

Neutral Citation Number: [2017] EWHC 1437 (Fam)

Case No: FD16P000415

IN THE HIGH COURT OF JUSTICE

**FAMILY DIVISION**

Royal Courts of Justice

Strand, London, WC2A 2LL

Date: 26/05/2017

**Before**:

THE HONOURABLE MR JUSTICE MACDONALD

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**Between:**

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|  | **A Local Authority**  **-and-**  **HB**  **-and-**  **MB**  **-and-**  **ML and BL**  **(By their Children’s Guardian)** | Applicant  First Respondent  Second Respondent  Third and Fourth Respondents |

**Mr Oliver Jones** (instructed by the **Local Authority Solicitor**) for the **Applicant**

**Mr Christopher Barnes (**instructed by **Irvine Thanvi Natas Solicitors) for the First Respondent**

**The Second Respondent did not appear and was not represented**

**Ms Shabana Jaffar (**instructed by **CAFCASS) for the Third and Fourth Respondents**

Hearing dates: 2 and 3 May 2017

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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.

THE HONOURABLE MR JUSTICE MACDONALD

This judgment was delivered in private. The Judge has given permission for this anonymised version of the judgment (and any of the facts and matters contained in it) to be published on condition always that the names and the addresses of the parties and the children must not be published. For the avoidance of doubt, the strict prohibition on publishing the names and addresses of the parties and the children will continue to apply where that information has been obtained by using the contents of this judgment to discover information already in the public domain. All persons, including representatives of the media, must ensure that these conditions are strictly complied with. Failure to do so will be a contempt of court.

**Mr Justice MacDonald:**

INTRODUCTION

1. In this matter, I am concerned with the welfare of ML, aged 6, and BL, aged 3. The First Respondent, HB is the mother of the children. The Second Respondent, MB, also known as MM, is the father of the children. The father does not appear and is not represented at this hearing. He is believed to be in Syria and may have been killed there. The children’s interests are represented by their Children’s Guardian.
2. These proceedings are brought by the local authority. The applications before the court in respect of the children comprise an application for orders under the inherent jurisdiction of the High Court and an application for orders under Part IV of the Children Act 1989.
3. The circumstances by which these parallel applications came to be made are set out in my previous judgment in these proceedings, which judgment has the neutral citation *HB v A Local Authority & Anor (Wardship: Costs Funding Order)* [2017] EWHC 524 (Fam). The proceedings under the inherent jurisdiction were issued on 8 August 2016 on the stated grounds that “the mother is planning or attempting to travel to Syria with the children and that the children are at risk of being radicalised or involved in radicalising action”. The proceedings under Part IV of the Children Act 1989 were issued on 20 March 2017.
4. In summary, in this matter the local authority seeks findings against the mother that on one occasion she took the children to a town in Turkey close to the Syrian border, that on two occasions she has been stopped leaving the country with large sums of money, that she has sought take the children to Syria, that she has sought to provide funds to persons associated with the so called Islamic State, that she holds, and sympathises with extremist views and that, within this context, she has placed, and is likely to place her children at risk of significant harm. Whilst accepting that the mother’s care of the children is otherwise very good, the local authority seeks orders under the inherent jurisdiction to prevent the mother from removing the children from the jurisdiction of England and Wales for the remainder of their minority. It seeks no orders under Part IV of the Children Act 1989.
5. At the outset of these proceedings the mother contended that there were entirely innocent explanations in respect of her conduct and that the local authority’s case comprised nothing more than an assertion of guilt by association with a family member who does have established links to extremism and terrorism. Latterly, the mother has conceded that she has not, in fact, been fully frank with professionals and the court and has proffered an account of her trip to Turkey, and one subsequent attempt to travel to that country, centring on a desire to persuade the father to agree to return to England and meet his responsibilities towards his children. The mother continues, emphatically, to deny that it was ever her intention to take the children into Syria, to deny that she has sought to provide funds to persons associated with the so called Islamic State and to deny that she holds or sympathises with extremist views. Through Mr Barnes, the mother submits that the local authority’s case to the contrary is not proved and that the applications should be dismissed.
6. During the course of this final hearing I have heard evidence from PC Q, of the SO15 Counter-Terrorism Command Safeguarding Team, the previously allocated social worker, CN, the mother’s sister, JB, the mother and the Children’s Guardian. I also have before me two lever arch files of documentary evidence. It is, regrettably, necessary to set out the background to this matter in some detail.

BACKGROUND

*The Maternal Family*

1. The mother is a British citizen and holds a British passport. The maternal family, including the mother, fled from the civil war in Somalia to Yemen when the mother was 2 years old. Civil war in the Yemen caused the family to flee again when the mother was 7 years old, to the United Kingdom. The family, including the mother, claimed asylum in the United Kingdom. The mother is part of a large sibling group. The mother contends that her own father is particularly important to her (and this was clearly evident in the emotion she exhibited when she gave oral evidence) he having supported her in her education and in her professional ambitions, as well as supporting her as a single parent. Both the mother and her sister, JB, have achieved degree level qualifications. The mother is in secure employment and her sister is seeking employment.
2. One of the mother’s brothers, RB, was involved in terrorist activity prior to his death. The mother confirmed in evidence that she believes he was involved both with Al Shabab in Somalia and with Al Qaeda at certain points. In 2008 he was tried in relation to terrorism but found not guilty. At some point, subsequent to this, intelligence suggests that RB made his way to Syria and joined the so called Islamic State. Intelligence also suggests that RB was killed in Syria. The Police identified RB from pictures of deceased males on a Twitter account. The mother confirms that the family have seen “*hardcore*” confirmation of his death in the form of pictures of his body on YouTube, Twitter and Facebook. As a result of the activities of RB, the maternal family home has been the subject of Police raids on a number of occasions. Both the mother and her sister gave evidence that their father and RB would argue regularly as their father did not agree with his RB’s extremist views. The mother asserted that her father co-operated fully with the Police and professionals and that her father was moderate in his religious beliefs.
3. Another brother of the mother’s, SB and the partner of JB, TB were convicted, with others, of conspiracy to commit fraud. Whilst it is clear that there was much speculation at the time that the fraud was perpetrated to fund terrorism, this was never established as a fact during the criminal trial and no terrorism charges were laid within those criminal proceedings or subsequently. Although the previously allocated social worker CN contends in her statement that “*Despite not being convicted of an offence specifically related to terrorist activities, it is clear from the disclosure that there was evidence to link this money to fund terrorist activities and possible links to terrorist organisations*”, the “*evidence*” CN cites consists of speculation in the print media. In her oral evidence PC Q confirmed that no evidence linking the fraud to terrorism was led in the criminal trial, nor are the Police aware of any such evidence.
4. As I have already noted, the mother has repeatedly denied that she holds to a radical or extreme ideology. She accepts that her family has come to the attention of the Police because of RB’s activities and that the whole family has been affected by those activities. The mother however, emphatically rejects the local authority’s case that she shared RB’s ideology or was part of a family network of extremists.

*The Father*

1. The mother met the father (then also known as MM) through mutual friends. The parents underwent an Islamic marriage but did not live together. The mother contends that the father was aggressive towards her at times during the course of the marriage. There was an incident of domestic violence by the father against the mother in 2012 to which incident the Police were called and the father spoken to. At that point the father is recorded as giving his name as B. This tends to suggest that he was using this alias during the currency of the parents’ marriage. Following a period of separation consequent upon this incident, the parents reconciled. However, the relationship again deteriorated and the parents separated finally in 2013. The father maintained contact with the children.
2. The mother states that the father “*disappeared*” at the end of 2013. Records show that on 22 December 2013 the father left on a flight to Istanbul and there is no record of his return to the United Kingdom. The mother endeavoured to contact him via his mobile telephone to ascertain his whereabouts but the phone did not connect. When the mother enquired of the father’s family, the mother stated that the family initially did not know where he was. Intelligence suggests that the father has been in Syria since the end of 2013 and this belief was confirmed by Police at a Prevent Strategy Meeting that took place on 13 July 2016. I will come to the contact the mother had with the father subsequent to his departure from this jurisdiction later in this judgment.
3. Moving forward in the narrative, the mother states that in April 2015 she began to hear rumours that the father was dead. Within this context, the court has had cause to examine certain statements made by ML with respect to his father’s alleged death.
4. In May 2016 ML made a series of statements to his teacher regarding his father. The court has the benefit of the CAF Form on which the teacher recorded ML’s statements. A statement from the teacher in question, PP, also sets out the statements made by ML whilst on a school trip at approximately 1.30pm on 3 May 2016. PP makes clear she wrote down what ML had said immediately upon her return to the school. For reasons that will become apparent, it is important to set out the relevant contents of the referral verbatim:

“On the way back from [a school trip] ML told PP (Class Teacher): ‘My daddy has gone to Allah he got shot in his face and it’s all blood and stuff and now he is dead. He had guns in his car but he only shot the bad guys.’ The conversation went on that he went with ‘the boys’ to pray for daddy. PP talked to him about going to the Mosque and he said he is not in Jennah yet so they had been speaking about the process of dying. PP spoke to him about being sad (to gauge his response) he said no ‘they see his picture on a computer’. He repeated the conversation about guns and was talking about the guns being in the car not on the car. He talked more about Jennah being a good place where you can get everything you want.”

