either to the police or to the court. Though nothing on the mother's Twitter feed breached TACT, DC G considered that objectively there were a number of matters relevant to establishing an extreme mindset.

48. I observe that there was a very significant distinction between the focus of the police investigation and the focus of these proceedings. Given the relatively narrow ambit of the police investigation, the weight I could place on its conclusions about the mother was very limited.

OTHER EVIDENCE

49. The social worker took over the case in November 2017 and had a significant meeting with the mother on 13 December 2017. She had kept notes during the course of that meeting and her witness statement had been prepared shortly after it took place. She was challenged about the accuracy of her statement.
50. During her meeting with the mother, the social worker tried to gain an understanding of the mother's position but explained to me that she was concerned about the mother's limited explanations, insight and lack of candour. She drew my attention to instances where the mother had been unwilling to provide answers to questions – for example, the identity of the friend who had introduced the parents, the park in which they were said to have met, the identity of the person with whom the mother lived during the proceedings and so on. It was apparent from the social work evidence that the mother had chosen to give a very limited account of the period in which she was in Iraq/Syria. In summary, the mother's account left the social worker with as many questions as answers.
51. At the conclusion of her interview with the social worker, the mother said she had contacted the Home Office Prevent Programme because she “*made a mistake to go there, I should've turned back in Turkey and went [sic] back home. I didn't plan to get a child in Syria and I didn't take a child out there*”. I was provided with a letter dated 10 January 2018 from the organisation contacted by the mother. The relevant part of the letter reads as follows:

“[The mother] approached me via a phone call in relation to her ongoing issues with Social Services. She explained that she had returned from Syria and had had her daughter removed from her care. She said that Social Services had implied during the course of their interactions that she was radicalised and that this is one of the reasons for the removal. She expressed her concern around this and asked for support with how to manage and communicate with Social Services as she felt victimised. I would like to make clear that at no point during this phone conversation did she say she was radicalised and there was no indication that she is in fact radicalised. I have never met [the mother] and contact has only been over the phone.”

On the basis of the above, the social worker expressed concern to me about the true nature of the mother's approach to this organisation. This appeared to be focused on dealing with the local authority's alleged victimisation of her rather than her acceptance that she had made a mistake in both travelling to Syria and having a baby during her time there.

52. The child's Guardian gave evidence to me about her meeting with the mother early in the proceedings. Her perception was that the mother had provided an unclear narrative of what had happened both before and during the mother's time in Syria.
53. I heard oral evidence from the maternal grandfather. He had provided a witness statement to the police in 2015 but, during the course of his oral evidence, sought to distance himself from its contents on the basis that he had been intoxicated when making this statement. In my view, his attempt to distance himself from the contents of his police statement lacked consistency and conviction.
54. Before the luncheon adjournment, his evidence was that he had not met the father prior to the couple getting married and leaving this jurisdiction. That evidence was consistent with his police statement and with what he had said during all the assessments carried out by the local authority. However, after the luncheon adjournment, the maternal grandfather told me that he had indeed met the father on one occasion prior to the couple's marriage. The father had come alone to the family home at the mother's request and he had met with him for about 30 to 45 minutes. They had conversed about the couple's desire to get married and the maternal grandfather told me he had said to the father that he would take some time to make his decision about whether he approved of the marriage. He had not enquired how the couple had come to meet. He described the father as having shoulder-length light-coloured hair but was otherwise unable to give an accurate description of the father's build, facial hair or clothing. He was unable to explain why it was that he now said that he had met father having given no inkling of this before the luncheon adjournment.
55. I found the maternal grandfather's account of his meeting with the father wholly unpersuasive. His description of the father lacked detail and was significantly inaccurate in its description of the father's hair. From the photographic evidence available to me, it is clear that the father had short dark hair rather than longish light coloured hair. I have thus come to the conclusion that I must approach the maternal grandfather's evidence as a whole with a considerable degree of caution. However, I am satisfied that the maternal grandfather never met the father and that his near contemporaneous statement to the police should be preferred to the oral evidence which he gave to me in court.
56. It is clear that the maternal grandfather spent the vast majority of his time working away from the family home. He was at pains to emphasise that he had a westernised lifestyle and did not adhere strictly to, for example, the requirement of his religion to pray several times a day. When asked about the mother's religious beliefs, he claimed not to know a great deal though he confirmed that, as was her custom when going out, the mother left the family home the day before leaving the UK wearing a facial veil as well as a headscarf and full-length jacket. I formed the distinct impression that the maternal grandfather was underplaying what he knew about the mother's strict adherence to the tenets of her Muslim faith.

57. I remain troubled that the mother's family never reported her missing. It was difficult to see any circumstances in which they would fail to make a report about the mother who - until leaving the property - had never lived away from home let alone left the country unless either the maternal grandfather was angry at his daughter's decision to leave the family home without his permission or that he knew or assumed he knew, what she was doing and where she was travelling to.
58. It had been intended that I would hear evidence from Z, the mother's brother-in-law. It was apparent to me that he was likely to be hostile to the court process and that, in any event, it was not necessary for me to hear his evidence in order to conduct a fair hearing. Z holds extreme radicalised views and has had connections with Syria. I make it clear that the mother's association through family ties with Z cannot be enough to persuade the court that the mother herself is radicalised or even holds extremist views. Mr Nuvoloni however conceded that the presence of Z within the family did place the mother within the ambit of extremist views and made her potentially vulnerable to them.
59. I will return to consider Z's role in how the parents came to meet later in this judgement.

SUBMISSIONS

The Local Authority

60. The local authority submitted that all of the facts originally pleaded in its schedule of findings had been amply proved. What was striking was how the oral evidence of the mother not only served to confirm those original pleadings but, it was submitted, gave the court a far greater insight into her journey towards Syria in a wider sense long before she left this jurisdiction. It was difficult to understand how the mother could embark upon the journey to Syria until her evidence brought into focus the wider picture.
61. It was clear that the father held extremist beliefs and a desire to move to Syria to live and to fight as evidenced by (a) his own unguarded accounts during thousands of Skype messages and (b) the disturbing images and material found on his computer. It was submitted that he simply wanted a wife, probably any wife, to be able to pursue this goal and in the mother he found a willing participant.
62. The local authority submitted that the evidence demonstrated that the mother underwent her own journey: from sociable schoolgirl with an active social life to a devout, pious and isolated individual within a family that could do nothing to act as a counterbalance. The transition from introduction to plan to marry was so swift and the "wedding" so seemingly inconsequential because the marriage was not an end in itself but a means to allow the mother and the father to attain their goal of living in the ISIL caliphate. This was a joint enterprise and the local authority urged me to reject the mother's account of herself as an unwitting, loyal and dutiful wife.

The Mother

63. The mother conceded that the father had been radicalised and held extremist beliefs. She denied any knowledge of this prior to the receipt of the police disclosure from the

local authority. She maintained that she herself did not hold radicalised views and that she did not share the father's mindset. She told me that she only became aware of the father's determination to travel to Syria during the couple's honeymoon and she accepted that, at that time, she agreed to travel to Syria with the father.

64. She also accepted that the child was exposed to the risk of significant harm both in Syria and in the conditions in the Turkish detention camp. It was submitted that her evidence demonstrated no sign of an extremist and radicalised belief system. Though she may have been the most religious child in the maternal family home, this was of no more relevance than any individual who holds a firm religious belief if that belief is not allied to the support of violent extremism. Her belief that the Muslim faith should spread throughout the world was no more fundamentalist in nature than those who sought to spread the Christian Gospel

The Child's Guardian

65. The child's Guardian submitted that, having listened with care to the mother's evidence in particular, she was extremely concerned by what seemed to be contradictions or gaps in the evidence about matters touching on the risk of future harm to the child. It was submitted that there was little clarity about: (a) the mother's experiences living in the maternal family home and the risk potentially posed by the maternal family; (b) whether those experiences contributed to any extremist or radical beliefs held by the mother; (c) whether the mother held or still holds radical or extremist beliefs; (d) whether the mother chose and/or planned to travel to Syria; (e) whether the mother chose and/or planned to live under ISIL and the self-declared caliphate or held a belief system supportive of ISIL and/or the caliphate; (f) the genesis of the parents' relationship, how they came to meet and marry, why they married so quickly, the nature of that relationship and whether the relationship gave rise to a risk of future harm.

THE LAW

66. I have been provided with a bundle of authorities and the parties are in agreement that the principles set out at paragraphs 67 to 77 in the judgment of MacDonald J in A Local Authority v HB and Others [2017] EWHC 1437 (Fam) apply in this case. Those paragraphs read as follows:

"67. The fact that this case involves alleged risk of harm to a child consequent upon alleged risk of radicalisation, alleged extremist beliefs or alleged risk of removal to Syria does not change the fundamental legal principles that must be applied when determining the applications before the court. Those principles can be summarised as follows:

- i) *The burden of proving the facts pleaded rests with the local authority. In cases of alleged extremist beliefs or ideology, alleged risk of radicalisation and alleged risk of removal to a war zone, it is for the local authority to establish these on the balance of probabilities. There is no requirement on a parent to prove the contrary. Where a respondent parent seeks to prove an alternative explanation for a given course of conduct but does not prove that alternative explanation, that failure does not, of itself, establish the local authority's case, which must still be proved to the requisite standard (see *The Popi M*, *Rhesa**

Shipping Co SA v Edmunds Rhesa Shipping Co SA v Fenton Insurance Co Ltd [1985] 1 WLR 948).

