

SHERIFFDOM OF GRAMPIAN, HIGHLAND AND ISLANDS AT WICK

[2025] SC WCK 8

WCK-B17-23

JUDGMENT OF SHERIFF NEIL WILSON

in

Summary Application under and in terms of Section 26 of the Human Trafficking and
Exploitation (Scotland) Act 2015

in the cause

SIR IAIN LIVINGSTONE QPM, Chief Constable, Police Scotland

Pursuer

against

KEVIN BOOTH

Defender

Pursuer: Watts KC, Arnott

Defender: Webster KC, Crabb; Levy & Macrae Solicitors, Glasgow

WICK, 1 February 2025

The Sheriff, having resumed consideration of the cause:

Finds the following facts admitted or proved, in addition to the matters covered in the Joint

Minute of 4 March 2024 and the Supplementary Joint Minute of 8 January 2025:

1. That the pursuer is the Chief Constable of Police Scotland.
2. That the defender is Kevin Booth, who resides at Lochdhu Lodge, Altnabreac, Caithness.
3. That Lochdhu Lodge is in a remote location, inaccessible by public transport.

That within a building forming part of the curtilage of Lochdhu Lodge is an underground "chamber" area, accessed via a trapdoor and a 60-metre-long

curved concrete tunnel. This chamber consists of several areas, containing, inter alia, an empty coffin, life-size ancient Egyptian figures and a metal bench.

4. That the defender, on numerous occasions, over many years, at Lochdhu Lodge and elsewhere, violently whips women and girls causing them obvious extreme distress and pain. In doing so, the defender uses his hands, and a variety of implements such as canes, wooden brushes, riding crops and belts. Specifically, that the defender restrains women to the metal bench within the Lochdhu Lodge chamber using handcuffs for the purposes of whipping them. These assaults are videoed by the defender.
5. That a consistent feature of these assaults is that the defender takes pleasure in assaulting his victims, justifies them as “punishment beatings” for minor real or imagined infringements, takes great care in inspecting and filming the injuries inflicted, and that in counting the set number of blows to be administered threatens to start again if the victim struggles or resists in any way.
6. That, on some occasions, the victims are restrained by handcuffs or similar. On other occasions the defender uses coercion by way of threats to withhold payment of wages to force his victims to submit to the assaults.
7. That at least two of the beatings are at Lochdhu Lodge.
8. That the defender has a history of offending. Specifically, that the defender was charged with assaulting children in his care at Greybrooks School in 1991, the modus operandi including caning and whipping. Prior to trial, the defender left the United Kingdom in an attempt to evade justice. On his return,

in 1994, he was convicted after trial at Newcastle Crown Court of five charges of assaulting children and a further charge of failing to surrender to bail, and made subject to a cumulo sentence of 3 months' imprisonment suspended for 2 years. Further, that in 2002 the defender was convicted after trial at Bradford Crown Court of indecently assaulting his Brazilian au pair, then in his employment, and sentenced to 2 years' imprisonment. The modus operandi, as narrated in the defender's record of previous convictions, was that he "threatens her with a riding whip instructs her to remove clothing. Masturbates on top of her".

9. That the defender, after leaving university and whilst employed as a teacher in Botswana, caned many students, and enjoyed doing so.
10. That the defender, since 1998 to at least December 2022, has engaged in a consistent course of conduct of recruiting women, both from the United Kingdom and abroad, for the purposes of isolating them, either at Lochdhu Lodge or elsewhere far from their homes, and thereafter submitting them to violent beatings and forcing them, through threats of violence, to perform sexual acts on him.
11. That in doing so the defender travelled abroad to a variety of countries to target financially vulnerable women and induce them, through the promise of employment and financial gain, to travel to join him in a variety of locations distant from their home countries.

12. That the defender, having removed these vulnerable women from their families and home support structures, he is better able exploit them, and subject them to beatings and sexual assaults.
13. That on occasion the defender, having targeted vulnerable women abroad, goes on to use these women to recruit further potential victims.
14. That the defender, whilst subject to the restrictions of the Interim Orders granted on 5 April 2023 and varied on 21 April 2023, in the course of purporting to comply with said conditions, sought to mislead officers of Police Scotland in an email exchange in November 2023 regarding a proposal to sponsor the travel of a named individual.
15. That in July 2023 a complaint was made to Police Scotland by a Ms J regarding the defender's conduct towards her whilst she was employed by him at Lochdhu Lodge between June and December 2022. Further, that this conduct constituted a further instance of trafficking and exploitation.
16. That the resources available to the pursuer, both in terms of officers directly employed by Police Scotland, and in terms of assistance available from the appropriate authorities in other countries both within and outwith the European Union, are wholly inadequate to the task of monitoring the defender's movements and actions outwith the United Kingdom.

Finds in fact and in law as follows:

1. That the defender has, for a period of many years, carried out a systematic course of conduct of acts of human trafficking and exploitation.

2. That in doing so, the defender regularly travelled outwith the United Kingdom to facilitate the commission of said acts.
3. That the defender travelling outwith the United Kingdom formed an integral and necessary part of this course of conduct.
4. That the defender presents a substantial risk of continuing to commit said acts.
5. That restricting the defender only to the extent conceded by defender's counsel, namely paragraphs (i) - (vi), (viii) and (ix) of pursuer's Crave 1, would not provide sufficient protection to potential further victims of his conduct.
6. That it is necessary and proportionate, in addition to the restrictions conceded by the defender, that the defender shall be prohibited from travelling to any country outwith the United Kingdom, as sought by the pursuer's Crave 1(vii).

Therefore:

The pursuer's first Plea-in-Law is sustained and the pursuer's First Crave is granted.

Accordingly, the defender is made subject to a Trafficking and Exploitation Order pursuant to section 26 of the Human Trafficking and Exploitation (Scotland) Act 2015, for a period of 5 years, with the following conditions:

- (i) The defender shall be required to notify a Constable of the Police Service of Scotland in writing at least 14 days in advance of employing, contracting with or otherwise engaging the services of any woman as a housekeeper or in any other role or capacity that involves the delivery of any personal or domestic services to the defender or his family residing with him at Lochdhu Lodge, Altnabreac, Halkirk, KW12 6UR or any other property owned or leased by him,

either directly or indirectly, providing the following information pertaining to the prospective employee:

- a. Full name
- b. Date of birth
- c. Nationality
- d. Address
- e. Telephone number
- f. Email address
- g. National Insurance number (or equivalent dependent on nationality)
- h. A written contract of employment including full details of the employee's proposed duties and remuneration arrangements
- i. Proof of immigration status, including entitlement to work in the United Kingdom

In relation to any woman already employed or contracted or otherwise engaged as a housekeeper or in any other role or capacity that involves the delivery of any personal or domestic services to the defender or members of his family residing with him or at any other property owned by him, the defender is required to provide the information sought within 7 days.

- (ii) The defender shall not make any changes to the terms of any such employment, contract or other agreement provided to a Constable of the Police Service of Scotland in terms of paragraph (i) of this order without prior written permission being sought from and granted by a Constable of the Police Service

of Scotland at least 14 days before any proposed changes are to become effective.

- (iii) The defender shall be required to notify a Constable of the Police Service of Scotland 7 days in advance, of the name, address, and nationality of any female person, other than an immediate family member, who will be present at any property owned or leased by him for the purposes of providing any personal, sexual or domestic services to the defender.
- (iv) The defender shall be required to permit access to officers of the Police Service of Scotland to Lochdhu Lodge, Altnabreac, Halkirk KW12 6UR, and at any other property owned or leased by him within Scotland, for the purpose of enabling officers to carry out welfare checks on any person(s) residing there at any time, without prior notification.
- (v) The defender shall be prohibited from possessing any original identity or immigration documents, other than those pertaining to himself or his dependents, except when held for the purposes of complying with paragraph (i) above.
- (vi) The defender shall be prohibited from arranging travel or sponsoring visas, either directly or indirectly, for anyone other than himself or an immediate family member, unless prior written approval is sought and granted by a Constable of the Police Service of Scotland at least 14 days prior to such arrangements or applications being entered into.
- (vii) The defender shall be prohibited from travelling to any country outwith the United Kingdom and shall be required to surrender each passport that he holds

to the Police Service of Scotland at Wick Police Station, Bankhead, Wick,
KW1 5LB within 24 hours of the date of this order.