1. I pause to note that it is plain from her statement that PP’s main concern was that ML’s father had died and to gauge how upset ML was about this. It is further clear from her statement and the CAF Form that PP did not at any point articulate a concern that ML had seen a picture of his dead father. Indeed, it is plain on the face of the recording that at no point did ML say he had seen a picture of his father shot in the face and covered with blood. The reference to his father being dead and the reference to seeing pictures of his father are two separate parts of the conversation, the latter reference to seeing a picture of his father on the computer being made by ML to explain why he was *not* sad.
2. Within this context, and very unfortunately, the manner in which this referral was handled by the then allocated social worker, CN, failed to adhere to good practice when investigating a statement made by a child during the course of a child protection investigation. These failures have, I am satisfied, led to the social worker misinterpreting ML’s statements and attaching to them misplaced and unjustified forensic weight. I am further satisfied that this in turn led PC Q into error and to exaggerate in her statement the forensic significance of ML’s statements.
3. These mistakes are first evident in the first statement of DN dated 8 August 2016 but have their genesis in a Prevent Strategy Meeting on 13 July 2016. They were thereafter perpetuated during a visit to the family home on 20 July 2016 by CN. CN’s visit of 20 July 2016 is detailed in her statement dated 19 August 2016. I pause to note that, whilst in her statement CN criticises the mother on the grounds that two letters were sent to the mother informing her of social work visits on 24 May 2016 and on the 1 June 2016 but that the mother failed to respond, exhibited to the mother’s first statement is a letter from CN in which CN apologises sincerely for not keeping the appointment on 24 May 2016.
4. As I have noted, the Prevent Strategy Meeting was held on 13 July 2016. Significantly, PP was not in attendance. Within this context, the Chair of the meeting, ER, is recorded as saying during the summary of concerns that “*It is also reasonable to be concerned about a 5-year-old child being exposed to inappropriate and distressing images*”. For the reasons I have already set out, it is clear from the account set out by PP in the CAF Form that ML had not stated that he had been exposed to inappropriate and distressing images. ER’s summary appears either to assume that when speaking of his father’s death ML is describing something he has seen (rather than heard or, indeed, misheard) or to conflate the two statements made by ML and assume his latter statement regarding a picture on a computer relates to his former statement concerning his father’s death.
5. On 20 July 2016 CN sought to explore with the mother the statements made by ML at school. CN’s statement records that mother opined that ML was conflating his father’s absence with the death of RB. CN recorded that “*At this time [the mother] explained that she was of the view that ML was confusing the death of his uncle with his father’s absence*.” In her first statement the mother confirms her belief that in making the statements he did, ML was confusing the death of his uncle with his father’s absence, stating that when RB died the family explained his death to the children of the family in an age appropriate manner. In her oral evidence the mother stated that ML had been told that RB had “*gone to Allah*”.
6. Without any apparent forethought, and without planning what questions she intended to ask, CN proceeded to question ML regarding the statements he had made at school. It was clear from her oral evidence that this questioning failed to comply with good practice when interviewing children. When cross examined by Mr Barnes, CN accepted that the CAF Form indicates that at no point had ML stated he had *seen* his dead father, whether in an image or otherwise. Within this context, CN’s note of her visit to ML states as follows:

“When asked to speak to ML [the mother] agreed and called him over, however she remained with us. I told ML I was here to speak to him about the conversation he had with ‘Y’ his friend from school. When asked whether he remembered the conversation, ML nodded his head. I asked ML, did you see someone dead? He again nodded, I asked again whether it was uncle or daddy, ML replied ‘daddy’ did you see blood, he replied ‘no’. When asked where did he see daddy, ML started looking at his mother’s direction and mother and said ‘I don’t know’. I then decided to stop the discussion as he appeared to be looking at his mother constantly and told him he can go.”

1. Within this context, CN concludes in her statement that “*During my discussion with ML was also able to confirm that it was his dead father he saw in the image not his uncle as his mother had told me*”. There are however, real difficulties with this conclusion.
2. First, ML’s confirmation that it was his dead father he saw came in response to a question that contained the explicit assumption that ML had *seen* a dead body, notwithstanding that this was not what ML had stated to PP. As can be seen from the account from the CAF Form set out above, it is clear on the face of the referral, and as CN accepted in cross-examination, that ML had not claimed at school to have *seen* his dead father, whether in an image or otherwise. By adopting the formulation from the Prevent Strategy Meeting rather than carefully using the terms of the referral I am satisfied, and Mr Jones on behalf of the local authority now concedes, that it was CN who introduced to ML the idea that he had *seen* someone dead by asking him a question that contained that assumption. CN goes on to compound her error by then giving ML only a binary choice of who he saw dead, namely his father or his uncle, rather than asking the open question “who?”. This notwithstanding that the mother had made clear to CN her belief that ML may have confused his uncle’s death and his father’s absence. Finally, and in any event, at no point during their exchange as recorded by CN did ML say he had seen an image of his dead father. Further, when pressed he was not able to say “where” he saw his father and he denied seeing a key element of the statement he made to PP, namely the presence of blood. Indeed, on another home visit by CN on 12 August 2016 ML denied having seen pictures of his father and the *mother* reminded him she had seen images of his father on the mother’s phone and iPad. CN confirms that during a further visit on 17 August 2016 the mother showed her the old photos of the father on her iPad that she would share with ML.
3. The second difficulty with CN’s conclusion that “*During my discussion with ML was also able to confirm that it was his dead father he saw in the image not his uncle as his mother had told me*” is that, for the reasons I have already set out, it is clear from CN’s own statement that the mother had not at *any* point told CN that ML had seen an image of his dead uncle and that this is what had caused the confusion. It is clear on CN’s own statement that the mother had told her “*ML was confusing the death of his uncle with his father’s absence*”. Indeed, CN recalls on further and repeated occasions in her statement the mother as saying that her only explanation for what ML said was “*that ML has been confused by the explanation she gave him regarding her own brother’s death*”. On 12 and 17 August 2016, the mother repeated that her only explanation was that he was confused by the explanation the mother gave of her brother’s death. There was again no mention of a picture of RB being shown to ML. The mother contends in her own statement that she would never show a child an image of a dead body, let alone her own child. There is no cogent evidence before the court that she did so.
4. In these circumstances, it is a matter of some concern that CN felt able to conclude in her statement that “*From my conversations with ML, and his demeanour, it is my opinion that he has been exposed to the images he described in detail to PP*”. At no point had ML described “*in detail*” to PP “*images*” of his dead father. It is also of note that CN has by this stage moved to referring to “*images*” plural. Indeed, the lack of forensic care exhibited by CN continues in that by the end of her statement of 19 August 2016 she has started to refer to the “*video he described to PP*”. Whilst in her updating statement dated 3 October 2016 CN stated that the mother “*still has no credible account for the disclosures that ML made to his school teaching (sic) about seeing his father or these images*” it is plain for the reasons I have set out that ML said no such thing and that it was CN herselfwho introduced to ML the idea that he had seen images of his dead father during a series of questions that failed to pay proper regard to the guidance and good practice on questioning children.
5. However, matters do not rest there. By the time PC Q comes to deal with this issue in her statement dated 22 August 2016, the allegation has departed even further from the statements made by ML to his teacher and has become even more exaggerated. In her statement PC Q asserts that ML has admitted to a teacher that he has:

“viewed disturbing images of person(s) being shot, covered in blood, of guns and so on with the explicit permission or encouragement of [the mother]”

and that:

“[The mother] has told the social worker that ML had seen imagery not of his father but of his uncle in the circumstances described above”.

1. These statements not only constitute a perpetuation of CN’s mistakes regarding what ML had in fact said to his teacher, and regarding what the mother had said by way of explanation for ML’s statements, but are also in any event a marked exaggeration of the conclusions CN had drawn. At no point had CN spoken of “*explicit permission and encouragement*” on the part of the mother nor is there any evidence of the same. I bear in mind that PC Q was not cross-examined on this point. However, on the face of it this is another example of a distinct lack of forensic rigour. That lack of forensic rigour by CN and PC Q sees ML’s statements to his teacher that his father is dead but that he is not sad because he sees his picture on the computer evolve into an assertion that the mother has given ML explicit permission to view a graphic depiction of his father’s bloodied dead body and had encouraged him to do so.
2. In light of the foregoing matters, at the conclusion of the evidence the local authority, very sensibly, abandoned the finding it sought that the mother had exposed ML to extremist material. It is plain that ML did make the statements that he did to PP. However, whilst it must be a matter of concern that ML has articulated what he considers to be the circumstances of his father’s death in the terms he used with PP, by reason of the deficiencies that I have set out above, the evidence before the court is simply not sufficiently credible to allow the court safely to make the finding sought by the local authority on the balance of probabilities.

