

**IN THE FAMILY COURT AT READING**

Reading County Court & Family Court  
Hearing Centre  
160-163 Friar Street  
Reading  
RG1 1HE

Date: 15 October 2021

BEFORE:

**HER HONOUR JUDGE O'NEILL**

BETWEEN:

**AK**

**APPLICANT**

**- and -**

**BK**

**(1) RESPONDENT**

**CK**

**(2) RESPONDENT**

**DK**

**(3) RESPONDENT**

**EK & FK (via the Children's Guardian)**

**(4) – (5) RESPONDENTS**

**Legal Representation**

AK (Applicant), Litigant in person

Ms Abida Huda (Advocate) on behalf of the First Respondent (BK), instructed by  
Northwood and Burnham Law

CK (Second Respondent), Litigant in person

Ms Malvika Jaganmohan (Advocate) on behalf of the Third Respondent (DK), instructed  
by Cartwright King Solicitors

Ms Emma Griffiths (Advocate) on behalf of the Four and Fifth Respondents (EK & FK),  
instructed by Boardman Hawkins & Osborne (BH&O) LLP Solicitors

**Other Parties Present and their status**

Mr Feld – McKenzie Friend for CK

**Judgment**

Judgment date: 15 October 2021

Reporting Restrictions Applied: **Yes**

*“This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court. For the avoidance of doubt, the strict prohibition on publishing the names and current addresses of the parties and the child will continue to apply where*

*that information has been obtained by using the contents of this judgment to discover information already in the public domain.”*

### **Schedule of anonymisation**

AK	The paternal aunt of DK, EK and FK. Seeks a forced marriage protection order in respect of DK, EK and FK, and a non-molestation order against her sister-in-law, BK.
BK	The mother of DK, EK and FK. Seeks a non-molestation order against her sister-in-law, AK.
CK	The father of DK, EK and FK.
DK	AK’s niece and the eldest daughter of BK and CK.
EK	AK’s niece and the second oldest daughter of BK and CK.
FK	AK’s niece and the youngest daughter of BK and CK.

### **Her Honour Judge O’Neill:**

#### **Introduction:**

1. There are three applications before the Court for determination. The first application is that of AK for Forced Marriage Protection Orders in relation to her three nieces, DK, EK and FK. The First Respondent is BK, mother of the girls. The Second Respondent is CK, their father. The nieces are parties with DK, now an adult, separately represented, and EK and FK instructing Ms Griffiths directly. The Children’s Guardian is Karen Lynch. I will refer to the parties from now on as the aunt, the mother and the father. I should also say that my judgment, when it is transcribed, will need anonymisation. The other two applications are cross-applications for Family Law Act Non-molestation Orders by the aunt and the mother. It is 15 October, Friday 12.15pm, and I started hearing the case on the Monday of this week, 11 October. The case is listed for fact-finding hearing, which is intended, if possible, to be a final hearing on some of the applications.
2. During the course of this final hearing, the aunt has also sought Non-molestation Orders against her brother, CK, and her niece, DK. In her oral evidence, DK sought a Non-molestation order against her aunt.
3. The facts that are alleged that I am required to adjudicate on are set out in two schedules, one on behalf of the aunt, the other on behalf of the mother. I have made more extensive findings in this matter in determining where the truth lies on the allegations in the schedules which are in the bundle at the start of pages A21 onwards.
4. The aunt was represented throughout these proceedings by Duncan Lewis Solicitors and by counsel. She was represented with the benefit of Legal Aid until the pre-trial review. At that hearing she appeared in person and stated that she has made complaints against her solicitors who were no longer representing her. I refused her an adjournment on that occasion and she appears in person representing herself. I emphasise that she has not been a litigant in person throughout, only for the final hearing, and that her case was prepared and documents were filed on her behalf throughout. Those documents were prepared and filed with the benefit of public funded legal representation.

5. In contrast, the father is representing himself with the assistance of a professional McKenzie Friend, Mr Feld. The First Respondent Mother is represented by Ms Huda. The eldest daughter is represented by Ms Jaganmohan because she is an adult. The two younger daughters, who are young women but technically children in the eyes of the law, are represented by Ms Griffiths, who is instructed directly by them.

### Summary of Outcome

6. I accept the mother's case and reject the applications of the aunt as originally supported by the father. I find that the aunt's applications are totally without merit. I find that the mother, a woman of Pakistani heritage who came to the UK after an arranged marriage, was subjected to a regime of bullying, coercive control by her sister in law and her husband – in particular by the aunt.
7. I find that the aunt has abused the court process and used it to launch entirely unmeritorious applications to coerce and control the mother and her daughters. The fact that the mother and daughters are of Pakistani heritage has left them open to abuse by misuse of the very legislation which is designed to protect them namely The Forced Marriage Protection (Civil Protection) Act 2007 which brought Section 63 A to Q of the Family Law Act 1996 onto the statute book. By reference to Section 63C(4)(b) "knowledge of circumstances" – the evidence of the aunt is entirely false.

### The Evidence

8. The evidence in the case, in terms of the written evidence, takes over 1,000 pages and is contained in three lever-arch files, all of which I have read more than once. There is also extensive additional oral evidence and submissions which have been put before the Court. In particular, I have closing submissions from the aunt in writing, which she has read aloud. I have closing submissions from the eldest daughter, DK's representative, Ms Jaganmohan, to which I will return. I had an opening submission on behalf of the mother. I have also, as time has gone on, allowed the aunt to adduce a great deal of further evidence in the course of the final hearing.
9. I have had the opportunity to assess not just the written evidence but extensive and lengthy oral evidence, spoken evidence, and submissions from the parties. There is no other judge who has had the opportunity to get to grips with the case in the way that I have. The father said something that I am going to adopt as an introductory comment. He said at C96 of the bundle in his paragraph 13 he believed: **"It would always take a considerable period of time the proceedings before a Court and sometimes in front of several judges who really get to grips with the case and fully understand the dynamics at play."** There are some grammatical and spelling errors there but what the father said resonated with me because what he was saying, and it's very important that I record this, is this is the first time this family has ever had a contested hearing before a Court. No judge has ever heard from the aunt or the mother or the eldest daughter, DK, or the father.

### Chronology

10. Led by Ms Griffiths and as a result of collaboration between the litigants in person and the lawyers a chronology that runs to 20 pages has been produced. That chronology will be adopted by me as the background to my Judgment to which it is appended as Appendix 1. I have considered the evidence by reference to that chronology so it sits alongside the body of my judgment however given the level of detail in the chronology, it shall not be published with this judgment.

### The Law

11. This is a court of law and I am dealing with the question of who is telling the truth. Where a person seeks to prove an allegation against another person they must prove that it is more likely than not that the allegation is true. The burden is on the person making the allegation and the standard to which they must prove it is the balance of probabilities. That principle is applied in practice by the Court looking at whether there is surrounding evidence to support anybody's allegations that they make, particularly where it is one party's word against the other. The Court has to survey the very wide big picture, the wider canvas, in order to determine who to believe. The court has to look at the context, the timings, the dynamics between the people who are making allegations against each other.
12. I bear in mind that when in the Family Court somebody makes an allegation and then withdraws it or does not pursue it - that is not a unique experience. In cases where domestic abuse is alleged it is acknowledged by the police and the courts and the justice system generally that victims of domestic abuse sometimes retract and do not follow through with allegations that they make. The reasons for that are obvious, if you allege that somebody you loved or cared about or who is the other parent or a family member has done something wrong you are going to get them into trouble and that puts you in a very difficult bind and a conflict. A further principle is that sometimes people are inaccurate and indeed tell lies and the reasons why they tell lies may be because they are frightened or ashamed or other reasons. I am mindful of the Lucas principle and that means that just because somebody has told a lie about one thing it does not necessarily follow that they are lying about something else or anything else or everything else. I remind myself of recent authority *Re A, B and C (Children)* [2021] EWCA Civ 451 and avoid a formulaic citation of the Lucas direction when considering the veracity of the parties in this case.
13. In relation to the applications for Forced Marriage Protection Orders and the applications for Non-molestation orders I do not repeat but I completely adopt the submissions made by Ms Jaganmohan as an accurate representation of the specific provisions under the Family Law Act 1996 and related case law that I will be applying.

### Statement of Issues

14. The key issue in this case is very straightforward, notwithstanding in particular the father's assertions that this is all terribly complicated. It is not. It boils down to whether the aunt is telling the truth or whether the mother and the children are telling the truth. Obviously, whether the father is telling the truth is a key issue but he has, of course, said different things at different times.