(viii) The defender shall be prohibited from making an application for a further
passport at any time prior to 4 years and 10 months from the date of this order.

In the event that, following an application made in terms of this paragraph, a
new passport arrives with the defender within a period of less than 5 years
after the date of the making of this order he is, for the avoidance of doubt,
prohibited from using it for travel until the 5-year period has elapsed.

(ix) In making the notification required in terms of paragraphs (i) and (iii) of this
Order, the defender shall be required to provide notification by email which
must be sent to all of the following email addresses:

(i) HighlandandIslandsOrganisedCrimeInverness@scotland.police.uk

(ii) William.nimmo@scotland.police.uk

(iii) Graham.gordon@scotland.police.uk

(iv) SCDNationalHumanTraffickingUnit@scotland.police.uk

The pursuer will undertake to use best endeavours to acknowledge receipt of
any notification submitted by the defender in terms of this order within
48 hours of receipt. In the event that the defender does not receive an
acknowledgement of receipt of any notification sent by him within 48 hours of
the notification being sent, the defender is ordered to proceed in terms of
paragraph "x" of this order.

(x) In the event that the defender is unable to send notification via email, for
example in the event of a failure of his internet connection, or in the event of

him not receiving an acknowledgement of receipt of a notification sent by email, notification must be made by the defender via recorded delivery post to the following address: National Human Trafficking Unit, Scottish Crime Campus, Craignethan Drive, Gartcosh, G69 8AE.

- (xi) The Chief Constable can, having provided 14 days' notice to the defender, change the email or postal addresses to which the defender is required to make notifications in accordance with this order.

The pursuer's third Plea-in-Law no longer being insisted on, the pursuer's Third Crave is refused.

The defender's Plea-in-Law is repelled.

Introduction

[1] This is a Summary Application brought by the Chief Constable, Police Scotland seeking to have the defender, Kevin Booth, made subject to a Trafficking and Exploitation Risk Order ("a TERO") in terms of section 26 of the Human Trafficking and Exploitation (Scotland) Act 2015 ("the Act"). Section 26(3) of the Act allows a sheriff to grant a TERO only if satisfied that:

- (a) there is a risk that the adult may commit a relevant trafficking or exploitation offence, and
- (b) each prohibition or requirement in the order is necessary for the purposes of protecting persons generally, or particular persons, from physical or psychological harm which would be likely to occur if the adult committed such an offence.

[2] Section 26(3) of the Act is referred to at this stage as the pursuer's submissions, specifically paragraphs 4 and 5, highlight the language of the Act, namely that the legislation is designed to address a risk that may occur, and would be likely to cause harm. As granting a TERO, whatever its terms, involves assessment of future risk, the required standard of proof implicit in this section of the Act is worth stressing at this stage. This matter will be addressed in my conclusions.

[3] Section 28(1) of the Act specifically allows for a prohibition on foreign travel for a fixed period of not more than 5 years.

[4] Section 28(2)(a) of the Act allows for any such prohibition to be restricted to travel to specific countries named or described in the order.

[5] Section 28(2)(b) of the Act allows for any prohibition to exclude specific countries named or described in the order.

[6] Section 28(2)(c) allows for a prohibition on travel to any country outwith the United Kingdom.

[7] Section 28(3) allows for the renewal of any prohibition on foreign travel at the end of the period of restriction, the duration of any further period again being restricted to 5 years.

[8] The terms of section 28 of the Act are highlighted at this stage for several reasons. Firstly, the defender's position was that it was a matter of concession that the restrictions sought by the pursuer were necessary and proportionate, with the exception of the prohibition on foreign travel, with the associated requirement to surrender any passport held. Secondly, it was the defender's *estoppel* position that if the court were convinced that a prohibition on foreign travel were necessary, limiting this prohibition to specific named countries would be appropriate and would not disproportionately affect the defender's

Article 8 rights. Thirdly, included in the defender's submissions was an argument that the 5-year period proscribed by the Act was in some way designed to lead to a diminution of risk at the end of that period. These matters are addressed in my conclusions.

Court procedure

[9] The Summary Application was lodged on 20 March 2023, and what follows is an outline of subsequent court procedure.

[10] At a Hearing After Service on 21 April 2023, the interim orders granted on 5 April, (essentially pursuer's Crave 2) were varied such that condition (vii), the prohibition on foreign travel, was replaced with a condition that the defender:

“shall be required to notify a Constable of the Police Service of Scotland in writing at least 14 days in advance of travelling to any country outwith the United Kingdom, providing the following information pertaining to the travel: (a) the country of destination; (b) proposed length of stay; (c) the address and /or addresses of his proposed residence(s) whilst outwith the UK; and (d) a contact telephone number of the said residence(s). In the event of a change to any of these arrangements the Defender requires to notify a Constable of the Police Service of Scotland in writing as soon as reasonably practicable and in any event within 48 hours.”

[11] Pursuer's Crave 3 was granted, namely that an order be made under section 4(1) of the Contempt of Court Act 1981, postponing publication of any report of the proceedings, or any part of the proceedings, until the conclusion of any criminal proceedings as hereinafter condescended upon. Condescence 22 avers that this order was necessary as the pursuer “is engaged in an ongoing investigation of his (the Defender's) actions with a view to the potential commencement of criminal proceedings”.

[12] At a further Hearing on 23 August 2023 condition (i)(i) - proof of immigration status was added.

[13] The interim order, as narrated in the interlocutor dated 23 August 2023, thereafter remained in force for the duration of the case.

[14] At a Hearing on 30 January 2024, amongst other matters dealt with, on the pursuer's opposed motion, the defender was ordained to surrender his passport to the Police Service of Scotland at Wick Police Office within 24 hours.

[15] The cumulative effect of the interim order of 23 August 2023 and the surrender of passport ordained on 30 January 2024 was that, as of 30 January 2024, the defender was in effect subject to the restrictions craved by the pursuer. He thereafter remained subject to these restrictions for the duration of the action.

[16] The case having originally, and rightly, been raised at Wick Sheriff Court, it was transferred to Inverness Sheriff Court on the pursuer's unopposed motion in order to achieve Shrieval continuity, Wick not having a resident Sheriff at that time. At a Hearing at Inverness Sheriff Court on 23 August 2024 the matter was transferred ex proprio motu back to Wick Sheriff Court in anticipation of there being, in the near future, a resident Sheriff at Wick.

[17] After various sundry procedure, at a Hearing on 3 November 2023, a 5-day Proof was set down for 4 - 8 March 2024, with a Pre-Proof assigned to 11 January 2024. A closed record was lodged on 9 November 2023.

[18] The matter then called on various occasions in January and February 2024 and, after considerable discussion, a lengthy Joint Minute of Agreement was signed, and thereafter lodged on 4 March 2024. In short, the effect of this Joint Minute, to quote paragraph 70 of the pursuer's submissions, "is that all documentary and video evidence is entered into evidence". It is referred to for its terms. On the defender's opposed motion an amended

Minute of Amendment was allowed to be received, and the closed record amended accordingly. The pursuer's motion for expenses for the amendment procedure was continued.

[19] The case called for Proof on 4 March 2024, and the court was told that the defender had been taken to hospital in the early hours of that morning, having taken unwell. The pursuer's motion to start the Proof, with video evidence, in the defender's absence, was refused. The matter was continued to 5 March 2024 for clarification of the defender's health.

[20] On 5 March the matter was continued to 6 March 2024, once again for clarification of the defender's health.