*The First Trip to Turkey*

1. Returning to the background of this matter, in August 2014 the mother travelled to Turkey with her children for a period of one month. On the final day of her trip it is alleged by the local authority that she travelled to Gaziantep via an internal flight, returning on the same day. Gaziantep is a town known to be associated with transit into Syria, being some 40 miles from the border and is a location which, as at September 2014, the Foreign & Commonwealth Office cautioned against visiting unless absolutely necessary.
2. In her original statement filed in these proceedings the mother does not mention this first trip to Turkey at all and accepts that she sought to withhold it from professionals. When she was stopped at Stanstead Airport on 15 September 2014 she conceded that she had recently travelled to Turkey but stated that she had not met anyone in that country.
3. In her second statement filed in these proceedings the mother gives a very different account. She describes being in an emotionally difficult situation after RB had left and the pressures of studying and being a single mother with two children, worried about how she would support and look after them. She also further describes learning in around May 2014 that the father had travelled abroad and was possibly in Syria and that ML would often ask where his father was. In relating these matters in oral evidence, the mother reiterated how important she considered her relationship with her own father and that she desired the same for her children with their father. The mother stated that she was upset that she did not have an answer for her children when they asked about him.
4. Within this context the mother, who stated she had heard stories of families successfully recovering relatives from Syria by travelling to Turkey and persuading them to come home and feeling that the father should be in England meeting his responsibilities to his children, asserts that she determined to locate the father and persuade him to return home. Eventually, the mother says, her enquiries garnered a telephone number from a member of her community but this number rang out. At this point, the mother states she decided to travel to Turkey in the time between two of her courses in August 2014. The mother asserts that her plan was to travel for one month in an effort to find the father and persuade him to return, taking the opportunity to have a holiday at the same time. The mother booked a hotel room in Istanbul for one month and flew to Istanbul with the children. Once in Istanbul the mother says she kept trying the telephone number she had obtained in England, which number was eventually answered. The mother states that she was asked to describe the father, told to discard her sim card and purchase a TurkTech simcard. When she heard nothing further the mother phoned the number again and was told to keep the TurkTech simcard and wait.
5. The mother states that she eventually received a telephone call from the father. She states that he was shocked and overwhelmed that she and the children were in Turkey. The mother said that the father asked her to meet him Syria but contends that she adamantly refused to cross the border. The father stated he could not travel to Istanbul. Ultimately, the father proposed that they meet in Gaziantep. On behalf of the mother, Mr Barnes emphasises the mother’s evidence that she refused the father’s request to meet in Syria.
6. The mother and the children travelled to Gaziantep by coach on 2 September 2016, arriving at 10pm. The father was not there, so they waited. The father arrived at 3am on 3 September 2016. In her statement the mother describes a short meeting with the father in the small hours. The mother describes being emotional and angry at the father for leaving her to bring up two small children. The father in turn was vocal about how difficult it had been for him to reach Gaziantep. The mother states that she asked him why he was in Syria but that he refused to answer. The mother contends that she tried to persuade the father to return to the United Kingdom, telling him that he was robbing the children of a father. The mother contends that the father said he felt “*stuck*” in the position he was in. The mother felt that the father wanted to come home (in the sense that it “*was not something he was saying he did not want to do at all*”) but could not. Ultimately the father refused to return and the mother felt she did not have the time to persuade him. The mother and the children left Gaziantep and took a flight back to Istanbul, the mother stating that she did not wish to endure another long coach trip. On behalf of the mother, Mr Barnes emphasises the fact that the mother did not return to Syria with the father notwithstanding the fact that the father had asked her to meet him there and that she and the children were within 40 miles of the border.
7. With respect to the mother’s return journey to Istanbul by way of an internal flight from Gaziantep to Istanbul, the local authority rely on a discrepancy between the mother’s evidence that she paid for this flight in cash (using Turkish Lira and British pounds) and the booking paperwork for the flight that indicates that the flight was paid for by way of a credit card. The local authority alleges that the mother is lying about using cash to purchase the flights in order to cover up the fact that she gave money she had with her to the father, the local authority alleging that the purposes of the mother’s trip to Gaziantep was to meet with, or deliver items and funds to persons based in Syria. From this, the local authority also extrapolates its allegation that money found on the mother on her later attempt to travel to Turkey in September 2014, and on her attempt to travel to Dubai in August 2016 was intended for the father or other extremists. For her part, the mother maintains that she paid for the flights in cash, stating she does not own a credit card and asserting that the initials of the owner of the card on the booking paperwork are not hers. The mother returned to the United Kingdom with the children on 3 September 2014.

*The Attempted Second Trip to Turkey*

1. On 15 September 2014, the mother was stopped by Police at Stanstead Airport pursuant to the powers under Schedule 7 of the Terrorism Act 2000 as she prepared to depart to Istanbul with the children. A s 7 examination was carried out to establish whether the mother was concerned in the commission, preparation or instigation of an act of terrorism. The examination revealed that the mother had no accommodation booked and that, whilst she had originally booked return tickets for herself and the children, that booking had been changed and at that point the mother and the children had no return tickets (the Police disclosure indicates that the mother booked a flight from Stansted to Istanbul for 15 September 2014 with an additional flight from Istanbul to Stanstead on 7 October 2014 but that this latter fight was subsequently deleted 14 minutes later). The mother denied that she was planning to meet anyone and stated that she would arrange accommodation on arrival in Istanbul.
2. The examination revealed that the mother was carrying four envelopes containing cash (two in her handbag and two in the sleeves of the children’s coats in her luggage) in the sum of £5,950 (although elsewhere the sum is said to be £4,900). Once again, I pause to note that CN misreports these facts in her statement, contending in respect of the mother that “*She did not explain why so much cash had been found sewn into the children’s clothes*”. It is clear from the statement of the Police Officer who conducted the search at the airport that this is an exaggeration, the Police officer describing the money being “*concealed*” within the arm of the clothes. Once again, it is of concern that the social worker misreports this evidence. When questioned further about the money, the mother gave an accurate account of the amount present. Thereafter the mother gave a no comment interview in relation to the money, which was seized. The local authority contends that the funds found on the mother were for extremists in Syria and that the mother did not dispute the forfeiture of the money as she could not justify its lawful return. The evidence demonstrates that the mother did in fact, initially, contest the forfeiture of those funds but dropped her opposition having taken legal advice and in circumstances where legal aid was not available.
3. The examination also revealed other items in the mother’s possession. The mother had with her certified copies of the children’s birth certificates. The mother also had with her a picture of the father, with the name ‘B’ written on the back of it, in a make-up bag. The Police officer who carried out the s 7 examination states that when questioned about the picture, the mother said it was a picture of the children’s father, that she did not know it was in the bag and that the make-up bag was her sisters. In her oral evidence the mother disputed that she had said it was her sister’s make-up bag and stated she had said it was her, the mother’s, make-up bag. The Police officer also states that the mother said she did not know what ‘B’ meant as the father was not known by that name. The mother conceded during her oral evidence that this was a lie told in an attempt to hide the fact that she was intending to meet the father again in a further effort to persuade him to return to the United Kingdom. On the media devices in the mother’s possession were photographs of documents identifying the father. The mother contends that these were pictures that the father had sent her in the past. The mother’s luggage also contained men’s trainers, which the mother stated she intended to sell in Turkey. Again, the mother now concedes that this was a lie and that the trainers were for the father, whom she described as looking in “*a bad way*” when she had seen him in Gaziantep. She also had with her a spare phone. The mother contends that she intended to again purchase another TurkTech sim to place in this phone. The mother’s attempt to travel to Turkey was noted to have commenced after ML should have started the school term. The suitcases in the possession of the mother contained women’s and children’s clothing.
4. Mother was questioned during the s 7 examination as to her views on the political and religious situation in Iraq and Syria. Statement of officer says:

“HB was asked about her views of the political / religious affairs going on in Iraq and Syria. HB stated that there are different groups fighting in Syria and they should be left alone. The UN should be the only organisation to go in if needed instead of the US interfering. When asked about ISIS HB stated that they were cruel and Britain should intervene. She didn’t know how other Muslims could get involved and said that she was anti ISIS. HB said that she had no plans to go to Syria or Iraq. She didn’t have enough knowledge to get involved and she did not know of anyone who had gone to that area. HB did say she had donated money to aid convoys that had gone to Syria and Iraq to help out with the crisis. HB said she had not been asked to go to these countries. HB did say that some people living in her area had borderline extremist views.”

1. Following the examination, at Stanstead the mother was arrested on 16 September 2014 but released from bail without charge on 26 February 2015. She has not been charged with any terror related offences as a result of the stop or otherwise.
2. The mother does deal in her first statement in these proceedings with her attempt to travel to Turkey in September 2014. In that statement the mother claimed that the trip was a planned holiday based on her needing a break and people she knew talking about it being a good holiday destination. By way of explanation for taking ML out of school the mother states that the tickets were cheaper in term time. The mother otherwise gives a broadly accurate account of the s 7 examination undertaken, including her arrest pursuant to s 16 of the Terrorism Act 2002 on suspicion of funding terrorism.
3. Once again, the mother gives a very different account in her second statement of the purpose of her attempt to travel to Turkey. The mother states that, following her return from Turkey in early September 2014, the father contacted her by telephone again and that, after a number of such telephone calls, she realised that the father “*really did want to come back to the UK and be with us as a family again*”. The mother states that she purchased a Lyca mobile sim and gave the father the number. The local authority did not seek to challenge the mother’s evidence that, prior to her attempt to travel again to Turkey, she was in telephone contact with the father, nor the contents of those calls, namely that the mother was seeking to persuade the father to return to the children and that she considered he wanted this. The mother states that, as a result of these telephone conversations, she formed the view in her mind that the best way to make sure that the father did not change his mind, and the best way to persuade him to return home, was to visit him again in Turkey with the children.
4. The mother contends that the attempted trip to Turkey in September 2014 was not the subject of any advanced planning. She states that she decided to travel on 15 September 2014, ML’s birthday, after becoming again upset about the fact that the father would not be there for ML. During her oral evidence, the mother said that she told one of her sisters, KB, of her plans, including her plan to persuade the father to return, and that there was some discussion over whether that sister would be able to care for the children in her absence. I note that the statement from the officer who conducted the s 7 examination confirms that the mother told the officer that “*she booked the trip herself and had only spoken to one of her sisters about the holiday*”. This tends to corroborate the mother’s account, although no attempt was made by the mother to file a statement from the sister in question.
5. The mother states that she took with her large quantities of cash because a lot of places in Turkey did not accept debit or credit cards and in any event she only had a debit card. With respect to the father returning to the United Kingdom, the mother stated that she assumed her would be able to come back on the same documentation he had left on, he having indefinite leave to remain in the United Kingdom. Whilst the mother contends that they were old pictures, I have had cause to consider whether the documents the mother had on her electronic devices identifying the father were in order to aid in his transit back into the United Kingdom by way of proof of his identity should he have agreed to return with her. The mother however, remained firm in her assertion that the pictures were historic.
6. Following the mother being stopped at Stanstead Airport, she asserts that the father continued to contact her up until November or December 2014 but, whilst apologetic, was not “*at all assertive*” about coming home. The mother states that eventually she determined to move on with her life and got rid of the Lyca mobile.
7. The local authority alleges that the mother’s attempt to travel to Turkey in September 2014 was for the purpose of meeting with, or delivering items or funds to persons based in Syria and/or to move with the children to live with the father in Syria. The local authority relies on the fact that the mother cancelled her return flights after booking them, that the tickets were booked at the last minute, that no accommodation was booked and the fact mother had with her a large amount of money, the children’s birth certificates with them together with pictures of the father and items for him.
8. It is important to note that the local authority was aware of all these matters in September 2014 and undertook an assessment of the mother and the children in consequence of them following her being stopped at Stanstead Airport. The conclusion of that assessment was that no further action would be taken in circumstances where there were no concerns in respect of the mother’s parenting. In particular, the assessment by the local authority that was commenced on 19 September 2014 as a result of a referral made on 17 September 2014, and concluded on 24 October 2014, contains the following conclusions (drawn at a time when the local authority was not aware that the mother had met the father on the first trip to Turkey in August 2014):

