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Neutral Citation Number: [2021] EWHC 280 (Fam)

**IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION**

IN THE MATTER OF THE SENIOR COURTS ACT 1981

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 12/02/2021

**Before:
Mr Justice Poole**

**Re: J, K, AND L (Children) (TRANSNATIONAL
ABANDONMENT)**

Ms Katy Chokowry (instructed by Dawson Cornwell Solicitors) for the Applicant Mother
Mr Amiot Vollenwieder (instructed by Duncan Lewis Solicitors) for the Respondent Father

Hearing date: 25 to 29 January 2021

Approved Judgment

Covid-19 Protocol: This judgment will be handed down remotely by circulation to the parties' representatives by email and by placing it on BAILII. The date and time for hand-down is deemed to be at 10.30 am on 12 February 2021.

Introduction

1. This case involves allegations of domestic abuse, controlling behaviour and transnational abandonment. The applicant is the mother and the respondent the father of three children: J, a girl aged 8 years 7 months, K, a boy aged 4 years 11 months, and L a boy aged 3 years 11 months. The mother and father both originate from Pakistan but the father is British, as are the children. Having lived as a family in England since May 2015, the parents and children travelled to Pakistan in March 2019. The father returned to England a month later and the mother claims that he took the family's passports with him, leaving them stranded in Pakistan. The mother alleges that the father's abandonment of the family was part of his controlling behaviour over the course of the marriage, which involved the use by him of physical violence against both the mother and their daughter, J, which had come to the attention of J's school, social services, and the police. The mother managed to obtain documentation to allow her to return to England, without the children, on 10 March 2020. She says that the father promptly went to Pakistan promising her he would bring back the children but he did not do so. She applied to the High Court for the children to be made wards of court. Following hearings before Mr Harrison QC, sitting as a Deputy High Court Judge, an order was made for the children's return and they were returned to England on 30 September 2020. Since their return, the children have lived with the mother in a series of refuges. The father has indirect contact with the children only.
2. In September 2020 Mr Harrison QC received written evidence and began to hear oral evidence from the mother in relation to the parties' respective allegations, but due to a combination of a family tragedy in Pakistan involving the fatality of a cousin of the children, and the father's then barrister becoming ill, the hearing of oral evidence was abandoned. Mr Harrison QC gave directions for a finding of fact hearing prior to determination of child arrangements. The father disputes the mother's allegations of domestic violence and abandonment in Pakistan. He contends that the mother has been controlling and violent towards him and the children during the relationship, that she agreed to relocate permanently to Pakistan in 2019, only to change her mind, and that her allegations against him are vengeful fabrications. A Composite Schedule of Allegations with responses is appended to this judgment. There are eighteen allegations comprising both specific incidents and more generalised conduct. I understand the reservations about the effectiveness and suitability of Scott Schedules in particular in cases where the allegation is of a pattern of coercive or controlling behaviour, recently expressed by Hayden J in *F v M* [2021] EWFC 4.
3. Shortly prior to the finding of fact hearing before me, the father chose not to dispute the children's habitual residence in England and Wales, or the court's jurisdiction to make child arrangement orders. He also accepts that the children should live with the mother. The question of what, if any, time the children should spend with the father remains in issue. Mr Harrison QC did make interim determinations on the basis of the written evidence he had received, on the basis of which he ordered the children's return. In doing so, he recorded certain findings in relation to the question of abandonment, but at the outset of the hearing before me, I indicated that I would not regard myself as bound by those findings. Mr Harrison QC expressly stated that they were interim findings, he disregarded the oral evidence he had heard, which did not include any oral evidence from the father, and he gave directions for the parties to serve amended Scott Schedules of allegations and responses, ordering a five day hearing to determine those allegations. The

hearing before me was a fresh hearing before a different judge, not a resumed, part heard finding of fact hearing. It would not be incompatible with Mr Harrison QC's judgment for me to come to different findings.

4. This hearing was held remotely on the MS Teams platform. One working day prior to this hearing the father applied for permission to rely on a further witness statement from himself, and evidence from five witnesses, none of whom had previously provided statements. Mr Vollenweider sought to explain the lateness of the application by reference to difficulties caused by the pandemic, reliance on counsel to advise, and other practical difficulties, but those explanations did not fully excuse the delay. Nevertheless, I allowed the father to rely on his own further statement, and those of three of the witnesses. I said that I would explain my reasons in this judgment.
5. The father's further, short statement included corrections to his previous evidence, exhibited documentation which the mother's representatives had previously seen, and commented on what another adult had told him that J had said on leaving Pakistan in September 2020, namely that she did not want to return to England. That evidence about J's wishes and feelings was given in response to a report written by Ms Ashton, the children's court-appointed guardian, dated 6 January 2021. Ms Ashton interviewed the children and J told her of her unhappiness about her time in Pakistan, making specific allegations of mistreatment of her and her brothers by the father and his family. I indicated to Mr Vollenweider that if I allowed the father to give evidence as to J's views about life in Pakistan with her father, I would have to have regard to Ms Ashton's evidence about the same matter. He did not object to that and, applying the overriding objective, I allowed the father to rely on this further statement notwithstanding its lateness.
6. I observed to Mr Vollenweider that two of the other witness statements were of very limited evidential value and he did not press for their admission. The three remaining statements were from RB, a friend of the mother, MI, the father's brother, and RA, a cousin of both parties. All three statements were unsigned, undated, and in English even though none of the witnesses speak or write English. On the morning of the second day of the hearing I was provided with a witness statement from the father's solicitor, who speaks Urdu and English, explaining that they had spoken to these three witnesses in Urdu but had prepared their statements in English. An interpreter was then engaged to interpret the statements to the witnesses who had confirmed and signed the English language statements. I was then provided with statements from the three witnesses in Urdu, apparently signed by them, statements of truth in English signed by the witnesses but not signed by the interpreter, and separate declarations signed by the interpreter but not the witnesses. The interpreter's declarations confirm that "this document has been interpreted to the "above-named". Accordingly, there were no English translations of the statements certified as being accurate translations of the witnesses' Urdu statements. In fact, the statements in English came first.
7. The procedure adopted for taking statements from witnesses who do not speak or read English, was not only unnecessarily complicated, it was not in accordance with the guidance set out by Peter Jackson J in *NN v ZZ and ors* [2013] EWHC 2261, in which he said that a statement by a non-English-speaking witness must be prepared in the witness' own language before being translated into English. This, he said was implicit in FPR PD22A, para 8.2, which provides that

Where the affidavit/statement is in a foreign language –

- (a) the party wishing to rely on it must –
 - (i) have it translated; and
 - (ii) must file the foreign language affidavit/statement with the court; and
- (b) the translator must sign the translation to certify that it is accurate.

8. At the end of day two of the hearing I received a statement from Mr Nadeem, who acted as an interpreter for the father during the hearing, confirming that the statements in Urdu were accurate translations of the statements in English. Although the requirement is that the translation should be into English, not from English, I allowed the father to rely on these three witnesses and to call the witnesses to give evidence. I did so well aware of the difficulties caused to the mother by late admission of these statements. She herself has little to no understanding of the English language, she currently lives in a refuge, her solicitor had Covid-19 at the time of the hearing, and all instructions had to be taken from her remotely. In fact, the mother’s Counsel, Ms Chokowry very pragmatically accepted that she had sufficient time to take instructions on the further evidence and that she was in a position to question the witnesses accordingly. I note in passing that the mother’s own witness statements appear to have been taken in a similar fashion to that described above. I was mindful that the court should be wary about excluding relevant evidence, even if served late, if the prejudice caused to the other party can be overcome and no delay will be caused. The failure to follow the practice direction and the guidance of Peter Jackson J is not fatal to the admission of the evidence. I was satisfied, applying the overriding objective, that I should allow the father to rely on these three additional witness statements. However, it is important that parties adopt the procedure set out in *NN v ZZ and ors* whenever a statement is taken from a non English speaking witness.
9. Another evidential issue arose which I shall address at the outset of this judgment. In or about July 2018 the father installed what he calls “a spy camera” in the living room of the family home. The camera recorded continuously. The father says that he would intermittently save some of recorded film on his mobile phone. He has produced a number of transcripts of these films, written out in Urdu and translated into English. These are within the supplemental bundle which also includes translations of text exchanges and audio recordings. On 18 September 2020 Mr Harrison QC gave specific directions about this bundle, including that it should include the original messages, videos and audio files that relate to the written material the father had produced. That had not been done by the start of this hearing and was done only by the end of the fourth day. When cross-examined about the transcripts, the mother said that she could not understand either the English translation or the Urdu transcription, because she does not read either language. The language in which she had spoken when recorded was not Urdu. Counsel informed me that this difficulty had been raised before Mr Harrison QC in September 2020. I also note that some of the translations appear a little strained or unnatural. Further, there are frequent mis-spellings in the translations and whole passages which are very difficult to make sense of, for example page 91 of the supplemental bundle that purports to be a translation of a voice note left by the mother, including “... you are going to marry

in unashamed people. Going in the group of unashamed ...” The father himself disputed the accuracy of extracts from the translations on a number of occasions during his evidence. The supplemental bundle was the father’s documentation, and the manner of its presentation to the court was unsatisfactory and unhelpful.

The Law

10. Ms Chokowry directed my attention to a very helpful summary of the law governing findings of fact hearings, by Gwynneth Knowles J in *Re C (Female Genital Mutilation and Forced Marriage: Fact Finding)* [2019] EWHC 3449 (Fam)

Burden and Standard of Proof

There is only one standard of proof in these proceedings, namely the simple balance of probabilities. The burden of proof is on the party who makes the allegations; it is not reversible and it is not for the other parties to establish that the allegations are not made out. As Mostyn J said in paragraph 8(vi) of *Lancashire v R* [2013] EWHC 3064 (Fam), there is no pseudo-burden upon a parent to come up with alternative explanations.

Having heard all the evidence, it is open to the court to conclude that the evidence leaves it unsure whether it is more probable than not that the event occurred and accordingly, that party who has the burden of proving that event has occurred has failed to discharge the burden. [see *The Popi M, Rhesa Shipping Co SA v Edmunds, Rhesa Shipping Co SA v Fenton Insurance Co Ltd* [1985] 1 WLR 948].