- ii) *The standard to which the local authority must satisfy the court is the simple balance of probabilities. The inherent probability or improbability of an event remains a matter to be taken into account when weighing the probabilities and deciding whether, on balance, the event occurred (Re B [2008] UKHL 35 at [15]). Within this context, there is no room for a finding by the court that something might have happened. The court may decide that it did or that it did not (Re B [2008] UKHL 35 at [2]). The legal concept of proof on the balance of probabilities must be applied with “common sense” (The Popi M, Rhesa Shipping Co SA v Edmunds Rhesa Shipping Co SA v Fenton Insurance Co Ltd [1985] 1 WLR 948).*
- iii) *Findings of fact must be based on evidence not on speculation. The decision on whether the facts in issue have been proved to the requisite standard must be based on all of the available evidence and should have regard to the wide context of social, emotional, ethical and moral factors (A County Council v A Mother, A Father and X,Y and Z [2005] EWHC 31 (Fam)).*
- iv) *In determining whether the local authority has discharged the burden upon it the court looks at what has been described as “the broad canvas” of the evidence before it. The court takes account of a wide range of matters including its assessment of the credibility of the witnesses and inferences that can be properly drawn from the evidence. The role of the court is to consider the evidence in its totality and to make findings on the balance of probabilities accordingly. Within this context, the court must consider each piece of evidence in the context of all of the other evidence (Re T [2004] 2 FLR 838 at [33]).*
- v) *The evidence of the parents and carers is of utmost importance and it is essential that the court forms a clear assessment of their credibility and reliability. The court is likely to place considerable reliability and weight on the evidence and impression it forms of them (see Gestamin SGPS SA v Credit Suisse (UK) Ltd v Anor [2013] EWHC 3560 (Comm) at [15] to [21] and Lancashire County Council v M and F [2014] EWHC 3 (Fam)).*
- vi) *As to the issue of lies, the court must always bear in mind that a witness may tell lies in the course of an investigation and the hearing. The court must be careful to bear in mind that a witness may lie for many reasons, such as shame, misplaced loyalty, panic, fear and distress. The fact that a witness has lied about some matters does not mean that he or she has lied about everything (R v Lucas [1982] QB 720).*
- vii) *With respect to the welfare decision that is before the court, in the proceedings under Part IV of the Children Act 1989 before making a final order the court must be satisfied that the threshold criteria set out in section 31(2) of the Children Act 1989 are made out and must have regard to the matters set out in section 1 of the 1989 Act, which matters include the stipulation that the child’s welfare is the court’s paramount consideration. In the proceedings under the inherent jurisdiction of the High Court, before making a final order the court*

must be satisfied that the order sought is in the child's best interests having regard to the child's welfare is the court's paramount consideration.

68. *Whilst, as I have noted, the fact that this case involves alleged risk of harm to a child consequent upon alleged risk of radicalisation, alleged extremist beliefs or alleged risk of removal to Syria does not change the foregoing fundamental legal principles, it is important in cases of this nature to further emphasise the following matters.*

69. *Suspicion is not enough. In these difficult and emotive cases, suspicion perhaps finds an easier foothold than in other cases concerning harm to children. In the context of cases of this type, in Re X & Y (No 3) [2015] EWHC 3651 (Fam) the President observed at [110] that "There are many matters on which I am suspicious, but suspicion is not enough, nor is surmise, speculation or assertion". This does not affect the standard of proof but rather recognises that, whatever the nature of the allegation, any findings of fact the court makes must be rooted in the totality of the empirical evidence before the court, and any inferences it is reasonable to draw therefrom.*

70. *Within this context, it is important to recognise that cases of this nature bring with them certain additional challenges when seeking to determine the issues before the court by means of considering the evidence in its totality. Specifically, and within the context of the history of certain members of the mother's family, PC Q was careful to make clear that whilst the police have provided disclosure in this case (say for certain material that was the subject of a successful public interest immunity application), she does not know whether further relevant information is held by other security agencies or whether other investigations may be continuing. In this regard, I bear in mind the cautionary words of Cobb J in Re C, D and E (Radicalisation: Fact Finding) [2016] EWHC 3087 (Fam) that the court must not guess, or infer what the evidence might be, or have been. Once again, the court must determine the case on the basis of the empirical evidence before it together with any inferences it is reasonable to draw therefrom.*

71. *With respect to allegations of extremism, risk of radicalisation or involvement with terrorism, before determining whether such allegations are made out to the requisite standard, it is important to be clear what is meant by these concepts. Terrorism has a statutory definition, set out in section 1 of the Terrorism Act 2000 as amended:*

"1 Terrorism: Interpretation.

(1) In this Act "terrorism means the use or threat of action where –

- (a) the action falls within subsection (2),*
- (b) the use or threat is designed to influence the government or an international governmental organisation or to intimidate the public or a section of the public, and*
- (c) the use or threat is made for the purpose of advancing a political, religious, racial or ideological cause.*

(2) *Action falls within this subsection if it --*

(a) involves serious violence against a person,

(b) involves serious damage to property,

(c) endangers a person's life, other than that of the person committing the action,

(d) creates a serious risk to the health or safety of the public or a section of the public, or

(e) is designed seriously to interfere with or seriously to disrupt an electronic system.

(3) The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1)(b) is satisfied.

(4) In this section –

(a) “action” includes action outside the United Kingdom,

(b) a reference to any person or to property is a reference to any person, or to property, wherever situated,

(c) a reference to the public includes a reference to the public of a country other than the United Kingdom, and

(d) “the government” means the government of the United Kingdom, of a Part of the United Kingdom or of a country other than the United Kingdom.

(5) In this Act a reference to action taken for the purposes of terrorism includes a reference to action taken for the benefit of a proscribed organisation.”

72. With respect to the concepts of “radicalisation” and “extremism”, the Revised ‘Prevent’ Duty Guidance for England and Wales: Guidance for Specified Authorities in England and Wales on the Duty in the Counter-Terrorism and Security Act 2015 defines ‘radicalisation’ as follows:

“‘Radicalisation’ refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.”

And ‘extremism’ as follows:

“... vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas.”

73. The Revised ‘Prevent’ Duty Guidance for England and Wales: Guidance for Specific Authorities in England and Wales on the Duty in the Counter-Terrorism and Security Act 2015 states as follows in respect of Islamist extremism:

“Islamist extremists regard Western intervention in Muslim-majority countries as a ‘war with Islam’, creating a narrative of ‘them’ and ‘us’. Their ideology includes the uncompromising belief that people cannot be both Muslim and British, and that Muslims living here should not participate in our democracy. Islamist extremists specifically attack the principles of civic participation and social cohesion. These extremists purport to identify grievances to which terrorist organisations then claim to have a solution.”

74. *In this context, it is also useful to consider the analysis (undertaken within the context of a plea of justification in a libel action) of Haddon-Cave J in the case of Begg v BBC [2016] EWHC 2688 (QB) at [117] to [128] of positions that may be considered “extremist Islamic positions” in the context of Islam and Islamic doctrinal positions. In that case, Haddon-Cave J drew the following conclusions (footnotes excluded):*

“[117] What is ‘extreme’ is, by definition, something which is not ‘moderate’. Thus, ‘extremist’ Islamic positions can be seen in contradistinction to ‘moderate’ or ‘mainstream’ Islamic positions. Dr Wilkinson usefully defines moderate Islam as essentially those ideas, doctrines and worldviews consensually agreed by Sunni and Shia Islamic Law Muslim scholars, mainstream Salafi scholars and Muslims, generally to constitute the essential doctrines, teachings and spirit of Islam, according to Qur’an and Sunna, applied in such a way as to be suitable for the context of contemporary Britain. I agree with this as a general working definition.

Extremist Islamic positions

[118] In my view, the following constitute “extremist” Islamic positions (or indicia thereof).

[119] First, a ‘Manichean’ view of the world. A total, eternal ‘Manichean’ worldview is a central tenet of violent Islamic extremism. It divides the world strictly into ‘Us’ versus ‘Them’: those who are blessed or saved (i.e. the “right kind” of Muslim) on the one hand and those who are to be damned for eternity (i.e. the “wrong kind” of Muslim and everyone else) on the other. For violent Islamic extremists, the “wrong kind” of Muslim includes moderate Sunni Muslims, all Shia Muslims, and many others who are “mete for the sword” and can be killed, and anyone who associates or “collaborates” with them. Violent Islamic extremists divide the world strictly into the Abode of Islam (Dar al-Islam), the Abode of Unbelief (Dar al-Kufr) and the Abode of War (Dar al-Harb). The ultimate agenda of violent Islamic extremists is the overthrow of all democratic states, including Muslim democratic states, and the creation of a global Caliphate or Islamic State and the imposition of a primitive, literalist interpretation of Sharia Law by force (as exemplified by e.g. “ISIS”). The clearest exposition of this ‘Manichean’ philosophy is to be found in Sayyid Qutb’s “Milestones” who called for a war against jahiliyyah (unbelief) (see further below).

[120] Second, the reduction of jihad (striving in God’s cause) to qital (armed combat) (‘the Lesser Jihad’). An interpretation of jihad that simply equiperates jihad with qital and ignores the numerous peaceable meanings of jihad (‘the Greater Jihad’) would a priori be extreme. Such an interpretation would give jihad an exclusively violent meaning which it does not have.