“This assessment has evidenced that the day to day care that ML and BL receive is very positive and that the children are developing well and are healthy. The specific concerns which have arisen through referral and the course of this assessment are twofold in that the children may be exposed to extremism or radicalisation or that [the mother] may have intended to take to and feasibly leave the children with family in Syria or any other[s that] are linked with extremism and radicalisation within the locality of Turkey.

There is at present no evidence that the children have come into direct contact with extreme or radical views. If at a later date it becomes apparent that this has occurred through, for example, a conviction for attempting to fund terrorism then this is still not an issue which can be considered Child in Need or Child Protection. There would only be concern warranting a children’s services response if there were evidence of violent radicalisation. This is highly unlikely to be a concern for the children at there (*sic*) current ages and there is furthermore no evidence of this occurring.

In consideration of the children being taken to a dangerous area of the world or being left abroad in their father’s care there is also no specific evidence of this concern. Firstly, [the mother] took the children to Turkey through the summer holidays just prior to her arrest. [The mother] returned with the children from this trip suggesting no intention of leaving them abroad. Second [the mother] has at this time not been convicted of funding terrorism making this a concern but not evidence of a crime. Furthermore, [the mother] has repeatedly denied in interviews with myself any radical or extreme views or that the father of the children is involved with extremism abroad.

In conclusion whilst it has been prudent to conduct a thorough risk assessment of these concerns which are quite few within the field of Child Protection this assessment has found no ongoing concerns to warrant Child in Need or Child Protection involvement. Therefore my recommendation at present is for no further action and to close.”

*The Attempted Trip to Dubai*

1. On 5 August 2016 the mother and the children were removed from a flight to Amsterdam by SO15 officers, along with her sister JB and her the children and another brother, LB, at London City Airport. They were intending to travel to Amsterdam with an onward connecting flight to Dubai. All three adults were interviewed under Schedule 7 of the Terrorism Act 2000. The mother was in possession of three bundles of cash consisting of £1000 in each bundle. The cashier stamps on two of the bundles were dated 12 December 2014 and on the other bundle 14 April 2015. The cash was seized pursuant to the provisions of the Proceeds of Crime Act 2002. JB was carrying £2000 in cash in £50 notes, which she contended she had saved from her benefits. £1,700 was seized from JB pursuant to the provisions of the Proceeds of Crime Act 2002.
2. During the course of the s 7 examination the mother told the Police she had booked the trip on 30 July 2016 and that the other family members travelling had booked earlier. She stated that she funded the trip from employment, savings and a bursary for her course. It is apparent that the mother freely stated that she had been stopped and had money seized in the past. The mother was again questioned about her political beliefs. Whilst the record of the account is in note form, it is apparent that she disclosed that her father was recently in Somalia for the first time in many years and there appears to have been some discussion of Al Shabab. The mother stated she did not wish to travel to Somalia. The mother stated she was avoiding transiting in Turkey due to the coup in that country and that she “*doesn’t think much to the IS threat*”.
3. It is apparent that the Police had concerns following the s 7 examination. In particular, they appear to have been concerned about the route to Dubai via Amsterdam leaving from a smaller, quieter airport and suspicious about the late booking. The children were placed under police protection pursuant to s 46 of the Children Act 1989. On 5 August 2016, the local authority applied for orders under the inherent jurisdiction and Roberts J made the children wards of court and made passport orders in respect of the passports of the children and the mother. The Local authority now alleges the mother intended to travel to Syria on 5 August 2016 with the children and that the funds she had with her were intended for extremists in that theatre of war.
4. In her first statement the mother sets out the details of what she contends was a planned holiday in Dubai, contending that she had initially been reluctant to attend as a single mother with her children but had been persuaded to do so by other members of her family. The mother states that ML’s passport had run out and that JB needed to get a passport for her son. The mother states that she paid for ‘Fast Track’ to expedite ML’s passport. The children’s passports confirm this account. The mother states that nearly thirty adult members of the family were planning to go to Dubai and exhibits to her statement records from a family WhatsApp group which evidences discussions regarding the holiday. I note that they include some discussion of the costs of the trip, including the family contemplating hiring a crewed yacht at considerable expense. The mother states that she knew would be stopped at airport due to the families’ history and because a sister and her mother had recently stopped. In the court bundle are papers confirming the hotel booking and car hire for 16 days. The mother states that by 31 August 2016 all the members of her family who had travelled to Dubai had returned to the United Kingdom.
5. The court also has before it a statement from a niece of the mother, NN, confirming that six families within the mother’s extended family travelled and that both the mother and her sister were due to travel. The statement exhibits holiday photographs of the remaining family members on holiday in Dubai. She confirms that twenty-four adults and twenty-eight children travelled. The contents of that statement were not challenged by the local authority.
6. An email in the bundle detailing liaison between a Police officer at City Airport and the local authority on 5 August 2016 makes clear that following the removal of the mother, her sister and her brother from the aircraft the Police were shown an email confirming hotel bookings and car hire and that the suitcases inspected were all packed in a manner consistent with the account given of a family holiday. The email goes on to state “*The Police are satisfied that the money is for the intended holiday but they are still investigating*”. The email confirms that the explanation for delay in the mother and her sister booking the trip was that their children’s passports were awaited and that this was born out by dates of issue on the children’s passports. A statement from PC Q confirms that the SO15 Intelligence Team consider that there is no data that suggests Dubai is a significant transit route for British nationals seeking to travel to Syria.
7. PC Q has also filed a statement confirming that the Police have determined that the monies seized from the mother on 5 August 2016 should be returned to her. PC Q states that further enquiries have confirmed the sources of the funds as those the mother asserted, namely savings from her benefits, student loans and regular income. The Police have further confirmed that no fraudulent claims have been made and that the mother did not breach any HMRC rules in attempting to take the money out of the jurisdiction. In the circumstances, PC Q confirms that confiscation proceedings have been discontinued and that the money will be returned.
8. It is also clear from the evidence of the local authority that, during the home visit by CN on 20 July 2016, the mother informed the social worker that she intended to travel to Dubai but that the date of departure was not yet set as she was waiting for ML’s new passport. CN in turn informed the Safeguarding Team with the result that the mother’s intention to travel was relayed at a Channel Panel meeting on 28 July 2016. The mother made clear to CN that she intended to travel to Dubai with members of her extended family for a holiday. CN advised the mother that she would be stopped by the Police if she attempted to travel. In the circumstances, it is apparent that the mother did not try to disguise her intended trip with the children from professionals but rather disclosed voluntarily her intention in respect of the same.
9. Finally, following the stop on 5 August 2016 the local authority also issued proceedings in respect of the children of the mother’s sister, JB. In April 2017, I gave the local authority permission to withdraw those proceedings after the local authority elected to discontinue the same. Certain of the statements from those proceedings have been included in the bundle in these proceedings. In particular, I note that the social worker dealing with JB’s case considered that the cash JB had in her possession was a reasonable amount of money to take for a holiday in Dubai of 19 nights. Further, having investigated for herself, the social worker for JB confirmed that the London-Amsterdam-Dubai route was, as contended by the mother and her sister, a cheaper route than a direct flight to Dubai.

*Alleged Radicalisation and/or Extremist Views*

1. Whilst the local authority relies on the mother’s trip to Turkey in August 2014 and her attempted trips to Turkey in September 2015 and Dubai in August 2016 and the circumstances surrounding the same as evidence of radicalisation, the local authority concedes that it can point to no other evidence that the mother has been radicalised or holds extremist views.
2. In respect of the allegation that she has been radicalised and/or holds to an extremist ideology and is sympathetic to the so-called Islamic State, in her second statement the mother says as follows:

“It is important for me to make my position clear about what I think about extremism and extremist groups. I do not agree with ISIS or groups that use violence to further their political objectives. I have seen on the news what ISIS do and I do not agree with them at all. In particular, I am aware the inferior way that ISIS treat women which goes against the way of life that I live. Whilst it is now very clear what the position is with ISIS it should be noted that ISIS was proscribed as a terrorist organisation on 13 June 2014. At that time I knew very little about them. In addition, I understand that there were many other groups fighting in the Syrian civil war and most of those organisations are not proscribed as terrorist organisations by the United Kingdom. Despite my lack of knowledge about ISIS at the time I did not support them nor did I support people travelling to Syria to fight in the civil war with or for any group.”

