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IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
Neutral Citation Number: [2019] EWHC 3686 (QB)

Royal Courts of Justice  
Strand  
London, WC2A 2LL



Wednesday, 2 October 2019

Before:

MR JUSTICE LAVENDER

BETWEEN:

ZEHOUR CHELFAT

Claimant

and

County Court Claim Number D00CL557

COMMISSIONER OF POLICE FOR THE METROPOLIS

Defendant

County Court Claim Number D02CL725

(1) HEATHROW AIRPORT LIMITED

(2) TUNISAIR UK

Defendants

County Court Claim Number E03CL350

(1) SWISS COTTAGE SURGERIES

(2) Ms KAREN McCLAY

(3) Dr PHILIP SMITH

Defendants

Zehour Chelfat appeared in Person.

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JUDGMENT

[Annexed to this judgment are the transcripts of the judgments delivered before and after this judgment by the Judge sitting as a judge of the County Court at Central London on the questions: (a) whether Ms Chelfat was in contempt of court; and (b) if so, what was the appropriate sanction.]

MR JUSTICE LAVENDER:

1 For these purposes, I am sitting as a judge of the High Court. I raised today of my own initiative the question whether I should make a general civil restraint order in the case of Zehour Chelfat. The origins of a general civil restraint order are the court's inherent jurisdiction to prevent abuse of its process, as explained by the Court of Appeal in *Bhamjee v Forsdick & Ors* [2003] EWCA Civ 1113, [2004] 1 WLR 88, CA. The circumstances in which a general civil restraint order may be made are set out in paragraph 4.1 of CPR Practice Direction 3C, which provides that:

“A general civil restraint order may be made ... where the party against whom the order is made persists in issuing claims or making applications which are totally without merit, in circumstances where an extended civil restraint order would not be sufficient or appropriate.”

2 The circumstances of this case are as follows. Ms Chelfat made five applications and/or appeals in proceedings against the Commissioner of Police for the Metropolis which were rejected by the court and held to be totally without merit on 29 February 2008, 17 November 2010, 6 December 2010, 1 March 2017 and 4 December 2017. That led Edis J on 9 March 2018 to make an extended civil restraint order which prohibited---

THE APPLICANT: No, that is-- it is not correct, your Highness. I have to correct you. That is not the reason of the order of Judge Edis in-- last year. I have to correct you.

MR JUSTICE LAVENDER: I have repeatedly said today that you are not to interrupt my judgments and I am saying it for the last time.

“Zehour Chelfat is forbidden for a period of two years ... from issuing any new proceedings against the Commissioner of Police for the Metropolis in the High Court of Justice or in any County Court in England and Wales, or from issuing any application, appeal, or other process of any kind in those courts against the Commissioner of Police for the Metropolis without first obtaining permission in accordance with [that order].”

3 I am aware of seven more applications which Ms Chelfat has made in recent years which have been adjudged to be totally without merit. First, on 27 April 2017, in appeal reference QB/2017/0080, Warby J refused Ms Chelfat permission to appeal against a master's order and held that the appeal was wholly without merit. That was in an action which she had brought against Nationwide Building Society.

4 Next, on 11 April 2018, HHJ Hand QC, sitting in the County Court at Central London in claim number A01CL598, a claim brought by Ms Chelfat against Her Majesty's Passport Office, refused permission to appeal against an order of a district judge and held that the notice and grounds of appeal were totally without merit.

5 Then, on 26 July 2018, again in the County Court at Central London, HHJ Parfit dismissed an application made by Ms Chelfat and held that it was totally without merit. That application was made in claim number E02CL037, a claim which Ms Chelfat brought against the Ministry of Justice and the Crown Prosecution Service.

- 6 Then, on 19 March 2019, HHJ Baucher rejected an application made by Ms Chelfat against Heathrow Airport Limited in claim number D02CL725 and held that it was totally without merit. HHJ Baucher also made a limited civil restraint order on that occasion.
- 7 Next, on 30 April 2019, HHJ Baucher, again sitting in the County Court at Central London, this time in claim number D00CL557, a claim brought by Ms Chelfat against the Chief Constable of Wembley Police, refused permission to appeal against an order of DJ Avent and held that the appeal was totally without merit.
- 8 Then, on 20 May 2019, HHJ Roberts, sitting in the County Court at Central London in claim number E03CL350, a claim brought by Ms Chelfat against Swiss Cottage Surgery and others, struck out Ms Chelfat's claim and declared that it was totally without merit.
- 9 Finally, so far as I am aware, on 18 July 2019, Ms Chelfat was the subject of an order of HHJ Luba QC, sitting in the County Court at Central London, again in claim number A01CL598, that is Ms Chelfat's claim against Her Majesty's Passport Office. HHJ Luba QC struck out her application for an injunction because it was an abuse of the process of the court to apply for relief in a claim which no longer existed and he certified that the application was totally without merit. He also ordered that the papers should be placed before HHJ Roberts for consideration of the making of a civil restraint order.
- 10 So the picture is that Ms Chelfat has brought seven applications or claims against a variety of defendants, all of which have been adjudged to be totally without merit. I am told that in at least one case there may be a challenge to the order dismissing her application, but the position remains that the judges in those cases have adjudged the claims or applications to be totally without merit, and all of this is against the background of an extended civil restraint order which was made by Edis J in the light of five further previous applications, claims or appeals which were adjudged to be totally without merit.
- 11 Ms Chelfat is plainly someone who persists in issuing claims or making applications which are totally without merit and, moreover, given that she does so against such a wide range of defendants, she does so in circumstances where an extended civil restraint order would not be sufficient or appropriate. She puts a large number of defendants to what is no doubt a great deal of expense in dealing with applications and appeals which simply should not have been brought.
- 12 I invited Ms Chelfat to make submissions as to why I should not make a general civil restraint order. She pointed out that she was already subject to the extended civil restraint order and the limited civil restraint order but, of course, those orders only apply to the particular defendants in those particular cases. She submitted that the six cases and seven applications to which I have referred were totally unrelated. It seems to me that that is a factor which makes it more desirable that there should be a general civil restraint order, rather than less. I reject her submission that general civil restraint orders should only be made in cases where a litigant is persistently making applications which are totally without merit in the same proceedings. There is no such limitation to be found in paragraph 4.1 of CPR Practice Direction 3C.
- 13 Finally, Ms Chelfat said that the appropriate thing to do would be to give her a chance to demonstrate that she can conduct herself responsibly as a litigant. The problem with that submission, it seems to me, is that that is what Edis J did a year and a half ago and since then there have been six decisions that applications made by Ms Chelfat are totally without merit.

