



Neutral Citation Number: [2019] EWHC 3415 (Fam)

Case No: FD19P00246, FD19P00380, FD19F05020, FD19F00064

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

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 11/12/2019

**Before :**

**The Rt Hon Sir Andrew McFarlane**  
**President of the Family Division**

**Re A I M**

**Lord Pannick QC, Alex Verdan QC, Sudhanshu Swaroop QC, Desmond Browne QC, Lewis Marks QC, Patrick Gibbs QC, Daniel Benthams and Adam Speker (instructed by Stewarts Law) for the Applicant Father**  
**Charles Geekie QC, Tim Otty QC, Guglielmo Verdirame QC, Sharon Segal, Kate Parlett and Isabel Buchanan (instructed by Payne Hicks Beach) for the Respondent Mother**  
**Deirdre Fottrell QC and Thomas Wilson (instructed by Cafcass Legal) for the second and third Respondent Children**

Hearing dates: 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup> and 15<sup>th</sup> November 2019

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**Approved Judgment**

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

.....  
**SIR ANDREW MCFARLANE**

The release of this judgment to nominated members of the UK press is subject to a four hour embargo ending at 4pm on 5 March 2020 pursuant to the Order of the President of the Family Division dated 5 March 2020. Publication of any part of this judgment before that time is prohibited by that Order.

After the judgment has been published at 4pm on 5 March 2020 it is important to stress that certain reporting restrictions will remain in force pursuant to the Reporting Restriction Orders made by the President of the Family Division dated 28 January 2020 and 3 February 2020. The Reporting Restriction Orders have been served on the media; copies are available from the Royal Courts of Justice Press Office.



**Sir Andrew McFarlane P :**

1. This fact-finding judgment is given in the course of ongoing proceedings relating to the welfare of two children. The children are Sheikha Al Jalila bint Mohammed bin Rashid Al Maktoum (“Jalila”), who was born 2 December 2007 and now aged 12 years, and Sheikh Zayed bin Mohammed bin Rashid Al Maktoum (“Zayed”), born 7 January 2012, now aged 7 years.
2. The children’s father is His Highness Sheikh Mohammed bin Rashid Al Maktoum (‘the father’). He is the ruler of the Emirate of Dubai and is the Vice President and Prime Minister of the United Arab Emirates (UAE).
3. The children’s mother is Her Royal Highness Princess Haya bint Al Hussein (‘the mother’). She is a daughter of His Majesty the late King Hussein of Jordan and the half-sister of the present ruler of Jordan, King Abdullah II.
4. The children’s parents married on 10 April 2004. The marriage was not an arranged marriage.
5. The mother is the second official wife of the father, who, in addition, has a number of “unofficial” wives. These two children are the two youngest of the father’s 25 children.
6. Part of the fact-finding process will focus upon two of the father’s older children, Sheikha Shamsa and Sheikha Latifa. Shamsa was born in 1981 and is now aged 38. Latifa was born in 1984 and is now aged 35. They are full sisters. They have an older sister and a younger brother.
7. On 15 April 2019 the mother travelled to England with Jalila and Zayed. Although it was normal for the children and the mother to visit England, she made it clear soon after arrival that she and the children would not be returning to Dubai.
8. On 14 May 2019 the father commenced proceedings in England and Wales under the inherent jurisdiction of the High Court seeking orders for the children to be returned to the Emirate of Dubai.
9. The mother initially contested the court’s jurisdiction by asserting that she enjoyed diplomatic immunity, it being the case that shortly after her arrival in England in April 2019 the government of the Hashemite Kingdom of Jordan appointed the mother to the post of First Secretary at the Jordanian Embassy in London.
10. In a statement made on 16 July 2019 the mother abandoned her claim to diplomatic immunity with respect to these proceedings. She did so, in part, she asserts, as a result of extreme pressure, diplomatic and otherwise, brought to bear on her by the father. Further, she explained that she now needed to rely upon the jurisdiction of this court to protect herself and the children. She therefore issued applications for the children to be made Wards of Court, and for a forced marriage protection order with respect to Jalila, and for a non-molestation order for her own protection.
11. Following a hearing in July 2019, the court confirmed the wardship proceedings, made both children Wards of Court and directed that they be represented by a guardian appointed from the CAFCASS High Court team. An interim forced marriage protection

order and interim non-molestation injunctions were made together with conventional orders prohibiting the children's removal from the jurisdiction of England and Wales and from their mother's care. The court maintained the hope that interim contact could be established between the children and their father. However, although discussion continued between the parties, arrangements which were, on the one hand, considered sufficiently secure by the mother and the court, whilst, on the other hand, being acceptable to the father, proved, and have continued to prove, difficult to identify.

12. The father, as the ruler of the State of Dubai and as the Head of the Government of the UAE, claims and acknowledges that his position attracts certain immunities. Of particular relevance to the fact-finding process is the claim, disputed by the mother, that he cannot be required to attend this court to give oral evidence. I will return to that issue, and its impact upon the current fact-finding process, shortly.
13. The father also acknowledges that his position in international law renders him immune from the ordinary processes by which an order of this court might be enforced were he to be found to be in breach of such an order. Part of the father's case before the court is to offer reassurance by means of waivers made both personally and on behalf of the UAE, and "assurances" given formally to the court and to the government of the United Kingdom, that any such immunity should not compromise the court's ability to trust him to abide by any requirements relating to security of the children or otherwise that the court may make as a condition upon any contact arrangements.
14. The question of the immunity that attaches to the father as a head of government, and its impact upon the risk assessment that needs to be conducted with regard to the children's welfare, will be the subject of a separate judgment.
15. At a hearing on 8 October 2019 the father substantially revised his position by no longer pursuing his application for the children to be returned to Dubai. He agreed that the children would now continue to live with their mother and be based with her in England. He accepted the continuing jurisdiction of the court in England and Wales to make long-term determinations as to the children's welfare. Whilst issues remained to be clarified between the parents regarding the children's healthcare and education, the father's primary focus had become, as it remains, to re-establish and progressively develop his relationship with his two children through contact.
16. At that hearing the father's leading counsel, Lord Pannick QC, could not have been more plain in explaining that, irrespective of any immunity with respect to the giving of oral evidence, and irrespective of any order the court may make, the father could not and would not attend any hearing to give oral evidence.
17. It was, therefore, necessary to consider the impact of the father's position on the scope and structure of the proposed fact-finding process. The mother agreed to file a detailed schedule of the findings that she sought on the basis that the father would then consider his position with the matter being reviewed by the court at a pre-trial hearing.
18. The mother's schedule identified 18 primary findings, with each supported by a number of subsidiary findings.
19. In so far as he had referred to them at all, the father's principal response to the allegations that the mother had made in the witness statements filed by her and on her

behalf, was to deny the truth of what was asserted. On 25 October 2019, the father, however, filed a formal response to the mother's schedule which (save for two discrete matters, numbered 9 and 18) invited the court to proceed by "assuming" the truth of the factual allegations for the purposes of these proceedings, notwithstanding that they were not formally admitted by the father as true and, indeed, that his previously stated denials were maintained. On that basis, Lord Pannick submitted that there was no need for the court to proceed to any fact-finding determination and that to do so would be disproportionate. The finding at paragraph 9 of the Schedule concerns the time that the father spent with the children historically. I have not considered it necessary to adjudicate on the issue at this hearing.

20. For reasons set out in a judgment given on 30 October 2019 I rejected the father's invitation to proceed on the "assumption" of truth and I indicated that a fact-finding hearing was required. Following time for consideration and the giving of instructions, the father revised his position yet further and applied to withdraw his application to the court for contact and accepted that, if the withdrawal application was granted, the court would immediately make final orders in line with those proposed by the mother, subject to some minor revision, in a draft.
21. On 4 November 2019 I refused the father's application to withdraw and directed that the fact-finding hearing should take place in the week commencing 11 November. That determination has led, in my view, both rightly and understandably, to the father revising his position once again. On the basis that he has been refused permission to withdraw his application for contact, it remains live and he wishes to participate through the attendance and submissions of counsel in all further stages of the process save for the fact-finding hearing that has now taken place. Thus, for example, the father's case was fully argued on the immunity, waiver and assurance issues and it is anticipated that his legal team will participate fully in the subsequent stages of risk assessment and the determination of what, if any, final orders are made.
22. Following that necessarily extended introduction, I now turn to focus upon the fact-finding process.

### **The fact-finding process**

23. Leaving aside the two discrete issues, numbers 9 and 18, identified by the father, the remaining 16 core allegations made by the mother boil down to three principal assertions:

Firstly, that in August 2000 the father ordered and orchestrated the unlawful abduction of his daughter Shamsa from the United Kingdom to Dubai (findings number 1-5).

Secondly, that, on two occasions in June 2002 and February 2018, the father ordered and orchestrated the forcible return of his daughter Latifa to the family home in Dubai. In 2002 the return was from the border of Dubai with Oman, and in 2018 it was by an armed commando assault at sea near the coast of India (numbers 6-8).

With respect to both Shamsa and Latifa it is asserted that following their return to the custody of the father's family they have been deprived of their liberty.

Thirdly, the mother makes a number of allegations to the effect that the father has conducted a campaign, by various means, with the aim of harassing, intimidating or otherwise putting the mother in great fear both in early 2019 when she was still in Dubai and at all times since her move to England in April 2019.