[121] *Third, the ignoring or flouting of the conditions for the declaration of armed jihad (qital) i.e. the established Islamic doctrinal conditions for the declaration of armed combat (qital) set out above. Thus, terrorist insurgency, 'leaderless' jihadist attacks by groups or individuals against civilians, or the waging of aggressive war against another country or people, cannot properly constitute lawful qital under Islamic doctrine. Accordingly, encouragement of such actions would, therefore, be classified as "extremist" Islamic positions.*

[122] *Fourth, the ignoring or flouting of the strict regulations governing the conduct of armed jihad i.e. the stipulations in the Qu'ran and the Sunna for the ethics of conducting qital set out above. Thus, the use of excessive violence, attacks on civilians, indiscriminate 'suicide' violence and the torture or the murder of prisoners would constitute a violation of these regulations of jihad and, therefore, be classified as "extremist" Islamic positions.*

[123] *Fifth, advocating armed fighting in defence of Islam (qital) is a universal individual religious obligation (fard al 'ayn). Qital has been adjudicated from early to classical to modern times by the vast majority of Islamic scholars as being a collective religious obligation (fard al-kifaya) unless one is directly under attack. Thus, encouraging young Muslim men or women to believe that it was their individual religious duty to go off and "fight in the name of Allah" would be an "extremist" Islamic position.*

[124] *Sixth, any interpretation of Shari'a (i.e. religious law laid down by the Qu'ran and the Sunna) that required breaking the law of the land. Under Shari'a, Muslims are required to obey the law of the land, unless that law of the land explicitly required them to break the Shari'a.*

[125] *Seventh, the classification of all non-Muslims as unbelievers (kuffar). Extremist Islamists cite irreconcilable differences between belief (iman) and unbelief (kufr) and classify as all non-Muslims as unbelievers (kuffar). In mainstream Islam, however, 'People of the Book' i.e. Christians and Jews, are not classed as kuffar.*

[126] *Eighth, the extreme Salafist Islamism doctrine that the precepts of the Muslim faith negate and supersede all other natural ties, such as those of family, kinship and nation. This is redolent of the extreme Salafist Islamist outlook which cites absolute, irreconcilable differences between belief (iman) and unbelief (kufr) (see Sayyid Qutb below).*

[127] *Ninth, the citing with approval the fatwa (legal opinions) of Islamic scholars who espouse extremist views (e.g. the Salafi-Wahabi scholar, Sheikh Abdul Aziz bin Baz) or referring with approbation to notorious violent, extremist, Islamic ideologues (e.g. Sayyid Qutb and Abdullah Azzam).*

[128] *Tenth, any teaching which, expressly or implicitly, encourages Muslims to engage in, or support, terrorism or violence in the name of Allah."*

75. Haddon-Cave J's analysis in Begg v BBC also records that Islam is a religion that forbids extremism and terrorism (see Begg v BBC at [129] to [131]).

76. *Within the foregoing context, once the court has determined its findings of fact it is also important to recall the reminder given by the President in Re A [2015] EWFC 11 at [12] that the conclusion argued for by the local authority must follow from the facts:*

“The second fundamentally important point is the need to link the facts relied upon by the local authority with its case on threshold, the need to demonstrate why, as the local authority asserts, facts A+B+C justify the conclusion that the child has suffered, or is at risk of suffering, significant harm of types X, Y or Z. Sometimes the linkage will be obvious, as where the facts proved establish physical harm. But the linkage may be very much less obvious where the allegation is only that the child is at risk of suffering emotional harm or, as in the present case, at risk of suffering neglect. In the present case, as we shall see, an important element of the local authority’s case was that the father “lacks honesty with professionals”, “minimises matters of importance” and “is immature and lacks insight of issues of importance”. May be. But how does this feed through into a conclusion that A is at risk of neglect? The conclusion does not follow naturally from the premise. The local authority’s evidence and submissions must set out the argument and explain explicitly why it is said that, in the particular case, the conclusion indeed follows from the facts.”

77. *Finally, whilst counsel very helpfully provided me with a number of other reported decisions dealing with cases of alleged radicalisation, I bear in mind the cautionary words of the President in Re X (Children); Re Y (Children) [2015] EWHC 2265 (Fam) that each case is decided on its own facts and that a comparison between the instant case on the facts and conclusions of another case is of limited value.”*

67. I have also been referred to the discussion of hearsay evidence in paragraphs [15] to [26] of a decision by Hayden J, namely *Westminster City Council v M and F and H [2017] EWHC 518 (Fam)*. I too accept that the court will always want to analyse the cogency and the weight of hearsay evidence. That analysis will depend upon matters such as the reliability of the hearsay evidence; the practicability of testing and assessing its reliability within the hearing; the material available which can help to test the hearsay evidence; the interests of justice in determining whether hearsay evidence should be admitted; the strength and weakness of the evidence overall; the importance of the hearsay evidence to the case as a whole; and fairness in the context of an overall appraisal of the case. Given the investigative and non-adversarial philosophy which guides the court’s approach to public law proceedings and the court’s obligation to regard the welfare of the child as its paramount consideration, the court will instinctively permit a broad range of evidence in order ultimately to weigh and assess its quality and worth in the context of the evidence as a whole [see Hayden J at paragraph 23].
68. Those observations are particularly apposite in a case such as this one where the local authority is heavily reliant upon evidence garnered during a police investigation. Calling the makers of statements or indeed the primary sources for some of the matters on which the local authority relies may be either practically impossible or undesirable for a variety of other reasons. Those factors do not, however, absolve the court from its duty to scrutinise all of the evidence carefully and to have at the forefront of its mind the considerations I have outlined with respect to hearsay evidence.

DISCUSSION

69. It will be obvious from the undisputed facts that the mother's behaviour falls to be assessed separately but nevertheless alongside that of the father. The father has played no role within these proceedings and I have not had the opportunity to assess his account in the same way that I have that of the mother who gave oral evidence to me at some length. On the basis of the evidence before me and taking into account his absence from the proceedings, I must nevertheless come to some view about the father's beliefs and actions as these may illuminate those of the mother.

The Father's Beliefs and Actions

70. The local authority submitted it was more likely than not that the father held extremist views which supported violent Jihad and the proscribed terrorist organisation ISIL. It was further submitted that he had accessed material which established his knowledge of the violence perpetrated by ISIL. Those contentions were not disputed by the mother.
71. Based on the analysis of a computer which belonged to the father and of which he was the only user, I find, from my perusal of a significant bundle of images and documents, that the father had accessed ISIL propaganda which featured dead bodies and ISIL-described "*martyrs*" and which glorified armed combat. The aim of that material was to encourage people to join ISIL. Numerous images found on the father's computer contained the ISIL flag. One of the images of the ISIL flag was a screen grab from an ISIL propaganda video and the father chose to use this image as his Skype picture. The father's computer also contained numerous images depicting fighters and weaponry and glorifying violence. The father had also visited sites for and had shared ISIL propaganda videos with his friend X, these depicting extreme acts of violence, including executions, and encouraging terrorism. One of the videos shared with X depicted ISIS insurgents executing Iraqi soldiers with graphic images of a male lying on the ground with devastating head wounds. Another video sent to X showed a picture of what appeared to be a male being beheaded by pro-ISIS supporters/fighters. The paternal grandmother had observed an image on the father's computer of Muslim men dressed in robes with a caption saying "*ISIS*". On seeing that image, the paternal grandmother had questioned the father about why he was looking at this material and he said to her that he needed to be well informed for when others questioned him about such images. The paternal grandmother did not believe what he had said to her and, after the father went missing, she contacted the police due to her concern that the father may have travelled to Syria.
72. It was beyond dispute that the father had a serious interest in online gaming and appeared to have devoted a great deal of time to this activity. He used Skype as a medium to contact other gamers, communicating by messaging them – almost a million of such messages were found on the father's computer. This was how he met X. There were regular conversations between the father and other on-line gamers via Skype messaging during which it was apparent that they were also playing online games together. However, the father developed a particular friendship with X and they used to Skype message on an almost daily basis – there were about 21,210 such messages found on the father's computer. The father and X also used to telephone each other on Skype. I have been greatly assisted by counsel with the analysis of all of this material and have been provided with a schedule of what were agreed by counsel to be potentially significant conversations.