- 14 For all of those reasons, it seems to me that a general civil restraint order is entirely appropriate and I will order that Ms Chelfat must not commence any claim or bring any application in the High Court or in any County Court without either my permission or the permission of another High Court judge. That order will operate for two years from today, and I will discharge the existing extended civil restraint order and limited civil restraint order, since they are superseded by today's order.

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IN THE COUNTY COURT AT CENTRAL LONDON

Royal Courts of Justice  
Strand  
London, WC2A 2LL



Wednesday, 2 October 2019

Before:

MR JUSTICE LAVENDER

BETWEEN:

ZEHOUR CHELFAT

Claimant

and

Claim Number D00CL557

COMMISSIONER OF POLICE FOR THE METROPOLIS

Defendant

Claim Number D02CL725

(1) HEATHROW AIRPORT LIMITED  
(2) TUNISAIR UK

Defendants

Claim Number E03CL350

(1) SWISS COTTAGE SURGERIES  
(2) Ms KAREN McCLAY  
(3) Dr PHILIP SMITH

Defendants

Zehour Chelfat appeared in Person.

JUDGMENT

MR JUSTICE LAVENDER:

- 1 The issue before the court at this stage of the proceedings is whether or not, and if so to what extent, Ms Zehour Chelfat was in contempt of court in the course of three hearings in the County Court. I will refer to these as the ‘first’, ‘second’, and ‘third hearings’.
- 2 The first hearing took place in February 2019 before DJ Avent in the County Court at Central London in case number C40YP715. That was an action which Ms Chelfat brought against the Commissioner of Police for the Metropolis. The second hearing took place before HHJ Baucher, again in the County Court at Central London, on 18 March 2019 in case number D02CL725. That was a claim which Ms Chelfat brought against Heathrow Airport and Tunisair UK. The third hearing took place on 20 May 2019 before HHJ Roberts in the County Court at Central London in claim number E03CL350. That was a claim which Ms Chelfat brought against Swiss Cottage Surgery, Ms Karen McClay, and Dr Philip Smith.
- 3 The three hearings were recorded and Edis J, one of the presiding judges of the South Eastern Circuit, dealing with the matter by transfer from the County Court at Central London, issued a notice dated 19 June 2019 in which he indicated that he had decided that there was evidence that Ms Chelfat was guilty of behaving in such a way that she was in contempt in the face of the court in the three hearings, directing that the issue of contempt in the face of the court be determined in accordance with CPR Part 81.16 and the Practice Direction to Part 81. He ordered that the issue of contempt in all three cases be transferred to the High Court, and directed that the notice, copies of the three audio recordings, a copy of the transcript of the second hearing, a copy of the solicitor’s attendance note of the third hearing, and a copy of the Legal Aid Agency guidance on contempt be served personally on Ms Chelfat.
- 4 Personal service, it is acknowledged, was effected on 28 June 2019. That was followed by a hearing before Carr J on 23 July 2019, which was attended by Ms Chelfat, and the orders made by Carr J were as follows:
  - “(1) Any evidence that the claimant wishes to serve in response to the application to be served by 4.00 p.m. on 20 August 2019.
  - (2) This matter is to be listed for a hearing on the first available date after 2 September 2019.
  - (3) The claimant is to serve any skeleton argument no later than 48 hours before the hearing.
  - (4) This hearing will be heard by a High Court Judge but treated as a County Court matter.”
- 5 Ms Chelfat complied with paragraph 1 of that order and filed a witness statement dated 20 August 2019, to which I will return. The matter was listed for hearing last Thursday, 26 September 2019, and notice was given to Ms Chelfat. She contended that she would be unable to attend and set out the reasons why in emails and last Wednesday, 25 September 2019, issued an application seeking an adjournment of that hearing. When the hearing was called on last Thursday, I considered and dismissed that application and issued a warrant for Ms Chelfat’s arrest, she not having attended the hearing. On the following day, Friday, 27 September 2019, Ms Chelfat attended the Royal Courts of Justice in order to attend a listing meeting in the Court of Appeal. She was arrested by the tipstaff and brought to court and this hearing commenced shortly before lunch on that day.