### Background

15. The family are of Pakistani heritage. The paternal grandfather came here in the 1960s and has lived here ever since. He is in his 60s. The paternal grandmother came from Pakistan in the late 1970s to be married. She had a number of children with the paternal grandfather. The aunt, the mother and the father are all in their 40s. The aunt was married in 2000 – an arranged marriage in Pakistan. The mother and father were married in 2002 – also an arranged marriage in Pakistan. In the same way as the paternal grandmother, the mother was born and brought up in Pakistan and entered into marriage with a UK Pakistani man and moved to the UK after the marriage. She first met the father and the aunt face to face in February 2002, because that is when they went to meet her so that she would be married to the father, as she was, later that month.
16. The mother married the father and the following month came to the UK to live with the paternal family where she remained for approximately ten years, maybe slightly less. She had five children and their dates of birth are set out in the chronology. The eldest three children are girls, all subjects of the aunt's applications - DK, who is now an adult, EK, and FK both in their teens. The younger two non-subject children are boys and I shall refer to them as GK and HK.
17. The paternal aunt, having been married in 2000, was living also in the extended family home and she was active in local politics for a couple of years. She was, in fact, an elected representative. She has also been an active business woman and director of a number of limited companies involved in various business enterprises.

#### Police and Agency Involvement

18. The police became involved with the parents as a result of an allegation that the father was violent to the mother in 2007 and again in 2008. The mother did not engage in the police investigation. It appears to have been instigated by a neighbour. In 2009 there was a further police referral to the Local Authority as a result of an alleged assault by the father on the mother. At the time the eldest daughter, DK, alleged she saw the father punch the mother but there is also a record that she retracted this.
19. There was a referral to children's services in March 2011 when one of the younger sons, GK, had an accident and there was some concern at the hospital that he had been injured twice. On 13 May of that year an anonymous referral was made as set out in the chronology alleging that the mother tortured the children, including hitting them with a hairbrush, twisting their arms, burning the baby's arms, pulling on the children's arms out of the socket, hiding the children by keeping them off school, slapping the baby and taking the children to another city to see her family and the girls being held in a room.
20. A significant incident occurred on 11 or 12 December 2011. The mother alleged that the father had beaten her up and assaulted her by beating her face. She was seen by the police with injuries and she was at the time in the early stages of pregnancy. On 12 December 2011, she, with her four children, was taken away from the family home for their protection and went to a refuge. On 29 December 2011 the aunt made contact with the emergency duty team and set out a raft of allegations in identical terms to the allegations that had been made on 13 May 2011. I am entirely satisfied on balance of probability that the aunt made both of those phone calls – both in May and in December, because nobody else would have repeated the exact same allegations.

21. The alleged torture that the aunt referred to on 29 December 2011 was hitting the children, dislocating their arms, pulling out fingernails, burning a child and the mother being involved in people smuggling and the children being at risk of being taken out of the country. She also alleged that the mother was pregnant, had four Caesarean Sections and was in need of medical attention. When I read that allegation, I had to double check when the baby was born and discovered it was 7 months later. I am satisfied that the reference to Caesarean section was intended to read and cause the person who heard it to believe that the birth was imminent and medical attention was required.
22. The father and the mother reconciled and the mother and the children went back home in early January 2012 and the pregnancy resulted in the birth of the youngest son, HK. There was a further involvement from the police in relation to allegations between the parents in February 2014 when somebody saw them in a supermarket carpark and said the father was aggressive to the mother, as set out in the chronology. When the police attended the home, which was the extended family's home, the paternal family were described as being anti-police and were dismissive and said the father wasn't anywhere near the supermarket. The police report describes large numbers of the paternal family but the mother did not make any separate allegation other than an argument when she was spoken to by the police.
23. There was a further referral in September 2015 when the mother, again, sought sanctuary in a refuge and said that she had been assaulted and, indeed, she went to the refuge with her five young children - the younger ones were very young - for a significant period of time until the end of October 2015. In that period an allegation was made that the children were unsafe with her.
24. All of this intervention by police necessarily involved various periods of the children being under Child in Need plans and Child Protection plans and Local Authority involvement. These are not care proceedings and I do not need to chronicle the exact timetables.
25. In March 2016 and onwards the aunt started making allegations that the mother was involved in orchestrating forced marriages. In July 2018 there was a further referral to Children's Services by a third party. The third party raised concerns about the safety of the children including child sexual exploitation, trafficking, substance abuse, gang related activities, the father suffering domestic abuse but too worried to report it, the children being taken to Pakistan and forced to marry. Those allegations entirely mirror the allegations that have been made throughout by the aunt and I am satisfied that she is behind them.
26. In 2019 there are further issues. In June 2019, a domestic abuse service, Hestia, made a referral saying that the mother was going to take the children to Pakistan and force them to marry. On 8 July 2019 there was a big incident about which there is very little factual dispute. The mother wanted to go to Pakistan and she asked for help financially from the paternal family, which was not forthcoming. An incident occurred in the family home when the father was arrested and he accepts that he pushed the mother and the girls out of the house. I subsequently heard evidence that he locked them out of the house. The father was arrested as a result of allegations of assault on the mother and the daughters on that occasion.

27. This incident provoked a great deal of activity on the aunt's part – both in the days immediately after that and ever since. Within two weeks of that incident, in which the father was arrested, the aunt made an application for a Forced Marriage Protection Order against the mother in relation to herself (the aunt) naming the mother and various others but not the father as respondents. That application was made without notice to the mother.
28. A further incident occurred involving the second youngest child, GK. The day after the incident on 8 July 2019, GK attended at the aunt's home. It is not clear how or why he went there given that the children had little or no contact with the aunt. The aunt alleges that he, GK, had made allegations of very serious abuse against both his mother and his sisters. She asserts that GK told her that his mother and sisters tied him up and put chilli powder in his mouth and anus, which would be very, very, very painful and tantamount to torture. She is adamant that the child was interviewed by the police and made those allegations. The reality is that there is no interview and the police investigation concludes no offences were disclosed.
29. The aunt also alleged to the police that the mother was threatening her and she embarked on a series of allegations about the mother, both in relation to her treatment of her children and in relation to her treatment of the aunt. As I have indicated, it was in fact only seven days, a week later, when she went to court and got a Without Notice Forced Marriage Protection Order. The day after the aunt got the ex parte order, she made further allegations about the mother, including that she was threatening her, she was running an organised crime gang, that they were smuggling children in from Pakistan, that they dealt in drugs and firearms and all manner of extremely serious criminality was alleged. Those allegations kept being repeated by the aunt and indeed she stands by it in her evidence to this Court. She extended her allegations to include allegations that the three daughters were being groomed by the mother for forced marriages.
30. In the meantime the father had embarked on his own litigation against the mother and got a Without Notice Forced Marriage Protection Order on the mother in relation to the daughters i.e. the mother was a respondent to two separate without notice orders, one obtained by the aunt and one obtained by the father. Around this time (July/August 2019) the mother appears to have made a non-molestation application against the father but this was struck out. She also said she was being harassed. She got an Occupation Order. There was a great deal going on although I am not convinced that there was judicial continuity so it is only possible in hindsight to "join the dots".
31. The mother was served with the Without Notice Forced Marriage Protection Order that the aunt had got against her. She was not represented and not entitled to legal aid. She is not fluent in English. She had five children to look after – in contrast to the aunt whose first language is English, who is a politician and entrepreneur and who does not have any children to look after. At no point has the mother ever attended a court to defend herself in relation to the without notice Forced Marriage Protection Order that the aunt got against her, which has now expired.
32. On 16 October 2019 the father was served with the Family Law Act orders that the mother had got. On the same day, the aunt reported the mother for breaching the Without Notice Forced Marriage Protection Order that she had got on the mother. This resulted in the mother being taken away by the police and kept in custody in a police station until the early hours of the morning for at least five hours. It is difficult to

overestimate the effect of this on the mother and the children. To this day, the aunt is unbowed and considers herself to be the victim. Unsurprisingly, the children were not overly pleased with the fact that their mother had been carted off and kept in custody. The aunt's response to their messages was to report them (the children) to the police. I have read the children's messages and there is absolutely nothing that would warrant getting the children into trouble (as acknowledged by the police).

33. The aunt has alleged that the eldest daughter, DK, who is sitting in court for this Judgment, and her sisters, EK and FK, have tied up and put chilli in their little brother's anus and mouth and harassed her. Those allegations could get her nieces into a great deal of trouble with the police. On the same day, she made a further allegation to the police that the mother had splattered blood on her car. If one takes a step back metaphorically it is difficult to understand how someone who has tried so hard to cause trouble for her nieces would be legitimately seeking to protect them in these applications.
34. The mother's Occupation Order was granted on 31 October 2019. In theory, this should have enabled her and her children to remain in the family home in the South East (notwithstanding the fact that she has never had any legal interest in her home or any property). In real life, she has not been protected by the law and she had to leave and go back to a refuge in May 2020 - the third and final time that she has left her home and taken her children to a refuge in a different region of the country. This is a particularly unusual pattern, the number of times the mother has had to be accommodated, the number of children and the ages of the children that have to be accommodated. I have never heard anybody say anything positive about living in a refuge and I have certainly never come across a family of this composition, ages and number of children living in a refuge.
35. On 4 December 2019, the father's application in relation to his daughters was withdrawn and a very specific recording appears on the face of that order. In summary, it was clear and it is recorded that there was not enough evidence to justify Forced Marriage Protection Orders. Within five days of the father having withdrawn his application and the Court having recorded that there was nothing amiss with a Pakistani woman wanting to go to Pakistan for a holiday, the aunt had made an application against the mother for a Non-Molestation Order. On 25 February 2020 there is an allegation by the aunt that the mother asked the father to contact her (the aunt).
36. At this time, there were no Forced Marriage Protection Orders in relation to the three girls, DK, EK and FK. Even though there were no orders, the children's passports were held by a firm of solicitors. I cannot fathom why. The mother's solicitors asked for the passports to be released. This information came to the aunt – the only conduit could have been the father. This appears to have galvanised her into making the Forced Marriage Protection Order applications (the same as the father's which had been withdrawn).
37. On 20 April 2020 the aunt contacted the police and alleged that the mother was abducting the children to Pakistan, that she was involved in child sexual exploitation, smuggling children, organised crime, including drugs and firearms, and that her nephew was arrested, that a relative of hers was a very big drug smuggler and that her children were being brainwashed by her family and that she was forcing them into marriage and taking them to Pakistan. As a result of the allegations of extensive



criminality, and she stood by those allegations in her case before me, and in particular that the mother was a ringleader in the organised crime, the child sexual exploitation, the gun running, the drug running and the rest, the police took her allegations seriously and Mother, having been arrested in the previous October, now had the experience of her home raided by the police for evidence, which they did not find.