24. The mother's allegations are each drawn from, and supported by, witness statements, and other supporting documentation, filed on her behalf. The mother and three of the key witnesses upon whom she relies each attended this court and gave sworn testimony expressly confirming the truth of that which was contained in detail in their respective witness statements.
25. It is right to stress that, so far as this court is concerned, the father has been free to play a full part in the fact-finding hearing and, indeed, on occasions I have explicitly encouraged him to do so. At an earlier stage, the mother issued a witness summons and proposed to urge the court to require the father's attendance for cross-examination. The father's explicit stance was that, whatever the court might order or determine with respect to his legal position as a witness, he would not attend. Acknowledging the reality lying behind that position, the issue has not been pressed on either side and we have simply proceeded by accepting that the father will play no part. It is also the case that no witnesses have been called by the father, and, with respect to the two siblings of Shamsa and Latifa, Lord Pannick has confirmed that neither of those two witnesses was ever available to attend court to give oral evidence. At the father's election, therefore, and on his instruction, his substantial and eminent legal team have, following helpful preliminary submissions as to the process, withdrawn from the courtroom. They have maintained a "watching brief" by means of a single note-taker who has been able to observe the proceedings within the courtroom and they have been following a feed of the "Live-Note" transcription at a remote room in the court building.
26. In circumstances where only one side appears to prosecute its case on factual issues, it is important for the court to be clear as to the legal context within which any fact-finding determinations fall to be made.
27. The burden of proving each and every allegation that she makes is upon the mother. There is no burden of proof on the father. An allegation will only be proved if I am satisfied that it is made out on the balance of probability, that is that it is more likely than not to be true. If an allegation is proved on the balance of probability, any future decision in these proceedings must take account of the fact that the particular event occurred. If an allegation, whilst being a possibility, is not proved on the balance of probabilities, then it did not occur, and any suggestion that it might have occurred will play no part in the future progress of this case.
28. The fact that the father and his legal team have not appeared to take part in this process has no impact upon the burden and standard of proof facing the mother that I have described. That is so not only because it is a cornerstone of our civil jurisdiction but, in these wardships proceedings, where the court, separately to the parents, holds parental responsibility for these two children, the absence of one parent from the forensic field of play does not in any way reduce the court's responsibility carefully to examine all the evidence and only reach factual conclusions if it satisfied, on the balance of probability, that they are proved.

29. In a number of respects, the context within which this fact-finding determination takes place is extraordinary and well outside the ordinary ambit of family proceedings. The allegations that the father ordered and orchestrated the kidnap and rendition to Dubai of his daughters Shamsa and Latifa are of a very high order of seriousness. They may well involve findings, albeit on the civil standard, of behaviour which is contrary to the criminal law of England and Wales, international law, international maritime law, and internationally accepted human rights norms.
30. A second aspect in which the context is extraordinary is that the court is being invited to make these high-order findings, including those relating to the sustained campaign that it is alleged has been waged against the mother in the past ten months, against an individual who is the ruler of his own Emirate/federal state and the Head of the Government of the UAE. Further, the father is an individual who regularly visits the United Kingdom and has substantial homes in England. Both he and the mother are said to be on respectful and friendly terms with the British Royal Family. He is a man of international prominence whose position and international standing justify a high level of respect.
31. The seriousness of the allegations and the respect to be afforded to the status of the father both separately and in combination might suggest that the allegations that are now made against him should only be found proved by the court if the evidence is of a high order of probity, for example only if the court is ‘sure’ or by some other enhanced yardstick. As a matter of law, however, that is not so and I do not approach the case in that way. For, as Baroness Hale made plain in *Re B (Children) (Care Proceedings: Standard of Proof)* [2008] 3WLR 1 at paragraph 70:
- “Neither the seriousness of the allegation nor the seriousness of the consequences should make any difference to the standard of proof to be applied in determining the facts. The inherent probabilities are simply something to be taken into account, where relevant, in deciding where the truth lies.”
32. Save for the four witnesses who attended to give live oral evidence, each of the written statements that have been supplied to the court, either as filed in these proceedings or, for example, as statements made to the police during earlier investigations, are “hearsay” evidence. Hearsay evidence is admissible in these family proceedings which relate to the welfare of children under the Children (Admissibility of Hearsay Evidence) Order 1993 and the Civil Evidence Act 1995. Given the substantial volume of hearsay material that falls to be evaluated in this case, there is a need to have particular regard to the Civil Evidence Act 1995, s 4, which sets out “considerations relevant to weighing of hearsay evidence”:
- “4(1) In estimating the weight (if any) to be given to hearsay evidence in civil proceedings the court shall have regard to any circumstances from which any inference can reasonably be drawn as to the reliability or otherwise of the evidence.
- (2) Regard may be had, in particular, to the following:

- a) whether it would have been reasonable and practicable for the party by whom the evidence was adduced to have produced the maker of the original statement as a witness;
  - b) whether the original statement was made contemporaneously with the occurrence or existence of the matters stated;
  - c) whether the evidence involved multiple hearsay;
  - d) whether any person involved has any motive to conceal or misrepresent matters;
  - e) whether the original statement was an edited account, or was made in collaboration with another or for a particular purpose;
  - f) whether the circumstances in which the evidence is adduced as hearsay are such as to suggest an attempt to prevent proper evaluation of its weight.”
33. Having considered the burden and standard of proof, together with the approach to hearsay evidence, in general, it is necessary to be clear as to the basis upon which the father’s written evidence is to be approached. The position was accepted by all sides by the close of oral submissions and can be rehearsed shortly.
34. Firstly, the mother rightly accepts that the fact that the father has not been represented during the fact-finding hearing does not “relieve the mother of the burden of establishing those matters that she alleges, nor do they relieve the court of its duty fully and carefully to scrutinise all of the evidence that has been placed before it”.
35. Secondly, the father’s earlier proposal, which was rejected by the court, that the court should assume the truth of many of the mother’s allegations without finding facts, is of no relevance to the judicial fact-finding exercise. The mother now needs to prove her case on each of the factual allegations that she makes. She cannot rely on any concessions which the father had been prepared to make at an earlier stage, but which were rejected by the court.
36. Thirdly, in the same way, the fact that the father at an earlier stage was prepared to withdraw his application for contact and concede that certain specific orders would be made, are not factors that can be taken into account at this stage in determining which factual allegations are, or are not, proved.
37. Fourthly, the father’s absence from the fact-finding process both personally, in terms of giving oral evidence, and more generally in terms of calling other witnesses and actively participating in the process through representation, is of relevance in that it will fall to be considered as part of the exercise of attributing weight to the hearsay evidence that has been filed on his behalf.
38. In addition to those matters, in recent times the father has been clear that there is absolutely no prospect of him attending this court to give oral evidence. Given the



strength and clarity of this position, and the constitutional principles which are said to make it impossible for him to attend, the court is entitled to assume that at all stages he has known that he would never attend to give oral evidence. It follows, that at the time he made his two witness statements he will have known that he would never face the prospect of being cross-examined upon the contents. Indeed the father said in paragraph 15 of his second statement that he could not appear personally before the court. This factor does not, of course, render his statements inadmissible or, automatically, of no weight. It is, however, in the unusual circumstances of this case, an additional factor that may affect the weight that can be attributed to what he has said.

39. Conversely, I accept the submission made by Mr Geekie QC for the mother to the effect that the evidence of the four witnesses who have attended to give oral evidence should attract greater weight when set against contrary hearsay evidence. This is so in part because the testimony of these witnesses has now been “sworn”, and they have each, following the taking of an oath or making of an affirmation, confirmed that every aspect of the detail in their statements is the truth. Secondly, each of these witnesses has been prepared to attend court, has done so, and, in doing so, has made themselves available to be cross-examined, albeit that no cross-examination has taken place.
40. However, I reject the mother’s submission to the effect that the father’s conduct within the litigation as a whole is of relevance when determining the probability or otherwise of the facts that she asserts. The court is obliged to assess the evidence adduced by the mother and determine whether that evidence, looked at against the background of any other evidential material before the court, establishes the proof of her assertions. It would be both dangerous and inappropriate to regard the father’s subsequent forensic behaviour to be of relevance to the question of whether or not the mother has proved her case.
41. A further matter that must be recorded in this judgment is the fact that the court has received an application from a police force which has identified certain additional evidential material in its possession, but has asserted that that material should not be disclosed to the parties or their legal teams on the basis that it is protected by Public Interest Immunity (“the CLOSED material”). Initially, after I had alerted the parties to the existence of this material, it was accepted that Special Advocates would need to be appointed for each party in order to assess and process the material within a CLOSED part of these proceedings. In the event, following the father’s decision to withdraw from the fact-finding process, and following an indication from the court in the most generalised form indicating that the material was not contrary to the case being presented by the mother, each party accepted that it was not necessary, certainly at that stage, to embark upon a Special Advocate procedure. With the agreement of the parties I have now read the material. It is compatible with the evidence adduced by the mother on one aspect of her case. For reasons that I will give in the course of this judgment, I had, in any event, already formed the clear conclusion that the mother had proved the factual allegations that she makes with respect to that aspect of the case. I am satisfied that the CLOSED material rightly attracts Public Interest Immunity. I have placed no reliance upon it in determining the facts that are set out in this judgment, indeed, I repeat, I had already formed my conclusion on the relevant aspect of the case before I read the CLOSED material. In the circumstances, and subject to hearing any further submissions, I have concluded that this material should remain CLOSED and that it is

not necessary, in the interests of a fair trial and having regard to the PII attaching to it, for any part of it to be disclosed to the parties or their representatives.

42. Ms Deirdre Fottrell QC, on behalf of the children's guardian, has drawn particular attention to the need for caution in making any factual findings which identify, and find, that individuals who are not before the court and have not played any part in the proceedings have been involved in serious criminal activity. I accept that submission. It is no part of the process of this court to identify named individuals as being responsible for serious crime when they have had no notice of the proceedings and no opportunity to defend themselves against such an accusation. I have therefore referred to each such individual by initials in this judgment. Where, however, it is part of the mother's case to rely upon a pattern of behaviour by one or other such individual, or their role more generally over time for the father, I have taken full note of the connection that the mother seeks to establish, albeit without naming the individual.
43. Finally, I have accepted the advice respectfully offered by Ms Fottrell as to the importance of maintaining a focus on the purpose of the fact-finding exercise. It is to identify such past events as may be relevant to the evaluation of future risk when determining the welfare arrangements for these two children. The court is not conducting a broadly based inquiry into the activities of the father or another person in his employ.