73. Analysis of the messages between the father and other online gamers and between the father and X was illuminating. Whilst many of the conversations extracted for me to consider contained crudities, irrelevancies and a degree of braggadocio, those features only added in my view to the authentic quality of these exchanges. I decided that I could rely on this material as providing insights into the father's thinking and motivation for travelling to Syria. In what follows, I have identified the gamers – with the exception of X – by numbers rather than by their online names.
74. As early as 11 January 2014 the father told Gamer 1 that he had been helping to load a container bound for Syria with what he believed to be food and clothes. In response to some questions from Gamer 1, the father explained that he had grown a “low-key” beard because “*bruv dese feds will lock a man up for bein muslim ... bruv, real talk I know bare scholars dat got like 4-10 years for ‘conspiracy’ dats how der movin ... bruv ders a big ass war - mandem don’t know bout blud - tryna dead off da muslim ... tryna dead off da akhs*”. Akhs [plural] is a word derived from the Arabic word for brother which is “Akhi”.
75. On 2 July 2014 during a group conversation the father said “*im goin to Syria ... u gna see me on the front page... daily maily – media tlkin shit bout me*”. This information was conveyed in response to chat from Gamer 2 as follows “*I aint planning on getting old – I know I will – but I aint thinking about it – im just doing wtf i want - and i aint judging people either*”. Before the father stated his intention to go to Syria, Gamer 3 said “*yee ik that wot he mean ...live in the moment*”. Neither Gamer 2 nor 3 made any discernible response to what the father had said.
76. On 27 November 2014 during a group conversation about what they were doing to earn money, the father was asked by Gamer 4 what he was planning to do in the future. He replied: “*bruv I told u [offensive phrase omitted] - im tryna get over to Syria – so im just stakin paper for dat g*”.
77. On 26 December 2014 during a group conversation involving X and Gamer 5, the father said “*bruv im tryna go to Syria inshaAllah*”. Prior to this statement, the father had initiated a discussion about how much he felt understood by his online friends as so many of his other friends had disowned him because of his beliefs. He then asked if there were any Muslims participating in the conversation and Gamer 5 identified himself as a Muslim. The father then shared a YouTube video saying it was all about dawla [an Arabic word meaning dynasty or state] and “*they the ones on the truth*”. He told Gamer 5 to be careful to whom he showed this video as “*these dudes think we’re terrorists ... seriously – I know brothers over here – that have been locked up – u gotta be careful coz the kuffar – hate us*”. He then sent another YouTube clip and explained that he observed the pillars [that reference being to the five pillars of Islam which are the foundation of Muslim life], prayed, fasted, and gave to charity. This was immediately followed by his statement that he was going to Syria. In response to the father's statement that he was going to Syria, Gamer 5 said he would go to Palestine when he was 23 to which the father said: “*do it as soon as possible akhi ... get that reward of shaheed ... the longer we stay in this dunya ... the harder it will be.*” “*Shaheed*” is the word for a Muslim martyr and “*dunya*” is the word for this world and its earthly concerns.
78. On 30 December 2014 during a group conversation in which the father revealed that he had been asked to get married, he said “*i aint even bothered g I jus wna get*

married n fly out of ere ... u know what I wna do g ... SHAHEEEEEEEEEEEEEEEEEEEEEED”.

79. On 14 January 2015 the father was in conversation with X about his marriage. Later he told X that *“my sheikgs tellin me – bruv u go over there to the state – u roll around wiv wotever straps u want – NO ONE will say a thing”*. “Straps” is urban slang for a weapon hanging from a strap so this usually means a machine gun. X asked when he was going and the father replied *“have an ak on ur shoulder- coz its sunnah- to have weapon init ... once ive sorted out dis marriage ting ... n got a bit of money there”*. I understand the father to have been using the word “sunnah” in the sense that this was something approved of by the Muslim faith. Thereafter the father and X engaged in a lengthy discussion about the Muslim faith and eventually the father said this: *“fam – my sheikh was showin me vids of life over in the state – its not what u think fam – bruv – u can go over there – n still whip a merc – n a bmw – n live a calm life ... the fightings more on the borders now ... plus over there ... u will have more rights than over here – nobody will get away ... with injustice against u – even if ur a fighter”*. The father went on to say that *“in the eyes of allah the one that fights is waaaaaaaaaaaaaaaaay above the one who doesn’t”* and that the martyr – *“the shaheed”* - who dies fighting is in paradise with the prophets. His statement on that date that *“even if u die u win fam – coz u die – u meet allah – allahs rewards u with the best of rewards – fam u know the martyr – the Shaheed the one that dies fighting – hes in paradise – highest level – with the prophets”* could not be clearer about what he sought in Syria. Shortly before his departure the father messaged X stating *“ayo – im gone fam – ill try keep in contact”*.
80. I find that the conversations the father had with his online gaming friends were contemporaneous and confirmatory evidence of his interest in Syria and of his intention to travel there. It was also plain that his destination was the territory controlled by ISIL – I infer that the reference to *“the state”* is shorthand for *“Islamic State”*. I have also come to the conclusion from reading this material that it was the father’s intention to fight for ISIL when he went to Syria. The references to the death of a martyr and to running around with straps and *“an ak on your shoulder”* [presumably “ak” referring to an AK-47, a well-known type of machine gun] pointed towards armed conflict and possible martyrdom being his goal.
81. If the online conversations led me to those conclusions, there was a wealth of other material in support.
82. The analysis of the father’s online searches revealed that he undertook research whilst in the UK into ISIL; a group associated with British ISIL fighters; and other groups involved in combat in Syria. He also viewed and was keen to share propaganda encouraging terrorism.
83. A document was found on the father’s computer. DC G noted that this publication was not a prohibited article but that it did provide some evidence of a jihadist mindset. I have been able to view this material with the assistance of the police and have come to the following conclusions about this material. The document was written to inspire mujahiddeen [also referred to as resistance fighters] who are those taking an active part in jihad on behalf of the Prophet. Jihad is described as the most important religious duty of a Muslim. The document contains about 70 separate exhortations to inspire, guide and enlighten with each exhortation being described in more or less

detail as the case may be. The exhortations include: suffering, hardships, fasting, trust, resolve, loneliness, love, preparation, martyrs, purity and perseverance. It is, bluntly, a manual for an Islamist fighter and its crucial message is that “*the joy of life is in battle*” with no deviation from the chosen path.

84. It was also evident that father seems to have tried to prepare himself for military activity and was expecting to be involved in this on arrival in Syria. In conversation with X on 3 January 2015 he said he had been running holding a pull-up bar which is “*a bit lighter than a rifle but gives good experience duckin n shit wiv it*”. He also explained to X that “*fam – u know that a mujahid – his sleep – is the same as praying all night ... yea bruv he gets MAD rewards fam*”. About a week before the father left, the analysis of his computer showed that he had downloaded an image of several MP7 submachine guns and ammunition clips. In an email to the paternal grandfather, X stated that the father had spoken to him on the day he left and had said that when he first arrived he would be going through training and would not be in contact for about two months. I have thought carefully about whether I can rely on the information given by X given that he has not made a statement or been cross-examined. In this instance, I am able to rely on the contents of the email which was sent by X in circumstances where he was responding to the paternal family’s desperate request for information about the father. It was also consistent with information which he gave when interviewed by the police.
85. **[Redacted]** Other material was available that would appear to confirm the father’s involvement in fighting for ISIL whilst in Syria. Whilst I have approached this evidence with considerable caution, it contains information which I found to be accurate. **[Redacted]**.
86. Finally, the father’s computer showed that he had researched travel to Turkey prior to his departure with the mother. When travelling through Gatwick Airport, the father chose to wear clothes as if going on holiday and appears to have shaved his beard to avoid arousing suspicion.
87. All of the above satisfies me on the balance of probabilities that the local authority has made out its case with respect to the father, namely that he held extremist views supporting violent jihad and ISIL with a detailed knowledge of what that entailed. He also intended to travel to Syria before he left the UK in order that he might fight in support of ISIL.

The Mother: Preliminary Observations

88. The mother gave evidence to me during the course of one lengthy court day. At several points during the course of her evidence I urged the mother to give a truthful account of what had happened in the interests of her child who would one day want answers. I also indicated to the mother that this court had considerable sympathy for those who were able to accept that they had made terrible mistakes in their lives but who now wished to make a fresh start. I regret to say that the mother did not avail herself of the opportunity to give me a frank and honest account. Though at times and, especially when talking about her daughter, the mother was overcome with emotion, I found her evidence on almost every other matter– with the exception of her religious devotion - to be evasive and self-serving.

89. The mother is, and I accept, a very devout young woman whose Muslim faith is the cornerstone of her life. She dresses modestly though no longer wears a face veil outdoors as she used to do before leaving the UK. The mother explained that she had worn a face veil as an act of worship in order to be closer to God. She told me that her religion had become very important to her during her late teenage years and that, unlike other members of her family, she prayed five times a day. I formed the distinct impression that her devotion to her faith was in part a reaction to the more western way of life which had been adopted by her father. She told me that she still considered herself to be a devout Muslim.
90. The mother's own evidence highlighted a significant change in her ambitions and her behaviour a year or so prior to 2015. She confirmed that, when she was in high school, she had been a member of sports clubs and had gone out with her friends to the cinema and bowling. She had left school at 16 and had gone to college to study business administration, a course that she told me she thought she had completed. In 2013 she had worked in a clothing store and also as a receptionist. Her ambition had been to study but she found this difficult in the overcrowded environment of the maternal family home. In 2014 she told me that she volunteered to care for her paternal grandmother who was elderly and had some significant health problems. She would help her to wash and dress, to move around, would keep her company and would generally attend to her health needs and to her medical appointments. She claimed Carer's Allowance on account of her responsibilities towards her grandmother.
91. The mother's assumption of care for her paternal grandmother appears to have coincided with her increasing religious devotion. Her eldest sister first started wearing a veil outside the house and the mother followed suit. She also began to practice segregation within the family home, this being the separation of males and females whenever anyone outside the immediate family was present. I note that the mother would not be present in the same room as her brother-in-law, Z who was her elder sister's husband. He too practised segregation in the same way. The mother confirmed that she had no friends outside the family home at this time and that she had not been interested in maintaining the friendships she had made at school. The lack of contact outside the family home was, I find, part and parcel of the mother's adoption of strict behaviours/practices to demonstrate her faith.
92. I was struck by the mother's detached manner when speaking of her family. She told me that she respected her parents and that her father was a hard-working man who had done nothing to lose her respect. She accepted she had lied to him and deceived him about her marriage to the father but said this had not been her intention. During this part of her evidence I observed the mother to smile and I formed the impression that her respect for her parents was something she claimed rather than something to which she adhered in practice. Given her own account as to how her marriage came about, her behaviour towards her parents was profoundly disrespectful in both a cultural and religious context.
93. That behaviour also illuminated an aspect of the mother's character which struck me as significant. When her mind was made up, the mother was determined and resolute if not stubborn. Her adoption of clothing different to that habitually worn in the family home was but one aspect of this determined streak. That determination was

also allied to a demonstrable intelligence as evidenced by the contents of her Twitter account.