6 The course which the hearing has followed is that the recordings of the three hearings have been played and I have given Ms Chelfat the opportunity to make submissions in respect of each hearing on each of the allegations set out in the notice issued by Edis J, both as to whether or not she said what she is alleged to have said and as to whether or not what she said amounted to a contempt of court.

7 I will come in a moment to the detail of those issues, but it is appropriate to begin by noting some general matters. First, Ms Chelfat questioned whether the court had jurisdiction to proceed to consider whether she was in contempt and, if so, whether she should be committed to prison for contempt. She referred me to two authorities. The first was *Re Jones (Contempt of Court)* [2013] EWHC 2579 (Fam) and the second was *Her Majesty's Solicitor General v Sophie Holmes* [2019] EWHC 148 (Admin). She referred to those authorities in support of the proposition that the court could not proceed to consider the question whether she was in contempt or whether she should be committed for contempt without first referring the matter to the attorney general. This is a case of contempt in the face of the court and I have no hesitation in rejecting that submission.

8 The second submission which Ms Chelfat made was that there was an appearance of bias on the part of Edis J, because he had made an order on 9 March 2018, that order being an extended civil restraint order which prohibited Ms Chelfat for a period of two years from issuing any new proceedings against the Commissioner of Police for the Metropolis in the High Court of Justice or in any County Court in England and Wales, or from issuing any application, appeal, or other process of any kind in those courts against the Commissioner of Police for the Metropolis without first obtaining permission pursuant to that order. Again, I have no hesitation in rejecting that submission. The mere fact that a judge has had to make an order concerning a litigant on a previous occasion is no reason why they should not deal with that litigant or that litigant's case on a subsequent occasion.

9 As part of the background to the three hearings, it is appropriate to record that Ms Chelfat has been party to a number of proceedings, including, for instance, several referred to in the recital to Edis J's order of 9 May 2018, that recital stating as follows:

“AND UPON IT APPEARING that earlier applications and/or appeals in proceedings by Zehour Chelfat against the Commissioner of Police for the Metropolis were rejected by the court which were also totally without merit on 29<sup>th</sup> February 2008, 17<sup>th</sup> November 2010, 6<sup>th</sup> December 2010, 1<sup>st</sup> March 2017, and 4<sup>th</sup> December 2017.”

10 Ms Chelfat has had a number of orders made against her, or at least not in her favour, and clearly feels aggrieved about a number of those orders and also about a number of other issues concerning the conduct of her litigation, such as, for instance, in relation to her claim against Swiss Cottage Surgery, an injunction application which she told me was not listed for three months, after which time she applied for an adjournment, which was refused. The application was then heard in her absence and the application for an injunction was dismissed. It would not be appropriate for me to go into the merits of those matters. I mention them simply to record that they have given rise to a sense of grievance on the part of Ms Chelfat. Her grievances, or some of them, were set out in a number of letters or emails which she has provided to the court, running to 22 pages. One gets the flavour by quoting two paragraphs from the first of these emails, dated 19 December 2018, in which Ms Chelfat wrote as follows:

“I have three District Judges and one Circuit Judge who attracted my concern at the moment in terms of their very unfair practices, prejudice and racist or discriminatory

conduct in deciding cases when a litigant in person like myself is involved and the defendant is represented by the typical law firm. These are DJ Avent, DJ Fine, and DJ Jackson, and CJ Baucher. Many serious mistakes and delays occurred when these judges handled my claims as a litigant in person and their behaviour at court is attracting very serious criticism and render these judges unfit to practise and posing a danger to the administration of justice and their behaviour in court suggests they may even be part of organised criminals like Mafia.

I have come to the decision to write this letter to the Central County Court in first instance and make my wishes very clear to the court and to all involved that these four Judges MUST NOT deal or handle my cases anymore and in the near future and failure of the senior manager of the County Court and the responsible judiciary in the County Court to observe my wishes will lead to me attending the Court at the hearing and if I found out that these four Judges are to hear my case(s), I will leave the Court without taking part and I will protest my objections openly on the day of the hearing. My legal rights have been cruelly abused by these judges, I was left very traumatised and very offended. By principle, nobody should blame me if I pee on the advocacy table, or smear the walls of the court with my poo after all what happened in my cases and the criminal way these Judges treated my cases.”

- 11 The first hearing took place on either 15 or 21 February 2019. I have listened to the recording and Ms Chelfat has helpfully provided a copy of the transcript. The judge, as I have said, was DJ Avent, one of the judges referred to in Ms Chelfat’s email which I have just cited. The beginning of the recording consists of the following exchange:

“Ms Chelfat: I told you last time you shouldn’t be dealing with my cases anymore. I told you. I warned you last year. This case management needs to be called off.

DJ Avent: Sit down, Ms----

Ms Chelfat: I don’t want you to take over my case. I don’t want you.

DJ Avent: Sit down, Ms Chelfat.

Ms Chelfat: I want a Muslim judge. Do you understand? I want a Muslim judge. Bring me Muslim judge.

DJ Avent: We are going to deal with this in----

Ms Chelfat: No, you cannot deal with it. You are making me sick.