#### **Sheikha Shamsa**

44. Sheikha Shamsa is one of the father's daughters. Her mother is Huriah Ahmed Al M'aash, an unofficial wife of the father. She has two full sisters, Sheikha Maitha and Sheikha Latifa. They have a younger brother, Sheikh Majid. At the time that she made her second statement in these proceedings, on 2 September 2019, the mother's knowledge of events relating to Shamsa in 2000 was limited. In 2016 the mother had come across an article from the Guardian Newspaper written in December 2001 suggesting that Shamsa had been abducted from the UK. In so far as it might have implicated the father, the mother did not believe that it was true. When in Dubai she had limited knowledge of Shamsa other than to understand that she lived in a close family unit with her mother and siblings.
45. The other detailed evidence now before the court has only become available following disclosure orders made by this court and complied with by the Cambridgeshire Police. On the basis of that material the primary finding now sought by the mother is that "in August 2000, the father ordered the unlawful abduction of his daughter, Sheikha Shamsa, from the United Kingdom to Dubai".
46. In a statement made to police in May 2001 an immigration solicitor, ' ', recorded meeting Shamsa at his office for the first time on 21 June 2000, following a telephone contact to his firm. She explained that she was a national of the UAE, was aged 19, and was estranged from her father and staying in a temporary hostel in South London. She sought immigration advice so that she might remain in the UK. He met her again on 29 June and in July. He heard nothing further from her until he was informed by police in August 2000 that Shamsa may have been abducted.
47. Subsequently, on 5 February 2001 an email was sent to ' ' by one of Shamsa's sisters setting out a letter to him from her. The account in that letter, which purports to

come from Shamsa, within 6 months of the event it describes, is potentially important. The salient section reads as follows:

“I don’t have the time to write in detail, I am being watched all the time so I’ll get straight to the point. I was caught by my father, he managed to track me down through someone I kept in touch with. I was caught on the 19<sup>th</sup> August, in Cambridge. He sent four Arab men to catch me, they were carrying guns and threatening me, they drove me to my father’s place in Newmarket, there they gave me two injections and a handful of tablets, the very next morning a helicopter came and flew me to the plane, which took me back to Dubai. I am locked up until today, ‘ ’, I haven’t seen anyone, not even the man you call my father. I told you this would happen, ‘ ’, I know these people, they have all the money, they have all the power, they think they can do anything. You said that if he kidnapped me, you would contact the Home Office and involve them. Now, I am not only asking you to report this immediately, I am asking your help and to involve the authorities (involve everyone).”

48. As will become apparent, in 2018 Shamsa’s sister Latifa recorded a home video giving a detailed account of important events in her life. In that video she sets out her knowledge with respect to Shamsa’s time in England in 2000. On the topic of how Shamsa was tracked down in England, Latifa says this in her video: “And what she did was she also contacted one of her friends in Dubai whose name is LS, and she kept calling L. And what my father has done is he went to L’s house, and he tried to bribe her with the Rolex, and he said he needed to tap your phone to track Shamsa to see where she is. So that’s what he did. And L told Shamsa, she told her: ‘My phone is bugged. They are trying to find you. Be careful’. And Shamsa told me that, and I told her stop calling L because if you call her they are going to find you.” More recently Latifa’s close friend Tiina Jauhiainen confirmed that Latifa had given her the same account about the father personally visiting L.
49. The Cambridgeshire Police file contains a statement from Mr Mohammed Al Shaibani dated 1 March 2002. It is a substantial document, and states that it was given voluntarily in order to provide assistance and cooperation to the Cambridgeshire Constabulary in connection with its enquiries. The statement describes that Mr Al Shaibani, a national of the UAE who resides in Dubai, had been working for the Dubai government and the Dubai Royal Family since 1999. In 2000 Mr Al Shaibani was based in London. Mr Al Shaibani is the current Director General of the Ruler’s Court in Dubai. There is a strong implication that his voluntary statement of March 2002 was given with the approval of his employers.
50. Mr Al Shaibani describes meeting three men in London on 19 August 2000 and driving them all to the father’s Newmarket estate. He identifies the men as RB, who was in charge of the Dubai air wing, IA-M and MA-M. Mr Al Shaibani became aware that all three men were due to travel from Newmarket to Deauville in France by helicopter. They arrived at Newmarket at 6.30 pm. Mr Al Shaibani left the property for a short time to collect a takeaway meal, and on his return an Arab lady, who he had not met before, who was quite young and dressed in Western clothes, was present. He formed the view that she had been drinking. The following morning the three men and the

young woman took off in the helicopter. The statement explains that he had subsequently seen a photograph of Sheikha Shamsa who resembled the lady passenger on the flight.

51. In terms of a direct contemporaneous account from Shamsa, there is a police statement from a lady who, on returning to her home from holiday, discovered a voice message on her telephone sent on 21 August 2000 purporting to be from Shamsa and asking that her solicitor, ' ', be informed. There is no apparent connection whatsoever between the telephone subscriber and Shamsa and the assumption must be that Shamsa had misdialled the number. The message stated that the caller, Shamsa, had been returned to Dubai against her will.
52. Mr David Beck, then a detective chief inspector, was in charge of the Cambridgeshire investigation in 2000/2001. On 21 March 2001 his records show that he spoke on the telephone to an individual who purported to be Shamsa. She confirmed the gist of the account that had been given in the email letter to ' ' on 5 February 2001, but went on to say that she had been taken to Cambridge by a man who booked a room for her in a hotel. At a time when she was drunk, the man drove her to a remote location. He got out of the car and four armed men got in. She was taken to Newmarket and then by helicopter to an airport in France where she was met by her brother and others before being put into one of her father's private jets and flown to Dubai. She named the same three individuals as those named by Mr Al Shaibani as being involved. Police confirmed that the first individual named by Shamsa had indeed booked the precise room number in the hotel identified by Shamsa for the relevant dates in August 2000.
53. Mr Beck reports that staff at the father's Newmarket premises confirmed that Shamsa had arrived unexpectedly by car there one evening and left by helicopter soon after.
54. In her conversation with Mr Beck, Shamsa alleged that whilst she was being taken captive in the car, she received a phone call from a friend, LH, who was in Switzerland. Mr Beck was given LH's mobile number and telephoned it. He spoke to a lady who confirmed that she'd known Shamsa for about two years. On the night of the alleged abduction she confirmed that she had taken a call from Shamsa, who appeared "drunk" and who alleged that she was being taken against her will. LH then spoke to an Englishman telling him not to harm Shamsa and to take her back to her hotel.
55. Police enquiries of the helicopter pilot agency, the security staff at the Newmarket property and the UK Customs all confirm the arrival and departure of the helicopter, which travelled from Newmarket to Deauville in France at 5 am on 20 August 2000.
56. The email letter to ' ' of February 2001 records that the sender has been "locked up until today". Further parts of the letter which I have not quoted make additional references to deprivation of liberty.
57. As part of his investigation, Mr Beck sought permission from the CPS to visit Dubai to interview potential witnesses. After a time permission was refused. The mother seeks a finding that the father or those acting on his behalf made representations to the United Kingdom authorities designed to bring an end to the investigation. A request has been made of the Foreign and Commonwealth Office seeking information relating to the investigation of Shamsa's alleged kidnapping. In response, the FCO has confirmed that it does hold information relevant to the request but that disclosure is refused for reasons

including those under the Freedom of Information Act 2000 s27(1)(a) which recognise the need to protect information that would be likely to prejudice relations between the UK and other states if it was disclosed on the basis that “releasing information on this issue would increase public knowledge about our relations with UAE...Disclosure of this information would reduce the UK government’s ability to protect and promote UK interests through its relations with UAE which would not be in the public interest.”

58. There is little material in the court papers relating to Shamsa’s circumstances during the past two decades save that which is to be found in Latifa’s home video of 2018 and confirmed by Tiina Jauhiainen who states that Latifa has given a similar account to her. Latifa’s account is detailed but in summary it describes Shamsa being confined to one room and constantly supervised by nurses and a psychiatrist. She is given regular medication which Latifa asserts is designed “to control her mind”.
59. In reviewing the evidence relating to Shamsa, I regard the account given by the father in his witness statement dated 4 October 2019 to be of importance. The statement came after receipt of the documents disclosed by the Cambridgeshire Police. It makes no reference to them, but it is to be assumed that the father was aware of the contents. He deals with the allegation concerning Shamsa in just one paragraph as follows:

“In 2000, when Shamsa was 19 years old, she went missing for a period of time in England. She felt constricted by the security arrangements that were necessarily in place around her. She was more vulnerable than other young women of her age because her status made her a kidnap risk for example. Her mother and I were extremely worried about her safety and wellbeing. The age of majority in Dubai is 21. From our point of view, Shamsa was still a child. I emphasise that her mother and I jointly decided to organise a search for her. When she was found, I remember our feeling of overwhelming relief that she was safe and had not come to any harm.”

60. In that paragraph the father does not challenge any of the assertions made in the evidence that I have thus far summarised. His account is in no way a denial of that sequence of events. Indeed, there is an admission that he and Shamsa’s mother “jointly decided to organise a search for her” (emphasis added). He refers to their reaction on learning that she had been “found”; no challenge is made, or alternative account put forward, to suggest that she had been “found” in circumstances that differ from the sequence of events that I have described.