38. The aunt says that the police who raided the home tipped the mother off so there was not any evidence. The social worker who was involved was worried that the allegations against the mother were malicious. On 25 April 2020, the aunt reported the mother to the police saying she was making indirect contacts with her. The police have never found any evidence in support of any allegation that the aunt has made, not about that nor any of the others.
39. On 19 May 2020 the aunt reported the mother to the police for witness intimidation, an extremely serious crime, and she said that Mother had threatened to put petrol around her house and went on to repeat her allegations of organised crime. She clearly implied in her submissions to me this morning that she thought her life was at risk from the mother. The next day the father was arrested for breach of a Non-molestation Order and the mother, according to her when she gave evidence, told me she had had enough, she was not safe from malicious allegations. She had been arrested, detained, had her home searched, been taken to court and had ex parte orders on her children and was constantly dealing with allegations to police and social services.
40. On the same day as alleging witness intimidation, the aunt made the application to the Court for Forced Marriage Protection Orders in relation to her nieces i.e. not even her own children (against whom she now seeks an injunction, having made this application during the course of this hearing). So, the aunt's position is that she pursues her application for a Forced Marriage Protection Order in relation to the eldest daughter, DK, but she also wants an injunction against DK, which is a very peculiar conflict. This undermines her avowed altruistic motivation.
41. On 23 May, the aunt reported the mother to the police and she said the mother was intimidating her, and the father, and had slipped a note through her door. There is no sign of that note in the 1,000 pages plus that I have read. The chronology goes on by reference to page A4 of the bundle to talk about a particular allegation, to which I will return, that the aunt says that the mother was saying to the eldest daughter, DK that she was unclean and she would need to go to Pakistan to get married.
42. In the early summer of 2020, the eldest daughter, DK was in school in the middle of the Covid epidemic when there were no flights to Pakistan at the time. It begs the question of where the mother was going to get the money for DK to go to Pakistan, presumably from the organised crime in which she was so heavily involved?
43. A reconstituted application for a Forced Marriage Protection Order was made on 15 June 2020 and an FMPO was made in relation to the three girls – including the eldest daughter, DK, who is in this Court. There was no reference whatsoever to the persons affected or to the statutory factor of their wishes and feelings. I bring focus on the real-life situation of the three young women in relation to whom the aunt seeks a continuation of orders. For over a year and a half they have had no access to their passports and have been prevented from leaving the country by reason of a court order that they have had no opportunity to contest. All three young women are adamant and

consistent that they do not need or wish for “protection” and that the court orders and proceedings have had a really bad effect on their lives.

44. Throughout the summer of last year (2020) there was further drama. The mother sought a Non-molestation Order but none was made and it was adjourned for consideration. I am sure it was not anticipated that it would take nearly a year and a half for the hearing to proceed. The mother made an application to discharge the orders that were restricting her daughters. The aunt alleged that the mother was threatening her through the father and reported that to the police. There is no evidence in support of that allegation.
45. The mother and the children having left and gone to a refuge on 22 May 2020, the mother was contacted by the police on 7 August 2020 to say somebody had alleged that she had taken a vehicle without consent. The mother’s evidence was that she was threatened by the family about the car – which they knew she did not have as she had been taken to a refuge in another part of the country.
46. In August 2020, the mother got a Non-molestation Order finalised against the father but the Occupation Order was discharged because there was no need for it because she could not live there because she was living in a refuge. On 7 September 2020 the aunt alleged that Mother had sent an unknown man to her property to threaten her and then she said that her life had been threatened. On 5 October 2020 the aunt applied for a Non-molestation Order against the mother. I will return to the chronology in due course but those are some of the main items. I have referred to the facts that are required on which adjudication is required and I will turn briefly to those at A20 in the bundle.

#### The Parties’ Positions

47. The aunt makes, A21 to 25, ten allegations. The mother makes seven. The witnesses in the case all gave evidence, except for EK and FK, the younger daughters, but I have read EK’s witness statement. The Children’s Guardian, has filed a position statement and a report. There is no dispute that the three daughters of this family strongly object to the aunt’s application. There is no dispute that they have consistently said they are not at risk in any way from forced marriage. There is no dispute that they have been distraught by the possibility and the permission given to their aunt to bring them through the court process for years.
48. The daughters’ evidence, directly from the elder two and through the Guardian, sets out the effect that it has on them at a deep personal level and in practical day to day level. As I have already touched on, it cannot be disputed that the making of the orders that has happened and the continuation of them that is sought has restricted and controlled the three young women who strongly and persistently have objected to them. Nor can it be disputed that they cannot travel and cannot have ID for all the various purposes that they, and in particular the eldest daughter, DK, have set out in their witness statements. Of course, if I find that they are at risk and the principles set out by Ms Jaganmohan are satisfied then any objection on their part, although their wishes and feelings are one of the most relevant factors, might be overridden by any risks such as that which the aunt suggests.

#### The Written and Oral Testimony

### The Aunt's written evidence

49. If I turn now to the written evidence. I have tried to edit my ex tempore judgment to make it flow coherently in setting out the aunt's "narrative" but I have been defeated at times as it is so difficult to follow. Her first statement is in the bundle at C1. Time precludes me from reading every single point. It is the case that I find her to be an extremely articulate woman who makes a number of points repeatedly and who is very, very clear about the risks she perceives for her nieces and the threat that she says her sister-in-law poses. She is like that in her first statement. She is consistently like that in her final written submissions to me today. Going through her first statement she sets out the background of her allegations as to why the mother is a risk. It is quite difficult to follow some of the accounts of the various extended family members but if one cuts through it, it is quite clear that there is nobody else who says that Mother was doing the things and involved in the discussions that the aunt alleges.
50. I would like to deal with paragraph 14, C6, of her statement because this is a very important element in the case. On 9 July 2019, the second youngest child and one of the sons, GK came to her house and she sets out what had happened. She sets out how GK alleged that his sisters and his mother were effectively torturing him by putting chilli powder in his mouth and his anus as a punishment, a very deliberate and specific act. She says that her domestic abuse support worker called her and she asked her for advice and she says the police came and GK explained what had happened during an interview which was video-recorded. However, there is no police video recording.
51. For over a year and a half these proceedings have been underway with every judge in this court making orders, including the most senior judge, saying how evidence was to be filed and what the deadlines were. The aunt did not comply with the deadlines for filing the evidence but on the second day of the final hearing she did produce a video recording but it was not made by the police. It was made by her and it is a recording that we have all listened to. You cannot see much on the video but you can hear that the child, GK, is being recorded by the aunt on the phone and being asked a lot of questions. There is no reason why that video recording was not produced until the second day of the hearing or rather no justification for that but most importantly because the aunt wanted us to consider it, it has been considered. GK does not make allegations against his mother and his sisters but he does say that his father assaulted his mother.
52. Those of us who are experienced in the family justice system and in the area of child law, as well as the family members, were probably very taken aback by the fact that that child was recorded in that way and put in the position of potential conflict with his parents in order to investigate allegations that the aunt wished to make.
53. At C8 the aunt talks about after the father being systematically abused and harassed for making the Forced Marriage Protection Act applications. She sets out the very detailed history of the Non-molestation Order and the events of 8 July 2019. The aunt, during the course of this hearing, has also sought a Non-molestation order against the father, CK. It is puzzling that she now says in Court that she wants an order against this person when she clearly has been getting a great deal of information from him throughout. I am being asked to consider whether there is collusion between the aunt and the father and what is incontrovertible is that the aunt can only have known most

of the information in this statement in the 2019 and 2020 period because of the father telling her.