DJ Avent: We are going to deal with this----

Ms Chelfat: You are making me sick.

DJ Avent: We are going to deal with this in one of two ways, Ms Chelfat----

Ms Chelfat: You are making me sick, going against my wishes. Do you understand?”

- 12 Ms Chelfat repeated her wish that a Muslim judge should be taking over the case. DJ Avent said that he was dealing with the case and Ms Chelfat then said as follows:

“Ms Chelfat: I’m not going to sit with the Jewish kids, okay? I’m not going to accept this.

DJ Avent: You do not have to. If you want to leave, I will deal with matters in your absence.



Ms Chelfat: You are racist, you know. You are very racist.  
DJ Avent: If you want to leave, I will deal with matters in your absence.  
Ms Chelfat: I want this hearing to be called off and for another judge to take over it.  
DJ Avent: It is not going to be.  
Ms Chelfat: You are making me sick. Do you understand? You are affecting my health.”

13 Reference was then made by the defendant’s representative, Mr Tillani, to a costs schedule in the amount of £23,200 and there then followed the following exchange:

“Ms Chelfat: You will have my arse, do you understand? That’s what you’re going to get.  
DJ Avent: Ms Chelfat, can you----  
Ms Chelfat: Okay? And I told you, I don’t want to deal with Jewish people.  
DJ Avent: Can you----  
Ms Chelfat: Do you want to be sitting with a Nazi?  
DJ Avent: If you are going to continue to insult----  
Ms Chelfat: I don’t want to sit with Jewish people.  
DJ Avent: If you are going to----  
Ms Chelfat: Do you want to be sitting next to a Nazi? Do you want to be sitting with a Nazi? I’m asking you the question. If someone sit you next to a Nazi, how would you feel? Do you accept it?  
DJ Avent: Ms Chelfat, we cannot continue----  
Ms Chelfat: I cannot argue----  
DJ Avent: -- in your presence if you are going to make scurrilous, racist and unfounded remarks.  
Ms Chelfat: You are the racist. You make me think like this. You make me speak like this. I have evidence that you are racist and people who are sitting here next to me, they are more than racist. They are more than that.”

14 Sometime later in the hearing, Ms Chelfat came back to this theme, when there was the following exchange:

“DJ Avent: Well, I am going to list it for six days.  
Ms Chelfat: I don’t accept six days. I don’t. There is no reason for six days. I’m a litigant in person. There are a bunch of Jewish people coming here to suck my blood. I’m not going to accept this.”

(I note that the transcript has the word “bitter” instead of “a bunch of”. Having listened to the recording, it seems to me that what she said was “a bunch of”.)

15 Then towards the end of the hearing, there was the following exchange:

“Ms Chelfat: So you bring me here to give them £22,000. Yeah, you shitting on me. Are you shitting on me?

DJ Avent: Please, Ms Chelfat----

Ms Chelfat: Why are you shitting on me like this?

DJ Avent: Okay, please leave.

Ms Chelfat: I’m not going to leave. It’s my hearing.

DJ Avent: Please leave.

Ms Chelfat: I’m not going to leave.

DJ Avent: I have given you one chance. You are not leaving.

Ms Chelfat: I am not going to leave. I want to hear the rest of the hearing. Okay, I’m not accepting £22,000. I don’t have any money to give them £20,000. I will have to deal with ten witnesses. Is that what you want? Is that what you want?

DJ Avent: Enough is enough, Ms Chelfat.

Ms Chelfat: Enough is enough for you. Enough. I don’t want you. Do you understand? I don’t want you.

DJ Avent: Right, I will rise for a few minutes and then we will resume. Thank you.”

16 In the notice served on Ms Chelfat, the following allegations were set out in relation to the first hearing:

“It is alleged that during the first hearing, while the court was sitting:

- (1) You made antisemitic remarks about counsel for the opposing party, complaining that you refused to sit next to a Nazi.
- (2) You shouted repeatedly at the judge, and during the latter part of the hearing banged on the table while doing so.
- (3) You called the judge a racist.
- (4) You accused the judge of “shitting on” you.
- (5) You refused to leave the court when ordered to do so.”

17 In her witness statement of 20 August 2019, Ms Chelfat dealt with the first hearing as follows. She set out her concerns that DJ Avent should not have been conducting the hearing and her surprise to find him conducting the hearing when she went into court. She also complained of the conduct of the defendant’s solicitor in taking her seat and, she says, making her stand on the defendant’s seat. She said:

“I acknowledge to have said a few words but I do not believe these words were intentionally premeditated and racist comments or criminally offensive.”

18 Then in dealing specifically with the allegations, she said as follows:

“Turning to the allegations, I will say as follows:

- (1) I did not make antisemitic remarks;
- (2) I did not shout at the judge;

- (3) I did not call the judge a racist;
- (4) Yes, I told the DJ that he was shitting on me, the word in my culture means that the judge overrode my legal rights and was dismissive and very offensive;
- (5) I did not refuse to leave the court.”

19 She went on to say:

“Given all the circumstances in this case and for the reasons set out above, I do not believe and do not agree that the allegations are well founded and true in substance.”