[21] On 6 March the matter was adjourned, due to the defender's ill health, to dates to be later fixed, and the question of expenses for the discharge procedure reserved.

[22] On 3 April 2024, the pursuer having lodged a Motion for Expenses and the defender having intimated opposition, a Hearing on Expenses was assigned for 17 May 2024. On 17 May 2024, the court having been addressed, the matter was continued to 10 June 2024 for written submissions. On 17 June the pursuer was awarded expenses of the process between 3 November 2023 and 18 February 2024 on a party/party scale, the decision on the pursuer's motion for the grant of an additional charge, and the pursuer's motion for the expenses of the Hearing, both being reserved.

[23] On 27 June 2024 the Diet of Proof was assigned to start on 18 November 2024. The matter did thereafter proceed to Proof on 18 November 2024, on which occasion Helen Watts KC and Victoria Arnott, advocate, appeared for the pursuer, and Andrew Webster KC and Simon Crabb, advocate, appeared for the defender. Further evidence was heard on 19, 20, 22 and 25 November 2024, and the matter was thereafter

continued to a Hearing on Submissions on 5 December, written submissions to be lodged by close of business on 29 November 2024. This Hearing was administratively discharged, and continued to a Hearing on 8 January 2025.

[24] On 8 January 2025, a supplementary Joint Minute of Agreement was lodged, and is referred to for its terms. Following submissions from Ms Watts for the pursuer and Mr Webster for the defender, the matter was continued to 13 January 2025 for further submissions.

[25] On 13 January, following the conclusion of Mr Webster's submissions, and response from Ms Watts, the matter was taken to *avizandum*.

[26] Before the commencement of evidence, Mr Webster indicated that the only matter in dispute was the necessity or proportionality of the powers contained in pursuer's Crave 1 (vii), namely the prohibition on the defender travelling outwith the United Kingdom.

The evidence

[27] Before considering the evidence, I should indicate that much of the factual element of the pursuer's evidence was not challenged by the defender. Indeed, as previously indicated, the provenance and content of much of the evidence was covered in a Joint Minute lodged immediately prior to the Proof in early March 2024. There was considerable evidence, led over several days, regarding the defender's conduct, very little of which was subject to cross-examination. What was challenged in cross-examination were the inferences which might be drawn from the evidence. This will be dealt with in Submissions and Conclusions.

The pursuer's evidence

[28] Subsequent to the Proof Hearing, Ms Watts, counsel for the pursuer provided lengthy and comprehensive written submissions. These included a helpful summary of the oral evidence led, in particular the testimony of Detective Sergeant Christopher Hughes (paragraphs 86 – 97), Detective Sergeant Kevin Byrne (paragraphs 98 – 101), Detective Sergeant Fiona Moar (paragraphs 102 – 106) and Detective Constable Natalie Hamill (paragraphs 107 – 108), as well as the video evidence (paragraphs 109 -119), Skype conversations (paragraphs 121 -133 and 177 – 191), contracts documents (paragraphs 156 - 164), immigration documents and correspondence (paragraphs 165 – 176) and witness statements lodged as productions (paragraphs 154 – 155). The factual elements of this summary accorded entirely with my recollection of the evidence either led in court or agreed by way of Joint Minute.

[29] Prior to being addressed by counsel for the defender at the Hearing on Submissions on 8 January 2025, I sought confirmation from Mr Webster that the pursuer's summary of the factual elements of the evidence led was not disputed and he conceded this. Given the relative paucity of cross-examination by Mr Webster, and the wide-ranging and comprehensive Joint Minute, this concession was entirely proper.

[30] Given Mr Webster's position, I am satisfied that providing a further detailed account of the evidence is superfluous, and accordingly the pursuer's submissions on the unchallenged factual elements of the evidence are to be taken as accepted by the court.

[31] This approach is to be treated as subject to two important caveats. Firstly, I indicated to Mr Webster that I was not expecting him to concede the inferences that the pursuer was inviting me to lead based on the undisputed evidence. Secondly, the evidence of DS Hughes

was to be considered as evidence largely of opinion rather than fact, and similarly not a matter of concession or agreement.

[32] In summary, the Skype messages, which were all a matter of agreement, and some of which were presented in evidence by the pursuer, contained details of the defender arranging travel, visas, passports, payment and accommodation for many women, with a view to meeting them at various locations abroad. Some of these messages explicitly mentioned payment for submitting to beatings. There were also letters, both hard copy found at the defender's home and electronic copies recovered from his devices, between the defender and various immigration authorities arranging visas for many women and seeking to sponsor their travel. The contract documents, again recovered from the defender's possession, contain details of "agreements" between the defender and various women, stating their obligation to submit to beatings as a term of their employment by the defender. The provenance of these documents, and the defender's role in their origin, were all agreed by way of Joint Minute.

[33] The witness statements, six in total, were obtained by police in the course of their investigations into the defender's conduct, and all detail the defender employing them at Lochdhu Lodge and thereafter subjecting them to beatings, or threatening to do so. The provenance of these statements, and that they were accurately noted by police officers, was again agreed by Joint Minute.

[34] Also a matter of agreement was that a further complaint was made in July 2023 by a Ms J regarding the defender's conduct in 2022. The statement detailing this conduct was admitted to be accurately noted by the police officers, and contained details of the defender

pressurising Ms J to provide sexual services in the course of her employment at Lochdhu Lodge.

[35] Also the subject of agreement was evidence of the defender being investigated for raping a woman in his employ in the Republic of Ireland, and subsequently seeking to apply financial pressure on the complainer to withdraw her allegation. There is also reference, contained in the defender's Skype chat, of his sponsoring the complainer to travel from Botswana to the Republic of Ireland, and of her not knowing that, once there, he planned to whip her.

[36] Given that the evidence of DS Hughes was, in my view, qualitatively different from the other evidence led, I will consider it in some detail at this stage.

[37] Detective Sergeant Christopher Hughes stated that he was 44 years of age, with 16 years of police service, and that he had worked in the National Human Trafficking Unit, Specialist Crime Division since January 2021. He also stated that, whilst previously serving as a CID officer in Renfrewshire, he was responsible for liaising with the unit where he now works. DS Hughes' evidence was presented to the court as, in effect, expert evidence on the subject of trafficking and exploitation, given his experience and his day-to-day involvement in the investigation of alleged instances of human trafficking in Scotland. He confirmed that he was directly involved in the investigation into the defender, and further that applications for a TERO were rare, and Kevin Booth's was the first one to be contested.

[38] DS Hughes' evidence as to typical features of trafficking and exploitation was objected to by Mr Webster in the course of the Proof, and thereafter heard under reservation. For the avoidance of doubt, I consider his evidence on this matter admissible. The relevance and weight I attach to it will be addressed later. As to the evidence itself, an accurate

summary of DS Hughes' description of trafficking is provided in the pursuer's submissions, (paragraph 88), namely that common features of trafficking and exploitation include:

"a power imbalance between perpetrator and victim; coercion; violence; use of violence to secure compliance with the perpetrator's demands; isolation; fear of punishment or something worse happening; and infliction of distress."

DS Hughes thereafter stated that isolating victims by moving them abroad, away from family and home support structures, and thereby increasing their vulnerability, were indicative of trafficking.

[39] DS Hughes then gave evidence as to his views on the necessity and proportionality of a travel ban, both by reference to his interpretation of the defender's methods of trafficking and exploitation, and further by describing the limited resources available to Police Scotland to monitor the defender if he were permitted to travel abroad.

[40] DS Hughes stated that he had reviewed the video and documentary evidence in the case, in particular the Skype messages recovered from the defender's electronic devices, and was of the view that Mr Booth regularly travelled abroad, where he recruits economically vulnerable women from poor countries, arranges and pays for them to travel to a variety of countries, in particular South Africa, Dubai, Sri Lanka and the Philippines, where, once isolated and within his control, he subjects them to violent beatings.