The inherent probability or improbability of an event remains a matter to be taken account of when weighing the probabilities and deciding whether, on balance, the event occurred: "... common sense, not law, requires that in deciding this question regard should be had to whatever extent appropriate to inherent probabilities" [dicta of Lord Hoffman in paragraph 15 of *Re B* [2008] UKHL 35]. Having regard to inherent probabilities does not mean that where a serious allegation is in issue, the standard of proof required is higher. The inherent probabilities are to be taken account of, where relevant, in deciding where the truth lies...

Findings of fact must be based on evidence and not on speculation. As Munby LJ (as he then was) observed in paragraph 26 of *Re A (Fact Finding: Disputed Findings)* [2011] EWCA Civ 12, "it is an elementary proposition that findings of fact must be based on evidence, including inferences that can be properly drawn from evidence and not suspicion or speculation". The failure to find a fact proved on the balance of probabilities does not equate, without more, to a finding that

the allegation is false. It also follows that, if the evidence in respect of a particular finding is equivocal, then the court cannot make such a finding on the balance of probabilities as neither the burden nor the standard of proof has been discharged. The court's decision on whether the facts in issue have been proved to the requisite standard must be based on all the available evidence and should have regard to the wide context of social, emotional, ethical and moral factors [see *A County Council v A Mother, A Father and X, Y and Z* [2005] EWHC 31 (Fam)].

The court must not evaluate and assess the available evidence in separate compartments. Rather, regard must be had to the relevance of each piece of evidence to other evidence and to exercise an overview of the totality of the evidence in order to conclude whether the case put forward has been made out on the balance of probabilities [*Re T* [2004] 2 FLR 838 at [33]]. A failure to look at "the whole picture" was criticised by the Court of Appeal in *Re A (Children)* [2018] EWCA Civ 1718 [see paragraphs 58-61].

Lies

It is common for witnesses in these cases to tell lies in the course of the investigation and the hearing. The court must be careful to bear in mind at all times 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* [1981] QB 720]. It is important to note that, in line with the principles outlined in *R v Lucas*, it is essential that the court weighs any lies told by a person against any evidence that points away from them having been responsible for harm to a child [*H v City and Council of Swansea and Others* [2011] EWCA Civ 195].

The family court should also take care to ensure that it does not rely upon the conclusion that an individual has lied on a material issue as direct proof of guilt but should rather adopt the approach of the criminal court, namely that a lie is capable of amounting to corroboration if it is (a) deliberate, (b) relates to a material issue, and (c) is motivated by a realisation of guilt and a fear of the truth [*H-C (Children)* [2016] EWCA Civ 136 at paragraphs 97-100].

11. Similar guidance can be found in *Re BR (Proof of Facts)* [2015] EWFC 41 per Peter Jackson J, and *Devon County Council v EB and ors* [2014] EWHC 968 (Fam) per Baker J.

12. In *Re A (Children)* [2019] EWCA Civ 74, Moylan LJ explained the concept of transnational marriage abandonment as follows:

70. “Transnational Marriage Abandonment”:

The expression “transnational marriage abandonment” appears in Practice Direction 12J of the Family Proceedings Rules 2010 which deals with “Domestic Abuse and Harm”. It states:

“3. For the purposes of this Practice Direction -

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

“abandonment” refers to the practice whereby a husband, in England and Wales, deliberately abandons or “strands” his foreign national wife abroad, usually without financial resources, in order to prevent her from asserting matrimonial and/or residence rights in England and Wales. It may involve children who are either abandoned with, or separated from, their mother”.

It is clear from the Practice Direction that the words abandonment and stranding are not terms of art and that they are not intended to be applied in a formulaic manner. This is because there are a number of ways in which a spouse might be said to have been abandoned or stranded abroad or in which the other spouse might have sought to achieve this. I would agree with Mr Gration when he submitted that cases can include many differing elements which militates against their being placed in distinct categories.

71. The core feature of the concept of stranding or abandonment is the exploitation or the attempted exploitation by one spouse of the other’s vulnerability or weakness to seek to ensure that they are not able to come to or return to the UK. As Peter Jackson J (as he then was) said in *ZM v AM* [2014] EWHC 2110 (Fam), at [1], it can be the “opportunity” the secure immigration status of one spouse and the insecure immigration status of the other gives “the former to exploit the latter’s weakness”. However, as PD12J makes clear, it is based more generally on “controlling, coercive or threatening behaviour, violence or abuse”.

...

78. ... stranding is a broad concept and can include any action taken by a spouse which puts obstacles in the way of the other spouse being able to return to the UK. In some respects, it matters not whether the attempt is successful or not. Even if not successful it could still support a conclusion of controlling or coercive behaviour as referred to in PD 12J.

13. It is useful to have regard to certain other definitions within PD 12J:

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

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

Background

14. The father is aged 42, the mother is 28. They are second cousins and their wider families live in the same village in the north of Pakistan. The mother left school in Pakistan with no formal qualifications. The father moved to England more than 15 years ago and became a UK national. He worked in Leeds as a mini cab driver. Later he owned and operated a grocery store. They had an arranged marriage, becoming married in Pakistan on 9 September 2011. This was the father’s second marriage and the mother’s first. How the arrangement came about is disputed but not relevant to the issues I have to determine. In the early years of the marriage the mother remained in Pakistan and the father lived mostly in England. J was born in Pakistan in June 2012. Immigration applications on behalf of the mother were initially unsuccessful. For about three years after J’s birth she lived with her mother in Pakistan, and the father lived and worked in England visiting Pakistan once a year for at least a month each time.
15. On 26 May 2015, following a successful immigration appeal, the mother was able to travel to England to join the father at the house he had acquired in Leeds. Her father also lived in England and, after a heart attack in 2016, he came to live with the parties for a time. K was born in February 2016, and L in February 2017.
16. Social services and the police became involved with the family at various times. Specifically:
- a. J’s primary school made a referral to social care in November 2016 after J reported that “daddy hit mummy across the face.” During the referral it was also

documented that in October 2016 J had said that her father had slapped her across the face. The father was spoken to, the mother was provided with advice regarding domestic abuse, and the case was closed.

- b. On 15 June 2017, J's primary school made a further referral to social care after J disclosed that her father had hit her mother and put his fingers to the mother's throat. When contacted, the mother reported that the father had hit her on the head with his hands on 13 June 2017 and that two weeks earlier he had grabbed her by the throat and pressed down hard enough to leave bruises. She stated that she had been threatened by the father before and that the father had said that if she told anyone, he would keep the children and she would have nothing. On further inquiry the mother backtracked. A Child and Family Assessment was completed. It was recommended that the children become subject to a Child in Need Plan but the parents were not willing to engage with that. The mother agreed to work with the local children's centre and J said that she was happy living at home. Again, the case was closed.
 - c. On 28 June 2018 the mother made a 999 call to the police to come to the family home. She reported that during an argument the father had punched her to the right side of her head causing a small lump to appear. The father was arrested but no further action was taken. A further referral was made to social services. Both parties played down the incident when spoken to by social services.
17. On 13 March 2019, the family travelled to Pakistan. On or about 17 April 2019 the father travelled back to England alone. On 29 April 2019 the mother says that she contacted the children's school in Leeds to seek assistance for her to return to England with the children. The school contacted the police and the father confirms that the police contacted him saying that they had received an allegation that he had retained the children's passports, which he denied. The father sold the family house later that year and visited the family in Pakistan from 7 November to 12 December 2019 before returning to England. The mother obtained travel documentation and flew to England alone on 10 March 2020. The father travelled to Pakistan on 15 March 2020 and remained there until 7 July 2020. Meanwhile, the mother instructed solicitors and issued wardship proceedings on 2 June 2020. As noted above the father was ordered to facilitate the return of the children and they did return to England on 30 September 2020, since when they have been living with their mother in refuge accommodation.

The Evidence

18. Both parties gave evidence at this remote hearing through Urdu interpreters, for whose services I am grateful. The mother gave her evidence in a matter of fact manner. I did not find her to be evasive and she did not embroider her evidence. She had a good recall of dates and of the incidents, which are addressed in the Scott Schedule. Her demeanour was consistent with evidence in the case that she is not easily cowed and is able to speak up for herself. However, it was also noticeable that the mother readily made certain concessions during cross-examination. She did not stubbornly adhere to a fixed, simplistic characterisation of her relationship with the father. For example, she conceded immediately that she had threatened to post material about the father on social media

when he had wanted to leave for Pakistan in January 2019. She told the court that the father had run up debt from his shop business and had said he would leave for Pakistan. The mother feared being left alone with the children and having to answer for the debt, and admitted that she told the father that if he left she would tell everyone what he had done via social media. She also conceded that she would swear and become angry with the father. These concessions gave me the impression that she was being frank and honest in her answers.

19. In contrast, listening to the father give evidence was a dispiriting experience. He admitted of no personal failings. His view is that everything that has gone wrong within the family is the mother's fault, and the mother is a habitual liar, motivated only by greed and vengefulness. When challenged in cross-examination he used various devices to avoid giving a direct answer to a direct question. He would answer a different question from the one put, reframe the question, divert the focus of enquiry by introducing new assertions, or seek to change the subject. Some of his evidence was frankly incredible. For example, he relies on a translation of a transcript of a mobile phone conversation he says he had with J on 26 July 2017, when she was aged 5, shortly after J had reported to her school that the father had assaulted the mother. The transcript is at page 95 of the supplemental bundle. It is short:

“Kid: Come quickly, mama beats me.

Father: Why does she beat you?

Kid: Also to the brother.

Father: Why does she beat? Is she gone insane?

Kid: Juice fell on my head, mama has beaten me hard.

Father: Okay, okay. I am coming. I am coming, okay?”

It was put to the father that he had coached J and then recorded the conversation they had rehearsed. He denied it saying that he was in the car at the time and this was how the call was “received and finished”. After only a few questions about how he had managed to record the whole of an unexpected call, including the very first words, from a five year old girl who had no mobile device, he said that he was unsure if he was in the car at the time, and that he may have made the call, rather than received it. He said that he had pressed the record button immediately but also told the court that he did not routinely record calls. His account of how this recording was made lacked any credibility.

20. The father's evidence was filled with inconsistencies and when scrutiny of his evidence identified obvious inconsistencies with documentary evidence that he himself had produced, he responded on several occasions by refusing to accept the accuracy of the documents. For example, at page 55 of the supplemental bundle – the bundle of the father's evidence - there is a translation of a message from him to the mother from 2020 when he was in Pakistan and she was in England. It reads, “I made you live here...” When it was suggested that this supported the mother's case that he had forced the mother to live in Pakistan he said that the word “made” was a mis-translation. On another occasion, he was taken to translations of court records from Pakistan, which show that he had produced copies of the children's British passports to the court. He was asked how he had done so when his case was that the mother had kept possession of the passports and he had no access to them. His response was to allege that the court record was inaccurate.