20 As I have said, having listened to the recording, I invited Ms Chelfat to make submissions both as to what she said and as to whether it constituted a contempt of court. She explained her extreme distress. To use her own words, she said that she was “out of her mind”. She was frustrated because she had made a complaint already to the County Court about DJ Avent, had told the County Court manager that she did not want him and had made that complaint many, many times, and she said that in the hearing, “I lost my mind”. Looking at the question more generally of whether what she said was a contempt of court, she asked, “Well, what would you do if you were in my position?” From her point of view, there were qualified lawyers lying, as she saw it, and obtaining a costs order against her, and it was, in effect, human nature to get upset.

21 Turning to the individual allegations, the first was:

“You made antisemitic remarks about counsel for the opposing party, complaining that you refused to sit next to a Nazi.”

22 Ms Chelfat said that she was just throwing words and she denied that what she said was antisemitic. In my judgment, it plainly was antisemitic and, as a matter of fact, it is correct, and I am satisfied to the criminal standard of proof, that she made antisemitic remarks about counsel for the opposing party and complained that she refused to sit next to a Nazi. Furthermore----

THE APPLICANT: Sorry----

MR JUSTICE LAVENDER: I did say please do not interrupt.

23 Furthermore, it is plain that her conduct in this respect did constitute a contempt in the face of the court.

24 As for the second allegation, that she, “Shouted repeatedly at the judge and, during the latter part of the hearing, banged on the table while doing so,” I am not sure that I can tell from the recording that she banged on the table. So I do not find that part of the allegation established. She said that the voice which she used on that occasion indicated how distressed she was. However, it is clear to me that she was shouting repeatedly at the judge. Indeed, at times, her voice could be described as screaming. Again, in my judgment, taken in the context of the other matters, that too constituted a contempt of court.

25 The third allegation was that Ms Chelfat called the judge a racist. It is clear from the recording that she did so. In response to this, she said, again, that she was very distressed. She described herself as like a dog barking and the owner did not give it any care. She drew attention to one point in the transcript where she said that she was angry that the judge was so composed and happy while she was so distressed.

26 Another matter which Ms Chelfat mentioned was to submit that, in fact, it was the judge who called her a racist and, in effect, she responded in kind. In fact, as will be apparent from the passages from the transcript which I have already quoted, Ms Chelfat said, “You are racist, you know. You are very racist” before the judge described her comments about not wanting to sit with Jewish people and sitting next to Nazis as scurrilous, racist, and unfounded remarks. I find that this allegation is proved both in that Ms Chelfat called the judge a racist and in that her doing so constituted a contempt of court.

27 The fourth allegation was that she accused the judge of “shitting on” her. That she said this is not disputed. She sought, as I have said, in her witness statement to excuse this by saying that the word in her culture meant that the judge overrode her legal rights and was dismissive and very offensive----

THE APPLICANT: Sorry, can I (inaudible)----

MR JUSTICE LAVENDER: I have said do not interrupt.

THE APPLICANT: Can I have some more paper, please?

28 It is plain to me that Ms Chelfat speaks English sufficiently well to know that to say that someone is “shitting” on you is an offensive and abusive expression. Again, I find that this allegation is established, both in terms of Ms Chelfat having said it and in that it was a contempt of court.

29 The fifth allegation was that Ms Chelfat refused to leave the court when ordered to do so. Ms Chelfat denied this, saying that everyone left. In fact, it is apparent from the transcript that, despite the fact that the district judge had been very patient and had given her several warnings during the course of the hearing, when he did eventually tell her to leave, in response to her accusing him of “shitting on” her, she made it quite clear that she was not going to leave. She said twice, “I’m not going to leave.” So, again, I find the fifth allegation is established, both in terms of what Ms Chelfat did and that it was a contempt of court.

30 I should mention some general submissions which were made by Ms Chelfat. Although they were made in relation to later hearings, they are of general application to all of the hearings. One was that she did not intend to commit a contempt of court. It is not necessary, for the purposes of a finding of contempt, that the individual intended to commit a contempt. It is sufficient that their act was a deliberate one and, in this case, Ms Chelfat chose her words and said what she said. Secondly, she submitted that no one had warned her that behaviour of this kind would amount to a contempt of court. That does not prevent it from being a contempt of court. Thirdly, she submitted that she was not aware at the time that she was doing something wrong and that, in particular, she was not aware that what she was doing amounted to a contempt and, further, that she thought that she was immune for anything she said in court.

31 The fact that Ms Chelfat did not appreciate, if such be the case, that what she was doing amounted to a contempt of court does not prevent it from being a contempt of court. As for her alleged belief that she was immune for anything she said in court, she clarified this by saying that she thought, for example (an example suggested by me), that she could go into court in any case in which she was a party and call the judge a paedophile and that that would be all right. I am sure that she did not hold that belief. It is not something which she mentioned in her witness statement on 20 August and it would be not only unreasonable but a remarkable belief for anyone to hold.

32 Another submission made by Ms Chelfat is that she did not actually intend to say what she said. Again, I am sure that that is not the case. I accept that she was speaking on the spur of the moment and in a spirit of anger and, as she says, distress. However, I am sure that she intended to use the words which she used. For example, when it comes to the second hearing, to which I will turn in a moment, she submitted to me that she did not intend to call HHJ Baucher a killer, or a murderer, or accuse her of killing people. She accepted that she used those words and, indeed, she went further and submitted to me that she wanted to convey to the judge that she had heard that the judge had hurt other people. It is quite clear, in my judgment, that the use of the words in each of the hearings which are the subject of the allegations was deliberate and intentional, albeit on the spur of the moment.