94. One of the many troubling aspect of this case was the mother's view about her future relationship with the father. They remained in a relationship throughout their time in Syria and were only separated by the father's arrest in Turkey. The mother told the child's Guardian at a meeting early in the proceedings that she did not regret meeting with the father and that he was a good person. She said she had forgiven him for his bad decisions and still loved him. In her first statement the mother said that "*at the moment*" she was not planning to live with the father should he return to this jurisdiction. To me, the mother said that the father deserved a chance to explain himself and that may be there was a reason for what he had done. She told me that the father had risked his life each day in Raqqa to provide for her. I detected no criticism at all of his behaviour but only the assertion that she alone had made a mistake.
95. At the conclusion of her evidence the mother told me in response to a question I asked her that the father had been passing on information to "*British Intelligence*" during the couple's time in Raqqa and that he had received money from "*British Intelligence*" as well as instructions on how to behave. This was wholly new information which had not been foreshadowed in any of the evidence before the court. Additionally, the mother told me that the father had been sent significant sums of money by the paternal grandfather during the latter part of their time in Raqqa and that they had used this money to pay people smugglers to get them out of Raqqa into territory which was not controlled by ISIL.
96. I invited the parties to address me as to the steps, if any, I should take to clarify these two matters. All were in agreement that no further enquiry was necessary for two main reasons. First, the enquiries made of the Secretary of State for the Home Department at an earlier stage in the proceedings were precisely drafted so as to capture the holding of information by the Secretary of State about both any intelligence activities by the father and the transfer of monies to the father by the intelligence services. Had any such information been held by the Secretary of State, it was more likely than not that (a) its disclosure into the proceedings would have been resisted and (b) this court would have needed to engage in a closed material procedure not dissimilar to that undertaken in care proceedings before Cobb J, reported as Re R (Closed Material Procedure: Special Advocates: Funding) [2017] EWHC 1793 (Fam). The Secretary of State confirmed that she held material about the father and this had been disclosed into the proceedings with both her consent and the consent of the Metropolitan Police.
97. Second, those who represented the mother had sought to obtain a statement from the paternal grandfather dealing with the transfer of funds to the father whilst the couple were in Syria. Enquiries of the paternal grandfather's legal representatives had met with resistance and the matter was not pursued. Even though this left the matter unresolved, all agreed that the focus of the fact-finding hearing was properly the circumstances of the parents' marriage, their travel to Syria, and the purpose and mindset of each parent in entering Syria. Whatever may have happened in Syria was secondary to those matters. I agree with that formulation. At this late stage of the hearing, adjournment to clarify issues which were of peripheral importance to the issues in this case would have been (a) productive of significant delay and (b) wholly disproportionate.

The Mother's Twitter Account

98. The mother accepted that the Twitter account identified as hers by X was an account which she set up and used from July 2014 to July 2015. I am satisfied that she did not admit this until she spoke to the social worker and to the [redacted] in late 2017. The activity on the account reflected the dates of the mother's travel – she tweeted the day before her departure, and then again shortly before her passage to Syria. The account was then inactive until some months later when the mother tweeted from Raqqa in Syria. I note that a screengrab from the account dated 16 January 2015 was found on the father's computer which read "*forever dreaming about the life that awaits us ... Bi'ithnillah.*" "*Bi'ithnillah*" means by the will of Allah.
99. Twitter is a medium for the expression of opinions to others and also to the world at large. I remind myself that I need to be careful in transposing expressions of opinion, even if those appear to be objectionable, into a motivation on the part of the mother to conduct herself in the way alleged by the local authority.
100. The mother told me that she used her Twitter feed to give her daily reminders about her religion and to see other posts relating to Islam. It was also clear that (a) the mother was politically engaged and interested in current affairs (following five news channels on her Twitter feed) and (b) she was patently angry at perceived injustice towards Muslims by "*the West*". I make it clear that individual tweets by the mother about news items such as prisoner experiences in Guantanamo Bay are not per se evidence of an extremist mindset. However, having listened to the mother give evidence to me about her Twitter account, I found her claims about the use of her account unconvincing.
101. The mother's home Twitter banner was a picture of a number of females several of whom were carrying the ISIL associated black flag with its white seal. She told me that she did not know where this picture came from but thought it was of Somali women because the picture looked like a hot country. She told me she had no idea that the flag being carried by some of these women was associated with ISIL. I observe that there was nothing in the mother's banner picture that would demarcate it as related to Somalia in any way whatsoever. Given her interest particularly about matters relating to Islam, I find it inconceivable that she would not have known this was the ISIL flag. I have concluded that the mother's explanation was a lie because she realised that her Twitter banner was the clearest evidence of her having an extremist mindset.
102. I am also satisfied the Twitter account demonstrated the mother's interest in ISIL and acknowledgement of ISIL's declared caliphate. First, the interest in ISIL was shown by the Twitter banner. Second, a tweet on 20 February 2015 said that "*IS fighters 'lure' Muslim women with nutella & kittens Lol*", the mother posting this comment allied to a news feed stating that "*supporters of the Islamic State in Syria and Iraq have taken to Twitter to mock claims the terrorist organisation is luring women into its fold using*" Nutella and kittens. On 25 January 2015 mother retweeted Moazzam Begg's tweet saying that it was "*no crime to belong to Islamic State, al-Quaida or IRA*" according to the Green Party leader, Natalie Bennett, who was reported to have told the BBC that people should be punished for what they do not for what they think. Taken together, both tweets showed an interest in ISIL and, with respect to the

Nutella tweet, mocked what ISIL itself said was a false story and, with respect to the Begg tweet, showed support for those belonging to extremist groups.

103. On 9 January 2015 the mother tweeted “*Muslim or non-Muslim the khilafah will rule over everyone*”. On 11 January 2015 the mother liked a tweet saying “... *The Shariah is coming to a place near you, very soon be ready for it*”. The same day she also liked a tweet saying “*Surely Allah has cursed the disbelievers and prepared for them a burning fire*”. The mother told me that she liked both of those tweets because she believed Islam was above freedom and democracy and would take over the whole world and the world would be subject to Sharia. She told me that this was the belief system of every Muslim – a tweet of hers on 18 January 2015 stated “*islam [sic] does not mean peace rather Islam means to submit*”. A tweet on 8 January 2015, the day after the Charlie Hebdo killings, stated in reply to @SkyNews “*put a leash on your mouths & actions. You can’t attack Muslims in all [angles] nd expect to get away with it. A Muslim will retaliate*”.
104. Mr Nuvoloni submitted that the mother’s belief that the Muslim faith should spread throughout the world was no more fundamentalist in nature than that of many Christians who sought to spread the Gospel. I disagree. What differentiated the mother’s tweets from non-violent proselytising was their content of submission to Islam, whether willingly or not. Her position struck me as supportive of the use of force in the name of Islam to achieve the khilafah or the Sharia rule in keeping with the extremist Islamic positions set out in Haddon-Cave J’s analysis in Begg v BBC [see above at paragraph 67 with particular reference to paragraphs 118, 119 and 128 of Begg v BBC].
105. The local authority pleaded further examples of tweets which it stated reflected an extremist mindset by the mother. The mother’s Twitter feed contained a number of tweets arising from the killing of those working for the Charlie Hebdo magazine. The mother submitted that some of these tweets expressed her feeling that the French government was responsible for protecting the people who wrote for the Charlie Hebdo magazine and that it should have warned and protected the writers about the dangers they faced. Analysis of the tweets themselves together with her oral evidence demonstrated the converse of what the mother invited me to find about her beliefs in relation to this incident.
106. The mother told me in her oral evidence that “*Charlie Hebdo was responsible*” for the deaths and did not place responsibility with those who carried out the killings. Her Twitter feed showed her liking a tweet on 17 January 2015 which stated “*Charlie Hebdo you will pay the Muslims are on their way. Shariah for France!! AllahuAkbar!!*” In the same vein the mother liked the news item on the 15 January 2015 “*Muslim Students Yell ‘Allahu Akbar’ During Moment of Silence for Charlie Hebdo*”. I asked her why she had liked that particular news item but her explanation that she did not see what the Muslim students were doing as being disrespectful to those who had died struck me as wholly unconvincing. She also liked a tweet stating “*the French government provoked this reaction from the muslims. You kuffar will never understand*”. I note that the mother’s response to the threshold document claimed that she did not understand that the term “*kuffar*” was derogatory but her liking for this particular tweet suggested to me that this was far from the case. Indeed, her own tweet on 18 January 2015 used the word “*kuffar*” in a derogatory way when it stated “*kuffar blind follow their political leaders trusting that what they stand for is*

correct". The use of the word "kuffar" or unbeliever to describe non-Muslims was once more suggestive of an extremist Islamic position [see paragraph 67 above and paragraph 125 of Begg v BBC].