54. The whole reason why we are here is because she and the father got together over the mother's application to get the girls' passports. The father did not make an application when the mother asked for the passports. It was the aunt. If that is not an example of them working together I cannot think what would be. It very clearly is. In paragraph 27 she says the mother made a false allegation against the father in 2020 and sets out a very detailed description of an event that she did not attend, so she must have got that information from the father. Paragraph 29, she is very worried that the mother has not been forthcoming about her intention to travel to Pakistan with the children and withheld vital information such as being subject to a Forced Marriage Protection Order. The aunt is obsessed with the fact that she got an ex parte Forced Marriage Protection Order. I repeat, if she did get such an order there has never been any adjudication as to whether it was justified or not and the Court has not decided on any allegations that she made in support of that against the mother. The aunt describes a great deal of what she believes the mother had said at various court hearings. The aunt was not in attendance at those hearings so she must get her information from the father.
55. I will, in due course, turn to whether the mother must be guilty of something because she did not respond to the application for a Forced Marriage Protection Order. That fact that the aunt managed to get a Forced Marriage Protection Order from the judge without notice to the other parties has featured again and again in this case. It is used against the mother and it is also used to bolster her credibility with the Court continuously.
56. In her second statement, which is at C36, it is in response to the mother's application for a Non-Molestation Order. She says: "**I am currently unemployed and no longer own any business**". This is false – she is an existing registered director of businesses and on the first day of the hearing the entries from Companies House were produced.
57. C37 at paragraph 5, when she is dealing with the allegations made by the mother she says: "**The first time I became concerned was in 2003.**" She alleges on that on an occasion the mother slapped the baby, DK (the eldest daughter), with a red mark and then she says the mother began slapping herself and crying and shouting, in other words the mother decided to slap herself and cause herself injuries. Interestingly, she says that the mother said she (the aunt) was jealous of the baby. In the next paragraph she says, and this bewilders me, the second sentence of paragraph 6: "**Part of the incident I had expressed to my husband I wanted to leave my own forced marriage.**" What I am bewildered about is if she is so terrified of her husband how on earth would she have expressed to him that she wanted to leave the forced marriage? In any event, her forced marriage allegations are not for me to try. She does say, however, that the mother was worried about her immigration status, something to which I will return.
58. I do not follow the thread of her allegations in that statement but I do take on board everything that she says and I do, in due course, rely on it in the findings that I will be making. She makes an allegation that the mother and her brother caused her to miscarry a baby, of which there is no medical evidence. Paragraph 19, C42, the aunt alleges that the mother, this was not put to her and it is not in any other document, the mother claimed she was now entitled to a council house and child benefit and did not need any of us for her next visa extension. All of this is not entirely consistent with her evidence

that she had nothing to do with the mother's visas when the mother came and that she was only involved during the period when the parents got married and getting her into the country from Pakistan.

59. She tells us about her political involvement and how she stood for election and was encouraged as a young Muslim businesswoman. At the height of her political involvement she appeared in the press and met famous politicians and she says that the mother was jealous of her because of that. She says the mother insisted that she was there for the birth of the eldest daughter, DK, and of the middle daughter, EK although she told me that the father chickened out and that is why she was there.
60. In relation to the allegations that are clearly made to the Social Services in the chronology and the cross references, the aunt says as follows: she has no knowledge of an anonymous call being made on 13 May 2011. I find that that anonymous caller was her because it is exactly the same terminology as the calls that were subsequently made. She knows that, of course, the person who made the call in December 2011 called themselves 'AK' so it must have been her. She says that she was suffering from anaphylactic shock and she cannot remember making that call and she produces a document purporting to be a medical report from a doctor who says and diagnoses her with a deficiency in Vitamin D; that document is in the bundle and is dated April 2012.
61. She also produces, in support of her repeated contentions as to her health and disability, a letter from an occupational therapist. That is the only medical evidence that she has ever produced. Towards the end of the hearing this week the aunt decided that instead of the phone calls being a blur, her case had changed to an allegation that they had been made by her sister, an entirely new line of enquiry.
62. It is a very, very long statement and, as I have said in my opening remarks, I will be looking at the surrounding evidence as well as what the parties have said. I note that in the records, particularly of the police and of the Local Authority, there is at least one reference to agencies not being able to follow the aunt's train of thought and finding her very difficult to follow. They do not use the word incoherent but that is what they mean.
63. The third statement, C70. This is where she alleges that a man came to her home in September 2020 and banged on her window and intimidated her not to give evidence against the mother and that the man said: **"You've missed the deadline for a witness statement."** In other words, that this man was acting on the mother's behalf and he knew all about the court proceedings. I believe there is some evidence that the mother did not know that the aunt had, in fact, missed that witness statement. She says, interestingly, that the mother was pivotal in her forced marriage. She is adamant that the mother, whom she did not meet until February 2002, was involved in her own marriage – which took place in 2000 – which is clearly impossible. The aunt says she left the extended family home in either 2004 or 2005; she did not make her own various applications against her husband until 10 or 15 years later.
64. The next statement from the aunt is at C103 and this is where she says that she believes the mother is related to her estranged husband.
65. The aunt's "witnesses": The aunt says: you must believe me because I have a witness. I have a friend of DK's who rang me up. She sets out at paragraph 22 and 23 how this young lady rang her up twice.

### The aunt's oral evidence

66. I now turn to the aunt's oral evidence, which went over two days and I have had a very extensive period to assess her. She is a very vocal woman who makes several central submissions constantly. The first is that notwithstanding her articulacy and her vocality she is a cowed victim who is terrified. I am very careful not to form any impressionistic views that would affect my conclusions. I afforded the aunt the protection that she has sought throughout, special measures and screens. At no point in the hearing did she appear to be frightened but I take into account that she is an experienced public official and it may well be that I should not form too many views based on how she presents. In dealing with the aunt I need to deal with the case right from the beginning.

### The husband issue and the laminated badge

67. On Monday morning the aunt came and sat in court with a gentleman whose identity was unknown to the court and the parties. She is a litigant in person, so she may not have realised that she had to introduce people in court who were in a Family Court. When I asked her who was the gentleman, she said it was her carer.
68. I was very careful to ensure that I knew everybody was in the court and that is how the gentleman, who transpires to be Mr YY, was introduced. Re-reading the papers I can see that in fact in the middle daughter, EK's evidence there is reference to aunt having recently married. I had not remembered that.
69. The aunt came into court with a gentleman who she said was her carer. She did not say he was her husband. I did not know he was her husband. When it transpired that the other parties said she was married and it might be her husband the gentleman said he was her husband and she said he was not. She said **"We're not legally married"** whilst the man was simultaneously saying they were.
70. Mr YY, as he transpires to be the Applicant's husband, has a badge, a laminated photograph, very official looking, stating that he is her carer and stating that it was issued on 1 February. I have had differing accounts and inconsistent accounts about that and at one point the aunt said it was because they needed it if she was going to medical appointments. At another point she said it was because they needed it for him to come into court but the one thing that is crystal clear is that this document was not issued by anybody.
71. "Issued" means issued in an official way by an official authority. On further enquiry by me, because I was very interested in where this document came from and by whom it was issued, it turns out it was "issued" by the aunt, that they had gone to a shop and laminated a badge to make it look like the sort of badge that we see when we go to a hospital; the sort of badge that identifies to other people that we are a professional person with a job; the sort of badge that a nurse or a professional carer would wear. I am not sure what Mr YY's experience is in caring but he certainly had not been a carer when the aunt met him in a flat where she was being exploited (which is how she says they met). The aunt says he is registered as a carer with the Council; time and proportionality prevents us from delving into that.
72. This item, which Mr YY wore to court to gain access to support the aunt as a carer, is a misleading and a very worrying item indeed. I know that the aunt would purport not

to understand why I make such an issue about this but I am absolutely satisfied that they have manufactured an identity badge to make it look like it has been officially issued by an appropriate agency when that is patently not the case.

73. That level of misleading has done her no favours because I would not have the remotest difficulty with Mr YY, whether he is her carer or her husband or anybody else, as long as he is supportive, being in court and as long as I am satisfied, as I am, that he understands the duty of confidentiality. The aunt is very clear that this was some kind of innocent misunderstanding on my part. That it is not. If it was an innocent misunderstanding she would not have then gone so far as to repeatedly interject and say the marriage was a technicality to Mr YY and it was illegal, which I found quite a surprising thing for a Muslim person to say about an Islamic marriage. I do bear in mind that she has subsequently told me that she was thinking of changing her religion but it was a bit bizarre to me, if one has a religious marriage and then one goes before a legal court and says it is illegal.
74. I have gone to great lengths to accommodate the aunt's status as a litigant in person. She has failed in a wholesale way to comply with any of the Court directions for filing evidence on time. I gave her an opportunity to file further evidence after the pre-trial review. She did not file the evidence she said she was going to file and she did not file any evidence until the Sunday night before a Monday morning when the hearing began. But notwithstanding all of that I feel that she deserves the Court's indulgence and I allowed her to file a whole swathe of evidence on the Monday of the first day of the hearing.
75. Another issue is the aunt's attempts to portray her brother as "vulnerable". Before she actually started her evidence, I checked with CK, the father, who assured me he had no special needs.
76. I will not go through all of the aunt's evidence. The aunt was taken to the allegations that she makes in the schedule and I will turn to those now. Ms Huda skilfully pointed out the lack of logic in the allegations.