[41] In his evidence, DS Hughes was taken through a considerable volume of Skype messages, the general theme of which could be summarised as outlining the defender organising travel, visas and payment for women, and subsequently arranging to meet and abuse them. DS Hughes characterised this course of conduct as trafficking and exploitation. The content of these messages was not challenged by Mr Webster. These messages being found on electronic devices belonging to the defender was a matter of agreement, and the

assumption that Mr Booth was the person organising the alleged trafficking and exploitation was, again, not challenged or subject to cross-examination.

[42] In the course of DS Hughes' evidence, the court was also played a total of 13 videos of Mr Booth beating young women. The pursuer's written submissions (paragraph 119) included a detailed description of the contents of these videos. That Mr Booth was the person administering the beatings was a matter of agreement, and the only matters subject to cross-examination were focused on what inferences regarding location might be drawn from the videos themselves, and the places noted on the associated file names. Rather than briefly outline these videos, the pursuer's full summary is contained in Appendix A and referred to for its terms which are incorporated herein *brevitatis causa*.

[43] A total of at least 341 videos, all featuring the defender, were recovered by the police, 45 of which were lodged in process. The contents of these remaining videos are reviewed the cybercrime reports. These reports state that these remaining videos contain content similar to that summarised in Appendix A.

[44] It might seem gratuitous to include this level of detail. However, given that the factual details of the beatings were not challenged, in my view this summary provides an accurate idea of the nature of the defender's conduct that the pursuer's case is designed to prevent. It is also worth noting at this stage that the pursuer's summaries of the contents of the videos accord entirely with my notes of the evidence. This will be relevant at the stage of considering the proportionality of the travel ban sought by the pursuer.

[45] DS Hughes also gave evidence regarding the difficulties of monitoring foreign travel. In doing so, he stressed both the limited internal resources at his disposal within Police Scotland (he stated there were only eight police officers in the National Human Trafficking

Unit), and the difficulties in securing co-operation from the appropriate authorities outwith the United Kingdom, with the possible exception of the Republic of Ireland. In particular, he stated that Police Scotland would be incredibly unlikely to be able to secure the co-operation of the authorities in Nigeria, Botswana, Sri Lanka, Dubai and South Africa, these all being countries that appeared in the defender's electronic communications and/or labelling on video recordings.

[46] DS Hughes also stated that, if the restrictions on the defender's foreign travel were limited to the level of supervision conceded by the defender as necessary and proportionate, ie notification requirements re foreign travel, Police Scotland would have no way of knowing if the defender had travelled onwards from an agreed destination, and therefore would have no mechanism to prevent him from doing so.

The defender's evidence

[47] The defender did not give evidence, and no evidence was lead on his behalf, other than a transcript of an email exchange between the defender and officers of Police Scotland which was admitted to evidence by way of the Joint Minute at the Hearing on Submissions on 8 January 2025. The contents of the Joint Minute were advanced by counsel for the defender as evidence of the defender's compliance with the interim order of 21 April 2023. At submissions stage, I was invited to draw positive inferences from this exchange by counsel for the defender, and negative inferences by counsel for the pursuer.

[48] The email exchange dated from October and November 2023, at which time the defender was subject to the restrictions of the interim order previously referred to. The exchange included the defender intimating to Police Scotland, as required by the terms of

this interim order, of his plans whilst on holiday in South Africa, to pay for a woman he refers to as a “long term friend” to travel to meet him and his family. As part of this exchange the defender is asked whether the woman had ever been sponsored by him or worked for him, and the defender replies stating that she had never worked for him. The significance of this email exchange will be covered at submissions stage.

Submissions

Pursuer's submissions

[49] It was not a matter of dispute that this action was the first of its kind. I was invited by Ms Watts to treat this as evidence of its seriousness. I was not persuaded by this argument. I made it clear at submissions stage that I intended to consider this case on its individual merits, and would draw no inferences from its rarity or novelty.

[50] Ms Watts' submissions on the evidence were lengthy and detailed. Absolutely no criticism whatsoever is implied by this observation. The subject matter merited the detailed analysis provided. However, given that little, if any, of the factual element of her submissions was challenged, what follows is a brief precis of her position.

[51] In her submissions, in essence, she invited me to conclude that the quantity and quality of evidence presented to the court, and agreed by Joint Minute, were such that the only logical conclusion which could be reached was that the defender had, for many years, carried out a consistent course of conduct of human trafficking and exploitation in which foreign travel was an integral part. I was referred to a substantial body of evidence in the form of Skype messages, emails, contracts and witness statements in support of this

submission. Given that the vast majority of this evidence was not challenged, I do not regard it as necessary to reiterate it in detail.

[52] There was no direct evidence of the defender travelling abroad. However, Ms Watts submitted that the quantity and consistency of the evidence by way of the defender's Skype messages arranging and sponsoring foreign travel for his potential victims, his arranging to meet them at various foreign destinations and reference to payment for submitting to physical and sexual abuse allowed of no other conclusion than the defender was engaged in a course of conduct of trafficking and exploitation in which foreign travel was integral.

[53] Ms Watts also made reference to the foreign locations mentioned in the file names on some of the abuse videos, such as Dubai and Malaysia, and the apparent foreign nature of some of the backdrops in the videos. These are described in Appendix A. These factors were also cited as evidence of the defender's foreign travel.

[54] For further evidence of the defender's international travel, and the role it played in his trafficking activities, I was referred to a letter from the defender to the UK immigration authorities seeking to persuade them to grant a visa to a woman whom he had met in Kenya in 2011, Botswana in 2012, India in 2013, Sri Lanka in 2013 and Dubai in 2015 and 2016 (pursuer's submissions paragraph 168). Included with the letter were entries from the defender's passport as proof of his travels on the dates and to the places cited.

[55] Ms Watts provided many more similar examples of arranging and sponsoring travel (paragraphs 168 – 173), and also detailed links between these travel arrangements, videos of beatings and payments being conditional on submitting to beatings.

[56] That exploitation had occurred was not denied. The videos were a graphic illustration of this. Nonetheless, and rightly so, Ms Watts made reference to the video

evidence, and in particular to the defender in the course of these videos displaying evidence of coercive control over the victims by way of various sorts of threats. She also invited me to infer, from hotel décor, the views from windows and the presence of foreign place names in file names, that the majority of the videos were taken abroad. It was unchallenged in evidence that two of the videos were taken in the chamber at Lochdhu Lodge.

[57] In assessing the ongoing risk the defender might present, Ms Watts also invited me to attach particular importance to two passages of evidence, namely the complaint made in July 2023 about the defender's conduct in 2022, and the email exchange dating from October and November 2023.

[58] The first of these was cited as proof of the defender's ongoing actions being consistent with his course of conduct prior to the police investigation commencing in early 2019.

[59] The second of these was cited as proof of the defender's lack of honesty in dealing with officers of the Police Service of Scotland. This was the evidence introduced by way of Joint Minute on 8 January 2025, and in referring to it Ms Watts invited me to conclude that, in lying to the police about the nature of his previous relationship with the woman whose travel he was seeking to sponsor, the defender was demonstrating he could not be trusted. I was also invited to conclude that this was a recent example of the defender attempting to traffic and exploit a previous victim. Ms Watts also pointed me towards a Skype exchange from 2017 between the defender and a woman, Miss AV, arranging to meet her in Dubai, and a video labelled "dubai 2017 nov." showing the defender beating a woman, and invited me to conclude these two pieces of evidence, and the 2023 email exchange, all concerned the same woman.

[60] Ms Watts also directed me to what she termed the Irish Rape Allegation. Details are contained in the pursuer's submissions paragraphs 140 – 144, and refer to the pursuer's productions 5/191 – 5/193. I was invited to conclude that these documents showed clear evidence of the defender, having been the subject of a rape allegation made by a woman whom he sponsored to travel from Botswana to the Republic of Ireland, seeking to bribe or coerce her into withdrawing the allegation. The contents of the documents, and that the defender was the author of them, was agreed. Given that the conclusion Ms Watts invited me to reach was not challenged, I regard further detail as superfluous.