### **Sheikha Shamsa: Conclusion**

61. Despite giving full allowance for the fact that, with the exception of David Beck, all the evidence relating to Shamsa is hearsay, there is a remarkable degree of clarity and consistency about it. Further, the consistency is of greater note in that the same, or a very similar, account is given from wholly disparate sources, for example ‘                    ’, Shamsa’s apparent email letter to him, the random telephone answer machine message and the various independent agencies providing details to the police. Yet further, it is in my view, of particular note that Mr Al Shaibani, who is closely associated with the father and his family, gives a detailed account which is effectively on all fours with that given by Shamsa and each of the other independent sources. In particular the three

individuals that had been named by Shamsa in her telephone call to Mr Beck on 21 March 2001 are precisely the same as those named in Mr Al Shaibani's statement dated 1 March 2002.

62. Shamsa's basic assertion that she had in the early Summer of 2000 separated herself from the family group and gone to ground in England is confirmed by her conversation with ' '. That this is so is also confirmed by the father's statement that "she went missing for a period of time in England".
63. As a matter of detail, Shamsa's account in the letter to ' ' that her father had "managed to track me down through someone I kept in touch with" is at one with the account given by Latifa in the video made seventeen years later and, one step removed, by Tiina Jauhainen who confirms that Latifa had given the same account to her.
64. Finally, the father's own account is not at odds in any way with the other evidence. Indeed, his account confirms that he, together with Shamsa's mother, "decided to organise a search for her". The other evidence indicates that the operation to remove Shamsa from Cambridge and thence to Dubai was undertaken by those working for, or assisting the father and his staff. The father's home at Newmarket was used. A key employee of the Dubai Ruling family in the UK, Mr Al Shaibani, was closely involved. The helicopter landed at the Newmarket property and departed at first light the following morning to Deauville in France. Shamsa's account of being taken from there to Dubai is, in my view, confirmed by the father who describes being overwhelmed with relief that "she was safe and had not come to any harm."
65. In short, the various accounts, many of them given shortly after the events that they describe, do not contradict each other and form a consistent picture. The only uncorroborated element is the question of whether or not any of those involved were armed. I only have Shamsa's account in that respect. It is not a matter which is important in terms of fact finding in the present proceedings and, in any event, there is insufficient evidence on the balance of probability to find that it is proved. In all other aspects, however, I consider that the evidence with respect to Shamsa's capture and enforced removal to Dubai via France are readily proved on the balance of probability. Indeed, on this evidence, no other conclusion is tenable.
66. I therefore find that in the early Summer of 2000, at a time when she was visiting England, Sheikha Shamsa separated herself from her family and went to ground, probably staying in a temporary hostel in South London as she told ' '. She sought immigration advice in order to try to remain in the UK.
67. In mid-August 2000 she was booked in to stay at a hotel in Cambridge but was, on that day, taken in a car by three or four men who were working for her father, to his home in Newmarket. It seems that Shamsa was drunk at the time. The evidence is insufficient to find as a fact that she was injected or otherwise chemically subdued as she alleges, although there is no evidence to the contrary.
68. Shamsa was held overnight at the Newmarket premises by the three men named by both her and Mr Al Shaibani, and the whole incident was witnessed by Mr Al Shaibani, who is now Director General of the Ruler's Court in Dubai.

69. On the following morning, 20 August 2000, at 5am the three men and Shamsa departed from Newmarket in a helicopter that had arrived the previous evening. They flew to Deauville in France and then transferred to a jet for the onward flight to Dubai. One of the three men was RB, who was, at the time, in charge of the Dubai Air Wing.
70. The following day, 21 August, Shamsa attempted to contact ‘ ’ by leaving a message on a British telephone number which, apparently, had been erroneously dialled. Six months later, in February 2001 ‘ ’ received a letter via email from Shamsa giving an account of these events. Shamsa’s sister Latifa has also heard a similar account from Shamsa.
71. Other than to record the fact, as I find it to be, that Mr David Beck sought permission to visit Dubai to interview potential witnesses, that permission was refused and that the FCO holds information relevant to that request, it is not possible to find on the balance of probability that permission for Mr Beck to visit Dubai was refused because of the direct intervention of the FCO, nor, moving further still from the basic known facts, that any intervention by the FCO had been triggered by the father or the Government of Dubai.
72. In terms of Shamsa’s treatment once she had arrived in Dubai the evidence is, in contrast, very sparse. It is to be found in the email letter to ‘ ’ of 5 February 2001 and the video account given by Latifa in 2018. The only other material that the court has in this regard arises from attempts in these proceedings by the mother’s legal team to bring Shamsa’s voice into this court.
73. In correspondence and by applications to the court the mother’s team sought to require the father either to “produce” Shamsa and Latifa in England so that they might be interviewed, or otherwise directly engage them in the court process so that the court may see and hear from them directly as to their circumstances. In response, in his witness statement, the father, said that it was neither possible nor reasonable for him simply to “produce” his two daughters, who are adult women and who live in Dubai, in the manner requested by the mother’s legal team. He did, however, confirm that he had no objection to, and would place no restriction upon, Shamsa and/or Latifa making themselves available to meet the mother’s solicitors in England. He said:
- “I saw both of my daughters on 27 August 2019 and I explained that Princess Haya’s solicitors wanted to speak to them. Both Shamsa and Latifa were adamant that they did not want to do this. I gave them both the opportunity to take independent legal advice, so that they could take an informed decision about whether and how to become involved in these proceedings.”
74. The father also points to the fact, which the mother admits, that until at least mid-January 2019 she did not believe the assertion that Latifa and Shamsa were being ill treated and was taking steps, for example by inviting Mary Robinson to visit, to disprove the negative allegations. The father states that he therefore finds it extraordinary that the mother is now seeking to exploit the very same allegations, given that she had never previously believed that they were true.

75. The father has filed statements from Sheikha Maitha and Sheikh Majid, who are, respectively, the eldest and the youngest of Shamsa and Latifa's siblings. In her statement Maitha says:

“My sisters Shamsa and Latifa are not imprisoned in Dubai. Shamsa lives with our mother and me. Latifa lives in her own private residence because that is her choice, which has been accommodated. Shamsa and I regularly spend time with Latifa.”

Sheikh Majid's statement is in similar terms.

76. As the evidence from, and relating to, Shamsa's sister, Latifa, is plainly relevant to any decision as to the living arrangements for these two young princesses, I will postpone reaching a final conclusion in this respect until I have reviewed the evidence relating to Latifa.
77. Before leaving that aspect of the case, however, it is right to stress its importance, together with the circumstances in Dubai of Latifa, for the mother. She has made it plain throughout these proceedings that a substantial element in the extreme concern she has for the future wellbeing of her children arises from her belief that Shamsa and Latifa have been and are deprived of their liberty on an open-ended basis. She has explained to the father, through the channel of the court, that her apprehension in this respect would be substantially reduced if he were able to produce either directly, or via video link from Dubai, Shamsa and Latifa so that they could reassure the mother that they were free and living their lives without any particular special restrictions.

### Sheikha Latifa

78. The evidence relating to Sheikha Latifa, Shamsa's sister, relates to two entirely separate events, one in 2002 and the other in early 2018. In relation to 2002 the findings sought by the mother in these proceedings are as follows:

“In June 2002, and following an attempt to run away from her family, Sheikha Latifa was also arbitrarily deprived of her liberty by her father or those acting on her behalf and subjected to inhumane and degrading treatment. In particular:

- a. Latifa was held, on the instructions of her father, against her will for a period in excess of 3 years from June 2002 to October 2005;
- b. Latifa was subjected to physical punishment during her detention which included being assaulted and being threatened with assault;
- c. Latifa was subjected to inhumane treatment which included being held in solitary confinement, with no light and insufficient clothing and hygiene products;
- d. Latifa was sedated as a means of restricting and controlling her movement;



- e. On release, Latifa's movements were tightly restricted, she was not allowed her passport, not allowed to drive or leave Dubai;
- f. The events set out at (a) to (e) were undertaken upon the instructions of the father and carried out by agents acting on his behalf."

79. The evidence relating to 2002 and the years following comes entirely from Latifa. The primary source is a one hour video recording made by Latifa in February 2018. The second source is the evidence of Tiina Jauhiainen who has given sworn evidence confirming that, over the course of their friendship from around 2016 onwards, Latifa confided in her and gave an account of the events of 2002 and following; that account is effectively the same as the one given by Latifa in the video.

80. There is no other evidence relating to Latifa's alleged attempt to escape in 2002 and her subsequent allegations of ill treatment and deprivation of liberty. Evaluation of the video account, and an assessment of the weight that may be afforded to it, is therefore crucial in determining whether or not any of these allegations is established on the balance of probability.

81. It is important to say something about the circumstances of the video. The video was published worldwide on YouTube and is, so far as the court is aware, still available on that platform. I have viewed it on a number of occasions. It takes the form of the narrator, Sheikha Latifa, speaking directly to the camera. It appears that the video was filmed in Tiina Jauhiainen's apartment. The opening explanation of the video's purpose is important both in the context of the 2002-2005 episode and the subsequent 2018 allegation. The key section is as follows:

"And I'm making this video because it could be the last video I make, yeah. Pretty soon I'm going to be leaving somehow and I am not so sure of the outcome, but I'm 99% positive it will work. And if doesn't then this video can help me because all my father cares about is his reputation. He will kill people to protect his own reputation. He - he only cares about himself and his ego. So this video could save my life. And if you are watching this video, it's not such a good thing either I'm dead, or I'm in a very very bad situation."

82. The existence of the video became known in 2018 when acquaintances of Latifa, to whom she had previously despatched it, published it on the internet following the apparent failure of an escape mission that she undertook shortly after making the recording.

83. Latifa explains that in 2002, at the age of eighteen, and without any sophisticated knowledge of what she was doing, she decided to leave UAE to go to find a lawyer in another country. She says:

"...I'm gonna go to Oman. I'm gonna just go there, and I'm gonna find a lawyer or something, and I'm gonna help Shamsa. In the worst case scenario, if they catch me, they're gonna put

me with her, I'm gonna be in prison with her, so at least I can see her and I'm happy, and she knows that she has somebody with her and she's not gonna do anything crazy."