**Allegation 1: in February 2002, the aunt's food was spiked when she stayed with the mother's family and her in-laws shortly before her forced marriage and she was prevented from leaving the property.**

77. What the aunt is saying here is that she, the aunt, was effectively poisoned and imprisoned before her own marriage but, of course, her own marriage was in 2000. She did not meet the mother until February 2002, so that does not stand up to scrutiny but, in any event, there is no allegation against the mother at all.
78. The aunt, a well-educated first language English professional person who has been an elected representative and who is a company director and has been for many years cannot persuade me that the dates are somehow or other an innocent mistake. The reason why that date does not add up, I find, is because her account is incoherent and inconsistent but even leaving that to one side there is no allegation against the mother in this particular allegation.
79. Moving on, in her oral evidence she distanced herself entirely from her brother and said that she did not know that he had withdrawn his Forced Marriage Protection Order application, which I find very difficult to believe given the level of communication

that was clearly going between them, as I have indicated when I earlier went through her witness statements. It is very difficult at times to follow AK. I am not alone in making that observation.

80. She does not answer questions with a yes or a no or give a straight answer. She is extremely evasive and garrulous and it is very difficult to get to the point. I find her to be capable of dissimulation, by which I mean that she throws out a great deal of detail and puts people off the point.

**Allegation 2: between March 2016 and October 2019 the mother was involved in arranging at least two forced marriages of young girls in her immediate family to men in Pakistan.**

81. That is a bald assertion and there is no other evidence other than her (the aunt) making that allegation in support of that.

**Allegation 3: on 8 July the mother demanded £15,000 from her (the aunt's) parents so that she could go on a last minute 'holiday' with the children to Pakistan where she intended to take the children to be married.**

82. There is no dispute that the mother wanted money from the parents. The aunt was not there, so she does not know what happened. I certainly do not accept her hearsay evidence as reliable in that respect.

83. So far, allegations 1, 2 and 3 do not stand up to the most basic of scrutiny.

**Allegation 4: this contains the aunt's account of what happened on 9 July 2019 at her parents' house when she was not present. The mother went to the aunt's parents' house and made threats against the aunt including that she would put 'something nasty' through her letterbox and that she would make sure that the aunt did not give any evidence, and that there would be serious consequences for her calling the police, which aunt did, after BK and CK's son, GK turned up at the aunt's house, making allegations against the mother.**

84. I do not accept her accounts, which are based on things that people have told her that she has not witnessed.

85. As I indicated, when I am weighing up what findings I make where there is an issue of credibility, that is who do I believe and who I do not believe, I will be looking for direct eye witness evidence: what did you see, smell, hear, feel and any supporting witnesses. There are none.

**Allegation 5: the mother was putting undue pressure on the father to take EK and FK to Pakistan to be forcefully marriage without their consent, telling him that they would have to do as she said.**

86. The father does not support the aunt's case on that. It is not credible that the mother could impose her will on the father.

**Allegation 6: the mother splattered blood on the aunt's car on 17 October 2019 in response to being arrested by the police for encouraging and provoking her daughters (the nieces) to call and harass the aunt. This was reported to the police.**



87. I considered the police disclosure carefully. The aunt told me, when I asked her about a specific detail, that it smelt like blood, which is not something that she had told the police. I do not accept, on the balance of probability, that she has proven that allegation because we have no photo, even though it was said there was a photo but the blood had washed away, so I do not know whether there was photo of where the blood had been but it was not there anymore. There is no evidence whatsoever that anything she did see was blood. The details of the allegation are inconsistent and the use of the word 'fresh' is to add credence in an unconvincing way to her allegation.

**Allegation 7: this is an allegation that the mother contacted the father, asking him to contact the aunt with the telephone on speakerphone in her presence, to ask whether the aunt had helped him to apply for an FMPO against her.**

88. The aunt was not there so she does not know what really happened.

**Allegation 8: this is based on what the aunt says a young woman who is the eldest daughter, DK's friend told her, namely she says that the mother has been pressuring DK to go to Pakistan to marry by telling her she was unclean and threatening that if DK didn't go to Pakistan to marry she would never get married in the future.**

89. Some stranger rang up out of the blue on two occasions, which happened to be at the same time as the aunt was making applications to court, and I will turn to that when I deal with the supporting evidence for the aunt.

**Allegation 9: the aunt then says that the mother was threatening her through the father on several telephone calls daily between 18 and 22 May 2020 and throughout June and July 2020, to dissuade her from filing a witness statement in relation to the father's FMPO application and from the aunt pursuing her own FMPO application on behalf of her nieces.**

90. There is no supporting evidence in that respect.

**Allegation 10: finally, the aunt says that an unknown visitor came to her home to threaten her life so she would not provide a witness statement against the mother to the court.**

91. There is no supporting evidence.

92. Dealing with her evidence in court she maintained her position that her nieces, DK, EK and FK are being groomed.

93. She was, as I have recorded, very difficult to follow. She was astonished at the suggestion that she was jealous because her whole theme has been that the mother has been jealous of her since day one. When she was asked about the original application for a visa for the mother, she said: **"I was their representative in Pakistan when the parents were married."** She alleged to me that the mother spoke English fluently, which is a particular topic that I will return to.

94. Overall, the aunt maintained her allegations contained in her witness statement that the mother was a domineering, hysterical, jealous abuser. She said that her nieces had

lied. She was asked about the mother's immigration status, but she deflected the response.

95. She has given very inconsistent evidence about her own family and her description of her parents, who I, of course, have not had the opportunity to meet, gave me the impression that they were extremely vulnerable and elderly and frail and she told me that she has been carer for her mother since she was seven. This was a suggestion she repeated in her closing submissions today. I cannot follow what she says about her parents. They are not very elderly. They are in their 60s. No one disputes that their grandfather is a very successful entrepreneur. She said to me they cannot speak, read or write English, which cannot be true. I have made a note of that. She has accused the mother of being a narcissist.
96. Ms Jaganmohan asked a question of the aunt whether she was projecting her own feelings onto other people, in particular onto the mother. What she meant by that was if the aunt believes she is the victim of a Forced Marriage Protection Order and she is now accusing other people of doing the same thing. This may be what is happening over the "jealousy" allegation i.e. the aunt was jealous but accuses the mother of being jealous. It is quite striking that the aunt consistently alleges that the mother was controlling, coercive, violent, in charge, bullying and she, the aunt, was the victim.
97. She does, of course, have to deal with the fact that she made a number of allegations to the police. There is not one shred of evidence that the mother is a gang leader, an organised crime leader, a drugs smuggler, an arms smuggler, a trafficker of children. I should also say, while I am on that topic, that it is incontrovertible that the mother came to this country and has lived here for nearly 20 years and for the first decade had no money, no job, no property, no freedom to go on a bus. She was here for a decade before the social worker had to show her how to go on a bus and keeping it really simple, she had no security to remain in the country. It is a fact, I have not even delved into it because it is unnecessary, it is in the chronology, that the father failed to renew the mother's visa on at least two occasions.
98. It is an allegation made on behalf of the mother that she has been constantly threatened with deportation and with the fear of not having permission to remain in the country. It is an absolute fact that she has not had security to remain in the country as a result of failures to deal with her immigration status.
99. The devil is in the detail in dealing with the allegations that the aunt has made to the authorities. I have set out how they are all false. In relation to allegations that the mother has tortured her children there is not a shred of evidence, indeed all of her children have always said the opposite. The effect of allegations that they are being tortured by the mother means that they have got social workers poring all over their lives for a lot of their childhood and coming to their home and asking them questions and interfering with their freedom.
100. In 2011, the aunt told the social worker that the mother had had four Caesarean Sections and would need medical attention. I consider that to be a very telling detail. It was a highly misleading, manipulative allegation designed, I suspect, to locate the mother. It is a telling example of the level of control and coercion exercised by the aunt that she already knew the mother was pregnant (it was very early stages) and used it in this way. In the same way that she omitted to tell me that Mr YY was in addition to being her carer also her husband, she omitted to tell the social worker on the day

that she made that allegation that actually the mother might be pregnant but the baby was not going to be born for at least another seven or eight months. The suggestion that somebody with a history, and it is a very significant history, of four Caesarean Sections, that they might need medical attention would give the impression that they were about to have a baby and they might be having their fifth Caesarean Section and they certainly would need medical attention. It was clearly a deliberate and calculated manipulation to locate the mother and is highly controlling and coercive. The mother was terrified that the aunt was seeking to locate her. I will not delve into the wider allegations about locating her in a refuge. It is sufficient to record, as I already have, that she has had to go to a refuge three times and is still in a refuge. Ten years almost to the day when she first went to a refuge. I find that an extraordinary history.