[61] I was invited to accept the evidence of DS Hughes in its entirety. In particular I was referred to his evidence of the resources available to Police Scotland to monitor and restrict the activities of someone such as the defender, namely a) the limited number of officers within the National Human Trafficking Unit and, b) the limited or non-existent level of co-operation which would be available in foreign jurisdictions such as the countries where the defender carried out his trafficking activities.

[62] Ms Watts also submitted it could be concluded from DS Hughes' evidence, that once the defender was abroad, Police Scotland would have no way of monitoring his conduct or onward travel, far less control or restrict it.

Defender's submissions

[63] Mr Webster's submissions for the defender focused on two general arguments, namely that, firstly, there was no direct proof of the defender travelling abroad as part of his trafficking and exploitation activities and, secondly, that the restrictions conceded by the

defender were sufficient protection to any potential victims of the defender's behaviour, and that the worldwide travel ban sought by the pursuer was neither necessary or proportionate.

[64] These submissions did overlap to a certain extent, in that the alleged lack of proof of foreign travel was advanced as an argument against the necessity of prohibiting such travel.

[65] Mr Webster argued that the many and various electronic communications referred to in court, which as a matter of agreement involved the defender, and which ex facie detailed his making foreign travel plans as part of his trafficking and exploitation conduct, were not direct evidence of his foreign travel. Mr Webster also submitted that the locations on the file names of various videos of beatings were not conclusive evidence of where the recordings were made.

[66] Mr Webster submitted that the restrictions already in place by way of interim orders first granted on 5 April 2023, containing as they did an obligation on the defender to provide certain information to Police Scotland offered sufficient protection to any potential victims of the defender's actions. In support of this, Mr Webster referred to an email exchange between the defender and officers of Police Scotland in November as evidence of the defender being open and honest in complying with obligations to keep Police Scotland informed of various matters, such as travel plans and proposed sponsorship of others. In addressing the apparent dishonesty on the part of the defender in failing to advise Police Scotland that he had previously employed the person whom he was seeking to sponsor, Mr Webster sought to make distinction between being employed and being offered employment, the latter being what is specifically evidenced in the email exchange dating from 2017.

[67] It was also submitted that the prohibition on foreign travel sought by the pursuer would have a disproportionate effect on defender's private and family life, and his foreign business interests. No direct evidence was led of his private and family life, other than one of the pursuer's police witnesses making passing reference to seeing the defender with his children at the local village primary school several years ago. Similarly no direct evidence was led of any foreign business interests the defender might have. I was invited to draw inferences of foreign family connections, and foreign business interests, from the contents of electronic messages sent by the defender.

[68] Mr Webster also sought to persuade me that a prohibition on foreign travel was not necessary as there was no evidence of trafficking or exploitation since 2018. In doing so, he placed considerable emphasis on the Act limiting any prohibition on foreign travel to a period of no more than 5 years. As I understood his submission, Mr Webster was inviting me to conclude that Parliament's intention was that a 5 year worldwide travel ban would in some way in itself lead to a reduction of risk by the end of that period, and therefore the defender not having carried out acts of trafficking or exploitation since 2018 was proof that the restrictions sought by the pursuer were unnecessary.

[69] Mr Webster also invited me to reject the opinion evidence of DS Hughes regarding whether or not Police Scotland could effectively monitor and restrict the activities of the defender without a worldwide travel ban being in place. In doing so, Mr Webster sought to persuade me that, notwithstanding DS Hughes' unequivocal rejections of the suggestions in cross-examination, a) the obligations on Police Scotland to fulfil their duties meant that resources to monitor the defender must be made available and, b) DS Hughes' evidence on the lack of resources abroad to help monitor a TERO was simply speculative.

Conclusions on evidence and submissions

[70] In considering the evidence and submissions in this matter, I had the benefit of Ms Watts' lengthy and detailed written submissions. It was also helpful to my deliberations that Mr Webster's position was focussed on the one narrow issue, ie whether a worldwide prohibition on travel was necessary and proportionate.

[71] Whilst this is not an issue I raised with counsel for either pursuer or defender in the course of the various Hearings, I was mindful at all times that whilst the matter before me was novel, and serious, it did not necessarily follow that it was complex. That the pursuer led a considerable volume of evidence, in a variety of forms, and invited me to draw certain inferences from that evidence, be it videos, documents, Skype conversations, witness statements or direct oral testimony may be a complicated process. However, if I am then persuaded by the pursuer's argument, namely that the defender traffics and exploits vulnerable woman, that he has done so for many years, and that foreign travel is an integral part of this course of conduct, the decision as to whether a worldwide travel ban is necessary and proportionate might be difficult, but the matters to be weighed in the balance may well be relatively straightforward.

[72] In reaching my decision, I found it helpful to divide the process into four questions:

- i. Has it been proved that the defender has committed acts of human trafficking and exploitation?
- ii. If so, does foreign travel form an integral and necessary part of the defender's proven human trafficking and exploitation?
- iii. Is there a risk of this conduct continuing, and if so, what is the level of this risk?

- iv. Are the measures sought by the pursuer necessary and proportionate to addressing the determined risk?

[73] In my deliberations I was mindful of the terms of section 26(3) of the Act, ie any decision to grant or refuse a TERO should focus on future risk. I interpreted this as meaning that the imposition of a TERO should not be an exercise in punishment for past behaviour, although of course past behaviour is a legitimate factor to take into account in assessing future risk.

[74] It was argued by Mr Webster, and freely conceded by Ms Watts, (paragraph 64 of pursuer's submissions) that what was being sought by the pursuer would interfere with the defender's Article 8 rights. However, it was also conceded by the Mr Webster (paragraph 18 of the submissions for the defender) – that “in principle the objective of the TERO is sufficiently important to justify the limitation of his Article 8 rights”.

[75] Dealing with the first step of my decision-making process, I should make it plain that I did not regard Mr Webster's focus purely on the proportionality of the worldwide travel ban sought by pursuer as a concession on behalf of the defender that he has indeed committed acts of human trafficking and exploitation.

[76] However, given the evidence presented by the pursuer, I had no difficulty coming to the conclusion that the defender has, consistently over many years, been engaged in a course of conduct involving the targeting of financially vulnerable women whom he subsequently coerces into submitting to abuse, and in doing so committed acts of human trafficking and exploitation. I would go so far as to describe the evidence as overwhelming, and that the totality of the evidence presented by the pursuer, in the form of videos, Skype messages, documents and witness statements allows no other conclusion.

[77] As noted in para [75], whilst it was not explicitly conceded by Mr Webster that the defender was involved in a consistent course of conduct of trafficking and exploitation, the majority of the evidence was not the subject of any significant cross-examination or challenge in the course of the Proof.

[78] The second question, namely whether foreign travel was an integral and necessary part of the defender's conduct, was also one I had no difficulty in answering. That travel was an integral part of the defender's conduct I found established by the frequent references in his electronic communications to foreign travel plans, and by the file names appended to various videos of beatings. Mr Webster rightly pointed out that this is not direct evidence of the defender travelling. However, the volume and consistency of references to travel led me to the inevitable conclusion that the defender did indeed travel on a frequent basis for the purposes of trafficking and exploitation.

[79] As to the question of whether travel was also a necessary part of the defender's trafficking, I am satisfied that the contents of various Skype messages agreed by Joint Minute are indicative of the central role an ability to travel abroad plays in his conduct.

[80] For example, I would cite a Skype exchange referred to in Ms Watts' submissions (paragraph 176), in which the defender displays knowledge of how to circumvent United Kingdom immigration laws by arranging to travel to Dubai to meet a Miss AW, a South African citizen, in order that he can employ her in Dubai and thereafter sponsor her entry into the UK as an employee. Also before the court by way of Joint Minute is subsequent correspondence between the defender and immigration authorities in which he seeks to execute this plan.