21. The father is older and better educated than the mother. He has lived and worked in England for over fifteen years, whereas she came here in 2015 and has had little contact with others outside the family and the father's friends. He made it clear that he thought the mother to be foolish, coarse, bad-tempered, argumentative, and an embarrassment to him. He also made it quite clear that he saw his role as being to educate and "coach" her to become what he thought a good wife should be.
22. The three other witnesses were MI, the father's brother who lives in Pakistan, RB, a wife of a friend of the father, and RA, a friend of the father. All gave evidence through interpreters. They variously described the mother as "normal", "fine" and, to RB, a "close friend". None of them supported the father's characterisation of the mother as a greedy, dishonest and vindictive woman. It became clear that RB and RA were not sufficiently close to the parties that they were told about the family leaving for Pakistan in March 2019. Neither had had any contact with the parties at the time of the family's departure. RB said that she had never spoken with the mother about personal matters and it was clear that RA, as a man, had not engaged in direct, private conversations with the mother other than to exchange pleasantries. Their evidence about the circumstances of the parties travelling to Pakistan and the father's return soon afterwards was therefore peripheral. MI's evidence is discussed more fully below.
23. I have referred already to the involvement of social services at Leeds City Council, and the police. I have full regard to the disclosure from those sources. There are detailed records in the form of Child and Family Assessments by Leeds City Council after referrals by J's school on 15 June 2017 and by the police on 15 July 2018. Both refer to an earlier referral by the school on 6 November 2016 but there are no separate records concerning that referral.
24. It is recorded that the referral in 2016 followed J "reporting domestic abuse in school. J disclosed that daddy hit mummy across the face". This assault was said to have occurred on 4 October 2016 and that "Dad came in to talk about it, dad looked shocked about it. Dad and J started talking in front of the teacher, he tapped her on the face gently and they laughed, he said they play fight and they both started laughing. No marks on her then either. Mother was provided with advice regarding domestic abuse and the case was closed at duty and advice." [F3].
25. The school's second referral in June 2017 followed J disclosing "that her father had hit her mother and put his fingers on mother's throat. Staff spoke to [the mother] who reported that [the father] had hit her on the head with his hands on the 13th June. The argument started over money.... Mum said that 2 weeks prior to this referral she was sat on the sofa and [the father] grabbed [the mother] by the throat and pressed down hard enough to leave bruises. [The mother] took pictures of her neck but [the father] deleted them. [The mother] informed she had been threatened by [the father] before and [the father] said that if [the mother] tells anyone [the father] will keep the children and [the mother] will have nothing." The mother reported that domestic abuse had started after her arrival in the UK, including physical abuse. The report states that "J has been seen on three occasions alone during this assessment and on each of these sessions has been able to recall the domestic abuse incident which she reported to school. However, J reports that she is generally happy at home although she does get shouted at by her dad when she does not share her toys with her younger brothers. She has not disclosed any further

incidents.” K and L were both observed to be happy and content at home. When the mother spoke to Social Care she repeated the initial disclosure she had made to the school but “*denied that this has been something that has been ongoing to social care. [The mother] denies that there have been any further incidents. She does not wish to report the incident to the Police or work with any services regarding domestic abuse. However, she is willing to work with the local children’s centre with regards to social isolation.*” The author of the report was concerned that the mother appeared to minimise the incident, saying that the father had not applied pressure to her neck but pushed her head back causing her to bang her head. She said that the father provided money to her and was supporting her to learn English. It does not appear that the father was spoken to on this referral.

26. On 28 June 2018 the mother called 999 to report an assault on her by the father. The police attended the family home. The police record states “*The suspect and victim get into a verbal argument at their home with their children present. During this argument the suspect has punched the victim to the right side of her head causing a small lump to appear. Victim calls 999... upon arrival suspect is present and calm whilst victim appears frightened and upset. Victim discloses an allegation of assault by suspect via phone translator and suspect is arrested.*” At about the same time the mother reported to the police the incident that had led to the referral to social services in 2017. The police noted, “*Whilst at home address suspect grabs victim around throat and punches her twice in the head causing minor swelling to her head...*”. The Child and Family Assessment that followed the police referral in early July 2018 noted that the police had taken no further action because the mother would not make a statement. Two social workers and an interpreter visited the family home. The mother reported that the on 28 June 2018 the father had asked her to make him a drink of tea but she asked him to wait. He was unhappy and an argument ensued causing the father to go to leave the house. The mother told him that that was not right whereupon he struck her to the side of her head causing swelling. She was angry about this and called the police. “*She stated that she contacted the police out of anger as opposed to being scared.*” She told the social workers that the children had been in the lounge watching television and did not witness the incident. The mother said, “*that her husband doesn’t hit her on a regular basis, just the two occasions already noted.*”
27. Social workers attended the family home a second time and spoke to the father. He initially said that he had forgotten the incident in June but then gave an account that the mother had been angry about his request about tea and had thrown the kettle outside. He had wanted to leave the house but the mother began pushing him. “*He said that he thinks the injury to [the mother’s] eye/face was caused by him throwing a toy at her and even suggested that she could have done it herself.*” He reported that he works hard as a mini cab driver but the mother overspent. She felt that he never spent time with the family. These were sources of dispute between them.
28. The social workers spoke to J, alone in her bedroom. She said that she was happy living at home with her parents. “*She said that her dad is “funny and kind” and “always caring” J shared that she likes living in England because there are lots of shops and parks to go to.*” She was seen during the visit seeking affection from her father. She sat on his knee “*and seemed comfortable and safe around him when observations were made...*” No concerns arose about the two boys who seemed comfortable at home and with their parents. The children seemed to have a positive relationship with each other.

29. The authors of the report conclude that “*Domestic incidents appear to be an on-going risk factor for this family. This is likely to have a negative impact on the children’s understanding of what constitutes a normal healthy relationship.*” Concern was also noted that the children might be injured if they sought to intervene in a dispute between the parents. It was felt that the father had minimised incidents of domestic abuse and that the mother “*needs to be able to manager her anger around the children.*” It was concluded that the concerns around domestic abuse do not meet the threshold for Child Protection and it was unclear what objectives would be met through a Child in Need Plan. So, the case was closed.
30. It was soon after the police attendance on 28 June 2018, and, so far as I can determine, prior to the visits of the social workers after referral by the police, that the father installed what he calls a “spy camera” in the living room of the family home. He has produced a number of recorded films taken by that camera, and what purport to be transcripts of what is recorded as being said by those recorded speaking. After the father first disclosed the installation of this camera, and the recordings, the mother served a statement in which she said at para. 14, “*I am very shocked to learn that there was a spy camera installed in our living room and the fact that [the father] was recording me and our children without my knowledge.*” This assertion that the mother had not known of the camera was not contradicted by the father in his two subsequent witness statements. It was not put to the mother in cross-examination that her assertion was untrue. It was therefore a surprise when in cross-examination the father asserted that the mother knew by September 2018 that she was being recorded by the camera. He told me that this was evident from something that she had been recorded saying to her father at that time. It was an even greater surprise when a few minutes later he said that in fact the mother had known of the existence of the spy camera from the date when it had been installed because he had set her up with an app, and a device, to be able to monitor it. Whereas in his first statement he told the court that he had installed the camera because he had “lost faith” with the mother she had made the 999 call in June 2018, he said in oral evidence that it was installed to protect the family and that there were closed circuit television cameras installed outside the house too. He said that he would watch the “live” footage from the camera when he was at work, and sometimes call the mother to tell her that a child was crying or needed her attention. Hence, even though he had gone to great trouble to disclose footage, and to provide translated transcripts from the “spy camera” in the family living room, and even though the mother’s assertion that she was unaware of the camera was not challenged, the father’s evidence to the court was that both he and the mother knew it was there all along.
31. I wholly reject the father’s evidence that the mother knew the camera had been installed. Firstly, he describes it as a “spy camera” and told the court in his written evidence that he installed it because he had “lost faith in the applicant mother”, not to protect the family or to assist with childcare. Secondly, the mother’s assertion that she did not know about it was not challenged in the father’s subsequent statements or in cross-examination. Thirdly, the footage and transcripts have no evidential value at all if both parties knew they were being filmed. The whole point of the father disclosing the recordings was to show how the mother actually behaved as opposed to how she presented herself to others such as the police and the court. He would not have sought to rely on the recordings had the mother been fully aware that they were being made.

32. I have no doubt that the father took the step of installing the camera because the mother had called the police on 28 June 2018. He says that he wanted some way of obtaining objective evidence to counter her misrepresentations about him. The mother says that the installation of the spy camera was another example of his controlling behaviour. I shall discuss my findings later in this judgment, but I make the following observations about the evidence produced by the father from covert recordings.
- a. The father has had sole control over what evidence from the spy camera has been provided to the court. Many hours of footage could have been recorded. The disclosed evidence is therefore highly selective and has been selected by the father alone.
 - b. Since the father knew that the camera was recording and the mother did not, it was open to the father to act up to the camera, showing himself to be reasonable and calm, whilst provoking the mother to act unreasonably or angrily. It would be naïve to regard the evidence disclosed as a fair representation of normal family life.
 - c. In those circumstances, it would be telling if the evidence gathered by the father from constant covert surveillance over many months does not support his allegations that “throughout the relationship... the mother would hit the children when she was unhappy with the father causing them physical harm”, and “throughout the relationship the father has been subjected to domestic abuse through coercive and controlling behaviour perpetrated by the mother...”. If those allegations were true, the court would expect constant covert film of the family living room to reveal some evidence in support.
 - d. Out of all the hours of footage available to the father, he has elected to disclose a relatively small number of short recordings, only one of which caused me some concern that it might show a physical assault. The recording in question is labelled P79 and shows, at 3 mins, 35 seconds, the father stand up beside the mother, who is sitting on a sofa, and make a motion that looks to me like a slap with his left hand close to her face. The mother’s head moves to the side. I cannot tell whether her head moves because the father’s hand has made contact, or whether it is an evasive reaction to the approaching hand and no contact is made. The mother said that she was not hit but I was not satisfied that she had viewed the recording properly. When I asked the father about this footage he said variously that he might have been stumbling and put his hand out to steady himself, that he might have been brushing something off the mother’s cheek, and that it might have been a gesture of affection. The translated transcript for this footage indicates that the parties were having an argument. Given that the mother has not sought a finding that the father slapped her on this occasion, and the difficulty with being sure exactly what occurred, I make no finding that the father slapped the mother on this date, and I proceed on the basis that no slap occurred on that occasion. However, it is ironic that out of hundreds of hours available to the father, the only recording that he has put before the court that shows anything resembling a violent incident, is this one.