84. The escape attempt was, as Latifa says, "very very naïve". She simply arranged to be driven to the border with Oman where she was identified and was prevented from leaving the country. She was returned back to the family home.
85. On her return she claims "my father's right hand man put me in prison under my father's orders". She then describes being repeatedly beaten by her captors over a sustained period. She claims that she was told that this was on her father's orders.
86. After that initial period Latifa describes what followed:

"So in total, I was in prison for three years and four months. I went in June 2002 and I came out in October 2005...It was constant torture, constant torture, even when they weren't physically beating me up, they were torturing me. They would switch off all the lights. I was in solitary confinement by myself totally, and there's no windows, there's no light, so when they switched off the light, it was pitch black. They would switch it off for days, so I didn't know when one day ended then the next began and then they would - they would make sounds to harass me and then they would come in the middle of the night to, pull me out of bed to beat me and it wasn't - it wasn't a normal prison experience by any means."
87. She described being given no change of clothes, no proper washing facilities, and only latterly being given a toothbrush.
88. In one, in my view, particularly telling passage Latifa says:

"I went to the house for one week, and it was - from that to a house with soap and clothes and this and that - and it was like a shock to me. So I would shower like five times a day because I could. There was warm water. There was - there was soap. There was a towel. There was clothes. I couldn't believe it...I remember when I came out to the prison for the first time even in the car, I remember the car felt like it was going so fast because I had not moved for one year and one month. So the car felt like I was in a rollercoaster. I was like wow. This is just going so fast."
89. During this period Latifa describes being "injected" with what she believes to be tranquilisers.
90. Importantly, the account given by Latifa in the video is in entirely compatible terms with the account that Tiina Jauhiainen recalls being given by her during their various conversations. I remind myself that the essential probity, or otherwise, of Latifa's account turns on an assessment of her as the primary source, but the consistency with the account given to Ms Jauhiainen is of importance and it is supportive.

91. After her release Latifa described how her movements in Dubai were tightly restricted. She had no passport, she could not drive and was not in a position to leave Dubai by any ordinary means.
92. The father has not engaged with Latifa's allegations with respect to 2002 and the years following. Whether this part of the mother's case is established, therefore, turns on my overall assessment of Latifa as a credible historian which must necessarily be undertaken overall, taking account of the second allegation relating to her to which I now turn.
93. Sheikha Latifa's second attempt to escape took place in February 2018. The allegation made by the mother in these proceedings is as follows:

“In February 2018 and following a second attempt to run away from her family, Sheikha Latifa was held by her father against her will and subject to inhumane and degrading treatment. In particular:

- a. Latifa was forcibly returned to Dubai from international waters on 4 March 2018. That forcible return involved
  - (i) Armed Indian coastguard forces boarding and commandeering the boat upon which Latifa was travelling in international waters, 20 nautical miles off the coast of India;
  - (ii) Threats to kill made by those officials to Latifa, Tiina Jauhiainen and those others she was travelling with;
  - (iii) Assaults upon Herve Jaubert, Tiina Jauhiainen and other crew members;
  - (iv) The forcible return of Latifa to Dubai;
  - (v) The handing over of the other occupants on board the vessel to the UAE authorities who continued to mistreat them.
- b. Tiina Jauhiainen was taken to jail in Dubai. She was detained, mistreated, interrogated and denied any legal representation, she was threatened with the death penalty;
- c. Tiina Jauhiainen was forced to sign a false statement; she was threatened that the father was very powerful and could find her anywhere in the world;
- d. On return to Dubai, Latifa was held against her will. She was locked in a house, guarded from the outside and from the inside;
- e. Latifa's movements are tightly controlled;

- f. Latifa's requests to see Tiina Jauhiainen have been refused;
  - g. The events set out at brackets (a) to (f) were undertaken upon the instructions of the father and carried out by agents acting on his behalf"
94. Latifa's February 2018 video recording is plainly evidence that she intended to make a concerted attempt to leave Dubai. The video was, obviously, recorded before departure and the court does not have any later direct account of these events from Latifa. The principal witness to what followed is, therefore, Tiina Jauhiainen. Miss Jauhiainen has provided a very detailed statement to this court for the purposes of these proceedings. In addition, in March 2018, and therefore very shortly after the events that it describes, she gave an even more detailed account when held in Dubai, following sustained questioning by the authorities there. The interview was recorded and the court has a full transcript (Bundle page H383). The interview, which focuses upon the planning for Latifa's escape, is entirely consistent with the account given, more recently, in Miss Jauhiainen's court statement. In addition I have viewed a BBC documentary "Escape from Dubai" (which was first broadcast on 6 December 2018) which includes footage of Miss Jauhiainen giving an abbreviated but entirely consistent account of these matters.
95. In summary Miss Jauhiainen's account is as follows. For the sake of brevity I will refer to her as "TJ".
96. TJ, who was born in Finland and who is a Finnish national, is a qualified fitness trainer who first moved to Dubai in 2001. She subsequently worked in the tourism industry there and by 2010 she had established a reputation as a qualified fitness instructor specialising in a form of Brazilian martial art known as "capoeira". It was in this capacity that she first met Latifa around December 2010. Thereafter TJ taught Latifa capoeira on an almost daily basis over the next few years. Over this time they became close friends. In her statement TJ says that she regards Latifa as "a great woman, kind, brave, intelligent, dedicated, honest but most importantly down to earth."
97. From around December 2013 the joint activities of Latifa and TJ expanded to include skydiving and, TJ says, from around that time Latifa started to confide in her about very personal family matters. Over the period of the next few years TJ came to hear from Latifa about Shamsa and about Latifa's unsuccessful attempt to leave the country in 2002.
98. According to TJ's account, by the summer of 2017 Latifa began to take steps to put together a further escape plan. She had learnt of a Frenchman, Herve Jaubert, who claimed to have "escaped from Dubai" on a previous occasion and, indeed, had written a book on the subject. Latifa made contact with Herve Jaubert ("HJ") and, from the middle of 2017, TJ began to make a number of trips abroad during which she would rendezvous with HJ in order to develop a detailed escape plan.
99. TJ's March 2018 interview and her court statement include a great deal of detail regarding the development of the plan, and its various iterations. It is not necessary to descend to that level of detail in this judgment. The central concept involved HJ commissioning an ocean-going yacht and positioning it in international waters some

miles off the Arabian coast. An initial plan involved Latifa, together with TJ who was to accompany her, swimming underwater from the coast of Dubai out to the boat. In the end the distances involved were too great and an alternative plan, involving travel in a light dinghy from Muscat in Oman, was chosen.

100. TJ believes that Latifa paid around €350,000 as a fee to HJ for helping her to leave Dubai. In addition Latifa funded TJ's purchase of a range of specialist equipment that they might need.
101. About a week before the escape TJ confirms that Latifa recorded a long video film setting out her reasons for leaving. Latifa shared the video with some trusted people using an online large file transfer website, set up in TJ's name, so that it was accessible in the eventuality of the escape failing.
102. The escape took place on 24 February 2018. Latifa and TJ left downtown Dubai at 7am and drove over the border into Oman where a mutual friend met them with a dinghy. The three then set off with the aim of travelling some sixteen or more miles out to sea. The weather on that day was not good and the sea was strong. They made heavy going. In the event HJ and another crew member from the yacht travelled to meet them after some fourteen miles on two jet skis. Latifa and TJ transferred to the jet skis and their mutual friend returned to the shore in the dinghy. It was not until around 7pm that Latifa and TJ reached the yacht, the Nostromo.
103. Over the course of the next eight days the Nostromo sailed south in international waters in the Arabian Sea. During this period it is clear that Latifa and HJ communicated with various individuals and it may well be that that activity enabled the Dubai authorities to locate them. After six days or so they became aware of another boat shadowing their passage some miles behind. A coastguard spotter plane from the Indian mainland also made regular sorties over the boat.
104. During the night of 4 March 2018, when the Nostromo, which is registered in America, was in international waters some thirty miles off Goa in India, it was, according to TJ's account, boarded by a substantial number of Indian special forces. Smoke grenades or gas, together with gunshots soon led to the crew and passengers being subdued. TJ describes being totally terrified and "frightened to death". At one stage, after TJ had been dragged to the deck with her hands tied behind her back, she saw Latifa lying face down on the floor with her hands similarly bound. TJ says that the Indian servicemen kept shouting "who is Latifa" over and over again. After some time an Arabic man was brought onboard who identified Latifa. Latifa was shouting that she claimed asylum and that the Indian forces were breaking international law. She was, said TJ, simply ignored. TJ's statement with respect to this stage concludes:

"Latifa's last words that I heard as she was dragged away kicking and screaming were words to the effect that "You can't get me back alive. Don't take me back. Shoot me here don't take me back" in English."

TJ has not seen or heard from Latifa since that night.