1. The mother seeks to emphasise her ties to the United Kingdom, including the fact that she has resided here since she was granted asylum as a child, that she is a single mother working in a job she loves, that she and the children have a firmly established, stable home in the United Kingdom, a very close extended family, including her elderly parents, and that the children are settled in education and have a close relationship with their extended family. In her oral evidence, the mother emphasised the support she had received from her father to pursue education and employment and the support she receives from her family as a single mother.

SUBMISSIONS

*The Local Authority*

1. The local authority submits that within the foregoing context, the findings of fact set out in its extensive Schedule of Findings are proved on the balance of probabilities. As I have already noted, the local authority no longer pursues a finding with respect to ML being shown extremist material. The findings sought by the local authority in its Schedule of Findings can properly be summarised as follows:
   1. Between 3 August 2014 and 3 September 2014 the mother travelled to Turkey with the children and whilst there travelled to Gaziantep and back on 3 September 2014, a town 40 miles from the Syrian border, the fact of which journey she withheld from Police and social workers.
   2. The trip to Turkey between 3 August 2014 and 3 September 2014, including the journey to Gaziantep, was in order to provide funds and items to the father or persons associated with the so called Islamic State.
   3. On 15 September 2016, the mother attempted to travel to Turkey with the children via Stanstead Airport carrying £5,950, trainers matching the father’s shoe size, a photograph of the father and electronic copies of the father’s identity documents and certified copies of the children’s birth certificates, on a one-way ticket, having cancelled the return flights originally booked for this journey.
   4. The attempted trip to Turkey on 15 September 2014 was for the purpose of providing funds and items to the father or persons associated with the so called Islamic State and/or to move herself and the children to Syria to be with the father.
   5. On 5 August 2016, the mother was removed with her children, her sister and her brother from a flight to Dubai from London City Airport and was found to be carrying £3,300 in cash, her sister having been found to be carrying £2,000 and her brother £2,700.
   6. The attempted trip to Dubai on 5 August 2016 was to provide funds to persons associated with extremism and/or to move herself and the children to Syria to be with the father.
   7. In circumstances where the mother’s brother, RB was an extremist fighting in Syria prior to his death, and the children’s father is believed to be fighting in Syria or to have been killed fighting in Syria, the mother is part of a family network of “ISIS extremists” and sympathisers.
   8. The mother sympathises with extremist views and the so called Islamic State.
   9. In the absence of orders, the mother will continue to seek to travel to areas of the world associated with, or close to “*large scale extremist activities*” and in doing so will place the children at risk of significant harm.
2. It is clear from the statement of social worker, FN, that the local authority adopts the following definition of “*radicalisation*” (which I note is not the most up to date definition as contained in the revised ‘Prevent’ Duty Guidance entitled *‘Prevent’ Duty’ Guidance for England and Wales: Guidance for Specified Authorities in England and Wales on the Duty in the Counter-Terrorism and Security Act 2015* published on 16 July 2015):

“A process by which an individual or group comes to adopt increasingly extreme political, social or religious ideals and aspirations that reject or undermine the status quo or undermine contemporary ideas and expressions of freedom of choice”

And the following definition of “*extremism*”:

“The vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs.”

1. In seeking to make good its case, the local authority invites the court to draw inferences from the fact of the mother’s trip to Turkey in August 2014 and her attempted trip to Turkey in September 2014 and to Dubai in August 2016. The local authority contends that the mother lied to cover up the trip to Gaziantep in September 2014 because her activities were illicit, namely meeting with extremists or providing funds or items to them. The local authority further alleges that the mother lied about her intention to try to meet the father again in September 2014 because she intended to provide funds or items to extremists and/or join the father in Syria with the children. The local authority invites the court to conclude that the mother ultimately consented to the forfeiture of the money seized on 15 September 2015 because she could not justify its lawful return. Finally, the local authority invites the court to draw an inference from the fact that the mother is a member of a family that has been associated with extremism and terrorist activity and has a husband who has also been so associated.
2. With respect to the disposal of this matter, the local authority submits that, if the court finds the local authority’s allegations to be made out, the court should continue the orders currently in place to prevent the children being removed from the jurisdiction of England and Wales and that those orders should continue for the remainder of their respective minorities.

*The Mother*

1. The mother now concedes that she lied to both professionals and to this court regarding the purpose of her trip to Turkey in August 2014 and her attempted return to Turkey in September 2014. As I have noted, the mother now contends that her trip to Turkey, and one subsequent attempt to travel to that country, was in order to persuade the father to return from Syria to England, that attempt being driven by a desire to ensure the children had their father in their lives in England. Mr Barnes submits on behalf of the mother that these actions were naïve and misguided and are evidence of human frailty rather than evidence of radicalisation or sympathy with an extremist cause. The mother acknowledges that her admitted lies now make it more difficult for the court to believe her subsequent account of events.
2. As I have noted, the mother continues, emphatically, to deny that it was ever her intention to take the children into Syria during her trip and attempted trip to Turkey in 2014. She continues to deny that the attempted trip to Dubai was anything other than a holiday. The mother also denies, emphatically, that she has sought to provide funds to persons associated with the so called Islamic State and to deny, emphatically, that she holds, and sympathises with extremist views. With respect to the latter, she submits that the local authority’s case is built on nothing more than ‘guilt by association’ as a result of the activities of her brother and her estranged husband.

*The Children’s Guardian*

1. By reason of the proceedings under Part IV of the Children Act 1989 being issued towards the end of the period during which this matter has been before the court, the Children’s Guardian was appointed only recently. The court is grateful to the Children’s Guardian for completing her work in the very limited timescale available so as to ensure the effectiveness of this final hearing.
2. Were the court to determine that the mother has attempted to take the children to Syria, has attempted to aid persons associated with the so called Islamic State and that she holds extremist views, the Children’s Guardian considers that this would ground a risk of significant harm to the children. Whilst the Children’s Guardian would not recommend the removal of the children from their mother were the court to make the findings sought by the local authority given the otherwise high standard of care the mother gives to the children, the Guardian submits that in this event the children’s passports should continue to be held to the order of the court and that the mother be the subject of significant intervention by way of engagement with the ‘Prevent’ programme.

THE LAW

1. The fact that this case involves alleged risk of harm to a child consequent upon alleged risk of radicalisation, alleged extremist beliefs or alleged risk of removal to Syria does not change the fundamental legal principles that must be applied when determining the applications before the court. Those principles can be summarised as follows:
   1. The burden of proving the facts pleaded rests with the local authority. In cases of alleged extremist beliefs or ideology, alleged risk of radicalisation and alleged risk of removal to a war zone, it is for the local authority to establish these on the balance of probabilities. There is no requirement on a parent to prove the contrary. Where a respondent parent seeks to prove an alternative explanation for a given course of conduct but does not prove that alternative explanation, that failure does not, of itself, establish the local authority’s case, which must still be proved to the requisite standard (see *The Popi M, Rhesa Shipping Co SA v Edmunds, Rhesa Shipping Co SA v Fenton Insurance Co Ltd* [1985] 1 WLR 948 at 955-6).
   2. The standard to which the local authority must satisfy the court is the simple balance of probabilities. The inherent probability or improbability of an event remains a matter to be taken into account when weighing the probabilities and deciding whether, on balance, the event occurred (*Re B* [2008] UKHL 35 at [15]). Within this context, there is no room for a finding by the court that something might have happened. The court may decide that it did or that it did not (*Re B* [2008] UKHL 35 at [2]). The legal concept of proof on the balance of probabilities must be applied with “common sense” (*The Popi M, Rhesa Shipping Co SA v Edmunds, Rhesa Shipping Co SA v Fenton Insurance Co Ltd* [1985] 1 WLR 948).
   3. Findings of fact must be based on evidence not on speculation. The decision on whether the facts in issue have been proved to the requisite standard must be based on all of the available evidence and should have regard to the wide context of social, emotional, ethical and moral factors (*A County Council v A Mother, A Father and X, Y and Z* [2005] EWHC 31 (Fam)).
   4. In determining whether the local authority has discharged the burden upon it the court looks at what has been described as ‘the broad canvas’ of the evidence before it. The court takes account of a wide range of matters including its assessment of the credibility of the witnesses and inferences that can be properly drawn from the evidence. The role of the court is to consider the evidence in its totality and to make findings on the balance of probabilities accordingly. Within this context, the court must consider each piece of evidence in the context of all of the other evidence (*Re T* [2004] 2 FLR 838 at [33]).
   5. The evidence of the parents and carers is of utmost importance and it is essential that the court forms a clear assessment of their credibility and reliability. The court is likely to place considerable reliability and weight on the evidence and impression it forms of them (see *Gestmin SGPS SA v Credit Suise (UK) Ltd Anor* [2013] EWHC 3560 (Comm) at [15] to [21] and *Lancashire County Council v M and F* [2014] EWHC 3 (Fam)).
   6. As to the issue of lies, the court must always bear in mind that a witness may tell lies in the course of an investigation and the hearing. The court must be careful to bear in mind that a witness may lie for many reasons, such as shame, misplaced loyalty, panic, fear and distress. The fact that a witness has lied about some matters does not mean that he or she has lied above everything (*R v Lucas* [1982] QB 720).
   7. With respect to the welfare decision that is before the court, in the proceedings under Part IV of the Children Act 1989 before making a final order the court must be satisfied that the threshold criteria set out in s 31(2) of the Children Act 1989 are made out and must have regard to the matters set out in s 1 of the 1989 Act, which matters include the stipulation that the child’s welfare is the court’s paramount consideration. In the proceedings under the inherent jurisdiction of the High Court, before making a final order the court must be satisfied that the order sought is in the child’s best interests having regard to the child’s welfare as the court’s paramount consideration.
2. Whilst, as I have noted, the fact that this case involves alleged risk of harm to a child consequent upon alleged risk of radicalisation, alleged extremist beliefs or alleged risk of removal to Syria does not change the foregoing fundamental legal principles, it is important in cases of this nature to further emphasise the following matters.
3. Suspicion is not enough. In these difficult and emotive cases, suspicion perhaps finds an easier foothold than in other cases concerning harm to children. In the context of cases of this type, in *Re X & Y (No 3)* [2015] EWHC 3651 (Fam) the President observed at [110] that “There are many matters on which I am suspicious, but suspicion is not enough, nor is surmise, speculation or assertion”. This does not affect the standard of proof but rather recognises that, whatever the nature of the allegation, any findings of fact the court makes must rooted in the totality of the empirical evidence before the court, and any inferences it is reasonable to draw therefrom.
4. Within this context, it is important to recognise that cases of this nature bring with them certain additional challenges when seeking to determine the issues before the court by means of considering the evidence in its totality. Specifically, and within the context of the history certain members of the mother’s family, PC Q was careful to make clear that whilst the Police have provided disclosure in this case (save for certain material that was the subject of a successful public interest immunity application), she does not know whether further relevant information is held by other security agencies or whether other investigations may be continuing. In this regard, I bear in mind the cautionary words of Cobb J in *Re C, D and E (Radicalisation: Fact Finding)* [2016] EWHC 3087 (Fam) that the court must not guess, or infer what the evidence might be, or have been. Once again, the court must determine the case on the basis of the empirical evidence before it together with any inferences it is reasonable to draw therefrom.
5. With respect to allegations of extremism, risk of radicalisation or involvement with terrorism, before determining whether such allegations are made out to the requisite standard, it is important to be clear what is meant by these concepts. Terrorism has a statutory definition, set out in s 1 of the Terrorism Act 2000 as amended:

“**1 Terrorism: interpretation.**

E+W+S+N.I.

This section has no associated Explanatory Notes

(1) In this Act “terrorism” means the use or threat of action where—

(a) the action falls within subsection (2),

(b) the use or threat is designed to influence the government or an international governmental organisation or to intimidate the public or a section of the public, and

(c) the use or threat is made for the purpose of advancing a political, religious, racial or ideological cause.

(2) Action falls within this subsection if it—

(a) involves serious violence against a person,

(b) involves serious damage to property,

(c) endangers a person’s life, other than that of the person committing the action,

(d) creates a serious risk to the health or safety of the public or a section of the public, or

(e) is designed seriously to interfere with or seriously to disrupt an electronic system.

(3) The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1)(b) is satisfied.

(4) In this section—

(a) “action” includes action outside the United Kingdom,

(b) a reference to any person or to property is a reference to any person, or to property, wherever situated,

(c) a reference to the public includes a reference to the public of a country other than the United Kingdom, and

(d) “the government” means the government of the United Kingdom, of a Part of the United Kingdom or of a country other than the United Kingdom.

(5) In this Act a reference to action taken for the purposes of terrorism includes a reference to action taken for the benefit of a proscribed organisation.”

1. With respect to the concepts of “radicalisation” and “extremism”, the *Revised ‘Prevent’ Duty’ Guidance for England and Wales: Guidance for Specified Authorities in England and Wales on the Duty in the Counter-Terrorism and Security Act 2015* defines ‘radicalisation’ as follows:

“Radicalisation’ refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.”

And ‘extremism’ as follows:

“…vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas”

1. The *Revised ‘Prevent’ Duty’ Guidance for England and Wales: Guidance for Specified Authorities in England and Wales on the Duty in the Counter-Terrorism and Security Act 2015* states as follows in respect of Islamist extremism:

“Islamist extremists regard Western intervention in Muslim-majority countries as a ‘war with Islam’, creating a narrative of ‘them ’and ‘us’. Their ideology includes the uncompromising belief that people cannot be both Muslim and British, and that Muslims living here should not participate in our democracy. Islamist extremists specifically attack the principles of civic participation and social cohesion. These extremists purport to identify grievances to which terrorist organisations then claim to have a solution.”

1. In this context, it is also useful to consider the analysis (undertaken within the context of a plea of justification in a libel action) of Haddon-Cave J in the case of *Begg v BBC* [2016] EWHC 2688 (QB) at [117] to [128] of positions that may be considered “extremist Islamic positions” in the context of Islam and Islamic doctrinal positions. In that case, Haddon-Cave J drew the following conclusions (footnotes excluded):

“[117] What is ‘extreme’ is, by definition, something which is not ‘moderate’. Thus, *“extremist”* Islamic positions can be seen in contra-distinction to ‘moderate’ or ‘mainstream’ Islamic positions. Dr Wilkinson usefully defines moderate Islam as essentially those ideas, doctrines and worldviews consensually agreed by *Sunni* and *Shia’* Islamic Law Muslim scholars, mainstream *Salafi* scholars and Muslims, generally to constitute the essential doctrines, teachings and spirit of Islam, according to *Qur’an* and *Sunna,* applied in such a way as to be suitable for the context of contemporary Britain. I agree with this as a general working definition.

*Extremist Islamic positions*

[118] In my view, the following constitute “extremist” Islamic positions (or indicia thereof).

[119] First, a ‘Manichean’ view of the world. A total, eternal ‘Manichean’ worldview is a central tenet of violent Islamic extremism. It divides the world strictly into ‘Us’ versus ‘Them’: those who are blessed or saved (i.e. the “right kind” of Muslim) on the one hand and those who are to be damned for eternity (i.e. the “wrong kind” of Muslim and everyone else) on the other. For violent Islamic extremists, the “wrong kind” of Muslim includes moderate Sunni Muslims, all Shia Muslims, and many others who are “mete for the sword” and can be killed, and anyone who associates or “collaborates” with them. Violent Islamic extremists divide the world strictly into the Abode of Islam (Dar al-Islam), the Abode of Unbelief (Dar al-Kufr) and the Abode of War (Dar al-Harb). The ultimate agenda of violent Islamic extremists is the overthrow of all democratic states, including Muslim democratic states, and the creation of a global Caliphate or Islamic State and the imposition of a primitive, literalist interpretation of Sharia Law by force (as exemplified by e.g. ‘ISIS’). The clearest exposition of this ‘Manichean’ philosophy is to be found in Sayyid Qutb’s “Milestones” who called for a war against jahiliyyah (unbelief) (see further below).

[120] Second, the reduction of *jihad* (striving in God’s cause) to *qital* (armed combat) (‘the Lesser Jihad’). An interpretation of *jihad* that simply equiperates *jihad* with *quital* and ignores the numerous peaceable meanings of *jihad* (‘the Greater Jihad’) would *a priori* be extreme. Such an interpretation would give *jihad* an exclusively violent meaning which it does not have.

[121] Third, the ignoring or flouting of the conditions for the declaration of armed *jihad* (*qital*), *i.e.* the established Islamic doctrinal conditions for the declaration of armed combat (*qital*) set out above. Thus, terrorist insurgency, 'leaderless' *jihadist* attacks by groups or individuals against civilians, or the waging of aggressive war against another country or people, cannot properly constitute lawful *qital* under Islamic doctrine. Accordingly, encouragement of such actions would, therefore, be classified as "*extremist*" Islamic positions.

[122] Fourth, the ignoring or flouting of the strict regulations governing the conduct of armed *jihad, i.e.* the stipulations in the *Qur'an* and the *Sunna* for the ethics of conducting *qital* set out above. Thus, the use of excessive violence, attacks on civilians, indiscriminate 'suicide' violence and the torture or the murder of prisoners would constitute violation of these regulations of *jihad,* and, therefore, be classified as *"extremist"* Islamic positions.

[123] Fifth, advocating armed fighting in defence of Islam (*qital*) as a universal *individual* religious obligation (*fard al 'ayn*). *Qital* has been adjudicated from early to classical to modern times by the vast majority of Islamic scholars as being a *collective* religious obligation (*fard al-kifaya*) unless one is directly under attack. Thus, encouraging young Muslim men or women to believe that it was their individual religious duty to go off and 'fight in the name of Allah' would be an "*extremist"* Islamic position.

[124] Sixth, any interpretation of *Shari'a* (*i.e.* religious law laid down by the *Qur'an* and the *Sunna*) that required breaking the 'law of the land'. Under *Shari'a,* Muslims are required to obey the law of the land, unless that law of the land explicitly required them to break the *Shari'a* .

[125] Seventh, the classification of all non-Muslims as unbelievers (*kuffar*). Extremist Islamists cite irreconcilable differences between belief (*iman*) and unbelief (*kufr*) and classify as all non-Muslims as unbelievers (*kuffar)*. In mainstream Islam, however, 'People of the Book', *i.e.* Christians and Jews, are not classed as *kuffar*.

[126] Eighth, the extreme *Salafist* Islamism doctrine that the precepts of the Muslim faith negate and supersede all other natural ties, such as those of family, kinship and nation. This is redolent of the extreme *Salafist* Islamist outlook which cites absolute, irreconcilable differences between belief (*iman*) and unbelief (*kufr*) (see Sayyid Qutb below).