33. The guardian, Ms Ashton of Cafcass, has produced a report to the Court dated 6 January 2021. She spoke to the children in the preparation of the report, interviewing J on 28 October 2020 and again on 5 January 2021. Her account of the first interview included the following, at para. 16,

“J said “currently I feel nothing for my father. If he were sent to jail I would feel happy about this. I did not feel happy in Pakistan and I do not like him for what he did.” J’s body language reflected what was being translated, and her face appeared emotional at various intervals. This suggested to me that what J was recalling was genuine and based on her experiences which had left her upset and scared of her father.”

Support workers told Ms Ashton that the boys had reported that the father used to hit them and lock them in a store when they were naughty. They never had enough food.’ L told Ms Ashton that “when dad calls us he says I’ve got you a watch and a car. I don’t mind this but I don’t want to talk about Pakistan.”

34. The father’s case is that the mother has coerced the children into saying these things. However, when Ms Ashton saw the children again on 5 January, J was much more positive about him. She told Ms Ashton that “mummy has changed my mind quite a lot...” J felt that they could all have a house to live in together. She said, “mummy says that he is sorry and he won’t do it again. Daddy also says, “sorry sorry sorry sorry sorry and I believe him.” When asked what he was sorry for J changed the subject to some disturbing dreams she had had of her cousin drowning and her mother having black eyes. The father reports, in his most recent statement, that contrary to her views expressed on 28 October 2020 to Ms Ashton, J did not want to leave Pakistan and return to England. He relies on what he has been told by the adult who travelled with J to England. There is no statement from that person.

35. Having made some general observations about the evidence, I shall now summarise the evidence relating to the specific allegations.

The Mother’s Allegations

Allegation 1

36. In her first statement the mother makes broad allegations that the father was physically abusive to her during their marriage but no specific allegation about the use of implements such as a metal pole. She does not mention use of implements in her second statement either. In her third statement she says at para. 22, in response to the father’s allegation that the mother hit him with a vacuum cleaner pipe, “He used to hit me with a vacuum pipe. He also hit me with a metal pole which attached the attic door to the ceiling.” At para. 70 she says that whilst she was in Pakistan he hit her with a metal curtain pole. The allegation that the father used implements to strike the mother is an important one and it is surprising, if true, that it was not mentioned before the mother’s third statement and that, when mentioned, there is no detail about the circumstances, how the mother was hit, or the injuries caused. There is no contemporary corroborative evidence, no photographs of injuries, no reports to friends, family, doctors, social workers or the police, and no complaint of any injuries from the use by the father of these implements. The mother did not add to her written evidence about this allegation of the

use of implements when she gave her oral evidence. Allegation 1 is not confined to an allegation that the father struck the mother with implements, but also includes the general allegation that he was violent towards the mother during the marriage. As to that allegation, I take into account the evidence as a whole, including evidence in relation to specific acts of violence made in the mother's other allegations. The father denies all the allegations and maintains that he has never struck the mother.

Allegations 2 and 3

37. J reported to her school that her father had slapped her across the face in early October 2016. She was then aged four years 4 months. At the same time, she reported that the father had hit the mother, apparently in or about November 2016. The mother relies on what J reported to the school but her own evidence does not confirm any details of these alleged incidents. The father says at para. 27 of his first statement, in an account that I understand to refer to J's reports to the school in 2016, that he had encountered difficulties getting J out of the car because she wanted a particular toy. He says, "*The applicant mother's response was tell the school tomorrow and say to them that dad hit you. These comments must have played on J's mind because when she went to School the following day she told someone that I had hit or hurt her.*" There is no mention of this account in the disclosure from social services. Furthermore, in his oral evidence the father said that he had been taken by surprise when he heard that J had made these allegations to the school, which would not have been the case if, as he has alleged, only the day before he had witnessed the mother having urged J to make the allegations. I do take into account that it appears that the father went into the school with J and it was observed that J was comfortable with him. There is a paucity of evidence from the mother and the father about allegation 3. The mother's case is that the father hit her frequently. If so, J may have witnessed this and reported it to the school. The father denies that that was the case.

Allegations 4 and 5

38. These alleged incidents were revealed as a result of J's report to the school in June 2017, and the following discussions with her and the mother by social workers. I have set out details of the relevant disclosed material. The incident at allegation 4 was reported by J and largely confirmed to social workers by the mother. She has also confirmed it in her written and oral evidence to this court. The father denied the alleged assault but also said that the mother was prone to developing black marks, including on her neck. This was something he said for the first time in cross-examination – it does not appear in his written evidence. The court was not presented with photographic or other evidence of bruising to the mother's neck, but the father's oral evidence might suggest that she did have bruising to the neck at the time, his case appearing to be that the mother used that fact to initiate false allegations that he had caused it. As for allegation 5, this is a separate incident, reported by the mother to J's school when they asked her about J's report of the father hitting the mother and putting his fingers to her throat. Again, the mother confirmed this in her evidence to the court, and the father denied it as a fabrication. Again, there is no evidence of injury.

Allegation 6

39. This is the alleged assault that led to the police being called to the family home on 28 June 2018. I have referred already to the mother's description of the assault to the police and to social workers. In her first statement in these proceedings, she gave a different account: "... *he hit me because he said I did not make him his tea. On that occasion, I was punched and pushed with such force that I had bruises all over my body. He pushed me very hard against a door causing me to hit my head, a large bruise and a lump appeared. I called the police, they took photographs of my bruises when they came to the house...*" She made no mention of any injury other than a lump to the side of her head at the time of the incident. The police disclosure does not include photographs of any injury. In her third statement, at paragraph 19, the mother says of this incident:

"The correct version of events is that [the father] became aggressive and started to pull J and K away from me. I asked him to let J go. He grabbed J by her side, took her in his arms and he was headed towards the cellar, as he would regularly lock her in there. The cellar was a small space under the stairs, there was no light inside it was a very small space ... I started to grab J to get [the father] off her ... He was also violent towards me. He then pulled out his phone and started filming me and I called the police."

40. The mother told social workers in 2018 that the children had not been present. The account she gave the court in oral evidence was that she had asked the father to pour his own tea because she was going to the toilet with a child. When she came out he pushed her and struck her. The children were present and started crying and he started "*pulling the kids... I wanted to save the children so I threw a toy on him because he wanted to hit the children after hitting me.*"

41. The father's written account is at para. 41 of his first statement. He says that after he asked for a cup of tea the mother "became hyper". He decided to take a can of fizzy drink from the fridge rather than having a cup of tea, whereupon the mother "*got the children's toys and started throwing them at me. As she was reaching for the toys or somehow she must have caught herself and bruised her right eye lash. I did not touch her. The applicant mother phoned the police ... she alleged that I had hit her when I had not touched her.*" The social worker he spoke to after the incident recorded that he said that the mother's injury to her "*eye/face was caused by him throwing a toy at her and even suggested that she could have done it herself.*" He told me that this was an incorrect record and that the mother had thrown toys at him. He accepted that the mother did have a small lump to the side of her forehead just above her right eye.

Allegation 7

42. The mother's factual assertions at allegation 7 are accepted by the father – he did install a "spy camera" in the family home, but his motives for doing so remain in dispute, namely whether he did so to "monitor and control the mother". It is clear from the father's evidence that at times, when at work, he monitored recordings "live". Intermittently he downloaded recordings onto his mobile device for future use.

Allegations 8, 9 and 10

43. The mother's allegations at 8 to 10 concern the family's travel to Pakistan in March 2019, the father's return to England leaving the mother and children in Pakistan, the mother's return to England in March 2020 and the children's return on 30 September 2020. Do those events reflect the stranding or abandonment of the mother and children in Pakistan or an agreed family relocation to Pakistan about which the mother later changed her mind? As well as the parties' evidence I received evidence from the witnesses RB and RA. Their evidence that the mother had talked about plans to relocate to Pakistan to live was at odds with other evidence in the case, and in any event I found it to be peripheral. RA had not spoken directly to the mother and what he heard her say was always in the presence of the father. Neither he nor RB had spoken to the mother for at least three months prior to the family travelling to Pakistan in March 2019. Their evidence about why the family travelled to Pakistan was therefore of limited assistance to the court. The key evidence comes from the parties themselves.
44. The father relies on an assertion that the family shipped about 300kg of cargo to Pakistan before travelling there in March 2019, as evidence that they intended to relocate permanently. Even upon his late production of a receipt from a shipping firm which showed, he accepted, payment for 86kg of cargo, he maintained that they had sent 300kg. He relies on an email from the shipping firm which says that he sent 220kg in January 2019 and 200kg in October 2018, which of course totals far more than 300kg. The father told me that the firm had said that they do not keep paperwork for more than three months. It is not credible that a shipping firm would not keep copy invoices or proof of payment for more than three months. The evidence about the weight of cargo sent in January is inconsistent, and it does not assist the father's case.
45. As well as the parties' assertions about the circumstances of the family travelling to Pakistan in March 2019, the father's return in April 2019, the mother's return in March 2020 and the father's stay in Pakistan from March to July 2020, there are some facts, or undisputed evidence, that I find helpful:
 - a. The father accepts that he purchased a return ticket for himself in March 2019.
 - b. The father accepts that the police spoke to him after his return to England in 2019, because the mother had told the children's school that he had left the family stranded in Pakistan without passports or travel documentation.
 - c. The father accepted at the hearing that he had maintained control over the children's Pakistan ID documents at all times.
 - d. The mother obtained a replacement visa, valid for one month, to enable her to travel to England in March 2020.
 - e. The papers from the Pakistan court proceedings in 2020, in translation, show quite clearly that the father presented copies of the children's British passports to the court and the court inspected them in June 2020.
 - f. The father was able to travel to and from Pakistan as he wished in April 2019, November and December 2019, March 2020 and July 2020.
 - g. The father says at para. 64 of his first statement that he travelled to Pakistan in March 2020 and made bookings for him and the children to return to England about a fortnight later, on 1 April 2020. I infer that he must have been confident that he had, or would have, the children's passports to allow them to travel back on that date.