105. TJ then describes how she, together with HJ and each member of the crew, was badly treated by the Indian forces. There came a time when the Indian commandoes left the boat and were replaced by, as TJ later learned, members of the UAE Army.
106. TJ records that she learnt that the UAE soldiers had been flown to Mumbai from the UAE, picked up by Indian coastguard helicopter and then taken in Indian coastguard boats for transit to the Nostromo. She describes seeing two large helicopters that were supported by two large Indian coastguard boats. Indeed, her statement records subsequently seeing pictures of the types of coastguard ships and she identifies the probable class of vessel that had been deployed.
107. TJ, HJ and the crew were transported in the Nostromo back to Dubai under guard. The Nostromo was escorted the entire way by the Indian coastguard. TJ was eventually taken to a high security establishment in Dubai where, over the course of some days, she was interrogated for hours on end. The initial line of questioning suggested that TJ was involved in a plot to kidnap Latifa with the aim of extorting money from her father. TJ maintained her account which was that she was not doing it for money, that Latifa had not paid her, and that she was doing it for free as Latifa was her friend and she wanted to help.
108. After some days when TJ had been left alone in a cell, she was brought back to the interrogation room, told that she would be released in some days' time, but required to record the interview that has now been transcribed and sits within the court papers.
109. By the time of TJ's eventual release she reports that the approach of her interrogators had significantly changed. She was told that she was being given a second chance and could, should she wish, stay in Dubai or return to Dubai at a later date. She was, however, given a printed sheet of paper with the following statements, so far as she recalls:
- “(a) I will never speak about the interrogation process;
  - (b) I will never speak anything negative about UAE or its leaders;
  - (c) I will not try to promote/publicise use story to benefit myself or to become famous
  - (d) That I'm not allowed to contact Latifa ever again; and
  - (e) I will not talk about what happened when we were captured.”
110. On a date which is not given in her statement, TJ was taken to the airport in Dubai and flown to England. She describes these arrangements being undertaken in something of a hurry. Her passport was given back to her and she saw that a fake entry date into the UAE was stamped as 21 March 2018.
111. In the meantime, Latifa's video had been disclosed and published. Initially, apparently, small sections were published by the Daily Mail on 9 March 2018 but the entire clip was published on YouTube on 11 March 2018 by David Hague, a human rights lawyer, whom Latifa had contacted whilst on the Nostromo.

112. The court has not received evidence directly from HJ. The mother has not filed a statement from him and she does not rely upon what he says. The documentary, however, includes an account by HJ of the failed escape attempt which is entirely at one with that given by TJ. It is clear that HJ was also released from Dubai at the end of questioning without facing any criminal process in that country. I do not rely on anything that HJ says in the documentary, save to note that nothing said by him contradicts TJ's account.
113. The father's response with respect to the evidence relating to Latifa's attempted escape in 2018 is set out in paragraph 142 of his statement:
- “In relation to Latifa's return to Dubai in 2018 I feel compelled to say that, with respect, I do not consider that this honourable court is in a position to investigate the security and intelligence issues that arose. I can confirm that we had reason to believe that Latifa had been manipulated over a long period of time by a man called Herve Jaubert (a Frenchman now based, I believe, in Manila), and possibly by others too. Sadly it seems that Mr Jaubert's objective was to extort money. Certainly a financial demand was made to us. We feared that our daughter was in the hands of a criminal who might hold her to ransom and harm her. To this day I consider that Latifa's return to Dubai was a rescue mission.”
114. The father then concludes his observations about this episode by making three points with respect to Mr Jaubert, including referring to an email that Latifa did send from the boat to a Florida attorney indicating that she intended to make a claim against her father for damages totalling \$300,000,000.
115. Following their enforced separation on 4 March 2018 on the deck of the Nostromo, TJ has neither seen nor had any communication with Latifa. It is, therefore, necessary to turn to the direct evidence of the mother in these proceedings who first became aware of these events, like many others, following the publication of Latifa's video.
116. The mother's initial reaction, she explains, was that the father could not have been responsible for the forcible return of his daughter to Dubai. When she first asked him about it, she recalls “He told me that Latifa had been kidnapped and that there had been a ransom request for her return and that she had been rescued and was now back in Dubai. He told me that she was not stable and that she was bi-polar.” The mother was sympathetic for both Latifa and the father having heard this account. Over time, however, the mother describes becoming increasingly concerned about Latifa after reading material circulated in the international media.
117. She records that a meeting between a journalist whom she trusted, CF and Latifa took place in June/July 2018. The court has seen a photograph of Latifa apparently taken at that meeting.
118. In early December 2018 the mother arranged for a doctor, who was trusted by the paternal family, to visit Latifa together with a psychiatrist. The doctor apparently reported to the mother in unequivocal terms that there was nothing wrong with Latifa. The mother reports that she began to become more troubled and began to question the

account of mental ill health that she had been given by her husband. She asked to see Latifa herself and she asked to see Latifa's medical records.

119. On 6 December 2018 the mother visited Latifa. She describes a house which was locked and guarded. She states:

“I went upstairs and knocked on Latifa's bedroom door. She opened the door, looked at me, embraced me, and burst into tears. She cried for a long time. She looked vulnerable. She had no makeup on and she had pale skin. She had a track suit and a hoodie on, her body language was closed and her sleeves were pulled down over her hands. She looked like she was deliberately making no effort with herself. She did not look unwell but she certainly did not look happy or content.”

“She was grateful to me for visiting her and seemed to regret the focus on her, saying she had not wanted to cause a scandal, she just wanted her freedom. She offered to “take it all back” publicly and seemed very much to regret what had happened.”

120. The mother considered that the conditions in which she had found Latifa to be “akin to a prison”.
121. By coincidence, the BBC documentary was broadcast on 6 December 2018, the same day as the mother's first visit.
122. The mother states that on 10 December 2018 she decided to contact Mary Robinson, the former UN High Commissioner for Human Rights and former Irish President, whom she had known in previous times. The intention was for Mary Robinson to visit Dubai in order to establish “proof of life” with respect to Latifa on behalf of the United Nations. The visit took place.
123. Thereafter the mother visited Latifa regularly. After these visits she sought to discuss the situation with the father, who, she says, told her, repeatedly, that he considered that Latifa was a danger to herself and that she had to remain in her current accommodation.
124. On 18 December 2018 the Ruler's Court in Dubai sent a letter to the United Nations working group which included the following statement:

“...Her Highness Sheikha Latifa is alive, safe and in the loving care of her family at their Dubai residences. We strongly refute the allegations you reference in your 6 December letter. She was and has never been arrested or detained.

The circumstances surrounding the incident involving Her Highness in February of this year remain under investigation with various authorities. Pending the outcome of said investigations, we will, in cooperation with the authorities, and in due course, determine the appropriate course(s) of action in response to the activities of those involved.”



125. Following a visit to the UK over the Christmas holiday, the mother returned to Dubai and saw Latifa on 1 January 2019. From what she saw and heard she believed that Latifa had not spoken to anyone for fifteen days since the mother's previous visit.
126. At this time, it was plain to the mother that her relationship with the father was rapidly cooling. He did not welcome her interest in Latifa and her growing interest in Shamsa. The mother continued to visit Latifa until 18 January which, as events turned out, was her final visit. On that occasion Latifa's mother was in attendance and she told the mother that Latifa did not wish to see her again. Later the father also told the mother to stop interfering in events which were not her business.

### **Sheikha Latifa: Conclusions**

127. In making an overall assessment of the evidence relating to Latifa, I regard the evidence of Tiina Jauhiainen as being of singular importance. TJ has given a highly detailed account of her departure with Latifa from Dubai in February 2018. Her account has been given on a number of occasions with a significant degree of consistency. Despite the fact that she was, on her account, plainly terrified by her experiences on the yacht Nostromo and by her days in captivity thereafter, she has spoken out publicly about these events in the BBC documentary. In addition, she has filed a full statement in these proceedings and given sworn oral evidence to this court as to its truth. It was obvious by her demeanour on entering the courtroom and when taking the oath that she found the experience daunting but she nonetheless went through with it in order to give this court her detailed account on oath. She was prepared to face cross examination although, in the event, there was none.
128. I regard TJ as a wholly impressive individual. There is no indication that her motives throughout the period of years that she describes have been anything other than that of a loyal employee of Sheikha Latifa and, latterly, a close friend, supporter and confidante. Any suggestion that TJ was cynically involved in the escape from Dubai as part of a pre-planned kidnap plot is untenable. Such an assertion would be wholly out of place given the relationship between these two women in the years leading up to February 2018 and it is wholly incompatible with TJ's actions in speaking out, as she has bravely done, about these matters since. In any event, no suggestion is made in these proceedings to the contrary.
129. TJ's evidence is not only important because of the step-by-step account she gives of the escape itself. In fact, I regard the most important part of her evidence as being her more general account of Latifa's demeanour and what she said from time to time over the preceding three or four years. The court's task with respect to the evidence relating to Latifa is to form a view of what Latifa has said in the video film and in other hearsay accounts, without having the benefit of hearing directly from Latifa in the witness box. It is in this regard that TJ's evidence is crucial. TJ undoubtedly formed the view, day by day, conversation by conversation, that the account Latifa was giving about her own past experiences, her life in the family and that of Shamsa, was a true one. TJ trusted Latifa in this regard, and continues to do so.
130. In my view, the confidence that I have in the overall soundness and credibility of TJ's testimony is sufficiently strong to, in turn, place reliance upon her assessment of the credibility of her very close friend Latifa whom she had the opportunity to observe so closely over a period of years.