[81] By way of further example is evidence led by the pursuer, and referred to in paragraph 121 of Ms Watts' written submissions, of a Skye conversation between the defender and Miss AV (first name given in evidence of DS Hughes as "Julia") arranging for her to travel to Dubai in November to meet him. Video 12 in Appendix A, with contents accurately noted in the description, has a file name of "dubai 2017 nov Julia 074.MP4". I was invited by the pursuer to infer that the woman in the video being violently assaulted is Julia, and that the assault took place in Dubai. I did so infer, and in doing so accepted this passage of evidence as further proof of the integral and necessary part foreign travel played in the defender's trafficking activities.

[82] Considerable further evidence was led by Ms Watts of the integral role of foreign travel in the defender's trafficking and exploitation activities. I regard it as superfluous to list them all; suffice to say that I was left in no doubt that the defender's frequent references to complex travel arrangements constituted overwhelming evidence of his travelling to various locations abroad in the course of his trafficking and exploitation activities.

[83] Moving on to the third question, namely whether there was, to quote section 26(3)(a) of the Act, "a risk that the adult may commit a relevant trafficking or exploitation offence", I took into account the defender's previous convictions, which were a matter of agreement and are detailed in the Findings in Fact. I also took into account the evidence led regarding what I have concluded is a course of conduct, over many years, of human trafficking and exploitation.

[84] Whilst attaching some weight to past conduct, I also considered the defender's more recent actions to be of at least equal significance.

[85] I took the evidence referred by to both Ms Watts and Mr Webster, and agreed by the Joint Minute of 8 January 2025, of the email exchange between the defender and officers of Police Scotland in October and November 2023 as clear and unequivocal proof of the defender seeking to deliberately mislead those tasked with monitoring his compliance with the conditions of the interim order to which he was then subject. The contents of that email exchange have already been covered. Suffice to say that I regarded the defender's lie to officers of Police Scotland as to the nature of his previous relationship with Mrs Nielson/Miss AV as very concerning, and I was entirely unconvinced by Mr Webster's attempt to excuse it by making a distinction between previously having been employed by the defender, and having been offered employment. A particularly worrying aspect of the passage of evidence was that, at a time when the defender was subject to this court action and was therefore well aware that his activities had come to the attention of the authorities, he should appear to continue to attempt to traffic and exploit one of his previous victims.

[86] Given that the content of the emails are a matter of agreement, and further given that what I am being asked to decide, in part, is the likelihood of the defender complying with the lesser restrictions conceded by Mr Webster, it is worth quoting a passage from the defender's email to Police Scotland of 6 November 2023 following their refusal to permit him to sponsor the travel of a woman previously trafficked by him:

"And whilst the outcome is disappointing it is reassuring to know that there is a police department in Glasgow which is qualified to decide what is in 'the best interests' of the people in Scotland and around the world and that you are able to use public resources and taxpayers money to enforce your moral judgements wherever you feel it is required."

This was sent by the defender in response to the National Human Trafficking Unit's endeavours to monitor his behaviour. Whilst the tone of the defender's email did not play a

major part in my reaching my decision, I did take it as redolent of someone who resented any sort of interference in his life.

[87] In assessing future risk another matter of particular concern is the evidence regarding the complaint made to the police in July 2023 regarding the defender's conduct between August and December 2022. Once again this led me to the inevitable conclusion that the defender is utterly incapable of modifying his behaviour without external restraint.

[88] As regards Mr Webster's submission that the most recent evidence of the defender committing acts of trafficking and exploitation date from 2018, I would simply refer to the previous observations regarding the complaint made about conduct dating from 2022, and the email exchange from November 2023.

[89] Even setting aside the evidence of the defender's conduct in 2022 and 2023, I also found no force in Mr Webster's argument that it could be inferred that Parliament's intention, in setting a 5-year limit on any travel ban, was to signal an expectation that after 5 years the risk of harmful conduct would have decreased.

[90] Further, in assessing Mr Webster's submissions regarding the defender's recent conduct, I took into account that the defender's house having been searched by police in March 2019, petition proceedings having been commenced in December of that year and discontinued in March 2021, and this civil action having been raised in March 2023, it was to be expected that the majority of the evidence would be of some vintage.

[91] In attaching little, if any, significance to Mr Webster's point regarding the defender's conduct since 2018, I took two factors into account. The first of these was that any assessment of the level of future risk presented by the defender had to take due cognisance of his past conduct, and as I have made plain I have concluded that he has, for many years,

engaged in a consistent course of conduct of trafficking and exploitation. The second factor, which I found particularly concerning and to which I have already referred, is that the existence of an ongoing civil action seeking a TERO appeared to be insufficient to curtail the very behaviour this Order is designed to prevent.

[92] Moving on to the fourth of my questions, namely whether the restrictions sought by the pursuer are necessary and proportionate, I had no difficulty in answering this in the affirmative. I will deal with this question in two stages.

[93] The first of these stages is the question of necessity. I have already concluded that foreign travel is a necessary and integral part of the defender's trafficking and exploitation activities. Therefore the question at this point is whether a worldwide prohibition on travel is necessary to stop these activities, or whether a lesser level of restrictions, such as that conceded by the defender, offer sufficient protection to future potential victims of the defender.

[94] In reaching my conclusion on this point, I considered, and accepted without reservation, the evidence of DS Hughes. Despite Mr Webster's focussed and robust cross-examination of DS Hughes, I concluded that it was entirely unrealistic to expect eight police officers in Scotland, plus limited or non-existent foreign co-operation, to provide sufficient control. I found DS Hughes' evidence entirely credible, both on matters of fact and opinion, and accordingly further concluded that it was necessary to prevent the defender from travelling abroad if his activities were to be effectively restricted.

[95] Mr Webster cited the email exchange of late 2023 as evidence of sufficiency of current restrictions. As already detailed, I found this argument entirely unconvincing, and indeed

actively harmful to the defender's case, as it provided clear proof of the defender actively trying to deceive officers of Police Scotland.

[96] In addition, as was pointed out by Ms Watts, Police Scotland had no idea what the defender was actually doing or where he was once had travelled to South Africa, and were entirely reliant on his honesty if they were to monitor and restrict his activities. At the risk of repeating myself, I am of the plain view that the defender cannot be relied upon to be honest, and accordingly cannot be relied upon to comply with the lesser restrictions conceded by Mr Webster.

[97] The second stage of this question is to consider whether the restrictions sought by the pursuer were proportionate. In addressing me on this matter Mr Webster made reference to the defender's private and family life and foreign business interests. I was not presented with any direct evidence of this. Instead, I was invited to draw inferences from the email exchanges of October and November 2023 regarding private and family life, and similarly invited to draw inferences regarding foreign business interests from references in various Skype and email messages. It is striking that counsel for the defender sought to persuade me to infer conclusions from email exchanges and Skype messages as evidence of family life and business interest, whilst simultaneously seeking to persuade me not to draw analogous conclusions from Skype messages regarding travel to meet potential victims.

[98] I found this evidence to be of limited probative value in assessing the effect on the defender's personal, family and business commitments of a prohibition on travelling outwith the United Kingdom. I should make it plain that, even if direct evidence had been led of the defender's family and business commitments abroad, and further if I had accepted this evidence, given the nature of the potential harm that the pursuer was seeking to

prevent, I would still have been of the view that the prohibition on foreign travel sought by the pursuer was proportionate.

[99] I would also observe that the references in Skype messages and similar to the defender travelling abroad, purportedly for business reasons, was in the main in the context of, and very much linked to, his trafficking plans.

[100] Accordingly, I had no qualms whatsoever in concluding that the worldwide travel ban sought by the pursuer was both necessary and proportionate. In reaching the conclusions narrated above I would wish to make two observations.