The Father's Allegations

Allegation 1

46. This allegation is based on the evidence of his brother, MI. The father was not present at the time when the mother allegedly slapped J, he was in England and she was in Pakistan. The allegation is that this occurred in the “latter part of 2014”. At that time, J would have been aged 2 years 6 months. It is that the mother slapped J’s face and arms. In oral evidence the father said that the incident happened in the summer, clarifying that he meant that it was summer here in England. He said that his brother told him that the mother had slapped J on the face arms and body. His additional allegation that slaps were directed to J’s body came for the first time during cross-examination, but his brother’s late statement says that the mother “slapped her a few times to the face and to her body”. The clear impression given was that the father had adjusted his evidence in the light of the brother’s statement. MI says in his statement that he does not recall the date of the incident but says that it followed an argument between the mother and father after the mother’s visa application had been refused but J’s had been accepted. According to the father’s first statement at paras. 14 and 15, this was when J was about 3 months old, not when she was two and a half years old. In oral evidence MI told the court that J was three years old at the time of the incident and that it happened in June, July or August. At that time J was in fact in England with both parents. His oral account was that he was disturbed by the noise of the mother argument with J, and on his arrival at the scene she was beating her. This conflicts with his very recent written statement that the beating started after he had spoken to the mother. The father said that MI called him to tell him about the incident but MI denied calling the father. The mother denied the allegation in its entirety.

Allegation 2

47. The father’s allegation 2 involves an alleged incident on 16 May 2017. I am only concerned with the allegation against the mother – there is no suggestion that she was responsible for the alleged actions of her father. The allegation is that the mother threatened to cut herself and to tell the police that the father had cut her, and that she did this in front of the children. This is denied by the mother who gives a detailed rebuttal in her third statement beginning at para. 9. She says that the incident in question occurred in 2016 and followed the father’s outburst of anger at her for not having answered her mobile phone earlier in the day. She says that the father threatened to call the police and did summon two friends to the house.

Allegation 3

48. The father’s only evidence in support of his allegation 3 is bare assertion. He gave no details as to the incident and no evidence to establish the date on which it occurred. H has adduced evidence of recordings from the alleged date, 13 September 2018, but none that include any evidence of an assault on him with a vacuum cleaner. The mother denies this allegation.

Allegation 4

49. The father's allegation 4 arises out of covert film of the mother with the two boys. It comprises two allegations, the first being that the mother was physically violent to L. I have watched it carefully and read the translated transcript, albeit that the mother is unable to accept that the transcript is accurate. The mother appears to be very tired. She is trying to ensure that K and L take milk from their bottles. They were aged 2 years 9 months and 1 year 9 months at the time. L is crying constantly and does not want to take his bottle. The mother has a remote control in her hand and is lying next to the boys. She sings to them and tries to cuddle L and pat him to soothe him. He is very unhappy and will not drink or stop crying. She picks him up and places him on the floor slightly away from her. He gets up and hits the mother on the head. She looks exasperated and upset but stays calm and she does not strike out at him. She points in what I take to be the direction of the father and the boy moves away out of shot. Shortly afterwards the father comes into view carrying L and soothing him. The transcript records that the mother was cross with L. She denies calling him a "bastard" as the translated transcript records. The transcript shows the father to have criticised the mother. I am quite satisfied that at no point does the mother strike the child with the remote control or otherwise or throw him to the floor. Allegation 4 includes another allegation from the same date, that the mother tells K to hit L harder. I have been unable to locate any recording showing this, but the purported transcript and translation is at the supplemental bundle page 102. The mother says that the children were fighting and she was shouting to them from another room for the father to stop the children fighting. Even so, the translation reads, "Slap him! Hit him two four times, beat him more!"

Allegation 5

50. The father's allegation 5 has not been followed with a further supportive statement as anticipated when the schedule was drafted. During her oral evidence the mother agreed that when the father threatened to leave the family and travel abroad with his business in debt, she said that she would tell everyone on social media what he had done. Beyond that, there is no evidence in relation to the specific allegation made.

Allegation 6

51. The father's allegation 6 concerns a specific incident on 7 November 2019. The father's first statement at para. 56 includes his evidence about this incident, but without reference to a specific date. The mother did not address this specific allegation in her evidence. 7 November 2019 was the date when the father travelled to Pakistan. The evidence in relation to this alleged incident is sparse, there is no corroboration and there is no evidence to support the alleged incident occurring on the alleged date.

Allegation 7

52. The father has specifically alleged that the conduct alleged began once all three children were born, but in oral evidence he said that it had started well before L's birth. The allegation refers to J having told him that the mother would hurt them on occasion but I have already found his evidence about one recorded conversation with J about the mother

beating her to be wholly unreliable, and indeed set up by the father. The allegation is a very serious one and yet the anticipated “further statement from F to come” has not materialised. None of the children have disclosed any complaint that the mother has struck them, whereas J has made such disclosures to her school and social workers against the father. The father has had the benefit of continuous recorded film from the spy camera for a number of months from July 2018 to March 2019 but has not produced any recorded film of the mother striking hitting the children. The mother denies the allegation.

Allegation 8

53. Once again the promised “further statement of F to come” in support of this allegation, has not materialised. It is made in very general terms, such that it is not clear whether it is merely a summary allegation drawing together the other allegations and ascribing a particular motive to them all. The allegation of domestic abuse by the mother against the father “through coercive and controlling behaviour perpetrated by the mother, motivated by financial gain” is, as I understand it, a reference to the father’s case that the allegations by the mother, including her allegation of abandonment, are designed to control and coerce the father into giving money to the mother. Her threats to hit the children were made in order to cause him to buy gold bangles, her persuasion of J to complain to the school about the father’s violence was designed to cast the father in a bad light and for revenge when the father did not act as the mother wished. The mother denies the allegation.

Findings of Fact

54. The following findings are made on the balance of probabilities, having regard to all the evidence and the guidance referred to above. In particular I bear in mind that rejection of an alternative account raised as a defence to an allegation, does not render the allegation true. The burden of proof remains on the person making the allegation and the standard of proof is the balance of probabilities. Although I begin with some general conclusions, they are informed by consideration of the evidence in relation to the specific allegations in the schedule as set out below.
55. Having regard to all the evidence, I have no hesitation in finding that the father’s evidence to the court was riddled with dishonesty. The level of inconsistency and incoherence in his evidence was such that I find myself unable to place any trust in it unless it is agreed by the mother, or is otherwise strongly corroborated. With apparent conviction he gave oral evidence about important matters such as the installation of the spy camera and the location of the family’s passports that was wholly at odds with his own written evidence. Other parts of his evidence could not be reconciled with documentary evidence such as the translated court records from Pakistan, cargo receipts, and translated transcripts of messages that he himself had sought to rely upon. Moreover, standing back and considering his case about the mother’s conduct, I find his assertions lack any credibility. On his case the mother had wanted to relocate to Pakistan in March 2019, yet she informed the children’s English school in April 2019 that she and the children were stranded in Pakistan, later obtained a replacement visa to enable her to return to England, and applied to the High Court for an order that the children be returned here. He portrayed the mother as the controlling force in the marriage, who kept hold of the family’s travel documents, yet he managed to fly to and from Pakistan when in suited him, whilst the mother only managed to leave Pakistan after a year and then on a

replacement visa. On his case the mother was devious and determined to make false allegations against him, and yet, from their marriage in 2011 until contacting the school in April 2019, the mother had only once contacted the police or social services to make a complaint against him. He alleges that the mother turned the children against him, using J to make false allegations against him, and yet the evidence from Ms Ashton shows that the mother has sought to persuade J to forgive the father and to adopt a more positive attitude towards him. There are many other examples of incoherence and inconsistency in his evidence and his case.

56. The evidence as a whole establishes quite clearly that the father sought to control the mother. He controlled her access to money. He took charge of paying all the bills and outgoings including for food, except for a weekly payment to the mother, for the benefit of her and the children combined, of £20. Upon the intervention of social services in 2018, after negotiation, he agreed to increase that to £50. The mother did not have a bank account and had no other source of income. The father did not take any effectively steps to assist her to learn English. He installed a camera in the family home to spy on the mother. He would watch it whilst at work. He was monitoring her behaviour so that he could control it. He used violence on occasions to control the mother. He used her isolation in England and her lack of knowledge about this country to threaten her that if she did not do as he wanted, the children could be removed from her.
57. The mother's character was such that she was not always meek and quietly subservient. She protested to the father about this treatment. She confronted him; she became angry and swore at him. She complained about not having money. When she did become angry and argumentative, it was because she was responding to her mistreatment, but the father saw her conduct as disrespectful – she was not the wife he wanted her to be – and he considered this to be justification to exercise even more control. The father complains now that the mother was obsessed with money and driven by greed. That is a difficult claim to make when he controlled the family money and was content to pay the mother only £20 per week. Indeed, the father continues to say that the mother's actions are motivated by greed even now as she lives with her children in a refuge, with no assets, no income beyond benefits, and a very uncertain future.
58. Much court time was spent considering evidence from the spy camera installed in or about July 2018 in the family living room, before the father told the court, late in cross-examination, that the mother had known the camera was there, and could monitor it herself, from the time when it was installed. Covert recordings, selectively disclosed by one party who was aware the recordings were being made whilst the other party was unaware, have to be treated with considerable caution by the court. I cannot know what happened before or after the extract of film shown to the court. I cannot know what provocation from the father preceded an argument that was recorded and disclosed. I have found that the mother did not know the camera was in place recording the family. I am quite satisfied that the father's late admission that he would watch "live" on his mobile device whilst at work, is true.
59. The father's use of a spy camera, and his reliance on evidence from the camera and his other recordings in this case, has only served to damage his credibility and to support the mother's case against him.