131. In terms of the escape on the yacht Nostromo, the requirement for the court to make a factual determination is, in reality, narrow. The account of the departure from Dubai, via Oman in a dinghy and then out to sea, followed by the account of a seaborne assault by Indian military forces who, in turn, handed those on board, save for Latifa, over to the UAE military, is not challenged. Indeed, the father's short account would seem to confirm that he authorised action to be taken, on his terms, to "rescue" Latifa. The issue in this regard that falls for determination is, therefore, whether Latifa made this trip because she was in some way being duped by JH who was, in reality, intending to hold her to ransom, or whether this was a genuine escape attempt by a young woman who was desperate to extract herself from her life in Dubai.
132. The issue is complicated by the fact that TJ, subsequently, has come to doubt whether JH had an ulterior motive and there is, as the father points out, the email sent from the boat by Latifa instructing solicitors to claim \$300,000,000 from him. But, the fact that JH may have been secretly harbouring ulterior motives, does not, of itself, mean that Latifa's own motivation was anything other than that described by herself in the video and by TJ.
133. In this regard, the account that TJ gives of the months of preparation and of Latifa's single-mindedness in instigating and then pushing forward this endeavour is entirely compelling. It was, as I find, Latifa who made contact with JH and it was Latifa who encouraged TJ to go to meet JH at various far flung locations and to undertake all the necessary preparatory work at the Dubai end to equip and arrange the escape. There is no ground for doubting that it was indeed Latifa's settled ambition to escape from Dubai. It was being driven by Latifa and not by JH who was, certainly at this stage, and maybe throughout, merely the facilitator.
134. In addition, on its face, Latifa's presentation and the account that she gives in the video are convincing.
135. A further detail in TJ's account is also telling. The description of the way in which Latifa was treated by the Indian security services and also, once the Arabic man had identified her, does not give any indication that this was a "rescue" rather than a "capture". The final words that TJ heard Latifa shouting say a great deal. She was pleading for the soldiers to kill her rather than face the prospect of going back to her family in Dubai. Drawing these matters together I conclude, on the balance of probability, that Latifa's account of her motives for wishing to leave Dubai represents the truth. She was plainly desperate to extricate herself from her family and prepared to undertake a dangerous mission in order to do so.
136. For the reasons that I have now given, I feel confident in relying upon all that Latifa has said in the video film and elsewhere both about her earlier abortive attempt to escape over the border to Oman and her subsequent detention. The account she gives when experiencing the strangeness of ordinary things, such as a shower or a car drive, in particular, has a strong ring of truth about it.
137. In turn, Latifa's account of Shamsa's treatment, both immediately after her return to Dubai in 2000 and subsequently is also, I find, reliable on the balance of probability. There is no reason to doubt what TJ reports Latifa saying about Shamsa, and what Latifa has more directly communicated in the video and elsewhere. Indeed, a significant element in Latifa's motivation for seeking to leave Dubai both in 2000 and 2018 relates

to the treatment of Shamsa. On that basis, the allegation that Shamsa has been deprived of her liberty for much if not all of the past two decades, living in circumstances as described by Latifa, is, I find, proved.

138. Finally, in this regard, I also find, on the balance of probability, that Latifa has been detained in the circumstances described by Princess Haya since her return to Dubai. Again, there is no serious dispute as to the account given by Princess Haya. The father's case is that these arrangements have been made by the family for the benefit of Latifa and that the mother's developing interest in them was not welcomed by Latifa or her mother.
139. I disregard the evidence of Latifa and Shamsa's older sister and younger brother. Their short statements add nothing and can be given no weight in circumstances where there was never any possibility of them coming to court to substantiate them on oath and face cross examination.
140. I also do not accept that Shamsa and Latifa have been given a free choice about engaging in this court process and communicating directly in some way either with the mother in these proceedings or the court. Were they living ordinary lives in a culturally appropriate way in Dubai, there is no reason why they would not wish to communicate with the court which, I assume, they know is acutely interested in whether or not they are fit and well and living a free life.
141. A further small, but in my view important, point is that TJ has had no communication from Latifa at all since their enforced separation on the deck of the Nostromo in March 2018. Given the closeness of their friendship and the circumstances in which they parted, if Latifa were safe and well, and free to communicate, it is very difficult to understand why she has not been in touch with TJ in some way.

### **Campaign of fear and intimidation against the mother**

142. In addition to the serious allegations relating to Sheikha Shamsa and Sheikha Latifa, the mother asserts that the father has either directly, or by his agents, mounted a sustained campaign against her since the beginning of 2019 designed to instil fear and to intimidate her. These matters are addressed in detail in the mother's statement to the court in these proceedings. Save for a short statement of denial saying "I do not accept that Princess Haya is in any danger", the father has not descended to detail or taken issue with the mother's account. I propose, therefore, to take these matters relatively shortly.
143. An understanding of the recent background is important. Whilst the father and mother had apparently not enjoyed an intimate relationship with each other for a significant period of time, their relationship remained cordial and, seemingly, mutually supportive. The mother maintained her own household in Dubai and in England, but the father was a regular visitor, spending time with her and with the children.
144. At some stage in 2017/18 the mother embarked upon an adulterous relationship with one of her male bodyguards. Although, it seems, the father was probably aware of this for some time, matters did not come to a head until January 2019. By that time, as the account given earlier in this judgment demonstrates, the mother's attempts to involve herself in matters relating to Shamsa and Latifa had become unwelcome to the father

and had met with his disapproval. From January onwards the mother experienced a progressively more hostile climate towards her in her dealings with the father and with those close to him. For example, a number of the mother's trusted staff members were dismissed and replaced by others whom the mother had previously found troubling. On 4 February 2019 there was an announcement that the mother's representative at the Ruler's Court should leave and, on 11 March 2019 the mother was told that, on the father's instruction, she no longer had a desk at the Ruler's Court. The mother explains that this was "a huge public slap in the face", indicating that she no longer had any official status within the Ruler's Court.

145. Those acting on behalf of the father began to undertake investigations of the mother's personal finances.
146. The mother claims that at some time between 23 and 27 February 2019, the father telephoned her. During the call he said "I have received bad news about you. I have heard that you are sitting in the palace with the British security (a reference to the bodyguard). I am starting to doubt you". The effect of this call on the mother was chilling. She says "I was terrified".
147. Within the same time period, on 25 February 2019, the father published a poem entitled "Luck strikes once" in which the following appears:

"My spirit is cured of you, girl. When your face appears, no pleasure I feel. Don't say troublemakers are the ones to blame. It's your fault, though you're fairer than the moon...They say luck strikes once in a lifetime and if you lose luck you have no excuse".

The mother took the poem as a direct reference to herself.

148. Unbeknownst to the mother at the time, the father divorced her under Sharia Law on 7 February 2019. That date was the twentieth anniversary of the death of the mother's late father, King Hussein of Jordan. The mother is clear that the date will have been deliberately chosen by the father to maximise insult and upset to her.
149. The mother describes 11 March 2019 as "one of the longest and most frightening days I ever remember living." In the middle of the day one of the father's fleet of helicopters landed, unannounced, outside the mother's house. The pilot said that he had come to take one passenger "to Awir". Awir is apparently a prison in the desert. The mother was with the children. The security staff attended and one of the security guards said to Zayed "Bubba is angry with Momma. He is going to send her to the jail in Awir; that's all there is there." The mother describes Zayed as clinging to her leg with real terror. She defused the situation by saying it was a joke. But, she says the message was clear to her. She believes that if Zayed had not been there, she would have been taken to Awir. The father does comment on this incident and confirms that a helicopter did indeed land, but, he states it was simply a mistake. The mother responds that it could not have been a mistake for the helicopter to arrive and for the pilot to state, more than once, that his instructions were to take someone to Awir.

150. Flight documents with respect to the helicopter have been disclosed and show that one of the crew was one of the three people named by Shamsa and Mr Al Shaibani as being involved in Shamsa's removal from England in 2000.
151. In addition, throughout this period the mother received a series of anonymous notes, left in her bedroom or elsewhere, making threats, for example "We will take your son – your daughter is ours – your life is over" or warning her to be careful. On two occasions in March 2019 the mother states that she found a gun left on her bed with the muzzle pointing towards the door and the safety catch off.
152. It was in these circumstances that the mother resolved in early April that her position in Dubai was wholly unsafe and untenable. She therefore came with the children to England on 15 April 2019.
153. The day after her arrival in England one of the father's senior employees at his racing stable sent the mother a short video clip. I have watched it. It depicts a football fanatic trying to watch a football game on television, but with the channel being changed remotely, presumably by someone else not in the room. The man becomes more and more agitated by these interruptions to his viewing so that in the end he smashes up the television and his computer in a display of total fury. The clip was accompanied by a text message reading "A wife bought an extra tv remote control and used it to prank her husband without his knowledge. But had he found out about it he would have slaughtered his wife in anger. Watch for fun and you will learn from it how to control your temper and avoid getting angry." The mother took this message from one of the father's employees as a direct threat to herself and the reference to an extra remote as relating to her affair.
154. In May 2019 the mother claims that the father threatened her saying "You and the children will never be safe in England". On 13 June a user named "UAE Properties" posted a video on Instagram which had been filmed inside the father's private tent in Marmoum. The video shows the father and another man dancing and waving swords in what the mother says is a traditional Bedouin dance of victory over one's enemies. The mother believes that the father had allowed himself to be filmed in this private space and then permitted it to be posted online with the intention of intimidating her; she is clear that no one would ever post a video of him dancing in this way unless he had expressly requested them to do so.
155. In addition, the father, who is an acknowledged poet and who regularly publishes poems across a range of subjects, is said to have made deliberate threats to the mother within the verses of poems in late 2018 and throughout 2019. In particular in a poem published 29 December 2018, entitled "The morality of a knight" the following appears: "If my friend transgresses, I forgive once but if he repeats the offence, I ensure his regret...I was repelled by your great wrongdoing...A person who has spent his life hunting he is never hunted, his deeds are like a lion's". I have already made reference to "Luck strikes once" published in February 2019.
156. On 22 June 2019 the father published a poem called "You lived and died". The mother regards this as a direct threat to her and a public announcement of her "betrayal". It states "And you have transgressed and betrayed. You traitor, you betrayed the most precious trust. I exposed you and your games...I have the evidence that convicts you

of what you have done...You know your actions are an insult...Let's see if mischief brings you benefits I care not whether you live or die”.