101. When she was being cross-examined, and in particular by Ms Jaganmohan on behalf of the eldest daughter, DK, the aunt was not really able to answer some very difficult forensic points. If the young ladies are being groomed by their dominant gang leader mother, drugs smuggler, arms smuggler etc., why are they free to go and live with their paternal family who clearly are on their dad's side and are not terribly happy with their mother and yet they still consistently stand by their views?
102. She could not really answer that and it is an immense difficulty with her credibility. The young woman who sits before me in court, the eldest daughter, DK, is patently not being groomed because she is living within her paternal family and if she were being groomed it would be a most unsuccessful grooming that was taking place because she is not under the instruction or the domination of her mother because she is not even living with her.
103. I am extremely worried about the aunt's recording of the son, GK. I do not know whether she had, in fact, raised it with her own lawyers, that is a matter of privilege. I am very confident that if a social worker were sitting in this court they would say that that was tantamount to child abuse and was emotionally abusive of GK and I wonder what he will say when he grows up and finds out - hopefully he will not - but if he knew that his aunt was using something he said as a little boy against his mother he might be pretty upset by that. The key issue forensically with that piece of evidence is it does not say what the aunt says it would; she has produced evidence in support of her allegation that the girls and their mother were torturing GK and the evidence does not say that. On the contrary, it says something rather serious against their father.
104. I should finally, in dealing with the aunt's evidence, turn to the statement that she filed before, I think it was, Judge Marshall in support of an application for a non molestation order. In this statement, she described her brother as her "special needs brother" and said that her family treated the mother "like a queen" because she had had the grandchildren. I also bear in mind that most of the questions she had put in cross-examination were designed to demonstrate that the mother was showered with gifts and support and money by the paternal family, that the mother was the recipient of a great deal of bounty. I am absolutely satisfied that when the aunt made that statement in support of her ex parte application and described CK, her brother, as her special needs brother who was married in Pakistan, that she did so deliberately and utterly falsely seeking to portray him as a vulnerable man of Pakistani heritage who was a victim.
105. That is wrong, false and manipulative. I am also absolutely clear, and I find, that her own evidence demonstrates her jealousy; on her own word she thought the mother was

being treated like a queen because she was having children and it is quite clear that she was the jealous one and not the mother – she states at C83 and also in part G: **“She used her pregnancies and children to force, coerce and abuse me.”** When I asked her about C84 where she said: **“As I was the only educated person in the family and most afraid of her she would intimidate me as witnessed.”** That is an example of the many incoherent statements that the aunt has made. She cannot be this powerful official, and she clearly is a powerful person, who is involved in politics and the most educated person in the family and in the same breath be the victim of intimidation. It does not add up.

### The father

106. The next witness in the case was the father, CK. CK has filed only one witness statement directly in these proceedings but there are other witness statements from (inaudible) that I have read. I am not going to take very long over CK because in dealing with the aunt’s evidence I have made it very clear that I find that there was a great deal of communication between him and his sister in the period around the proceedings in 2019 and 2020. She could not, as I have said and I find, have known all the information that she has put in her applications if she did not know it from him. As Ms Huda for the mother put to her, when the aunt was describing things, she used the father’s account of his direct experience. She cannot have seen, for example, the events on 8 July 2019.
107. On the second day of this hearing, which has started almost a year and a half after the application was taken out and two years and two months after he served orders in relation to his daughters, he decided to change his position. He presents himself as a rabbit in the headlights. He is so torn between everybody. I found CK to be a very engaging man on the surface, very articulate and very helpful in the way that he presents things. I am sure he is devoted in many respects to his children and I am sure they love him very much. However these girls are his children and this is the mother of his children and he has supported his sister throughout in all of her applications and has fed her with information. He did not withdraw his evidence and he purports to say, ‘well you decide’. He did not have to support his sister, which he has done until Tuesday of this week. I am very clear that the father has colluded in an abuse of process and an abuse of his daughters. Whether due to weakness in the face of his bullying elder sister or because he agrees with her – it matters not from the mother and children’s perspective.
108. It is obvious to anyone observing that the aunt is obsessed with her own issues. She is narcissistic in the way that she presents herself; the father is an intelligent man and he will have seen that. There is no justification for why it took him so long and I suspect it was only the fear of what might come out once they started giving evidence that caused him to throw the towel in and say he didn’t support the aunt on day 2.
109. I am going to look at the evidence that he put before the Court because it is either his case, or was at some point, or it is not. He stated that he genuinely believes his daughters are being groomed. I do not think the man I saw believes his daughters are being groomed and I find he does not. He says the mother’s motivation is financial. He launches into a description of the difference between progressive British Asians and more traditional Pakistani families.

110. I found it really quite telling that the heritage of the mother and the daughters is some way or another used or works against them. I have said that already in a particular context. I refer back to the aunt's witness statement that he was a special needs young Pakistani man forced into marriage effectively. I was very intrigued to read about how successful he is in his career and, of course, he told me in his oral evidence that he is a telecommunications engineer and has got an A Levels. He set out a detailed written and oral account of his father being is a very successful self-employed businessman-entirely contrary to the picture painted by the aunt.
111. I am satisfied that the father was capable of and has supported the aunt throughout and given her information. I almost do not believe him when he says he has not read his daughters' statements. It is such a shocking indictment on him that he would sit in a court, a man who loves his children, who gives the impression of being warm and engaging and not have bothered to read the extremely poignant witness statements that his daughters have filed.
112. I will turn to the eldest daughter, DK, in due course but before I even get there I emphasise that I have read what the middle daughter, EK, has said and I have, of course, got what the Guardian says about the youngest daughter, FK. I was astonished when the father told me he had not read his daughters' statements. What on earth was he doing then? His daughters have gone to very significant lengths to stand up for themselves and their mother. The eldest, DK is his daughter who, when she finished her A Levels, was not able to go on holiday, because he colluded with his sister against her and did not stand up for his children. No one is more familiar with his sister's domineering personality than he is – only a year younger than her. It is unfathomable why the girls' father has allowed himself to follow in the footsteps of the aunt. This is not a man who is estranged from his daughter. His daughter, whose evidence I am about to deal with, is living with him and yet he maintained in sworn evidence that he has not read her witness statement. I am not remotely convinced by the father's conversion and, in any event, it was undertaken, namely his conversion and change of mind, so late in the day that it is meaningless.
113. The father is not vulnerable and does not have his special needs. He does not have needs that require any special measures. He is very successful. He, like his sister, was very evasive and very difficult to follow in oral evidence. It was difficult to get a straight answer from him and he was incoherent, deflecting, inconsistent at various points.
114. I found it very difficult to follow any consistent thread in the aunt's alleged estrangement from the paternal family and I am not going to delve much more into that. It is quite clear that the aunt has some influence still within the family but every time one delves into that issue one gets a new point or a different version. In her closing submissions she made extensive criticisms and submissions about how estranged she was from other members of the family.
115. I realise that the father and the mother are estranged but they can work together to some extent and the fact that the father was not willing to concede or acknowledge the glaring difficulties that the mother faced is something of grave concern to me. Even when he heard his son on the recording one might have expected him to have a real conversion, the scales to have fallen from his eyes, but they did not.

The social worker

116. The social worker, who was challenged because she believes the mother, gave evidence for 20 minutes. I was very grateful to her for making the time in her professional life to do so. She was a very straightforward professional witness. I found her to be quite compassionate in her demeanour and reflective but like the police and indeed like this Court she cannot ignore the glaringly obvious - that the aunt has taken it upon herself for over a decade to make a series of lurid false allegations against the mother in relation to her children; allegations which were designed and destined to put her under the spotlight of the police, Social Services, potentially to get her deported because with her uncertain and insecure immigration status, allegations of criminality could have a very significant effect.

The eldest daughter, DK

117. I turn to the eldest daughter who gave evidence. This young woman had an order made against her will, she is perfectly entitled to give evidence but it goes a lot further in this case. She was an extraordinarily impressive and compelling witness - one of the most impressive witnesses I have seen in decades of being involved in the family court.
118. The courage, clarity, sincerity and poignancy that characterised her evidence was striking. She is an absolute credit to both her parents. I will not go through every word that was said but I do find that she was upset at times when it was entirely congruent i.e. when dealing with very painful and sensitive issues.
119. She did not have to come to Court. I find that she is motivated entirely by her respect and love for her mother, her wish to be free from the coercion and control that this litigation has imposed on her, to be free to live her life; I was very impressed by the courage that she has shown in sitting in the witness box and standing up for herself and her sisters and her family and in doing it at a time when she is staying with her father. She was the victim of false allegations that she tortured her little brother. She is patently dismissive of the lurid allegations that the aunt makes against her mother. She is in sharp relief to her father because although she, as a child of the family, is more than in the middle of everybody, these are her grandparents that she loves, her father that she loves, her mother that she loves, she still had the courage and the commitment to come to Court and stand up for the truth.
120. She is patently telling the truth about the absence of any risk from her mother to groom her to have a forced marriage in Pakistan. It is extraordinary that she has had experience of an abuse of process and the use of court proceedings to deprive her of her opportunity to have experiences that she will never have again. This young woman will never be a "sixth form leaver" again. She will never have the chance to go to Magaluf or whatever the current place that school leavers go to after A level exams.
121. I do not know whether her friends know about this case but, as I have already stated, it must be the subject of immense distress to her. I entirely accept her description in her own evidence that the hatred is toxic and unhealthy. I have regard to paragraph 7, C203. I accept entirely what she says about the disruption. I find her characterisation of her aunt's allegations as hateful and venomous as entirely accurate. I have, as I said, read her sister, EK's statement and she also has had her life disrupted. The girls, who do not necessarily live in the same home, are still saying exactly the same thing.