[101] Firstly, I found the evidence led by counsel for the pursuer, and the evidence admitted by way of Joint Minute, entirely credible and reliable. In addition, I had no difficulty whatsoever in accepting the inferences that she invited me to reach. Furthermore, the decision to make Kevin Booth subject to a worldwide travel ban, whilst onerous, was one I reached without hesitation. I raise this issue as counsel for the defender, in his written submissions (paragraph 23) sought to persuade me that in assessing Mr Booth's past conduct, I should apply a standard of proof akin to the criminal standard of beyond reasonable doubt. This had been raised, in passing, by previously instructed counsel and given short shrift. At the Hearing on Submissions I raised the issue with Mr Webster, counsel for the defender, and he rightly withdrew the point. However, the point being raised, I would wish to make it plain that had I (erroneously) held counsel for the pursuer bound to prove her case to the criminal standard, the evidence she led would have easily cleared that higher bar.

[102] Secondly, the evidence of Mr Booth's egregious conduct, as presented in court, was, at times, utterly harrowing. The graphic video footage, combined with the context and

background provided by supporting documentary evidence in various forms, was redolent of a level of cruelty and depravity which, whilst extreme, one can only hope is rare. It might be thought that the use of such value-laden language in a legal judgment is inappropriate. I would beg to differ, and make no apologies for including it. This judgment may be primarily concerned with the legal issues before the court, but it is important not to lose sight of the human suffering giving rise to this case.

Appendix

Order	Prod. ref	File name	Location	Summary
1	5/167	"MAH00162.MP4"	Hotel	<p>A young black woman is in a hotel room with the defender. He accuses her of talking to other men. He uses a cane to beat her naked buttocks whilst she is bent over.</p> <p>He asks her whether she thinks he has brought her "all the way over here" so that she could go off with other men.</p> <p>He strikes her violently and asks how "dare" she drink with other men when she is supposed to be with him. He continues striking her. She is crying and extremely distressed. She repeats over and over "sorry sir" and "oh my god".</p> <p>The defender inspects the injuries he has caused on the woman's buttocks.</p>

2	5/168	"MAH00204.MP4"	Unclear	<p>The video shows an original recording playing on a large screen. There is a time stamp on the original video which says "1998". The defender is obviously younger than in the other videos.</p> <p>A young black woman enters the room. The defender instructs her to undress. She is naked and kneeling on the floor in front of him. He tells her to hold her hand out and starts to strike it with an implement. He tells her not to move; if she moves, he will give her more strokes.</p> <p>He tells her to bend over a chair. He positions her and flicks and flexes the cane repeatedly through the air; it makes an audible sound. The defender strikes the woman hard on the buttocks with the cane. It leaves visible marks on her skin.</p> <p>The defender swaps to a strap and continues to strike the woman whilst</p>
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				<p>reprimanding her. The defender then swaps to another implement – a thicker cane - and then to a wooden paddle. He strikes the woman with the paddle.</p> <p>The defender zooms the camera in on the woman's injuries to inspect them. Strike marks are obvious. He then begins to cane her again.</p>
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3	5/154	"kaone 003.MP4"	5cc	Lochdhu	<p>The defender is visibly older than in the video with the "1998" timestamp. He is naked apart from his underwear. He lies on a bed. Music is playing. A young black woman enters. The defender instructs her to lie naked across his lap.</p> <p>The video shows a prolonged beating close to 23 minutes in duration.</p> <p>The defender repeatedly strikes the woman on her buttocks with his hand. He tells her it is a shame her <i>"bottom has to pay for what [her] mouth did"</i>.</p> <p>The defender repeatedly refers to punishment. He tells her she deserved every stroke. He then picks up what appears to be a wooden brush and begins to strike the woman. She screams and howls in pain. The defender repeats that her bottom has done nothing wrong; it is her mouth. At around 9 minutes into the beating, the defender tells her he is only</p>
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				<p>halfway through. She screams and cries.</p> <p>The defender switches back to slapping her with his hand. He inspects the marks left on her buttocks. The defender complains that he has not heard the word "sorry" yet. He continues to strike her. He complains that he has always been <i>"calm and respectful to her"</i> and he expects the same back. He strikes her hard. She is crying and screaming; she says "sorry".</p> <p>The defender switches back to the brush and continues to strike the woman. She is</p>
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				<p>struggling and trying to get away but the defender holds her down.</p> <p>He asks her if she wants to get her four straps over with now or in the evening. He instructs her to kneel with her hands</p>
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				<p>on the headboard. He picks up a further implement (a crop or a stick) and beats her with force. She screams in pain.</p>
4	5/147	"52.MP4"	Hotel	<p>A young black woman is kneeling down in what appears to be a hotel room. The defender instructs her to take her top off which she does. The defender appears to be berating her for breaking his rules. The defender complains that he told her not to use the phone. He is also angry that she did not address him as "sir" in an email. He complains that she sent him a rude email. He is angry that the young woman wrote in an email that God would punish the defender for how he has treated her. He shouts at her <i>"how DARE she write that"?</i></p> <p>The woman starts apologising and calling him "sir". The defender instructs her to move her hands. He grabs her and forces her to kneel. The woman is terrified. He repeats <i>"how dare you write God will</i></p>

				<p><i>punish me?"</i></p> <p>He calls her "Selena" and tells her that she is the one who is going to get punishment. The defender tells her he will give her a whipping she will never forget.</p> <p>He instructs her to take the rest of her clothes off. She is screaming and crying and is apparently terrified, cradling herself in fear. She becomes hysterical. She is crying and says "<i>I want to go home</i>". She will not follow the defender's instructions.</p> <p>The defender tells "Prinny" to go and buy her a bus ticket to get to the airport. Selena says she can't go alone; the</p>
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				<p>defender tells her Prinny is not going with her.</p> <p>During this, there is a knock on the door; the defender goes to the door and says "<i>no housekeeping thank you</i>".</p>
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5	5/185	"Malaysia 029"	Hotel (likely in Malaysia)	A young black woman is lying down in a bath tub. She is naked. There is no water in the bath. The defender stands over her chest area. He is naked from the waist down. He tells her to close her eyes. The defender then urinates on the woman's chest and face area.
6	5/145	"dubai 027.MP4"	Hotel (likely in Dubai)	A young black woman is led into a hotel room. The defender grabs her. He slaps her hard on the face on multiple occasions. He appears to be berating her. The defender instructs her to strip naked; she does. He seizes her neck and pushes her over a chair. He kicks her legs apart until she is in his desired position. He has taken off his belt and has it in his hand. The defender strikes her with the belt across her buttocks. She tries to get away; she is crying and protesting but the defender pulls her back and slaps her face. He tells her not to even try to defend what she's done. She is weeping and is very distressed. There is an argument and the defender puts her

				<p>out of the hotel room. She is naked; she takes her clothes and leaves.</p>
7	5/162	"MAH00017.MP4"	Hotel	<p>This video is close to 30 minutes long. It shows a prolonged and sustained beating by the defender.</p> <p>A young black woman is kneeling on the floor. The defender handcuffs her with a pair of metal handcuffs. The defender lies on the bed and the woman lies across his lap. She appears to be crying; the defender tells her to keep still. The defender informs the woman that he is going to give her "30 hard ones" then 15 smaller ones, followed by a 1-minute break, then another 30 hard ones</p>