- a. To install a spy camera within the family home and to spy on the family when he was away from the house, so that he could check what his wife was doing, is an act of control. Tellingly, the father does not appear to regard the installation of a spy camera enabling him to watch his wife when he was out of the home, and to make recordings for later use, as anything out of the ordinary. In my judgement such conduct could only be justified in exceptional circumstances. It is not justified in this case and must be condemned.
 - b. Even though the camera was recording continuously over several months, the father has not been able to produce any evidence from it to the court showing the mother being violent to him or the children, or being manipulative, coercive or controlling, in contrast to his allegations at 7 and 8 that this was how the mother was throughout the marriage. To that extent his reliance of covert recordings has been wholly self-defeating.
 - c. His audio recording of J complaining that the mother had beaten her was manifestly stage managed. It was not authentic. It is troubling indeed that the father had persuaded his five year old daughter to say that her mother had beaten her so that he could record her words for use in court proceedings. Again, by doing so he has achieved the reverse of what he intended to achieve.
60. I now turn to the specific allegations set out in the composite schedule, beginning with the mother's allegations. I bear in mind the evidence in relation to the specific allegations as set out above, and how such evidence sits with the evidence as a whole. My findings are as follows.

The Mother's Allegations

Allegation 1 – The use of implements

61. The evidence does not establish, on the balance of probabilities, that the father “used to use household items to hit the mother with, such as a vacuum pipe and a metal pole...” The mother's evidence on this important allegation was uncorroborated and her allegations made only in her third statement when responding to a similar allegation from the father. The evidence is insufficient to meet the requisite standard of proof. The broader allegation that the father was violent towards the mother during the marriage is linked to the allegations of specific acts of violence at allegations 2 to 6. I shall consider those allegations and then return to that broader allegation.

Allegations 2 to 6

62. I am satisfied that the disclosures made by J to her school are true. She was aged 4 and then 5 when she made those disclosures. At the age of 5 she repeated them consistently when spoken to by social workers. Neither parent has suggested that she is a child prone to lying or to making fantastical allegations. Neither has suggested that she had a grievance against the father. Indeed, when she was seen with the father she was comfortable. Aged 5 she described him as funny and kind. In general, she had a good relationship with him. It is possible for that to be the case even though he had struck her, and even though she had seen him strike her mother. I note that more recently, having told Ms Ashton soon after her return from Pakistan of some very concerning matters

relating to her father's conduct there, she later told Ms Ashton that the father had apologised and she appears to regard his apologies as an assurance that all will be well in the future. Similarly, I am sure that she revealed true accounts of violence by the father within the family in 2016 and 2017 when she spoke at her school and to social workers, but that she was even so generally happy to live with her parents at home. The father's suggestion that J made the disclosures in 2016 because the mother told her to do so to punish her father for not letting her have a toy is not credible. There is no suggestion in the evidence in relation to these disclosures that J was put up to making them. The father did not aver that at the time and he has not suggested to this court that J confessed to him that she had made up the allegation or that the mother persuaded her to report him to the school. In any event she was only 4 at the time and the father's account would involve her having an ability to maintain a fabrication at her mother's instigation, and when she was fond of her father, that is difficult to believe.

63. In cross-examination about allegation 4, the father said that he saw in front of him the mother telling J to make this allegation, something he had not said to the school or social workers at any point. He also introduced, for the first time, a suggestion that the mother had a tendency to form black spots or marks around her neck and the mother had said to him that she could tell people that he had caused them. This was yet another example of the father giving wholly new evidence for the first time during cross-examination, after the mother had completed her evidence, and without any corroboration or other supportive evidence.
64. The mother confirmed, in broad terms, J's disclosure in 2017 about an assault on her mother in May or early June that year, and the later assault on 13 June 2017. J maintained her allegations on questioning by social workers. The mother has corroborated what she revealed. The father's case that the mother has suggested to J that she make these allegations as part of some way to take revenge on him, is not credible, for reasons already given.
65. I am satisfied that the mother's allegations 2, 3, 4 and 5 are proved.
66. The mother's evidence about the events alleged at 6, has been inconsistent, but there is compelling evidence that she suffered a bump to the side of her head, as reported in the police disclosure, and as the father accepts. The mother has been consistent in her evidence about that injury and that it was caused by the father hitting her. The Child and Family Assessment report from 2018 records the father saying that the injury may have been caused by him throwing a toy at the mother. He says that that is an inaccurate record of what he said, but he had not challenged it before this hearing. The father's alternative account to the social workers in 2018 that the mother may have caused the injury herself is unrealistic. In his written evidence to this court, he says that the mother reached for toys to throw at him and "*must have caught herself and bruised her right eye lash. I did not touch her.*" This statement was not translated – the father has reasonable English although he had an interpreter for the court hearing. Even allowing for some language difficulties, his account of how the mother may have injured herself is not credible, and the reference to a bruised eye lash is difficult to understand. Further, I do not accept that the mother would have contacted the police had she accidentally hurt herself during the course of the argument. She did not have any record of making complaints to the police or social services. Indeed, this is the only occasion on which she did so even though, as I have found, she had been struck on previous occasions by the father. I am sure that she

called 999 because the father had injured her. I am satisfied that he did so by striking her with his hand to the side of her head, causing a small lump. I am not satisfied on the evidence that she had bruises all over her body. The mother's evidence as to whether the children were present has been inconsistent but listening to her oral evidence that she called the police because she was concerned the father would hit the children, and that they were present during the argument in which the father hit the mother, I found her account to be credible in the detail she gave and the frank manner in which she answered questions. On the balance of probabilities I am satisfied that the children were present when the father hit the mother on this occasion.

Allegation 1 – The Father's Use of Violence

67. I now return to the first part of allegation 1, namely that the father was violent to the mother during the marriage. I have found that he was violent to her on the four occasions alleged at 3, 4, 5 and 6. In addition, I am satisfied on all the evidence that the father struck the mother on other occasions. I am satisfied that the mother's evidence that the father was violent towards her during the marriage is reliable. I found her to be a largely straightforward witness whereas I found the father's evidence, including his denials that he was violent to the mother, to be unreliable. I have made findings of violence by the father on specific occasions as alleged. I am quite sure that the mother has truthfully told the court that he was violent on numerous occasions throughout the marriage, and that she did not complain at the time because she was in a weak position to do so – she was in an unfamiliar country, did not speak the language, and had no access to financial support. J's account to Ms Ashton of the children's treatment by the father when they were together, without the mother, in Pakistan, tends to support the fact that the father is a man who is prepared to use physical force against members of his family. Although J has softened in her attitude to the father since her first interview with Ms Ashton, she did not retract her allegation but, under influence from the mother, accepted that the father was sorry for what he had done.
68. The use of violence on the mother was part of the method by which the father sought to control her. He controlled the finances and ensured that the mother did not have bank account and was given a small weekly sum by him to provide for herself and the children. As discussed in relation to the mother's allegation &, below, the father used a spy camera to monitor what was going on in the home when he was not there, using the information to help him control the mother. He took advantage of the mother's lack of English and her unfamiliarity with this country to cajole her into acting as he wished. He exploited her social isolation in order to keep her "in place". He also exploited her fear of losing her children to persuade her not to make formal complaints about his conduct.
69. It is right to note that the violence was not of the most severe kind. There is evidence of some bruising to the mother's neck in early June 2017, and it is accepted that she suffered a small lump to the side of her forehead in November 2018, but there is no evidence of more serious injuries, and none of the mother's injuries have required any treatment or have caused the mother significant or lasting pain and discomfort. I am not satisfied on the evidence that the father used implements to strike the mother. That is not a finding that she has lied about the use of implements, it is a finding that the evidence does not meet the threshold necessary for the court to make a finding that the father used implements to hit the mother.

Allegation 7

70. The father admits that he installed a spy camera in the family home. It seems to me plain that he did so to monitor the mother and to gather evidence for his use as and when necessary. The mother's allegation 7 is that his use of a spy camera was to control the mother. The installation only came to light when the father filed his first statement in these proceedings in July 2020. The camera was installed about two years earlier and will have been in situ for about eight months recording the family before they left for Pakistan in March 2019. At para. 42 of that first statement the father says that after the incident when the mother called 999 on 28 June 2018, "I lost faith in the applicant mother." I have found that he had struck the mother on that occasion and that what she told the police was fundamentally true. Hence, his motivation for installing the camera was not, in my judgment, to a response to unsubstantiated allegations against him. Rather, he sought to use the camera and recordings to keep an eye on the mother and to build up evidence he could use against the mother as and when he might need it. Installing what he himself calls a "spy camera" covertly to record, hour by hour, the daily life of the household, family discussions, and private, shared moments between the mother and her children, all the while intending to use what was recorded for his own ends, is, I am satisfied, controlling behaviour. As has been observed by others in previous cases, reliance on covert recordings of this kind tell the court more about the recorder than the recorded. I have given careful thought to the definition of controlling behaviour within FPR PD 12J. The fact that prior to these proceedings, the father did not show the mother the recordings in order to subordinate or isolate her, or to control her behaviour, does not mean that the installation of the camera was not done for that purpose. I am satisfied that the father installed the camera and kept recordings for the purpose of exercising control over the mother. He kept a library of recordings to deploy against her in the event that she made complaints against him to the authorities or to her family. Furthermore, since he alone knew that the camera was there, he was able to stage or control behaviour within the family for his own ends. He was exercising control over family life, and over the mother, in order to obtain recordings to suit his purpose. As he admitted during his oral evidence, he would watch the film from the spy camera "live" when he was at work in his car, so that he could check on what the mother and children were doing. The father's installation and use of the spy camera was directed to exercising control over the mother. I am therefore satisfied that allegation 7 is established.

Allegations 8, 9 and 10

71. Allegations 8 to 10 concern the alleged abandonment of the mother and children in Pakistan. The mother and children were in Pakistan together from March 2019 until March 2020, and then the children remained there until the end of September 2020. It is fair to say that whilst in Pakistan the mother and children were not isolated in the sense that they were amidst the wider family on both sides. Nevertheless, on the mother's case they were left stranded there by the father, without passports or other documentation enabling them to return home to England, and the children required the court's intervention to secure their return. Evidence from the mother and from J to Ms Ashton does suggest that after the mother left Pakistan in March 2020, the children may not have been adequately nourished and that there may have been some acts of physical abuse of

the children. I am not asked to make findings about the children's treatment in Pakistan, and the parties have not prepared their evidence in relation to that issue, but J's reports to Ms Ashton are clearly troubling. The father says that the mother has persuaded J to make those allegations, just as she put her up to making false allegations against him to her school and social workers.