33 I turn now to the second hearing on 18 March 2019 before HHJ Baucher. Again, we have the advantage of a transcript of this hearing. The hearing went on for some time before the matters which gave rise to the allegations and, indeed, it was the bottom of page 16 of the transcript that Ms Chelfat began to shout. On a number of occasions thereafter, as Ms Chelfat interrupted submissions of counsel for the first defendant, she was shouting and, indeed, in my judgment, at one or more points screaming. Judge Baucher patiently said to her, "Would you please sit down?" on at least five occasions and also said to her, "Will you please stop shouting?" on several occasions, until there came a point when there was the following exchange:

"Judge Baucher: Yes, and I have told you I am not having you interrupting Mr Rowley. That is your last warning. If you interrupt again, you are going to be removed and I will carry on without you.

Ms Chelfat: You should be in trouble -

Judge Baucher: Yes.

Ms Chelfat: because you arguing things behind my back, okay?

Judge Baucher: Yes.

Ms Chelfat: Believe me, you will be in trouble. Your name will be published on the newspapers and everything."

34 Mr Rowley then attempted to resume his submissions and, according to the recording, Ms Chelfat said:

"Ms Chelfat: Take your CPR and read it.

Judge Baucher: Yes, you have just thrown the book at counsel, for the purpose of the transcript. Security, would you please remove Ms Chelfat?"

35 The hearing continued as follows:

"Ms Chelfat: No, I can't do that. Sorry, this is my hearing. This is my hearing.

Judge Baucher: No, you will be removed now.

Ms Chelfat: This is my hearing.

Judge Baucher: You have effectively committed a criminal offence by throwing an object at counsel which was given to you for the purposes----

Ms Chelfat: You're offending me. You're offending me.

Judge Baucher: Yes.

Ms Chelfat: Yes, I know you're the judge but you will see what will happen to you. Yes? You have killed so many people, you witch. Yes? She killed many people. She has killed. Where I-- you murderer, you. You killer. You old witch. You will see what will happen to you.

Judge Baucher: Yes.

Ms Chelfat: And when you see your name on newspapers, you old witch. You won't achieve anything with me like this. You are accusing me of criminal offence. How dare you. You bitch.

Male Voice: Calm down now.

Ms Chelfat: I told her.

Male Voice: Relax. Relax.

Ms Chelfat: I can't relax. I won't relax. I am a human being. How am I going to relax? I have told her not to (inaudible) last night."

36 I interpose that at this stage, in my judgment, Ms Chelfat was not merely shouting, but screaming:

"Male Voice: Walk.

Ms Chelfat: They talk about cases, yes? They talk about a restraint order.

Male Voice: Walk. Walk.

Ms Chelfat: What the fuck are they talking about? It's not-- nothing to do with you.

Male Voice: Come on, let's go.

Ms Chelfat: It's nothing to do with you, you bitch. Witch. You will see. You should be removed from there, you fucking witch and bitch."

37 Shortly thereafter, Ms Chelfat left the room and the hearing continued in her absence, Mr Rowley making submissions and Judge Baucher giving a judgment and dealing with costs. I did not cause the recording of that part of the hearing to be played, since Ms Chelfat was not present and she did not require that it be played. I gave her the opportunity to identify any part of the transcript, which goes on for another six pages or so, of the hearing in her absence which was relevant to this application, but there was no passage which was, in my judgment, relevant.

38 Ms Chelfat submitted that, in fact, the hearing continued beyond the point at which the transcript notes "End of audio" and that the hearing went on to deal with matters concerning the second defendant. Ms Chelfat submitted that I needed to hear the recording of that part of the hearing in order to determine this application. It does not seem to me that that part of the hearing, if there was one, was relevant to the issues which I have to decide. It took place after the alleged contempt and in the absence of Ms Chelfat.

39 Again, in relation to this hearing, Ms Chelfat submitted that she felt distressed, she felt victimised, and she felt that she did not have a voice and that was why her voice got higher. All the same, she said that she was not shouting. It is just the voice she used when she got upset and she was really stressed. To use her own words, "I was completely out of my mind and my body." Ms Chelfat's view is that:

“What they did to me amounted to a fraud and a conspiracy to defraud, and a criminal offence.”

40 As I have already noted, when it came to describing the judge as a murderer or a killer, Ms Chelfat said that she wanted to convey to her that she knew that the judge had hurt other people and that she was thinking that it was good for the judge to know what Ms Chelfat thought of her.

41 So I come back to the individual allegations in relation to the second hearing. The first is that Ms Chelfat called the judge a “witch” four times. Ms Chelfat accepted that she said that. The second is that Ms Chelfat called the judge a killer and murderer and accused her of killing people. Ms Chelfat accepted that she said that. The third is that she called the judge a “bitch” three times. Ms Chelfat accepted that she said that. The fourth is that she made threats against the judge (a) that she would see what would happen to her, and (b) that she will be in trouble, that her name will be published in the newspapers and everything, and that she will see her name in newspapers. Ms Chelfat accepted that she said those things and explained that what she meant was that she was going to complain about the judge. Fifth was that Ms Chelfat persistently refused to comply with the judge’s instructions as to when she should speak, when she should sit down, and allow other parties to make their submissions. Ms Chelfat accepted that she did that. The sixth was that Ms Chelfat refused to leave the court when ordered to do so and had to be removed by security staff. Ms Chelfat denies that and says that she did leave.