107. The Twitter feed also showed evidence of a clear hostility to those the mother considered to be unworthy to be Muslim. She used the term "*coconut Muslim*" to describe those Muslims protesting against what the Charlie Hebdo killers had done. When asked why she had used that term, she was simply unable to explain why.
108. As well as words, the mother's Twitter feed displayed numerous pictures of lions and lionesses. She was asked about this by Miss Perry and explained that she just liked pictures of these animals. I was satisfied that the mother's answer was disingenuous and that the use by her of such images on her Twitter feed signalled a support for the values of ISIL. I rely on the report from Professor Silke and Dr Brown which highlighted the online use by supporters of ISIL of images of lions and lionesses, such images emphasising, for women, their modesty, piety and complimentarily with men.
109. The mother admitted tweeting four times on the same day when she was in Raqqa. Those tweets exhorted readers to "*remember your purpose, everything you do is for the pleasure of Allah and ask for sabr*" [*sabr*" means endurance/patience/fortitude] and "*when you ask Allah for what you want Ask Allah using your good deeds*". There was no suggestion in any of these tweets that the mother had arrived in Syria unexpectedly or against her will. Instead my analysis of this material suggested the mother sought to communicate submission to the will of Allah in return for his blessings.
110. The mother also had contact on 9 January and 13 January 2015 via Twitter with a person who was active in the Sisterhood associated with ALM. I observe that it was about this time that the mother and father were introduced.
111. Mr Nuvoloni drew my attention to one tweet by the mother on 9 January 2015 which read "*stop trying to radicalise me*". On the evidence before me, it was the first tweet made by the mother on that date. However, she tweeted multiple times later that day, many of her tweets being concerned with Islam. Two tweets stand out – one referring to the khalifah or caliphate ruling over Muslims and non-Muslims [see above] and one stating the following "*Thy [sic] say u miss those who giv der life for the deen [meaning creed] of Allah Azza Wajal! Wallahi every true Muslim understands dis. Salam 2 all the martyrs*". I note that on 9 January 2015 the two men responsible for the Charlie Hebdo killings were themselves shot by French police. The mother was asked about who the martyrs were and gave me a convoluted and unconvincing answer referring to seven different types of martyrdom. I have made reference to these additional tweets on 9 January 2015 to place in context the mother's tweet about radicalisation. Read in isolation, this tweet added nothing to the mother's case that she did not have an extremist mindset.
112. I remind myself that democratic societies permit - subject to very limited restrictions - the expression of views which many might find offensive and repugnant. I have borne this in mind when evaluating the significance of the mother's Twitter feed. Nevertheless, as with the father's unguarded Skype comments, I find that the mother's Twitter feed was evidence of her support for ISIL and her support for violence against those who ridicule the Prophet and those who are not Muslims. Her support for

Sharia law and belief in a universal caliphate was clear. Those ends would not be achieved by consensus but by force and conflict as the mother's tweets suggested. I am satisfied on the balance of probabilities that the mother, like the father, had an extremist mindset supportive of ISIL.

How the Mother and Father met

113. The mother's account of how she met the father was distinguished by its absence of detail even at the conclusion of her evidence to me. In her first statement dated 12 October 2017, the mother said she had met the father through a friend in late 2014. Her second statement dated 17 January 2018 was a little more forthcoming. She said that one day she read someone's comments on Twitter and liked what this person had posted on her Twitter page. This was in late 2014 but could have been early in 2015. She said that she exchanged telephone numbers with this person and became "*friends*" with her though they never met. She said that she spoke with this person a few times on the telephone and during one of their conversations the mother told her that she wished to get married. This person told the mother that she knew somebody who wished to marry as well and gave the mother the father's telephone number. The mother was unable to remember this person's name, her Twitter account name or any other details and said she had long lost contact with her.
114. In her oral evidence the mother claimed not to remember who it was who introduced her to the father. She had taken no steps to access her Twitter account so that she could see her private messages and claimed not to be able to access her email account so that she could access Twitter. There was no apparent trace of this person on the mother's Twitter feed.
115. By contrast, the father's Skype messages were more illuminating. On 10 January 2015 the father told X that he was planning to get married when his "*sheikh*" was back. This would probably be in the next month. On 14 January 2015 the father said that he had spoken to his "*sheikh*" about marriage and had also spoken to the brother in law of the woman he was intending to marry. The father described this man as a "*known brudda in the UK*" who made YouTube videos. The brother-in-law apparently wanted to speak to the father to make sure he was "*legit*" before the wali of the woman he was intending to marry spoke to the father. In this context, "*wali*" means an authorised agent of the bride able to conclude a marriage contract on her behalf. The father sent X a YouTube video of the brother-in-law and named him. The name was one of the names by which the mother's brother-in-law, Z, was known. The father also confirmed to X that his "*sheikh*" knew the mother's "*sheikh*". The Skype conversation on 29 December 2014 between the father and X suggested that the initial contact with the father for the purpose of arranging a marriage had been via Twitter.
116. The mother's failure to provide any detail of who introduced her to the father was a matter that I found concerning. It should have been a straightforward matter for the mother to explain in detail. The local authority submitted that either the mother was trying to protect someone with whom she was in touch on Twitter because she knew this person was a recruiter for young women to go to Syria or the mother's account was a fabrication and she was in fact introduced to the father via a mutual friend, most likely Z or her sister who was married to Z. I was told that the mother had retweeted from a person known to be a recruiter of young women who were willing to travel to Syria in support of ISIS.

117. I have come to the conclusion that the mother lied to me about how she met the father and that she did so because she knew that the truth about how they came to meet would be incriminating.

The Marriage

118. It was agreed that the marriage took place within a very short time of the mother and father being introduced. The local authority submitted to me that the speed with which the marriage took place was indicative of it being a marriage for a purpose, namely that of travel to Syria.
119. In her first statement the mother told me that she and the father had decided to marry because they loved each other and enjoyed each other's company. The father had met the maternal grandfather on one occasion but the maternal grandfather was unhappy about the mother marrying the father straightaway as he thought the father needed to be more settled and have his own apartment. The mother and father decided that they would marry without informing either of their families and had an Islamic wedding in March 2015. The mother's intention was to tell her parents that she had got married once she and the father had found a place to stay. After the wedding she had returned to live at her parents' home but at times she stayed for a few nights at friends' and relatives' homes.
120. In her second statement the mother described how she sent a text to the father and they got to know each other whilst talking on the telephone. Both were clear that they wished to get married. The mother asked the maternal grandfather to meet with the father but he kept putting this off because he was too busy. The mother then asked her elder sister to ask Z to speak with the father to sound him out about the seriousness of his intention to marry. Several days later the mother's elder sister said that Z had refused to speak with the father as he was busy with work. The mother then went back to the maternal grandfather and insisted that he spoke with the father and met him. The father came to the house and met with the maternal grandfather. During the course of that visit the father and the mother met briefly in the hallway. Following the meeting, the maternal grandfather told the mother that he did not rule the father out as a suitable match and he did not forbid her to talk with him but said that he wanted the father to have a job and a place of his own before the couple married. The mother claimed that the pressure of wanting to be with each other made the couple decide to marry without the consent of their parents and a marriage ceremony took place on 5 March 2015. The marriage was arranged by the father and took place in an ordinary looking house. The mother travelled to the wedding venue alone and when she arrived she was taken into a room on the ground floor separate from the room in which the father and the imam were. She answered questions from the imam by text, confirming her agreement to marry, and was then told that the marriage had taken place. She and the father left the property and walked for a while towards the train station following which the mother went back home. After the wedding, the mother and the father saw each other on a couple of occasions and continued to speak on the telephone each day.
121. In her oral evidence the mother confirmed that she took the decision to marry the father within about a week of her introduction to him. She maintained that he had met with her father. She confirmed that the marriage had taken place in secret and that she had gone alone to the venue for that purpose. She told me that she married because she did not want to continue conversing with a man she had feelings about if they

were not married as this would be a sin. She denied meeting the father face-to-face until after the marriage ceremony apart from glimpsing him in the hallway when he came to see the maternal grandfather.