			<p>followed by another 15 minutes of smaller ones.</p> <p>The camera appears to be being handled by a third party. The defender begins whipping the woman with a cane across her buttocks. The camera pans in to the buttock area. The woman is immediately distressed. She is crying and appears to be in pain. The defender holds her down and tells her to be quiet.</p> <p>The defender refers to the woman as "Selena". He informs her that if there is any screaming he will start again from the beginning.</p> <p>The striking continues with the defender counting the strokes. The woman is extremely distressed and appears to be in pain. Injuries can be seen on her buttocks.</p> <p>The defender tells he is about to start the 15 smaller ones. She wails "no". The defender continues to whip the women with an implement. He tells her they are halfway and she can have a minute-long</p>
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				<p>break.</p> <p>The defender tells the woman she can agree to what he suggested outside if she wants it to stop. She tells him she would rather have another 30 strokes. He tells her it could all be over now if she agrees to the other thing.</p> <p>She is addressing him as "sir".</p> <p>He moves her to a chair and instructs her to bend over it. She is still handcuffed. He starts whipping her with a cane; she moves and he tells her he is starting at the beginning again because she moved. She is wincing in pain. There are visible injuries on her buttocks which appear consistent with being struck by the implement.</p> <p>The defender forces the women to kneel in front of him and to take down his trousers and pants. He instructs her to</p>
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				<p>look at his penis and asks if she will do it.</p> <p>Another woman referred to by the defender as "Prinny" kneels down next to the original woman. The defender says <i>"Prinny has to do your job for you"</i>.</p> <p>The original female is handcuffed throughout the video. The defender beats her for the majority of the duration of the video.</p>
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8	5/146	"32.MP4"	Unclear	<p>The video is 25 minutes long and shows a prolonged and sustained beating perpetrated by the defender.</p> <p>A young black woman is naked and kneeling on the floor. The defender tells her there has been a problem and that there will be a punishment. She has broken his rules by not calling him "sir" between the hours of 10am and 6.30pm. He asks why she is avoiding his eye contact and she explains it is her way of showing him respect.</p> <p>The defender tells the women he will punish her <i>"just as he had to do in Botswana"</i>. The punishment in this case relates to her failure to call him "sir".</p> <p>He tells her this is not the easy option; spanking will hurt. He will start with his hand and then move to his belt. He tells her that if she survives it, she will get to learn the rest of the rules.</p> <p>He instructs her to lie across his lap while</p>
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				<p>he sits on the sofa. The defender begins striking the woman with his hand repeatedly. She is struggling to get away. He holds her in place and tells her not to change her position. She is extremely distressed.</p> <p>She screams out that he said 30 strokes; he replies that he hasn't even started. He tells her if she says stop he will stop. She is silent; eventually she says "<i>do as you please sir</i>" in strained voice. He replies</p>
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				<p>that he's not even 10% in. He recommences striking her.</p> <p>The defender begins to strike her with a slipper. The woman is screaming and crying out "<i>oh my god</i>". She is hysterical with distress. She appears to be screaming in pain. She is writhing trying to get away but the defender holds her down.</p> <p>She says that she has learned her lesson and it will never happen again. The beating continues. Eventually the defender tells her to kneel on the sofa. He undoes his belt and walks in front of her so that she can see it. He returns to his position behind her and strikes her with the belt. The woman is extremely distressed; she rolls off the sofa; he instructs her to get back on and continues to strike her.</p> <p>He inspects her buttocks, apparently for marks.</p>
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9	5/182	"MAH00558.MP4"	Hotel	<p>The video appears to have been shot in a hotel room. The view out of the window is not a view from Lochdhu. The pursuer submits the view from the hotel room shows buildings not of a construction style typically found in the UK (but the Court will have its own view of that).</p> <p>The defender looks a little younger than in some of the other videos – his hair is still brown.</p> <p>A young black woman is naked. The defender instructs her to kneel.</p> <p>The defender informs the women she is to be punished with 30 strokes for flirting and interacting with other men. The defender tells the women that she has put him to an awful lot of trouble. He tells her he has questioned whether they would ever meet again. A more serious punishment of 40 strokes is required for</p>
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				<p>her refusal to be punished the first time.</p> <p>In total, the punishment is 70 strokes.</p> <p>The defender slaps the woman across the face until she says “<i>yes sir</i>”. This is repeated until he is satisfied with her response.</p> <p>He tells her she will not be able to take 70 strokes at once so he will do 50 now and 20 later.</p> <p>The defender positions the woman over a table while she is naked. The defender duct tapes her wrists to the table so that she cannot escape. She is positioned with her buttocks exposed.</p> <p>The defender begins striking her with an implement. He swaps to a cane and proceeds to strike the woman with considerable force. Marks are immediately visible on her buttocks.</p> <p>The defender forces the woman to count the strokes (one, sir, two, sir and so on).</p>
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				<p>The woman is crying and sobbing. The striking is violent and brutal. The camera pans in on her buttocks. There are visible severe injuries. Her skin is broken and she is bleeding. The defender continues to strike her with a cane despite the fact that her right buttock is bleeding.</p>
10	5/188	"Philip 006.MP4"	<p>Hotel (likely in Philippines)</p>	<p>The defender is visible in the mirror.</p> <p>A young black woman kneels on the floor. She appears to be very young. The defender is angry with her for "unacceptable" behaviour. She asked his opinion about what to wear for the journey over and ignored it. She says that</p>

				<p>she is “sorry”; he tells her she will be in a few minutes; that alone is worthy of a caning.</p> <p>He tells her there is another matter. He refers to their discussion on the internet.</p>
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				<p>He refers to asking her about the last time she had sex.</p> <p>The defender then refers to her application for a Visa to come to the Philippines but then she went to Abuja [in Nigeria].</p> <p>He continues to berate her saying that they started dating in December and that he told her he was a jealous type and that he told her what would happen if she so much as looked at another man.</p> <p>She is naked. He tells her his intention was to give her 5 hours of punishment to include 100 strokes of the cane but her honesty works in her favour.</p>
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				<p>She positions her over a chair and tries unsuccessfully to handcuff her under the table. Instead he says if she moves he will start again from one. The defender whips the woman with a cane and forces her to count. She is extremely distressed and crying. He prowls around her. He inspects the injuries to her buttocks.</p> <p>The defender instructs her to kneel in front of him. He grabs her hair and holds her in position. He has a leather strap in the other hand. He forces her to undo his trousers and take down his underwear. His penis is exposed. He instructs her to fellate him.</p>
11	5/175	"MAH00345.MP4"	Lochdhu	<p>This video shows the red and black metal contraption in the tomb area of Lochdhu. A young black woman is hand cuffed to it in a kneeling position. The defender tells her she is being punished for the way she spoke to him. He tells her she has to learn her lesson. She appears to be</p>

				<p>terrified. She is screaming and crying.</p> <p>She repeatedly tries to get away but is handcuffed to the bench.</p> <p>The defender swaps implements and continues to beat her. She is hysterical.</p> <p>She cries out that it is painful. The</p>
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				<p>defender continues to strike her. The defender tells her to <i>“pray for the strength to take it properly”</i>.</p> <p>This continues for the duration of the video: 18 minutes.</p> <p>This appears to be nothing other than torture. She is chained to the contraption while the defender beats her. She is apparently terrified and tries to escape but cannot.</p>
12	5/155	“dubai 2017 nov Julia 074.MP4”	Hotel (likely in Dubai)	<p>A young black woman is naked and kneeling on the sofa with her buttocks facing the camera. The defender uses a cane to whip her buttocks. The strokes appear forceful. She is crying and protesting. She crawls off the sofa. He repositions her on the sofa and continues to whip her with a cane. She is writhing and trying to get away. She is distressed.</p> <p>The defender moves her back to position again and continues whipping her. He inspects the marks on her buttocks. He</p>

				<p>describes dots of blood on the sofa / white pillows.</p> <p>The camera pans in on the woman's buttocks. The woman's buttocks are badly marked from the cane. The skin is split and she is bleeding. The defender inspects her injuries.</p> <p>The video lasts for approximately 9 minutes. The beating occupies most of that time.</p>
13	5/153	"Cat 2 007.MP4"	Lochdhu	<p>A naked white woman is chained to the bench in the tomb area of Lochdhu. The defender canes her forcefully. Her buttocks are visibly injured. A second, and apparently young, female is seen at the end of the video.</p>