42 I find the first five allegations proved both as a matter of fact and in that they amounted to contempts of court. I am less than sure in relation to the sixth allegation, because, looking at the transcript, what Judge Baucher said after saying that Ms Chelfat had thrown the book at counsel was, “Security, would you please remove Ms Chelfat?” So there was not a point at which Ms Chelfat was ordered to leave the court before security staff were told to remove her.

43 The third hearing, as I said, took place on 20 May 2019 before HHJ Roberts. No issue arises with that part of the hearing which concerned submissions by the parties. The judge then went on to give judgment. Ms Chelfat interrupted the judgment and complained that what the judge was deciding was not right and was not fair, and in the course of doing so, Ms Chelfat was shouting, and indeed screaming, for instance:

“This is ridiculous what you are doing.”

44 The judge at the conclusion of his judgment struck out Ms Chelfat’s claim and declared that it was totally without merit. He then turned to consider costs. Ms Chelfat was again shouting and screaming, complaining that what was going on was not fair. Then she turned to say that:

“You’re all animals and hyenas and bloodsuckers.”

45 And she used the words:

“Fucking bitch.”

46 The judge ordered that she be escorted out of the courtroom, but Ms Chelfat resisted that, saying, for instance:

“I am going to stay here while you deal with the costs.”

47 During this period, after it had been made clear to her that she had to leave the courtroom, Ms Chelfat described the judge as “toxic” on two occasions. When the judge said, “You must leave,” she replied:

“No, you must leave, not me.”

48 She repeatedly said that she would not leave and, just before she did in fact leave, she added the words:

“By the way, I just know that you are racist. You are racist.”

49 The allegations in relation to this third hearing were as follows. First, that she shouted at the judge, accusing him of being unfair. I find that Ms Chelfat did, indeed, shout at the judge. That is apparent from the recording. She also accused him of being unfair. I am sure that it was a contempt of court for Ms Chelfat to shout at the judge. I do not conclude that it was a contempt of court to accuse him of being unfair. In principle, a submission that a particular way of proceeding is either fair or unfair is something which a litigant is able to make. The issue here was not with the substance of what was being said, but with the manner in which it was being said.

50 Secondly, the allegation is that Ms Chelfat shouted, “You are all animals, hyenas, bloodsuckers.” She accepts that she said that. I conclude that it was a contempt of court.

51 The third allegation is that she called counsel for the other party a “fucking bitch” and said, “You’re all sons of bitches.” Ms Chelfat agreed that she said that, but questioned whether it was directed at counsel for the other party. In my judgment, having listened to the recording, I am sure that it was and I also conclude that it was a contempt of court.

52 The fourth allegation was that Ms Chelfat accused the judge of being toxic and a racist. She accepted that she said those things. They were plainly contempts of court.

53 The fifth allegation was that she refused to leave the court when ordered to do so and had to be removed by security staff. Ms Chelfat did not accept that but, as I have said, it is clear from the recording that she said on a number of occasions that she was not going to leave the court and so I find that allegation proved as a matter of fact and I also find that it was a contempt of court.

THE APPLICANT: In face of court, or contempt of court?

MR JUSTICE LAVENDER:

54 All of the contempts of court which I have found today are contempts in the face of the court.

55 That concludes my judgment on the question of whether or not you were in contempt, Ms Chelfat. I have found that you were, save in a few limited respects, which I have identified as we have gone along.

**CERTIFICATE**

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IN THE COUNTY COURT AT CENTRAL LONDON

Royal Courts of Justice  
Strand  
London, WC2A 2LL



Wednesday, 2 October 2019

Before:

MR JUSTICE LAVENDER

BETWEEN:

ZEHOUR CHELFAT

Claimant

and

County Court Claim Number D00CL557

COMMISSIONER OF POLICE FOR THE METROPOLIS

Defendant

County Court Claim Number D02CL725

(1) HEATHROW AIRPORT LIMITED

(2) TUNISAIR UK

Defendants

County Court Claim Number E03CL350

(1) SWISS COTTAGE SURGERIES

(2) Ms KAREN McCLAY

(3) Dr PHILIP SMITH

Defendants

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Zehour Chelfat appeared in Person.