157. On 31 July 2019, which was the second day of the first substantive hearing in this matter, the father published a poem extolling the virtues of his armour as follows: “I have the best broodmare if the battle intensifies. Prepared, ready and tethered to achieve high standing...His glorious swords have sharpened edges, they can cut when sheathed, let alone when they're unsheathed. He has countless soldiers to repel enemies. Those protected by heroes cannot be defeated”.
158. At this stage it is relevant to turn to the evidence of XX. XX has a distinguished career as a police officer at a high level. Whilst he has never met the mother, he has occupied a position of significant responsibility in relation to the mother.
159. On 20 June 2019 XX had a meeting with SP, a retired police officer who was acting on behalf of the father. SP had unilaterally sought a meeting with XX to discuss “a business interest”, XX had never met SP before and had no real knowledge of the topic for conversation. Early in the conversation XX states:

“It soon became very clear to me during the course of the conversation that the intent was to disrupt [services provided to] HRH by threatening myself [and another], implying that we should cease work for our client immediately. The implication was that absent this, those acting for His Highness Sheikh Mohammed Al Maktoum would seek to discredit both our individual reputation and [business] reputation, by a range of allegations including financial impropriety and corruption.”
160. XX was in no doubt that SP's intention was to deliver a clear threat to damage the reputation of himself and the other individual named by him. During the conversation SP explained a number of detailed allegations that might be made which, although XX is plain that each was totally false, would undoubtedly generate negative media coverage for them. When directly challenged by XX, SP denied any such intention but repeated that he sought to avoid damage to hard-won reputations. XX, who is plainly used to very challenging conversations and demanding situations, states that, after this meeting, he was left seriously troubled and concerned about the threats that had, in his view, plainly been made.
161. Services were not withdrawn from the mother. On 26 June XX received an email from SP indicating that “the media war has started”.
162. The mother's legal team have identified in the region of 1,100 media articles published worldwide about the mother in the short period between 24 June 2019 and 14 July 2019. Many of the articles are wholly inaccurate for example, suggesting in some that the mother is an agent of Hamas and intending to overthrow the State of Jordan. Amongst the media articles there are a number in the same terms as those trailed by SP in his meeting with XX.
163. XX has given a full statement to this court. He attended court, took the oath and was available for cross examination.

164. In opening the case, Mr Geekie lays particular stress on the evidence that, prior to the worldwide media blitz, SP, acting on behalf of the father, seemingly knew what was about to be unleashed and told XX about it.
165. A further aspect of the mother's case is that she asserts that the father, or others on his behalf, have made direct threats to remove the children. In early February she records that during a telephone conversation with the father referring to Zayed, the father laughed and said "He is a desert boy. In a few months we will take him from you – you will see". On the same day Zayed's UAE security guard brought the boy back from a trip to some bouncy castles and, as he left, he said "He is our Sheikh, in a few months you won't see him again. He will come and live with the men, he is ours." Later, in March 2010 during a visit to the children the mother records that the father said to them "We don't need your mum anymore do we?" The children replied, "Yes we do". The father is said to have responded, "No we don't need her". In similar terms, on 27 March, the mother records the father saying "Zayed, do we need momma?... You see Haya we don't need you anymore – we don't need you or want you".
166. The final factual allegation made by the mother (18) is that "In February 2019, the father by himself or his agents (including the Crown Prince of Dubai) sought to make arrangements for Jalila (aged 11) to be married to the Crown Prince of Saudi Arabia, His Highness Mohammed bin Salman bin Abdulaziz Al Saud." The evidence upon which the mother relies for the final allegation is, in reality, multiple hearsay. In February 2019 she was told by a trusted female police officer that the Crown Prince had been to Saudi Arabia a few days earlier and the main topic of discussion had been the prospect of arranging a marriage for Jalila to the Crown Prince of Saudi Arabia. The police officer said that she had heard that this had occurred from other female officers whom she had met in Zabeel (a Palace in Dubai).
167. Although the mother undoubtedly considers this to be a trustworthy source and believes the allegation, in terms of establishing proof on the balance of probability this multiple hearsay evidence, given by unidentified individuals, where none of those who are spoken of are said to have been in Saudi Arabia at the time, falls well short of the required standard. I do not, in the circumstances, find this allegation proved.

### **Other allegations: Conclusion**

168. In addition to inviting the court to engage in a detailed evaluation of each specific allegation and the evidence in support of it, on more than one occasion Mr Geekie advised the court to stand back and review all of the events between 2000 and the present. He submits that when such a perspective is adopted, the course of events can be seen to be knitted together with a number of common themes, at the core of which is the use of the State and its apparatus to threaten, intimidate, mistreat and oppress with a total disregard for the Rule of Law. Mr Geekie refers to the almost absolute power that the father exercises in his home state and he refers to a phrase that the mother recalls the father using on at least one occasion during 2019: "Nothing happens here if I don't know or command it". It is, submits Mr Geekie, the father who has his hands on the controls with respect to all of the events about which the mother now complains. The result, it is suggested, is a sequence of events which both individually and, certainly, when looked at overall, can only be "utterly terrifying" for the mother.

169. I have at earlier stages in this judgment now given my conclusions with respect to the substantial allegations relating to Sheikha Shamsa and Sheikha Latifa. All that remains is to make a determination with respect to the more recent allegations made by the mother with respect to the father's conduct towards her during 2019.
170. The mother has given a detailed account of these matters. Even allowing for the potential of an individual in her circumstances to feel increasingly vulnerable, and therefore be oversensitive, I am struck by the detail contained within her account of hard factual matters, rather than merely how these events were experienced by her.
171. I also accept the soundness of the approach described by Mr Geekie. I have found that the father acted as he did with respect to Shamsa and Latifa, and I have found that he continues to maintain a regime whereby both of these two young women are deprived of their liberty, albeit within family accommodation in Dubai. It also follows that insofar as he has denied the mother's allegations in that regard, or failed to give a full account of them, he has not been open and honest with the court. Those conclusions are not irrelevant to the court's consideration of the more recent actions about which the mother complains.
172. A further matter of note is the overall background in terms of the relationship between this mother and this father as it has deteriorated during the past two years. There is a context within which he may see himself as being fully justified in acting as the mother says he has done towards her: distancing himself from her, removing her place in the Ruler's Court, investigating her finances, removing trusted staff and replacing them with those loyal to him and making statements to her relating to her relationship with the bodyguard. Moving on, it is not difficult to accept, as I do, that the father would speak to the children as the mother claims he did on two occasions to the effect that the children no longer needed her. In the same vein, a statement by the father in relation to Zayed to the effect that he will be joining his father is also credible; particularly as almost precisely the same words were used on the same day by one of his staff when speaking to the mother.
173. In the circumstances that I have described, I see no reason to doubt that some unknown individuals, loyal to the father, left notes, and on two occasions a gun, in the circumstances that she describes.
174. I find that the cumulative effect of each of these episodes was to place the mother in a position of great fear leading her to conclude that she had no option but to leave Dubai with the children as she did.
175. Once she had moved to England and made it plain that she was not going to return, the father's antagonism towards her will have undoubtedly increased. Whilst this couple plainly attract media attention whether or not they feed information into the press or simply do nothing, the level of media coverage in the three week period in the Summer of 2019 is very striking, even allowing for the newsworthiness of material about this couple generally.
176. In this context the evidence of XX is important. It is evidence that the court is entitled to regard as wholly credible. XX's career entitles the court to regard his evidence as wholly credible and reliable. In addition, XX's account of the surprise, and then concern, that developed during his meeting with SP has an internal credibility that, in



the absence of any evidence to the contrary, leads me to accept his account as being the truth in every matter of detail. SP was acting in the interests of the father. SP informed XX of the planned media assault and, thereafter, on 26 June sent an email indicating that “the media war has started”. This important evidence establishes, in my view, a direct connection between the father and some, if not all, of the very many press reports that were generated in this very short period of time. Whilst it is impossible to attribute each individual report to any particular source, the overall conclusion sought by the mother is made out, namely that the father deliberately used connections with the press to generate hostile stories aimed at destabilising and harming her.

177. In addition, I accept the mother’s evidence that the pilot of the helicopter that, it is agreed, unexpectedly landed on the lawn of her palace did indeed state that he had instructions to take one passenger to Awir and that the only apparent explanation for this was, as the mother asserts, at least to intimidate her if not actually to remove her to Awir on that day.
178. Insofar as the mother alleges that the father has directly used diplomatic links to neutralise or remove her diplomatic immunity, I am unable to make such a finding. I am however fully satisfied that the father, the State of Dubai and the UAE are afforded significant international respect and have, accordingly, great influence. The cooperation of the Indian military in the operation to capture Latifa is one demonstration of this power.
179. With regard to the poems that the father has published, it is outside the ability of this court to come to a firm view on the precise construction to be attributed to each verse. It is, however, clear that the poems are at least ambiguous and may well relate directly to the mother and that, therefore, the mother is justified in believing that they do and being intimidated by them. The clearest poem of all is ‘You Lived, You Died’. In relation to that poem the father has accepted that this relates to the mother. I am also satisfied that the statement that ‘I care not whether you live or die’ is an express and public removal of any cloak of protection from the mother and an indication that the father will not be troubled if she lives or dies.
180. Overall, I therefore find that the third group of the mother’s allegations, save for number 18 relating to forced marriage, are largely proved on the balance of probabilities and that the father has therefore acted in a manner from the end of 2018 which has been aimed at intimidating and frightening the mother, and that he has encouraged others to do so on his behalf.
181. Looking now at the fact-finding exercise as a whole, I have, for the reasons that I have now given, concluded that, save for some limited exceptions, the mother has proved her case with respect to the factual allegations that she has made. I also accept Mr Geekie’s submission that these findings, taken together, demonstrate a consistent course of

conduct over two decades where, if he deems it necessary to do so, the father will use the very substantial powers at his disposal to achieve his particular aims.

182. The next stage of these proceedings, once my further judgment on immunities and assurances has been handed down, will be to evaluate the impact of these findings upon the two children who are at the centre of this case and, on that basis, to evaluate the risk of either or both of them being removed from their mother's care and taken to Dubai against her will.