122. I note that the mother told the social worker she met the father in January 2015 and said that they met in a park after being introduced by a friend. She said that the father's friends were present during the marriage ceremony but was unable to provide any details of who these people were.
123. The screengrab on the father's computer, which was taken from the mother's Twitter account dated 16 January 2015, was suggestive of the couple deciding to marry on or about that date.
124. There were discrepancies between the accounts given by the mother of couple's courtship and marriage and also discrepancies between her accounts and those she gave to others. I have already indicated that I preferred the maternal grandfather's account given to the police that he had never met the father. What was striking about the mother's account, in my view, was the speed with which the decision to marry had been taken – within about a week or so - at a time when this young couple barely knew each other. What was also hard to understand was why the mother, this devout and pious young woman, had married in defiance of her father's wishes; had done so in secret; and had gone alone to an unknown destination to do so with no idea of who or what might await her there. The impression given by the father's Skype messages was that this marriage was brokered in a business-like way by the mother's brother-in-law, Z, and the "sheikhs", one of whom had discussed "*the state*" with the father and appears to have encouraged his aim of travelling to Syria. The mother herself accepted that Z, as the most senior male in her family, was a suitable person to check out the father as a candidate for marriage.
125. The courtship, on any view, was not the romance portrayed by the mother in her written statements and her account to the social worker. The father's comment to X on 14 January 2015 that he was planning to go to Syria "*once ive sorted out dis marriage ting*" was in keeping with the marriage being a transaction linked to the father's intended travel to Syria. Finally, I was once more struck by the lack of detail about matters which one might have expected the mother to remember: for example, where the ceremony took place.
126. On balance, I have concluded that I have not been given an accurate account by the mother of the couple's courtship and marriage. As with how the couple were introduced, I find that the reason for the mother's lack of frankness was because she feared a truthful account would be incriminating.
127. Was this a marriage for a purpose as the local authority asserted? It is hard to avoid the conclusion that it was. The father wanted to marry and marriage was part and parcel of his plan to travel to Syria to fight for ISIL and live in the caliphate. The speed with which the marriage took place and the manner in which it was brokered with the aid of, amongst others, Z, a known supporter of extremist Islam, gave credence to the local authority's case. Leaving aside the deficiencies of her account to the court, there was no doubt that the mother herself was a willing participant in this hasty union. She shared the father's extremist mindset and I find she knew, on marrying the father, what his beliefs and plans for the immediate future were.

The Journey to Syria

128. The mother and father left this jurisdiction in 2015. The mother's first statement said that the trip was a honeymoon. The father had also apparently told the mother prior to leaving this jurisdiction that, if possible, he would like to provide aid to the Syrian people who had become refugees. The mother was adamant she had no inkling of his plan to travel to Syria. She maintained this account in her second lengthy statement.
129. The mother told me that it was only whilst the couple were on holiday that the father told her that he wanted to go to Syria to aid refugees and asked her to come with him. She explained that she went along with his plan as she was his wife and she felt unable to ask for guidance from her family because she had not told them where she was let alone that she was married. She told me that she believed and trusted the father and was adamant that she did not know of his intention to fight for ISIL.
130. It is no longer disputed by the mother that she left her family home with her head covered and wearing a face veil. She was no longer covered or wearing that veil when she arrived at Gatwick Airport the following day. CCTV images taken of the mother at the airport showed her with loose hair and wearing trousers and a top. She told me that she had packed western clothes as she was going on holiday.
131. The mother's clothing at the airport was, in my view a matter of significance. She was no longer wearing modest clothing which she told me had brought her closer to God. She was asked to explain why she had discarded such clothing in keeping with both her beliefs and her status as a married woman. She was simply unable to do so – the suggestion in her statement that this was because she was going on honeymoon was not something that she relied on in her oral evidence. Given that the father's intention in travelling to Syria was clear on the evidence before me, I infer that the mother must have been either persuaded to do so by the father or did so of her own accord. Why? Travelling in western style clothing was less likely to attract attention from security staff so that the couple could proceed unhindered to their destination. Given what I have learned about this young woman, I am satisfied that she would only have discarded her modest dress for a very good reason indeed, namely one allied to her faith and beliefs. Wearing western style dress would be justifiable if this was done in the service of a higher cause, namely travel to live in the caliphate and I find that this was the reason she travelled dressed as she did.
132. The story that the father was interested in delivering humanitarian aid to Syrian refugees does not bear close scrutiny. It was clear from his Skype messages and other sources that his aim was to live in the caliphate. Indeed as I have found, his aim was also to fight for ISIL. In her statements and oral evidence the mother did not question his alleged proposal nor provide any information about how two young people with little money and no affiliation with any aid organisation would provide aid. The lack of detail was telling. If the parents were travelling to Syria for benign reasons, the mother's failure to explain this at the first available opportunity when she was interviewed by the police was mystifying.
133. It struck me as implausible that the father would risk the outcome of such a carefully planned trip by telling the mother after their departure that this was no honeymoon but part of a plan to travel to Syria. If she were ignorant, this ran the risk that she would refuse or create serious problems for him. Either her absolute docility could be

assured or she already knew the ultimate destination of travel. I do not accept that, if she were ignorant of what was planned, the mother went along with the father because she was either a dutiful wife and/or felt herself to be compromised by the circumstances of their marriage. She accepted that, at the time of her departure, she knew ISIL was an extremely dangerous terrorist organisation operating in Syria and that it would be dangerous to be where ISIL was. In those circumstances, her decision to go along with the father's plan to travel towards Syria and known danger even out of duty made no sense whatsoever for this determined and intelligent young woman.

134. Finally, when X received the messages from the father that he had gone and would try to keep in touch, X responded “*no way fam*” and later “*May Allah guide you and your wife fam and forever watch over you my brother*”. Those messages were not in keeping with this trip being but a honeymoon as the mother suggested. Moreover, the reference to the mother hinted at this being a joint enterprise with both the mother and father knowing the ultimate destination.
135. Standing back, I reject the mother's account for the reasons I have explained. I find that the mother knew about the ultimate destination of travel before she left this jurisdiction.

Travel to Syria and Time in Syria

136. The events during this period were not matters of central importance relied on by the local authority. Apart from limited alternative sources of evidence, the mother was the only person who could speak to the experience of living in ISIL controlled territory. It is difficult for those who have not been through the experience themselves to imagine what it must have been like to do so. What follows were matters accepted by her in her evidence to me which might illuminate the events and beliefs which brought this couple to ISIL controlled territory.
137. The mother accepted that every step of the journey through Turkey was controlled by ISIL. Her own movements whilst the couple were in Mosul were circumscribed in that she was resident in a house with other women, some of whose husbands were fighting for ISIL. She did not leave this property at any time. She was moved by ISIL from Mosul to Raqqa by minibus and by people who did not appear to be armed. Once reunited with the father in Raqqa, the father was free to move around that city with a signed paper indicative of an acceptance by ISIL of the couple's presence in that city. On one occasion the mother was able to tweet on her Twitter account from an internet café. Essentially, the mother agreed that, from the moment she entered Syria, she was accommodated and transported from location to location by ISIL.
138. I conclude that the parents entered Syria and lived there with the assistance of ISIL. It is reasonable to infer that this required an element of planning and contact with ISIL in advance of arriving at the Syrian border and I observe that much about the mother's time in ISIL controlled territory remained wholly unclear. Her evidence about this developed during the course of the proceedings and during her oral evidence to me. For example, her account of the father working for “*British Intelligence*” came at the conclusion of her evidence in response to my question and had never been raised by her prior to that moment. I consider that I have not been told all that the mother knew about this period of time.

CONCLUSION

139. The local authority submitted that the mother had undergone a journey from sociable schoolgirl to a devout, pious and isolated young woman. On the evidence I heard, that narrative was plainly established. What required much more careful consideration was the journey to Syria in both literal and metaphorical senses. The mere fact that the mother travelled to Syria did not reverse the burden of proof which was for the local authority to shoulder. I have considered a wide canvas of evidence but, as the analysis above makes clear, I have reluctantly reached the conclusion that the local authority has made out its case on the balance of probabilities.
140. I make the findings set out in the annex to this judgment. These are based on the Schedule of Findings prepared by the local authority which I have amended in accordance with my analysis.
141. The threshold for the making of a public law order is satisfied in that the child was exposed to the risk of significant harm as a result of her parents having chosen to enter a known war zone and, therefore, having exposed her to dangerous and/or frightening conditions in Syria and Turkey. The mother accepted that the father had been radicalised and held Islamist extremist beliefs and that she had exposed her child to the risk of significant harm in both Syria and Turkey. Those concessions simply did not sufficiently encapsulate and express the nature and gravity of the risk to the child with whom I am concerned.
142. In her oral evidence, the mother did not consider that she was any risk to her child and was unable to explain what she had conceded or its impact on her child. Her limited insight was apparent from her approach to the organisation providing work in support of the Home Office Prevent Programme where her focus was on seeking help with her feelings of victimisation by the local authority instead of getting help to understand the grave errors of judgment she had made and the risk to which she had exposed her child.
143. At the conclusion of her evidence I did not detect any shift in the mother's views which I found very troubling indeed. Her evidence as a whole was inadequate and dishonest and she withheld information from the court just as she had done with the professionals working with her. The lack of clarity about the mother's relationship with the father is a matter which requires further assessment but, nevertheless, it pointed towards the child being at risk of significant harm in consequence of both that relationship and the mother's extremist beliefs. The mother's ongoing failure to provide a complete and honest account was, I find, indicative of a continuing desire to conceal her true belief system and her motivation for travelling to Syria.
144. I am satisfied that J was at risk of significant harm had protective measures not been taken on her arrival in the UK in that the following could not be sensibly ignored: (a) the risk that the mother would radicalise her daughter and inculcate an extremist mindset; (b) the risk that the mother would seek to remove J from this jurisdiction to an unsafe location in pursuit of her extremist ideology; and (c) the risk that the mother would behave in this jurisdiction in ways consistent with her extremist ideology.

145. Finally I am also satisfied that at the relevant date the mother did not and does not have any real insight into the risk of physical and emotional harm posed by the father to F. She is thus unable to act protectively towards J.
146. That is my decision.