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**JUDGMENT**

**MR JUSTICE LAVENDER:**

- 1 Earlier today, I found that Zehour Chelfat was in contempt of court in respect of her conduct at three hearings before the County Court at Central London, in each of which she shouted and disrupted the hearing and abused the judge and/or the lawyers appearing in the proceedings. It is unnecessary to repeat everything which she said, which is set out in my judgment on the question of whether or not she was in contempt of court.
- 2 These are, each of them, serious matters. One understands that a litigant, particularly a litigant in person, may become upset, distressed or agitated in the course of a hearing and an occasional outburst and perhaps occasional bad language might be overlooked. However, in Ms Chelfat's case, what she said on each occasion went far, far beyond that. She exposed the judge and the other parties to the proceedings to treatment which they ought not to have to face and which the court should make clear in the strongest possible terms that litigants are not to engage in. Furthermore, not only was her conduct persistent within each hearing, but it was repeated from one hearing to another.
- 3 I have already dealt in my earlier judgment with her submissions that no one warned her that what she was doing constituted a contempt of court, that she did not appreciate that it was a contempt of court, and, indeed, she thought that she was immune in respect of anything which she said in court, even abusing the judge. Those matters provide little, if any, mitigation. Ms Chelfat certainly knew that what she was doing was being abusive and offensive, and offensive in particularly extreme terms on the facts of this case. The simple fact is that that is the way in which she behaves when she perceives that she is not getting what she wants.
- 4 I have conducted this hearing, at which Ms Chelfat has made lengthy submissions over the course of a day and a half, and, as a result of that, I do not accept her submission that it is unlikely that she would repeat this behaviour, nor am I impressed by the apology which she offered, which was in the following terms:

“I am sincerely sorry that I gave the opportunity to the solicitors and the judge to drag me to this point. I am sorry that I am the scapegoat.”
- 5 It seems to me that there is little, if any, insight on Ms Chelfat's part that the way in which she behaved was completely unacceptable. She continues to regard herself as the victim on each of these occasions and what she said as merely the natural outburst, as a product of human nature, of someone who has faced what she perceives to be unfairness, injustice, indifference, conspiracy to defraud, and so forth.
- 6 I indicated earlier today that I was prepared to adjourn this hearing for some considerable time to enable Ms Chelfat to obtain a medical report which might potentially provide material in mitigation. I indicated that I would be looking for a report which indicated both what condition, if any, she suffers from and that she is taking steps to obtain treatment for

that condition. At one stage, Ms Chelfat welcomed that proposal. However, I then went on to consider as a separate matter whether or not I should make a general civil restraint order in her case and I decided that I should do so. Her response to that was to indicate that she did not wish to put in a medical report and that she wished me to deal with sanction straightaway.

7 Consequently, I do not have the benefit of any medical evidence which might provide any mitigation for Ms Chelfat's conduct. However, she did tell me in the course of argument that some time ago, perhaps about ten years ago, in the context of family proceedings, a confidential medical report was prepared which said that she had paranoia and I am prepared to give some credit for the fact that it may well be that her conduct is in some way related to a mental health condition. Obviously, I cannot go too far in that respect because I have, as explained, no evidence.

8 The three hearings all took place in the County Court at Central London. These contempt proceedings were initiated, as I have said in my earlier judgment, by a notice issued by Edis J on transfer from the County Court at Central London. However, Carr J, at a directions hearing on 23 July, directed that the hearing would be heard by a High Court judge but treated as a County Court matter. Being faithful to that order, I have to have regard to the section of the County Courts Act 1984 which Ms Chelfat helpfully cited earlier today, that is to say section 118, subparagraph (1) of which provides as follows:

“(1) If any person—

- (a) wilfully insults a judge of the county court, or any juror or witness, or any officer of the court during his sitting or attendance in court, or in going to or returning from the court; or
- (b) wilfully interrupts the proceedings of the county court or otherwise misbehaves in court;

any officer of the court, with or without the assistance of any other person, may, by order of the judge, take the offender into custody and detain him until the rising of the court, and the judge may, if he thinks fit—

- (i) make an order committing the offender for a specified period not exceeding one month to prison; or
- (ii) impose upon the offender, for every offence, a fine of an amount not exceeding £2,500 or may both make such an order and impose such a fine.”

9 The nature of Ms Chelfat's contempts of court is such that it is clear to me that only an order committing her to prison would be an appropriate response to what she has done. Furthermore, I do not consider that this is a suitable case for suspending such an order. Were I hearing this matter in the High Court, I would order that she be committed to prison for a period of significantly longer than one month. However, I have to have regard to the limit imposed in County Court cases for contempts of this nature. I have not been able to find any authority which deals with the question whether the one month limit would apply to all three contempts at the three hearings generally, or whether I would have power to commit her for consecutive terms of up to one month for each of the three contempts at each of the three hearings. Giving Ms Chelfat the benefit of the doubt, therefore, I propose to

observe the limit of one month as if (without deciding that) it would apply to consecutive terms of committal.

- 10 So, for those reasons, the upshot is that it is my decision that for each of the three contempts, Ms Chelfat will be committed to prison for one month, but those three terms are to be served concurrently.

THE APPLICANT: May I, your Honour? What about my hearing at the High Court on 9 October?

MR JUSTICE LAVENDER: Well----

THE APPLICANT: How am I going to attend the court?

- 11 MR JUSTICE LAVENDER: You will be taken to prison. You will spend up to half of the term in prison. After that, you will be released. As to your subsequent hearing, arrangements will either be made for you to be produced at court from prison or the hearing can be adjourned. That is a matter for the judge dealing with that hearing.

THE APPLICANT: Yes, but how are the judges going to be aware that I'm----

MR JUSTICE LAVENDER: That information will be conveyed to the judge. Thank you very much.

- 12 Forgive me. It has been explained to me that, although the statute speaks in terms of months, for practical purposes it is convenient to express the committal period in terms of weeks. So instead of one month, it will be four weeks.

THE APPLICANT: Okay.

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