[127] Ninth, the citing with approval the *fatwa* (legal opinions) of Islamic scholars who espouse extremist view (*e.g.* the *Salafi-Wahabi* scholar, Sheikh Abdul Aziz bin Baz), or referring with approbation to notorious violent, extremist, Islamic ideologues (*e.g.* Sayyid Qutb and Abdullah Azzam).

[128] Tenth, any teaching which, expressly or implicitly, encourages Muslims to engage in, or support, terrorism or violence in the name of Allah.”

1. Haddon-Cave J’s analysis in *Begg v BBC* also records that Islam is a religion that forbids extremism and terrorism (see *Begg v BBC* at [129] to [131]).
2. Within the foregoing context, once the court has determined its findings of fact it is also important to recall the reminder given by the President in *Re A* [2015] EWFC 11 at [12] that the conclusion argued for by the local authority must follow from the facts:

“The second fundamentally important point is the need to link the facts relied upon by the local authority with its case on threshold, the need to demonstrate why, as the local authority asserts, facts A + B + C justify the conclusion that the child has suffered, or is at risk of suffering, significant harm of types X, Y or Z. Sometimes the linkage will be obvious, as where the facts proved establish physical harm. But the linkage may be very much less obvious where the allegation is only that the child is at risk of suffering emotional harm or, as in the present case, at risk of suffering neglect. In the present case, as we shall see, an important element of the local authority's case was that the father "lacks honesty with professionals", "minimises matters of importance" and "is immature and lacks insight of issues of importance". May be. But how does this feed through into a conclusion that A is at risk of neglect? The conclusion does not follow naturally from the premise. The local authority's evidence and submissions must set out the argument and explain explicitly why it is said that, in the particular case, the conclusion indeed follows from the facts.”

1. Finally, whilst counsel very helpfully provided me with a number of other reported decisions dealing with cases of alleged radicalisation, I bear in mind the cautionary words of the President in *Re X (Children); Re Y (Children)* [2015] EWHC 2265 (Fam) that each case is decided on its own facts and that a comparison between the instant case and the facts and conclusions of another case is of limited value.

DISCUSSION

1. Having considered carefully the documentary evidence before the court, and having heard the witnesses and the submissions of counsel, after much anxious deliberation I have decided that the local authority has not proved its case and that its applications must therefore be dismissed. My reasons for so deciding are as follows.
2. I am not satisfied on the evidence before the court that the local authority has made out its allegation that “*The mother sympathises with extremist views and the so called Islamic State*”.
3. With respect to this allegation, the local authority concedes that, beyond the inferences the local authority invites the court to draw from the mother’s trip to Turkey in August 2014 and her attempted trips to Turkey in September 2014 and Dubai in August 2016 and the links it seeks to make between the mother and the activities of her brother and her husband, it can point to no evidence that the mother has been radicalised or holds extremist views. There is no suggestion that radical or extremist material has been found in the family home or on the mother’s electronic devices, no evidence that the mother is a member of organisations that espouse extremist views and no evidence that she has attended meetings at which such views are discussed. The mother has no convictions for terror related offences. Having addressed above the difficulties with ML’s statement to his teacher, there is also no cogent evidence that the children have been exposed to radical or extremist material (as the local authority itself concluded in its assessment undertaken in September 2014). Within this context, and having regard to the definitions of ‘radicalisation’ and ‘extremism’ set out above, there is no direct evidence to suggest that the mother holds to an extremist ideology, has espoused a malevolent interpretation of Islam, has sought to legitimise extreme violence to bodies and minds or that she holds opinions concordant with the world view of the so-called Islamic State. In the circumstances, save in the very broadest sense, the local authority was unable to put to the mother any specific aspects of a radical or extremist belief system.
4. With respect to the inferences the local authority invites the court to draw from the mother’s trip to Turkey in August 2014 and her attempted trips to Turkey in September 2014 and Dubai in August 2016, for reasons I will come to in more detail below, I am satisfied that the court cannot infer from the mother’s trip to Turkey in August 2014 and her attempted trips to Turkey in September 2014 and Dubai in August 2016 that the mother sympathises with extremist views or the so-called Islamic State.
5. With respect to the allegation that “the mother is part of a family network of ‘ISIS extremists’ and sympathisers”, whilst the media speculation relied on by the local authority to demonstrate that SB was also involved in terror related activity is not a proper basis for this court to conclude on the requisite standard that he was so involved, it is plain that RB was an Islamist extremist who fought and died in Syria.
6. However, and within the context I have outlined above, beyond the fact of her membership of the maternal family, a status the mother has no choice in, there is no cogent evidence to suggest that the mother shares the extremist views espoused by RB, or supports the actions of her husband. Within this context, the local authority’s case amounts to the bare assertion “A is the sister of B, B is an extremist, therefore A is a member of a family network of extremists”. In the absence of any *evidence* to prove that the mother herself has become radicalised or holds extremist views or is sympathetic to the views of her brother, simply asserting that the mother is a member of a family that has another member who has become radicalised or entertains extreme beliefs is not sufficient to establish to the requisite standard the finding the local authority seeks. Such an approach does indeed, to put it colloquially, risk descending into ‘guilt by association’. This is before one gets to the question of whether the local authority has established to the requisite standard that there was a “family *network* of ‘ISIS extremists’ and sympathisers” (emphasis added) in circumstances where one member of the family has been established to be an Islamic extremist. In the circumstances, I am not satisfied that the local authority has made out its case that the mother is “*part of a family network of ‘ISIS extremists’ and sympathisers*” whether on its own or as part of its case that “*The mother sympathises with extremist views and the so called Islamic State*”.
7. In determining that the local authority has failed to satisfy the court to the requisite standard that “*The mother sympathises with extremist views and the so called Islamic State*”, I have also had regard to the fact that mother plainly holds strong views about the importance to her of her status as a single, professionally qualified woman, a status which unchallenged evidence tends to demonstrate is accepted by her parents and her wider family. The mother has engaged fully in these proceedings and has attended every hearing save when the responsibilities placed upon her by her employment have prevented this. The mother’s care of the children is accepted by both the local authority and the Children’s Guardian as being very good, although I of course caution myself in respect of this factor by reference to the observation of the President in *Re X (Children)(No3)* [2015] EWHC 3651 (Fam) at [96] that:

“the mother’s qualities as a parent are not, of themselves, any assurance that she would not have acted in the way alleged by the local authority. I cannot blind myself to the reality that not every parent is necessarily as steeped in the values and belief systems of post-Enlightenment Europe as we might like to imagine. People may be otherwise very good parents (in the sense in which society generally would use that phrase) whilst yet being driven by fanaticism, whether religious or political, to expose their children to what most would think to be plain, obvious and very great significant harm. There are, after all, well-attested cases of seemingly good parents exposing their children to ISIS-related materials or event taking their children to ISIS-controlled Syria.”