122. One compelling point that the middle daughter, EK, made was that the aunt, the so-say victim of terrible coercion and the like, is, of course, able to do whatever she likes. She can go on holidays but EK cannot. She says that at C214 and 215. I find that to be a very good and interesting insight by EK.

### The mother

123. I will turn now to the mother. I found the mother's evidence was the most logical, consistent and straightforward in the case despite the fact that she is giving it through an interpreter, which again to borrow DK's expression, speaks volumes. I am careful not to place too much emphasis on behaviour and conduct but the mother has behaved throughout this hearing in a very composed dignified way. She is represented but she lacks the self-absorption and agitation which is so evident in the aunt's presentation, maybe just because they are different personalities. I have read her statements.
124. They are all consistent and the theme was this: she was brought to this country as a young bride. She was supposed to be grateful. She had no money, no property, five children in ten years, her husband was violent, she did not want to tell the police. She fled to a refuge three times. She has not got a secure passport. She was never given a National Insurance number. She alleges that the aunt bullied her from her wedding day and continues to do.
125. One of the features of the mother's evidence is that a great deal of it was unrehearsed and spontaneous. She did not have time to think about a lot of the questions and make up answers. She was dealing with it in the witness box. She did not know what she was going to be asked and when she was asked she was very impressive in how she responded in that she clearly reflected and to every single question through her extremely helpful interpreters she gave a logical, coherent, convincing response.
126. The mother told me, unrehearsed, about what caused the first problem in her relationship with the aunt. She gave a very detailed description of the day of her wedding and the aunt wanted her niece out of the car and there was an argument. We know that the aunt has got an issue about the nieces because it is in her own evidence but I could follow what the mother was saying, even though she was giving evidence through an interpreter and I do not think there are any allegations against the interpreters in this case, although there are allegations against virtually every other professional involved.
127. I wanted the mother to tell me in a spontaneous way about at least one allegation so I could assess her in the same way as I was assessing the aunt and the father, so she told me step by step logically about the time when she says the aunt slapped her in the face when she was expecting the eldest daughter, DK, in the summer of 2002. The devil is in the detail and the detail is very congruent, by which I mean the mother's version and descriptions have real-life details that sound extremely convincing. I find that the aunt was jealous of the mother because that is what the aunt's own evidence says. She cannot have it both ways. She cannot say they treated the mother like a queen because she had the grandchildren and then say but it was the mother who was the jealous party. Why was the aunt jealous? The mother spontaneously gave me this description of the incident when she was pregnant. I feel for the aunt if it is an issue for her that she has not had any children and I apologise to her if it is painful or insensitive. She did not suggest that but I wish to be sensitive.

128. The situation was this mother arrived from Pakistan. There had already been an incident on the wedding day. The aunt is clearly a very powerful person within the family as the eldest child. She is quite a domineering personality which is very obvious having seen her. The mother gets pregnant immediately, the first month of marriage, as soon as she gets to the country and the aunt does not want the pregnant new bride serving tea to her, the aunt's, husband.
129. That really had a ring of truth about it that detail. This, of course, is the husband in relation to whom the mother was supposedly spiking the aunt's drinks to force her into marriage. I really struggled with the fact that, as I find, she was jealous that the mother was pregnant and did not want the pregnant mother near her husband and yet her husband is the devil incarnate.
130. I am entirely satisfied that the description that the mother gave me of the lead up to the slap and the jealousy is absolutely accurate. It is so coherent and logical. Aunt warns Mother off her husband, says do not tell anybody. Mother tells Father then it all kicks off and Aunt does not look very good. Aunt then goes back to the niece issue, which both women agree was a problem on the wedding day. Aunt refers to "bitch niece", and Mother has the audacity to say "you are the bitch". It does not take any leap of imagination to imagine the aunt's response when she flew into a rage. I have seen the aunt give evidence and I can imagine what the response to being called a bitch was and I entirely accept that she slapped the mother and was violent to her in that way at a time when the mother was actually probably five months pregnant, four or five months pregnant. I am absolutely satisfied that both women are telling the truth that there was quite a fuss about the mother being pregnant, especially as she got pregnant so fast, and as she has gone on to have a large family.
131. That brings me, of course, to the mother's schedule.

**Allegation 1: the aunt slapped the mother hard in the face. The mother was 5 months pregnant at the time.**

132. I have found that allegation number 1 is proven for the reasons that I said. As an aside, it is depressing to read the police attitude to an allegation of historic violence. They do not seem to appreciate the sort of pattern of coercive control and when a police officer says: "**I am not having my officers investigate a 17 year old allegation.**" In assessing whether there is a pattern it is essential to try and identify the beginning of the pattern. If a person is physically assaulted at an early stage, that sets the scene as they can then be coerced and controlled because they have been put in their place by violence right from the outset. In any event, that is an aside but it is the sort of thing that may explain why this woman from Pakistan whose first language is not English may not have felt entirely supported at times in this country by the relevant agencies.
133. When I look at what the aunt says and the clear expectation the mother was to be grateful and when I add up all the facts that I have outlined about the mother's situation, it is crystal clear to me that the mother was not free and was kept within the paternal family home for the first decade of her marriage. She lived in a regime of very strong control.
134. I note that the aunt sought to challenge the mother's veracity in terms of her understanding of English and that indeed was also the father's position, so I have to assess whether she is trying to pull the wool over my eyes. Is she trying to avoid the



scrutiny of the Court and deceive me by pretending she needs an interpreter? Nothing could be further from the truth. The fact that she may have been able to teach primary school children in Pakistan for five months does not mean she is fluent in the language. It is a small but a very telling example of the sort of undermining behaviour to which this woman has been subjected that her husband and in particular the Applicant Aunt would suggest that she is deceiving the Court and does not need an interpreter at all.

135. It is just the final example in a long line, two decades, of a course of conduct that has sought to deprive her of her autonomy. I find that they do not believe that she is entitled to autonomy. I have kept a quote. It is at G318 to G319. This is a social worker record:

**“DK, EK and FK say the situation will never change but things will improve if their mother had freedom and I think was allowed to stay here.”**

136. The eldest daughter, DK, confirmed to me in her evidence that the paternal family had said they did not want her mother to have security of status because that, of course, would mean she could not be threatened with deportation. The reference to that is in the evidence.

137. Moving on with the mother’s own evidence, I had warned the father that I could not cherry pick evidence and although this case is about the allegations in the schedules that if I hear other evidence, I will not ignore it. In a nutshell, the mother was asked questions that led to her confirming that the father had been violent and that the injuries she sustained on 11, 12 December 2011 were at his hands. She did not strike me as being eager at any point or vocal or pushy to make allegations. In assessing her, I have to assess whether she accepts she is guilty of forced marriage in relation to the aunt because she did not defend the proceedings. I am entirely satisfied that she did not even know what the proceedings were, that it is a course of conduct that the aunt has engaged in getting ex parte without notice orders. I have found that she does so by deceiving the Court and manipulating the Court. In the middle of what might be colloquially described as World War 3 in the summer of 2019 with applications flying everywhere, the father having been arrested, two applications in one week and everybody all over the place, the last thing that the mother - a mother of five children - was focussed on was coming to court in a language that she did not fully understand to deal with an application that is so easily made against any Pakistani person who wants to go to Pakistan with their children.

138. If I turn to the father’s application that he withdrew in 2019, I have read the support worker’s evidence in that respect. I do not for a minute deny that forced marriage exists and the Home Office and other documentation that is advanced in that application is clearly compelling and worrying. That is why we have the legislation but I do find, and I am afraid to say that this case is not unique in my experience, that the use of protective legislation against particular minority groups can turn into abuse.

139. There is no actual evidence whatsoever, either in the father’s or in the aunt’s application, that she, the mother, is a risk in so far as forced marriage is concerned. Where would she get the money? How would she be able to organise it? She has not been back to Pakistan without somebody else organising the flights. As a matter of common sense, I take all that into account in assessing her evidence.

140. I am entirely satisfied that her failure to defend herself in relation to orders that have now expired is not because she is guilty of any allegations. In any event, I cannot

remotely see how she could possibly have been involved in forced marriage in relation to somebody who got married two years before she did. The mother, in her evidence, spontaneously told me about the issue of her National Insurance number and the father was given an opportunity to challenge her, and he did, and she was very clear about the detail.

141. She had never been given a National Insurance number, unlike P, her sister-in-law, and she only knew hers because she had seen it on the document and she had worked out that that is what it was. We know that somebody said she had stolen a car and she told me that she had been given the key of a car but then was not insured on it. I find that to be quite logical, her description, and coherent in that respect.
142. If I turn to her allegations. One is proven.