72. The key dispute is whether, as the mother alleges, the father tricked her to agreeing to travel to Pakistan in March 2019 and whether he then left her and the children stranded there, taking their passports and travel documentation with him back to England. Or, as the father alleges, was an agreement reached by the parties to relocate to Pakistan on a permanent basis, at the mother's behest, only for the mother to change her mind in 2020, return to England and then wrongly allege that the father had left her and the children stranded there?
73. For a number of reasons, I find that the mother's account is truthful and I reject the father's version of events.
- a. The evidence shows that from the time the parties were married, the mother was very keen to come to live in England. She was unhappy living with her daughter in Pakistan. She moved to England in May 2015. Apart from her unhappiness in the marriage, which may well have lain behind some of her conversations with RB, there is no other persuasive evidence that the mother was unhappy to be living in England at the time of the family's departure for Pakistan in March 2019. At no point, when spoken to by social workers in 2017 and 2018, did the mother say that she wanted to leave England and return to Pakistan.
 - b. In fact, the mother had fraught relations with the father's family who lived in the village in Pakistan to which the family travelled in March 2019. MI agreed that the father's family was not on good terms with the mother. It is not at all credible that the mother would have wanted to relocate to that village in Pakistan to live permanently.
 - c. The mother has demonstrated a determination to live in England with the children from March 2020 when she travelled here from Pakistan, and throughout the court proceedings. This is consistent with her desire to come to England prior to her arrival in 2015. It is difficult to reconcile with her having a wholly different intention in March 2019.
 - d. The father's account at para. 46 of his first statement, that it was the mother who instigated the relocation because she was suffering headaches, because of the weather in England, because of her lack of English, and because of her belief that the children would have a better education in Pakistan, is not credible. Yet, the children had barely started education in England, and he himself said that in his view the young women in his village in Pakistan all dream of a "prince" arriving to take them away to England. That may or may not be so, but his own account that the mother should so lightly change her mind about such an important matter, is not believable.
 - e. J was happy at school in England and I do not accept that the mother would have readily agreed to her being uprooted from her school and friends. Likewise, K had started school. The departure was mid-term. The schools were not informed that the children would be leaving permanently. There is no evidence that the children were informed by the parents of any decision permanently to relocate to Pakistan. These are not the hallmarks of a planned, permanent move to another country.

- f. The children were not enrolled in school in Pakistan until May 2019. Had the intention been permanently to relocate to Pakistan in March 2019, then I would have expected to see evidence of arrangements being made to ensure that J and K at least, could start school upon relocation, rather than two months later.
- g. The father had lived in England for many years. He worked here and had been able to send money home to his family in Pakistan as well as providing financially for his family here. He came back here to work only a month after the family travelled to Pakistan in 2019 and he stayed here to work for many months. I am sure that he had no intention of relocating to Pakistan in March 2019. He always intended to remain in England working.
- h. The family house was not sold, and no steps were taken to sell it prior to departure to Pakistan, as might have been expected had the family decided permanently to relocate. When it was sold, later in 2019 according to the father, there is no evidence that the money was used to invest in property or land in Pakistan as might be expected if the family was set upon putting down roots there.
- i. Amongst the messages produced by the father in the supplementary bundle is one at page 49, dated (in the index) 25 March 2020, written when the father was in Pakistan and the mother had recently arrived in England. He wrote, "*We came back here because you would not do anything, you used to jump back then. You were destroying everything that is why I took you back ... and I made you live here, I did not leave you, used to send you money as well.*" This is a clear statement that the father had decided to take the mother back to Pakistan in 2019 and "made" her live there but that he considered that because he had sent money to the mother, he had not abandoned the family.
- j. The mother complained to the children's school in England that she and the children were stranded in Pakistan soon after the father's return here in April 2020. This resulted in the police speaking to the father, as he accepts in his written evidence. That timely complaint is not consistent with the mother having agreed to relocate permanently to Pakistan only a few weeks earlier. The father told the court that the mother made this complaint, even though she was content to be in Pakistan at the time, just to make him look bad in the eyes of others and to show him that she had power over him even though she was in Pakistan. That is not a credible explanation. The much simpler explanation, and the one I find to be true, is that the mother was seeing to bring attention to the fact that the father had left her and the children stranded in Pakistan.
- k. The mother had to obtain a replacement visa to return to England in March 2020. A copy of the replacement visa is within the hearing bundle. It was obtained on 19 February 2020.
- l. The father travelled back to Pakistan on 15 March 2020 and booked flights to return with the children to England on 1 April 2020. Assuming that he had a genuine intention to return them on that date, then unless he knew where their passports were, he would not have booked flights to England for them within about a fortnight of his own return to Pakistan. He must have known where the passports were.
- m. The father accepted during oral evidence that he had the children's Pakistan ID documents in his possession but said that he left them in Pakistan when he travelled to England in April 2019. They were under his control, and yet, when served with a Tipstaff order on 22 July 2020, ordering him to hand over documents including the children's ID documents, he did not say that they were

- under his control and he took no steps to have them sent to England and to the Tipstaff. Instead, he kept secret the fact that he had them under his control.
- n. The court documents from the father's application in Pakistan, as translated, clearly show that the father was able to present copies of the children's British passports to the court for the court to inspect. It is mentioned several times in the papers. He wrote his application in late April; it was submitted in May and the court made its decision in June 2020. He was present in Pakistan on all those dates. I infer that he must have had access to the passports to make copies and he himself has offered no explanation of how he was able to do so, instead denying that the court record is accurate.
 - o. I do not believe that the mother would have returned to England without the children other than as part of an attempt to be able to ensure their safe return here. It was not put to the mother that she could have returned earlier, had she truly never intended to relocate to Pakistan, and I am sure that the mother did so as a last resort. She had been unable to find a way of returning with the children, so she had to return to England alone to take action to secure their return.
 - p. The father left for Pakistan soon after the mother's arrival in England which is consistent with the mother's account that the father had agreed to return to Pakistan to bring the children back to England. He agrees that he booked tickets for them to return promptly. Instead, he stayed there and did not bring them back. The mother then promptly took advice and made the application to this court in June 2020. Again, this is consistent with her case that the children were in Pakistan against her wishes.
74. The father's case is that the mother willingly relocated to Pakistan, complained to the children's English school about being left stranded by him, only to make him look bad, and went to the trouble of complaining to the children's school and then obtaining a replacement visa as part of a fabricated story that she did not have her travel documents. Further, on his case, she left her children in Pakistan in March 2020 for no better reason than to be vengeful towards him. His evidence about the mother's intentions and actions is wholly unreliable and I have no doubt at all that he tricked the mother into taking the family to Pakistan in March 2019 with the intention that he would leave them there whilst he returned to England. He told the mother that his father was ill and that they needed to travel to Pakistan as a family to see him. That was not true. Once there, he secreted their travel documentation so that they could not leave. He controlled the situation so that he could keep the mother and children in Pakistan until, without his knowledge, the mother managed to obtain a replacement visa and return to the UK. He then promised her that he would bring back the children but instead ensured that they remained in Pakistan for as long as possible until he was forced, by court order, to assist in their return. Whatever their treatment in Pakistan, their forced removal and "stranding" there was clearly to their detriment, in particular after their mother returned to England in an attempt to secure their return. The father's actions resulted in the children being separated from their mother for several months in 2020. He has lied to the court about his actions in order to try to cover up his reprehensible behaviour.
75. For the reasons given I find the mother's allegations 8, 9 and 10 are established on the balance of probabilities.

The Father's Allegations

76. Turning to the father's allegations, I note that although J made disclosures to the school and then social services about the father's violence, at no point has she ever suggested that the mother was violent to her, her brothers or her father. Neither has the father ever complained to the police, social services or anyone else about the mother's violence prior to these proceedings. He has produced no evidence of any injuries. The father has had the advantage of reliance on covert film over several months of the mother with the children in the family home. He has been able to put before the court only one incident of alleged violence by the mother against a child. For the reasons given below I do not agree that the recording in question, which forms the basis of his allegation 4, shows the mother hitting or manhandling the child at all. Thus, the father has produced not a scrap of evidence in support of his allegations that the mother was routinely violent to him and the children.

Allegation 1

77. I have referred to inconsistencies in the father's evidence, and his brother's, about allegation 1, including when it occurred, the sequence of events, and where the mother allegedly slapped J. Those inconsistencies render the evidence in support of this allegation insufficiently reliable, particularly when set against the mother's denial, and the absence of any evidence that the mother has been violent towards the J or her brothers on any other occasion. The father has failed to prove this allegation on the balance of probabilities.

Allegation 2

78. As to the father's allegation 2, the court is faced with one word against another. Even on the father's account I would not categorise the mother's conduct, in a heated argument, as "coercive and controlling" behaviour as he alleges. On balance I accept the mother's account of this incident. I found her to have a good recall of events, and of the dates of events, whereas the father gave less detailed evidence. His evidence on other matters has been inconsistent when scrutinised or when compared with evidence from another source. Indeed, his evidence has been dishonest and untrustworthy. I am not satisfied that he has established this allegation on the balance of probabilities.

Allegation 3

79. The father has produced no evidence in support of allegation 3. The schedule refers to a further statement from the father "to come" but none has been filed or served that deals with this allegation. The father may have confirmed the schedule as being true, but in the absence of any other evidence from him or any other source, in the absence of any evidence of injuries, and given that this is a specific allegation of an incident on a specific date, I am not satisfied that he has adduced evidence on which the court could find the allegation proved. The mother denies the allegation. This allegation is not proved.

Allegation 4

80. Allegation 4 is in two parts. Having viewed the recorded film which the father claims shows the mother smacking L with a remote control and throwing L to the floor, I am

quite sure that it shows neither of those actions. The mother is holding a remote control. She is clearly upset that the child is crying and will not take his bottle. Her arm comes to the child's side but not as a smack. She places the child on the floor away from her but does not throw him to the floor. The transcript of the mother saying, "beat him more" is the evidence the father relies on to show that the mother told K to hit L "even harder". The mother says that she was speaking to the father at the time, not to K, and the recording does not establish to whom she was talking. Removed from any particular context it is difficult to make findings about who the mother was talking to or what was intended by her words. The father has the burden of proof in relation to this allegation and I am not satisfied that he has proved it on the balance of probabilities. Neither allegation within allegation 4 is proved.

