

A (Children), Re (Rev 1) (2019)

[2019] EWHC 2334 (Fam)

25/09/2019

Barristers

Teertha Gupta KC
John Tughan KC
Cliona Papazian
Jacqueline Renton

Court

Family Division

Practice Areas

International Children Law

A re-hearing of findings of fact following a successful appeal of an earlier fact-finding hearing

The case concerned four children – A, B, W and S – whose parents had made serious cross allegations of domestic violence against one another. The allegations had previously been adjudicated at a fact-finding in front Mr Justice Keehan; however, his findings were successfully appealed and set aside. At the time of the re-hearing, the children had not seen their mother for over three years and were opposed to doing so.


As the allegations were so numerous and the parents' positions so diametrically opposed, the court ordered the allegations into three overarching factual disputes to which each of the more specific disputed events related, namely: (i) whether or not the mother and two of her sisters acted in a cruel and abusive manner towards the children; (ii) the manner in which the mother was treated by the paternal family throughout the marriage; and (iii) whether the father stranded the mother in Pakistan by stealing her passport. McFarlane P indicated that he came to his conclusions by looking at the "big picture" of the overarching issues from the "vantage point" of relatively few micro-episodes that had corroborating evidence [30].

After briefly summarising the legal context [15-18], McFarlane P painstakingly set out the evidence that he heard from the numerous witnesses, including A, over the course of the 9-day hearing, and his views on their credibility. Overall, he found that the mother's position in respect of the three overarching issues was proven: the mother and her sisters had not treated the children in a cruel and abusive manner; the mother was treated badly by the paternal family during the course of the marriage; and the father had stranded the mother in Pakistan, preventing her from returning to the UK. The court also held that the father had perpetrated "very significant child abuse" against the children by controlling and manipulating the lives of the mother and children so that the mother was excluded from contact with them for a large

proportion of their childhood, and formed a negative view of her, including that she had abandoned them [253].

To read the full judgment [click here](#).

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