1. The foregoing matters are important in my judgment not only in addressing the specific allegations that the mother sympathises with extremist views and the so called Islamic State and that she is part of a family network of extremists, but also when it comes to examining whether the inferences the local authority invites the court to draw from the mother’s trip to Turkey in August 2014 and her attempted trips to Turkey in September 2014 and Dubai in August 2016, are justified. To paraphrase Cobb J in *Re C, D and E (Radicalisation: Fact Finding)* [2016] EWHC 3087 (Fam), it is important that the court not lose a sense of *context* when examining the evidence because the contours of the available evidence may be distorted or exaggerated when viewed under the forensic microscope, whereas those contours may not seem so pronounced or remarkable when considered as part of the wider landscape. Within this context, I am satisfied that the absence of any other evidence of radicalisation or extreme beliefs or ideology or of involvement with or sympathy for her brother’s activities reduces the likelihood that the travel and attempted travel by the mother was motivated by a desire to provide funds or items extremists or a desire to remove herself and the children to Syria.
2. Turning in more detail to the mother’s trip to Turkey in August 2014 and her attempted trips to Turkey in September 2014 and Dubai in August 2016. In relation to the first of these, the mother concedes that between 3 August 2014 and 3 September 2014 she travelled to Turkey with the children and whilst there travelled to Gaziantep and back on 3 September 2014, a town 40 miles from the Syrian border, the fact of which journey she withheld from Police and social workers. I am not however satisfied that the local authority has established on the balance of probability that that trip was for the purpose of providing funds and items to the father or others persons associated with the so called Islamic State.
3. I accept that the mother has told lies concerning the motivation for her trip to Turkey in August 2014. In the circumstances, the dispute as to the inferences to be drawn from this trip must, necessarily, be considered through the prism of the mother’s now admitted dishonesty in this regard. The mother is right to acknowledge that her lies will give the court pause when deciding whether it can accept as credible her revised version of events.
4. However, I have also had to bear in mind that during her oral evidence the mother was plainly, and in my evaluation, genuinely troubled and upset by the fact that the children do not have their father in their lives. Whilst presenting as proud, and somewhat stubborn in the witness box, it was notable that the point at which the mother became emotional was when she was describing how important her own father is to her and how important she believes it is that her children have their father in their lives. Indeed, this was the most striking aspect of her oral evidence. Within this context, there are also certain matters which corroborate the account now given by the mother of travelling to Turkey in August 2014 not to assist the father or to take the children into Syria but rather to persuade him to return and meet his responsibilities to his children.
5. The local authority did not seek to challenge the mother’s assertion that she had heard stories of families who had travelled to Turkey and managed to persuade family members to return. On the evidence before the court, whilst in Turkey the mother did not attempt to enter Syria and, indeed, refused the father’s request that she cross the border to meet him in that country even though she had made it to within 40 miles of the Syrian border. The local authority did not challenge the mother’s assertion that the father was “*shocked*” that the mother and the children were in Turkey, which reaction tends to argue against an agreed plan for mother to join the father in Syria to provide him or his associates with items or funds.
6. It is right that there remains no satisfactory explanation for the discrepancy between the mother’s contention that she used cash to pay for her and the children’s flight from Gaziantep to Istanbul on 3 September 2014 and the fact that the booking record indicates that a credit card was used. Whilst the absence of an explanation has given me pause, I cannot accept the local authority’s submission that this aspect of the evidence allows the court to infer that the mother was using what cash she had on her during her meeting with the father in Gaziantep to provide funds to him (an allegation in any event not put to the mother in terms). The simple fact of a discrepancy between the mother’s categoric and repeated assertion that she purchased the tickets with cash, and the contents of the booking records (which could admit of a number of possible explanations) is simply not sufficient to justify such an inference.
7. The mother concedes that on 15 September 2016 she attempted to travel to Turkey with the children via Stanstead Airport carrying £5,950, trainers matching the father’s shoe size, a photograph of the father and electronic copies of the father’s identity documents and certified copies of the children’s birth certificates, on a one-way ticket, having cancelled the return flights originally booked for this journey. I am not however satisfied that the local authority has established to the requisite standard that, as it asserts, the attempted trip to Turkey on 15 September 2014 was for the purpose of providing funds and items to the father or persons associated with the so called Islamic State and/or to move herself and the children to Syria to be with the father.
8. Once again, I accept that the mother lied initially about her motivations in respect of this trip. Again, therefore, the dispute in relation to the inferences that can properly be drawn from this trip must, necessarily, be considered through the prism of the mother’s dishonesty. However, once again I have also had to bear in mind that during her oral evidence the mother was plainly and genuinely troubled and upset by the fact that the children do not have their father in their lives within the context of the importance to her of her own father, in a quite striking way. Within this context, there are again certain matters which corroborate the account now given by the mother of attempting to travel to Turkey in 2014 not to assist the father with items of funds or to take the children into Syria, but rather to persuade him to return and meet his responsibilities to his children.
9. The local authority did not seek to dispute the mother’s evidence that she remained in contact with the father by telephone upon her return from Turkey in early September 2014 and her second attempted trip to that country. Nor was her assertion that she formed the view that the father “*really did want to come back to the UK and be with us as a family again*” and that the best way to make sure that the father did not change his mind, and the best way to persuade him to return home, was to visit him again in Turkey with the children challenged by the local authority.
10. Further, with respect to the mother’s second attempted trip to Turkey in September 2014, it is significant in my judgment that her assertion in oral evidence that she informed her sister KB of her intended journey, the fact she was going to try to persuade the father to return and that she had discussed the possibility of her sister caring for the children, is corroborated, to a certain extent, by her account to the Police during her s 7 examination on 15 September 2017. With respect to her second, attempted trip to Turkey there is no evidence that the mother was planning to abandon her life and her family in the United Kingdom, to whom she was extremely close, to join a husband she had never lived with and from whom she had been separated for over a year in a war zone with her children. Within this context, CN concedes in her statement of 19 August 2016 that “*There is no clear evidence to say that [the mother] is intending to travel to Syria with the children*”.
11. There are matters with respect to the mother’s second attempted trip to Turkey that have given me pause. It is the case that she was carrying a very large amount of money when she was stopped in September 2014. Further, whilst the mother originally purchased return tickets she did cancel the return flights a short while later and did not have return tickets at the time she was stopped nor any accommodation arranged in Turkey. The mother did attempt travel at a time when ML was due to be in school. She had with her documents identifying the father and had in her possession the children’s birth certificates. Finally, the mother’s evidence with respect to when she knew that the father was using the name B tends to be contradicted by the Police disclosure regarding the incident of domestic violence in 2012.
12. However, whilst these matters do give rise to a degree of suspicion, I am satisfied that evidence is not sufficient to infer from these matters that the attempted trip to Turkey on 15 September 2014 was for the purpose of providing funds and items to the father or persons associated with the so called Islamic State and/or to move herself and the children to Syria to be with the father, especially when viewed in the broader context I have already outlined. Whilst the mother had with her a large sum of money, it is plain that the mother is not at all unique amongst members of her family in travelling with large amounts of cash when travelling, as demonstrated in the following paragraph by what I am satisfied was an intended holiday to Dubai in August 2016. Whilst the mother did not have a return ticket at the time she was stopped at Stanstead Airport, she had originally brought return tickets. The mother did have documents identifying the father on her iPad but contends they were of some age. Whilst she did take ML out of school and have the children’s birth certificates with her, the mother contends she did discuss with her sister the possibility of her sister caring for the children whilst she, the mother, was away. In the circumstances, and when viewed in their wider context, these matters are simply not sufficiently cogent to justify the inferences contended for by the local authority.
13. Turning to the final attempted trip to Dubai, the mother does not dispute that on 5 August 2016 the mother was removed with her children, her sister and her brother from a flight to Dubai from London City Airport and was found to be carrying £3,300 in cash, her sister having been found to be carrying £2,000 and her brother £2,700. However, I am once again unable to conclude that the local authority has proved to the requisite standard that the attempted trip to Dubai on 5 August 2016 was to provide funds to persons associated with extremism and/or to move herself and the children to Syria to be with the father.
14. I am satisfied having regard to the evidence before the court that the mother’s attempted trip to Dubai in August 2016 was for the purposes of a family holiday and not an attempt to travel to Syria with the children. The fact that many members of the mother’s extended family were planning, and went on a holiday to Dubai at this time is not challenged by the local authority. PC Q confirmed in evidence that was not challenged that Dubai is not a significant route for transit into Syria. The Police investigation into the provenance of the money the mother was found to be carrying on 5 August 2016 has corroborated the mother’s account of the source of those funds. The Police have returned, or will return shortly, that money to the mother. Likewise, it is clear from the evidence before the court that the mother’s explanation for her and her sister’s last minute booking, namely that they were waiting for children’s passports, is corroborated by the issue dates on those passports.
15. With respect to the attempted trip to Dubai, the mother herself informed the social worker on 20 July 2016 that she was intending to travel to Dubai and that information was relayed to a Channel Meeting on 28 July 2016. No further action was taken by the police. This would have been a strange step to take if the intention was to travel to gain entry to Syria and, it might be said, was not very effective trade craft. I also bear in mind that there was a gap of almost two years between the mother’s attempt to travel to Turkey in September 2014 and her attempt to travel to Dubai in August 2016. There is no evidence before the court that the mother continued to contact the father in the period following September 2014 beyond her own admission that she received telephone calls until around December 2014 at which time she concluded he showed no genuine desire to return to the United Kingdom.
16. Finally, when considering whether the inferences the local authority invites the court to draw from the mother’s trip to Turkey in August 2014 and her attempted trips to Turkey in September 2014 and Dubai in August 2016 are justified I have again had regard to the fact that there is no other cogent evidence that the mother has been radicalised or holds extremist views. In particular, in the context of the mother’s attempted return to Turkey in 2014 I have borne in mind the local authority’s own conclusions at that time, reached through an assessment it carried out in September 2014, which assessment concluded (albeit prior to it being known that the mother had met the father in Turkey) that there was no evidence that the children had come into contact with extreme or radical views from their mother or otherwise.
17. For all these reasons, I am not satisfied that the local authority has proved to the requisite standard that the mother sought to take the children to Syria in 2014 and 2016, that she sought to provide funds to persons associated with the so called Islamic State, that she holds or sympathises with extremist views or that she is part of a family network of extremists. I agree with submission of Mr Barnes that the local authority’s case in this regard rests on an exceptionally narrow interpretation of the mother’s actions, which interpretation is not borne out by the evidence. Further, whilst the mother initially lied about her motivations for travelling in August 2014 and attempting again to travel in September 2014, on the evidence before the court I am prepared to accept that the mother’s motivation for travelling to Turkey in August 2014 to find and meet with the father, and attempting to travel to Turkey in September 2014 to again meet with the father was to endeavour to persuade him to return to the United Kingdom to meet his obligations to his children. On balance, I am satisfied that the mother initially lied about her motivation for travelling on these occasions not to cover up attempts to provide the father or his associates with items or funds or to take the children to Syria, but because she feared that those would be precisely the inferences that would be drawn if she admitted the truth.
18. I am however, also satisfied that the mother’s actions in travelling to Turkey and attempting to do so were *extremely* unwise. Whilst at the time travel to Gaziantep was not prohibited (although all but essential travel was discouraged) and Turkey was, and remains, a very common destination for many travellers, the mother’s actions nonetheless placed the children in a vulnerable position, though one I am satisfied that falls short of exposing them to a risk of significant harm. The mother concedes that she had put both her children in a vulnerable position by her actions.

CONCLUSION

1. Islamist extremism and the radicalisation consequent upon it exist at present as a brutal and pernicious fact in our society. It is important in these difficult and challenging circumstances that the court hold fast to the cardinal precepts of fairness, impartiality and due process that underpin the rule of law in our liberal democracy, and from which flows the requirement that the court be satisfied to the requisite standard of proof on the basis of evidence before making findings adverse to an individual. I recognise that the tactics adopted by those who would seek to advance their malevolent ideology in this jurisdiction, or seek to involve themselves and their children in the actions of the so called Islamic State in other jurisdictions include dishonesty, deception, and misdirection. However, applying the cardinal principles that govern these proceedings, and for the detailed reasons I have given, I am not satisfied that local authority has proved its case to the standard required by the law. In the circumstances, I must dismiss its applications for orders under the inherent jurisdiction and its application under Part IV of the Children Act 1989.
2. That is my judgment.