Allegations 5 and 6

81. The father's evidence in relation to allegations 5 and 6 is simply insufficient to prove those allegations. In relation to allegation 5, I accept the mother's account of events which do not amount to coercive or controlling behaviour, only an attempt to stop the father from walking away from his responsibilities by saying that she would tell others what he had done. That is not "blackmail". I am not satisfied that she threatened to kill herself and the children as alleged. The incident on 7 November 2019 as alleged at allegation 6 is not established on the very non-specific and unsupported statement from the father.

Allegation 7

82. The father's allegation 7 is not supported by any specific details or any corroboration and is partly undermined by his inconsistency as to when the alleged conduct began. The father has not proved the allegation on the balance of probabilities.

Allegation 8

83. The father's allegation 8 is very general. Insofar as he relies on the other seven allegations, for the reasons given I do not find them proved and so they do not support a finding that this allegation is established. Insofar as he refers to distinct conduct, not covered by the other seven allegations, he has not produced any further evidence in support as he indicated he would. The evidence of Ms Ashton is telling. J initially made serious allegations to her about the father's conduct whilst the children were in Pakistan. At the interview in January 2021, she said that she accepted that her father was sorry for his actions and her attitude towards him had softened significantly. She told Ms Ashton that her mother had persuaded her to be forgiving of the father. The implications of this for the family, and the welfare of the children in the future, need to be carefully considered on another occasion, but, in relation to findings of fact, the evidence is in complete contrast to the father's portrayal of the father. Far from scheming to control him, she had, privately, encouraged her daughter to forgive the father. Far from being vindictive towards the father, and turning the children against him, she was doing the reverse. The father's allegation 8 is not proved.

Conclusions

84. In summary, I find the mother's allegations proved except that I am not satisfied on the balance of probabilities that the father used implements to hit the mother during the marriage. I do not find any of the father's allegations to be proved on the balance of probabilities.
85. Having made findings of fact in relation to the matters alleged, I should add that I am satisfied that J witnessed some acts of physical violence by the father against the mother, namely those she reported to her school in 2016 and 2017, as per the mother's allegations 3 and 4, and the incident at allegation 6 of the mother's allegations. Her brothers K and L witnessed the incident at allegation 6. All the children were directly, adversely affected by being left stranded in Pakistan from March/April 2019 to 30 September 2020, the consequences of which continue to cause great difficulties for them and their mother. I have also found that the father has sought to coach J to give false evidence in a recorded conversation with him, that the mother beat her and her brothers.
86. I invite the parties to draft a schedule of the findings and directions for the court's consideration.

Appendix One

COMPOSITE SCHEDULE OF ALLEGATIONS

Findings sought by the applicant mother

No	Applicant's Allegation	Respondent's Response	Judge's Comments
1.	The Father ('F') was violent towards the Mother ('M') during the marriage. F used to also use household items to hit the mother with, such as a vacuum pipe and a metal pole which attaches the attic door to the ceiling. M cannot recall dates as it was such a regular occurrence. (M's third statement para 22).	This is denied by the Father. The F refers to his Scott schedule at allegation number 5. It is F position that the mother cannot recall dates not because it was such a regular occurrence but as it never happened. It is impossible to recall dates of incidents that never took place.	
2.	F slapped J across the face in October 2016. On 4 October 2016 J reported to her school that F had slapped her across the face [F12]. was violent towards M in early November 2016.	The details of the alleged incident are detailed in the bundle. The child is observed to sit happily on F's knee and reports play fighting	
3.	In early November 2016, F hit M across the face. J witnessed the incident and reported this to her school on 6 November	This is denied by the father as it did not happen. There appears to be no record of this in the bundle	

	2016.		
4.	In May/early June 2017, while she was sitting on the sofa, the father grabbed her by the throat and pressed down hard enough to leave bruises. J witnessed this incident and reported it to her school on 15 June 2017 [F2] & (M's third statement paras 16 and 17).	End of September to end of May 2017. The mother caused emotional harm to the children in that: 1.She would shout and scream in the house if she did not get what she wanted, within ear shot of the children. 2.The mother would damage things to get new things and when the father asked her to calm down, the mother would suggest to J that J should tell the teachers at School that her father hit her and that her father would argue with her mother (Father's statement dated 14th July 2020 at C37 Para 24 – 26 and C38 Para 27-28)	
5.	On 13 June 2017, the father hit the mother on the head with his hands. J witnessed this incident and reported it to her school on 15 June 2017 [F2] & (M's third statement paras 16 and 17).	The father denies that he hit the mother on the head with his hands There appears to be only one incident reported by J in the papers	
6.	On 28 June 2018, M reported a physical assault by F to the police during which F punched her to the right side of her head causing a small lump to appear. M called 999 to seek assistance [F38]. During the same incident M sustained an injury to her eye.	The mother caused the children emotional harm by causing them to witness her following the father into the garden and her throwing their toys at him and by further suggesting that any injury (if there was any) caused by her own wild behaviour was somehow the father's fault, when the father had merely been woken up by the mother and asked for a cup of tea. Given the mother alleged a fabricated assault and her continued blackmail of the father the father installed a spy camera in the sitting room to protect himself, having lost faith in the mother to behave like a decent human being. (Father's statement dated 14th July 2020 at C42 Para 41)	
7.	The father installed covert spy camera without the mother's knowledge in the family home to monitor and control the mother.	The F was concerned about the mother's erratic behaviour and her coercive and controlling behaviour and about reporting him for incidents that did not occur. He was merely protecting himself in the only way he could where a mother can make up allegations and cry about it to gain sympathy and the father is left on the back foot with no way of disputing them other than his own word. Far from controlling his actions were wise in the circumstances.	
8.	F deceived M into agreeing to travel to Pakistan on 13 March 2019 with the children on pretence that the paternal grandfather was ill. (M's first statement paras 7 & 9 and third statement paras 50 & 54)	This is denied by the F. The mother was fully aware of the move. F refers to his new statement and refers to the cargo receipts. The father asserts that it is wholly unlikely for a family of limited means such cargo weight could have come from presents or provisions for a relatively short stay. That weight could fill ten of the largest aircraft suitcases at 32 kilos each	
9.	Whilst in Pakistan, F took the passports and travel documents of M and all the children preventing them from travelling back to England thereby stranding M and the children in April 2019. (M's first statement para 7 and third statement para 50)	The F did not take the travel documents. These remained in the mother's possession at all times	
10.	The children were wrongfully retained in Pakistan against M's will (M's first statement para 8 – 17 and third statement paras 49 - 86)	This is not accepted.	

Findings sought by the father

No	Respondent's allegation	Applicant's Response	Judge's Comments
1.	Latter part of 2014. The Mother physically chastises J inappropriately causing physical and emotional harm. The mother slapped J to the face and arm taking out her frustration on her after the mother had an argument with the father. The argument took place over the phone. The mother was in Pakistan and the Father was in England. The father knows this as the father's brother intervened in Pakistan (Father's statement dated 14th July 2020 at C35, Para 17)	This allegation is denied in its entirety. As can see from the disclosure from Leeds City Council at F2 J made this disclosure on 15 June 2017 and she notified the school that F hit J. Please also see paras 16 and 17 of M's third statement.	
2.	16th May 2017 The mother caused the children emotional harm by swearing in the children's presence and exhibited coercive and controlling behaviour by threatening to cut herself and ring the police and say that the father cut her; the facts being that the father awoke and came	M accepts that on occasions when F would swear at her, M would respond by making remarks and then F would become violent. The other allegations are denied. Details of the correct version of events are set out in M's third statement paras 9 – 14.	

	<p>downstairs. The mother stated she wanted a divorce and started to swear at the father. The father phoned the mother's father who suggested he should come to the shop whilst the mother calmed down. The mother told the father to take all three children with him but when the father did so the mother threatened to cut herself, ring the police and accuse him of doing it. The father then removed the children from the car and called one other witness who is a distant relative for assistance. The father in law called a second witness who is also a distant relative. The father-in-law unsuspectingly attended and hit the father. The father did not retaliate and an acquaintance prevented any further act of hitting. (Father's statement dated 14th July 2020 at C39 Para 31- 33)</p>		
3.	<p>13th September 2018 The mother hit the father with a vacuum cleaner causing pain and bruising. The pipe broke. (Further statement of F to come)</p>	<p>This allegation is denied.</p>	
4.	<p>28th November 2018 The mother caused the children physical harm by inappropriate chastisement of the children In one incident video recorded the mother is lying on the settee, the youngest child does not want to have his drink, she smacks him with the remote control, then she throws the child to the floor. In the other incident when the two young sons are falling out the mother tells K to hit the younger son even harder (Father's statement dated 14th July 2020 at C43 Para 42 Video evidence)</p>	<p>This allegation is denied. It is unclear which video F is referring to. But M denies this allegation she did not "smack" L with the remote control, she did not throw L onto the floor, she does accept that she moved him to the floor, but this was not in a forceful manner. It is true that there was an incident where K was hitting L. F was sitting with the children in the living room. M told F to stop the children from fighting, she was in the kitchen. M was not encouraging the children to fight.</p>	
5.	<p>16th January 2019 The exhibited coercive and controlling behaviour (domestic abuse) of the father, raising concerns that she does not consider how her own actions may impact on the children. When the father threatened to leave the mother and the toxic relationship the mother refused to let the father take his passport from her and blackmailed him with threats to post messages on social media that would cause him trouble. She later went on to threaten that she would kill herself and the children and mentioned that there was poison in the house (Further statement of F to come)</p>	<p>These allegations are denied. Please see paragraphs 25 – 29 of M's third statement.</p>	
6.	<p>7 th November 2019 The mother caused the children emotional harm by threatening to hit the children as she is frustrated from an argument with the father when he didn't want to change her gold bangles yet again (Father's statement dated 14th July 2020 at C46 Para 56)</p>	<p>This allegation is denied in its entirety. Please see paragraphs 25 – 29 of M's third statement.</p>	
7.	<p>Throughout the relationship once all three children were born. The mother would hit the children when she was unhappy with the father causing them physical harm. J told the father that the mother would hurt them on occasion and has locked them in a dark room when the father has left for work causing them emotional harm (Further statement of F to come)</p>	<p>These allegations are denied. Please see paragraphs 21 – 23 of M's third statement.</p>	
8.	<p>Throughout the relationship The father has been subjected to domestic abuse through coercive and controlling behaviour perpetrated by the mother, motivated by financial gain with no thought of the potential impact of blackmail and other threats upon her children should she carry out said threats or the father snap from such provocation (Further statement of F to come)</p>	<p>These allegations are denied.</p>	