SCHEDULE OF FINDINGS

A. Background: parents' relationship and actions

1. The following chronology is not in dispute:
 - a. The mother and father met in late 2014;
 - b. The mother and father undertook an Islamic marriage;
 - c. The mother and father travelled together from Gatwick in 2015;
 - d. The mother and father travelled to [redacted];
 - e. The mother and father travelled to Turkey;
 - f. From Turkey the mother and father entered Syria into territory controlled by ISIL;
 - g. The mother and father lived in territory controlled by ISIL, specifically Mosul and Raqqa;
 - h. The mother gave birth to J in Syria in 2016;
 - i. The mother and father entered Turkey and presented in early 2017; and
 - j. The mother and J were deported from Turkey to UK in 2017.

B. Father's extremist beliefs and actions

2. Based on analysis of a computer ascribed to the father and of which he was the only user, it is more likely than not that the father held extremist views which supported violent Jihad and the proscribed terrorist organization, ISIL and he accessed material which establishes his knowledge of the violence perpetrated by ISIL:
 - a. The father had accessed ISIL propaganda featuring dead bodies, martyrs, glorifying armed combat and encouraging people to join ISIL. Numerous images found on the father's computer contained the ISIL flag. The father chose to use as his Skype picture an image of the ISIL flag which was a screen grab from an ISIL propaganda video;
 - b. The father's computer contained numerous images depicting fighters, weaponry and glorifying violence;
 - c. The father visited sites for and shared ISIL propaganda videos with X which displayed extreme acts of violence, including executions, and which encouraged terrorism.
3. The paternal grandmother observed an image on the father's computer which was "*an image of Muslim men dressed in robes on the screen of his computer – the PC monitor. I also remember the image had "ISIS" on it*". She did not believe the father's explanation for looking at the material and she contacted the Police due to her concern that the father may have travelled to Syria.
4. The father formed an intention to travel to ISIL controlled territory in Syria whilst still in the UK:
 - a. He researched travel to Turkey prior to parents' departure;
 - b. In the course of Skype conversations the father confirmed his intention:
 - i. On 14th January 2015 at 18.05 – "... *my sheikgs (sic) tellin me/bruv u go over there to the state/u roll around wiv whatever straps [guns] u want/NO ONE will say a thing/bruv – **response from X: So when you going fam – hav a ak on ur shoulder/coz its sunnah/to have a weapon init – **response from X: Yeah its calm – fam/once ive sort dis marriage ting ...*****"; and
 - ii. At 18.55 – "*even even if u die u win fam/coz u die/u meet allah/allahs rewards u with the best of rewards/fam u know the martyr/the shaheed the one that dies fighting/hes in paradise/highest level/with the prophets*";
 - c. Shortly before departure the father wrote messages to X stating – "*ayo/im gone fam/ill try keep in contact*".
5. The father's intention in travelling to Syria was to fight for ISIL and to engage in terrorism related activity:
 - a. He undertook research, whilst in the UK, into ISIL and a group associated with British ISIL fighters (namely, [redacted]) along with other groups involved in combat in Syria;
 - b. He viewed and shared propaganda encouraging terrorism;
 - c. A document called [redacted] was found on the father's computer. This is a piece of inspirational jihadist propaganda;
 - d. In a conversation with X commencing at 18.46 on 3rd January 2015 the father noted:

- i. He had been running holding a pull up bar which is “*a bit lighter than a rifle/but gives good experience/duckin n shit wiv it*”;
 - ii. “*fam/u know that a mujahid/his sleep/is the same as u praying all night (Really) yea bruv he gets MAD rewards fam*”.
- e. When travelling through Gatwick Airport, photographic evidence showed that the father chose to wear clothes as if going on holiday and appeared to have shaved his beard in order to avoid arousing suspicion;
- f. X reported, in an email to the paternal grandfather, that “*the last I spoke to [the father], was the day he left, he told me that he’d keep in contact when he could and that he’d be going through training when he first arrived he’d have to undergo training, and he wouldn’t be able to contact me for about 2 months*”;
- g. [Redacted] Other evidence indicating active involvement in fighting for ISIL whilst in Syria;
- h. And the father has been charged in another jurisdiction in relation to terrorism offences.

C. The mother’s Twitter account

6. The Twitter account belongs to the mother:
 - a. It was identified as her account by X;
 - b. The activity on the account reflected the dates of the mother’s travel:
 - i. The day before the mother’s departure;
 - ii. Shortly before the mother’s passage to Syria;
 - iii. There was a period of inactivity following her passage to Syria; and
 - iv. The activity on the account in mid 2015 coincided with the approximate time when the mother and father arrived in Raqqa;
 - c. A screen grab from the account was found on the father’s computer.
7. The Twitter account demonstrated:
 - a. Support for ISIL: the home Twitter banner was a picture of a number of females several of whom are carrying the ISIL associated black flag with white seal;
 - b. An interest in ISIL: 20th February 2015: “*IS fighters “lure” muslim women with nutella & kittens Lol*”; retweet of Moazzam Begg “*No crime to belong to Islamic State, al-Qaida or IRA, says Green party leader*”;
 - c. Acknowledgement of ISIL’s declared caliphate: 9th January 2015: “*Muslim or non muslim the khilafah will rule over everyone*”;
 - d. Reflected an extremist mindset: reference to the kuffar (18th January 2015; 21st January 2015); Charlie Hebdo (retweet of a Channel 4 story regarding Charlie Hebdo protests; 18th January 2015 and liking a tweet stating “*Charlie Hebdo you will pay the Muslims are on their way. Shariah for France!!...*”) and the oppression of Muslims (17th January 2015; 18th January 2015); and
 - e. Contact via Twitter with someone active in the Sisterhood associated with ALM (9th January 2015; 13th January 2015).

D. The mother’s motivation for travelling to Syria

8. The mother shares the same extremist ideology as the father which is supportive of ISIL:

- a. The mother was notably pious and devout in her observance of her faith and wore modest clothing, covering her face with a veil when she left the family home;
 - b. The mother married the father – having formed an intention to marry in around January 2015 within about a week of being introduced to the father – and chose to travel jointly with him to Syria;
 - c. The mother maintained her relationship with the father throughout their time in Syria;
 - d. It was inherently improbable that the mother was unaware of the father’s ideology and activities and interests prior to their departure to join Islamic State;
 - e. In the alternative, her subsequent actions were consistent with her, in any event, sharing the same ideology and, in particular, taking no avoidant action to separate herself from the father;
 - f. As a consequence of their shared ideology, the mother did not accept that the father’s behaviour or ideology were of concern or would pose a risk of harm. There remains a significant risk that she would seek to resume her relationship with him if the opportunity arose.
9. The mother – who was conversant in newsworthy matters including Charlie Hebdo and the declaration of the caliphate – was aware of the nature of the group (ISIL) she and the father intended to join given that their activities had been widely reported.
10. The mother travelled with the father with the intention of reaching ISIL controlled territory in Syria:
- a. The mother’s tweet found on the father’s computer as a screen grab image reads “*forever dreaming about the life that awaits us ... Bi’ithnillah*”;
 - b. On receiving the message “*im gone fam*” and “*ill try to keep in contact*” from the father shortly before his departure, X responded “*no way fam*” and later “*May allah guide you and your wife fam, and forever watch over you my brother*”;
 - c. The mother altered her usual clothing when travelling through Gatwick Airport specifically choosing not to wear a headscarf or veil in order to avoid arousing suspicion;
 - d. The tweets sent by the mother from Raqqa did not suggest that the mother had arrived in Syria unexpectedly or against her will.
11. The mother shares an extremist ideology supportive of ISIL with her brother-in-law, Z (who was known to, and met, the father) and who had a known link to ALM.

E. The mother’s account to the Court

12. The mother’s initial account, as provided in her statement dated 12th October 2017, was not an honest or complete account of the period between 2013 and 2017:
- a. The mother’s account which denied adherence to extremist views or support of ISIL was a lie;
 - b. The mother intentionally withheld the name of the “*friend*” who had introduced her to the father;
 - c. Contrary to the mother’s statement, her brother-in-law, Z appears to have known, or met, the father at the early stage of the parents’ relationship and seems to have brokered the marriage

- d. The mother's account of the father's motivation for travelling to Syria was a lie and one that the father had never put forward;
- e. The mother's actions prior to her departure were inconsistent with those of a person believing they were merely travelling to the country for benign reasons;
- f. It was inherently improbable that the mother and father could enter ISIL controlled territory and assimilate themselves in the way that they did without being able to satisfy others of their shared values and aims;
- g. In light of the above, it was more likely than not that the mother herself was motivated to travel to Syria to pursue and satisfy her own extremist ideology and that the narrative she constructed upon her return was a false one with the intent of hiding both her own and her husband's true beliefs and motivation;

F. Conclusions

13. The mother and father knowingly entered a warzone and lived in areas where the mother accepted she could hear fighting. The parents exposed their daughter to the risk of significant harm both in Syria and in the conditions in the Turkish detention camp where they were held having left Syria.
14. In light of the mother's extremist ideology – which the mother continues to deny – her daughter was at risk of future significant harm had protective measures not been taken on her arrival in the UK in that the following could not sensibly be ignored:
 - a. The risk that the mother would radicalise her daughter and inculcate an extremist ideology;
 - b. The risk that the mother would seek to remove the child from the jurisdiction to an unsafe location in pursuit of her extremist ideology; and
 - c. The risk that the mother would behave in this jurisdiction in ways consistent with her extremist ideology.
15. Furthermore, the mother does not – and did not at the relevant date – have any real insight into the risk of significant physical and emotional harm the father poses to the child and, in consequence, is unable to act protectively.