#### **Allegations 2, 3, 4 and 5:**

- i. In June 2019, aunt made a referral to Hestia, falsely alleging that the mother intended to take the children to Pakistan to force them to get married.**
  - ii. The aunt has made several false allegations against the mother to the police including on 16 July 2019, when it was alleged by the aunt that the Mother/ Mother's family were involved in sex exploitation, trafficking, substance misuse, and part of an organised crime gang with access to guns. A similar allegation was also made to the local authority on the 17 July 2019. On 20 April 2020 the aunt falsely alleged that the mother is taking the children to Pakistan to be forced into marriage and mother is smuggling children into the UK from Pakistan and also drugs and firearms.**
  - iii. On 29th December 2011, the aunt made a call to the emergency duty team falsely alleging that the mother had previously hit the children, dislocating one of the children's arms, pulled one of the children's fingernails and burnt one of the children.**
  - iv. On 9th August 2019, the aunt made a false allegation to social services and the police about the mother that on 9th August 2019, the mother had kept her son, GK, a prisoner and force fed him pepper.**
143. There is no dispute that the aunt has made all of the allegations in two and four, and five. The allegations have been made and the only finding that I am required to make is whether the allegations are true. They are not, they are false, and why were they made? Given the findings I make about the aunt based on what she herself has said as well as what other people say, I am absolutely satisfied they are motivated by spite, malice and toxic venom, I think, using the eldest daughter DK's language, against the mother of whom the aunt has been consumed with jealousy since day one.

#### **Allegation 6:**

- i. The mother has been continually threatened with deportation by the aunt.**
- ii. The mother would be made to feel that if she did not act and behave in the way that the paternal aunt wished her to then she would have her removed out of the country.**
- iii. The aunt would shout at the mother whenever the mother did anything that upset her. The aunt would also make derogatory comments towards her.**

- iv. **One incident when the parties were living together when the mother had gone shopping and upon returning the paternal aunt screamed at her that she should not have gone out as the paternal aunt's mother was unwell and the mother should have stayed at home and cared for her.**

144. I have got the children's evidence in support of allegation number six that deportation and her immigration status was used to coerce and control the mother.
145. It is difficult to imagine what must go on in the mind of a parent who is living in a refuge with no security wondering whether they are going to be sent back to Pakistan and taken away from their children. I found the mother's concluding evidence that the aunt has destroyed her family and her family home to be very compelling evidence. It is clear, at the beginning of my judgment when I said it is a question of who I believe, I absolutely believe the mother and I absolutely do not believe the aunt, nor for that matter the father.

**Allegation 7: The Paternal Aunt issued proceedings against the Mother for Forced Marriage in respect of the Mother's daughters as a way to continue to control the Mother's life rather than for a concern for the children; and**

**Mother's allegation against the father that he was violent towards her**

146. I am very clear that the records show that the mother had injuries. The mother's account of how she came by those injuries is something that I accept and that her husband was violent to her as has been reported in the papers. It is very clear to me that somebody living in her circumstances would not want the police to be involved. There have been times where I have asked myself whether the allegations must be true because the mother has survived so much and how could anybody withstand the terrible strain that the decades of false and malicious allegations have made.
147. I have observed how calmly the mother can present and she does have her children, to whom she is devoted, to be her strength. I note her evidence that she did not tell her own mother and did not want other people to know. For the avoidance of doubt, I am very clear that the evidence that the mother has put forward and the consistent pattern of reports causes me to accept what she says and her allegations in her schedule are proven as is the allegation, sadly, that the father was violent to her during the marriage.
148. At one point I made reference myself in discussions to the fact that if somebody is subjected to violence at the beginning of a relationship that then means that they can be coerced and controlled because they know what happens if they step out of line. Nobody in their right mind would go to a refuge with her five children without due cause. It was not put to the mother that she was trying to get a council house or child benefit but if that in fact had been put the response would have been, well she has not got a council house or child benefit and what she has got is her children scattered, no home and the father being able to move between the home that she should be occupying and his parents' home where he is, no doubt, welcomed like a prodigal son.

The aunt's "witnesses"

149. I have not overlooked in my overall determination the 'evidence' that the aunt puts forward. I accept what the eldest daughter, DK says that given there is, in fact, no relationship between the nieces and the aunt, the account of the phone calls from the

concerned third party is entirely implausible. Given my overall findings as to the aunt's veracity, namely that she lacks veracity, I am satisfied that she has made that up entirely. There is no friend of DK's. They would not have the aunt's phone number. She is the last person that they would go to, so that person does not exist.

150. Given that the aunt, with her business acumen and her knowledge of how things run and her sophistication, is capable of producing this purported authority for her husband to be her carer, which is clearly misleading, and given her capacity for dishonesty of the most extreme variety and given her manipulation of the Court and her presentation of her brother as special needs to garner sympathy from the Court and to get unjustified without notice orders and given what is in the contents of the purported witness statement from the alleged anonymous witness, I regret to find that the witness statement from Witness X is a fabricated document.
151. There is no Witness X. It does not stand up to scrutiny. Witness X is purported to be afraid of the same things that the aunt is afraid of, which bear no relation to reality whatsoever and so I find that there is not only no evidence supporting the aunt but that she, going considerably further I find, has made up evidence, fabricated a witness statement and lied in an account to the Court.

I have, of course, thought about the Lucas direction, if she has lied about one thing what are her reasons? The same reasons apply to all of the aunt's lies – spite, malice, jealousy, irrationality, narcissism, a sense of impunity and being above the law. In this particular case, her wholesale dishonesty, her transference of her own views onto the people who she is attacking effectively, saying that it is the mother who is jealous and the like and she is the victim, all of that in my view supports my conclusion that she is capable of and indeed has fabricated evidence for this Court.

#### Conclusions:

152. It does not appear that there has been sufficient consideration to how a young woman of British Pakistani heritage might feel to know that she was the subject of this kind of an order. How must they feel if their friends were to find that out? How must that make them feel marked apart from the other young people with whom they associate?
153. The young woman who gave evidence before me did so in a very dignified way, but she and her sisters must feel ashamed and embarrassed by the fact that due to their heritage this sort of order can be obtained – a situation which would not arise if they were not from that background.
154. In conclusion, there is only false fabricated evidence in support of orders that have been in existence for a year and a half and have restricted and badly affected the young women to whom they relate. They are discharged immediately with effect from 2.50pm now, as is the Prohibited Steps Order. The passports will be immediately released into the care of the people who own them.
155. In drawing my conclusions, and I will deal with various other applications in a minute, I want to make the following point. The applications for Forced Marriage Protection Orders are an abuse, they are totally without merit. They have caused significant harm. They are malicious. They are using the court system to perpetuate abuse of young people and their mother. It is tragic that the very fact of being of Pakistani heritage has been used by their own family to abuse these young women.

156. I find that the applications are motivated by malice. I have asked myself whether the aunt is suffering from some sort of psychological disorder that causes her to function in a parallel universe that bears no relation to reality. There is no psychological evidence before me but I come back to the fact that I am actually dealing with applications in relation to three young women and, of course, their mother and it does not really matter whether the aunt is actively delusional or has a personality disorder or any other diagnosis because when one is defining abuse and identifying abuse, one looks at the person on the receiving end and I am 100% clear that this process has been perceived and felt as intrusion, restriction, coercion and control using official state bodies to do so of three young women and their mother.
157. I deprecate the father's weakness and failure to do what his own daughter has the courage to do, which is stand up for herself and her sisters. It is a grave dereliction of his duty as a parent. It makes me so sad to record that none of the family who are of Pakistani heritage, in particular the mother who came here nearly 20 years ago, has been able to go and see their family in her home country as a result of all of this.
158. Given her lack of access to any support or finances I do not know when the mother will be able to go but I hope that the immediate discharge of all the orders will enable the young women to be able to get their various gadgets and accounts and to travel in the same way as their aunt has been able to do all along. I immediately discharge those orders.
159. As regards Family Law Act orders - under no circumstances will I grant the aunt any orders against anybody because in the light of the findings that I have made she would be very, very likely to abuse them as she has abused the court process all along. I will be making indefinite Family Law Act orders to protect the mother and the girls. Indefinite protective orders are the exception rather than the rule. In this case, given that throughout her time in this country the mother has been bullied, coercively controlled, as have her daughters by the aunt, I am satisfied that they need permanent indefinite protection. We have not got a section 91(14) type remedy available. I direct that any future applications concerning the aunt are reserved to me in the first instance.
160. The terms that concern me is how to protect people against false allegations, so you may need to be, and I am looking at you as well, Ms Griffiths, you may need to be creative in that respect because I cannot stop somebody from going to the police really but what I can do is, well I would like you to think about what the equivalent of what we call Total Without Merit Orders might be in this case.

#### Publication

161. I grant permission to publish an anonymised and redacted version of this Judgment and record that only the father opposed this – both the mother and the eldest daughter agreed – as did the aunt.

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