



IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION
[2017] EWHC 774 (Fam)

No. FD15F00620
FD15F05038

Royal Courts of Justice
Wednesday, 5th April 2017

Before:

MR JUSTICE HOLMAN
(Sitting throughout in public)

BETWEEN :

AMINA AL-JEFFERY

Applicant

- and -

MOHAMMED AL-JEFFERY

Respondent

(Vulnerable adult; British citizen) (No.3)

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MR. H. SETRIGHT, QC and MR. M. GRATION (instructed by Dawson Cornwell Solicitors)
appeared on behalf of the Applicant.

MR. M. SCOTT-MANDERSON, QC (instructed by Osbornes Solicitors) appeared on behalf of the
Respondent.

J U D G M E N T

(As approved by the Judge)

MR JUSTICE HOLMAN:

- 1 On 3 August 2016 I gave a detailed judgment in this case which has subsequently been made publicly available under neutral citation number [2016] EWHC 2151 (Fam). I will not in this judgment repeat anything at all which I said in that judgment. The present judgment should be treated as in continuation of it.
- 2 At the conclusion of that hearing I made an order which required and contemplated that the applicant, Amina, should be returned to England and Wales if she herself wished to do so. She did not in fact return. There were several subsequent hearings, all of which were directed to enabling Amina's solicitor, Miss Anne-Marie Hutchinson, to have a confidential and unrestricted meeting with Amina in Saudi Arabia. For reasons which it is not now necessary to go into in any detail, it took a very long time for that meeting to be able to take place. There were problems with regard to passport and visa and other issues. I am very pleased, however, to record that last week on 27 March 2017 Miss Hutchinson was finally able personally to be present in Jeddah in Saudi Arabia and there to meet Amina.
- 3 Subsequent to that meeting, Miss Hutchinson has prepared and made a very detailed statement dated 31 March 2017. At the very end of that statement, at paragraph 28, Miss Hutchinson says that Amina has read the statement and fully approves its contents and has confirmed that to her in a secure way. Save insofar as the statement contains the subjective observations of Miss Hutchinson with regard to the demeanour and wellbeing of Amina, the statement can effectively be regarded as the words of Amina herself.
- 4 At paragraph 5 of the statement Amina, through Miss Hutchinson, has stated as follows:

“My firm instructions from Amina are that she very much does not wish for any further press interest or media disclosure in her matter. If that cannot be avoided she wishes it to be as limited as possible. The press coverage of the summer and autumn last year was repeated and reported in Saudi Arabia. Further press detailed interest, she believes, will impact on her life and her opportunities in Saudi Arabia, particularly and specifically with any prospective employers. She explained that in Saudi Arabia reputation means everything and she does not wish to engender further press interest in her or for matters to be disclosed which will encourage the press to pursue her. This will isolate her in Saudi society”.

At the very end of the statement she again says through Miss Hutchinson:

“She wishes to repeat a request that there be no detailed press coverage of what she said [viz at the meeting] because she does not wish to further embarrass her family by disclosure of family matters in the press.”

5 Today on her behalf Mr Henry Setright, Queen’s Counsel, supported also by Mr Marcus Scott-Manderson, Queen’s Counsel, who appears on behalf of the father, have both submitted to me and urged upon me that in those circumstances as little as possible should be said at the present hearing which is taking place in public. I perfectly understand and am respectful of the position of Amina and her father and those submissions by their respective counsel. Nevertheless, it is now part of the history of this case that the original hearing late last July and on 3 August 2016 took place entirely in public without, indeed, any opposition on behalf of Amina herself. This case did generate considerable coverage in the press and media, from which I must assume that the public did take some interest in it. It did raise at the time some quite significant issues, both as to the law and as to the approach of this court to making orders in relation to an adult who by then had been living for some time in another sovereign state, namely Saudi Arabia, of which she is a citizen as well as being a British citizen. So the case is one of genuine and legitimate public interest. In those circumstances, it seems to me that I must enable the public, if they have any continuing interest in this case, to have some knowledge and understanding of the way in which matters have turned out and of the reasons why this case ends today with the proceedings being withdrawn.

6 I have made considerable redactions to the detailed statement of Miss Hutchinson in order to remove unnecessary detail and some now irrelevant references to family relationships. Subject to those redactions, I intend to make available to the journalists who are present copies of the statement of Miss Hutchinson, and I will now read into this judgment the un-redacted parts of it. But as I do so, I wish to stress and underline what Amina herself has said through the statement with regard to further press coverage; and I hope that editors in the media will bear her comments and wishes very much in mind and exercise restraint and discretion in what, if anything, they decide to publish.

7 The un-redacted parts of the statement read as follows:

“I met with Amina on 27th March 2017 in Jeddah, Saudi Arabia. I travelled to the Sheraton Hilton Hotel in Jeddah with John Neil who, as my sponsor in Saudi Arabia, was obliged to meet me on arrival in Jeddah and to accompany me. I had made an arrangement with Amina by text and email to meet her that day. She had also been in communication with Mr Neil in respect of the arrangement. Amina

arrived at the hotel independently and alone, having been dropped by her driver at the hotel. Following introductions Mr Neil left. I had a meeting with Amina in a secluded area of the hotel, which was an area that we chose. We were not overlooked or overheard so far as I am aware. During the course of our 3.5 hours meeting we moved freely to another sunny outside area of the hotel.

Amina looked well and relaxed. She was pleased to see me. We spoke about her life generally before getting down to the specifics of her instructions. I did not detect that Amina felt under any pressure. I did not detect anything 'unnatural' or forced in her interaction with me. Her demeanour was friendly and open, and our conversation had a natural flow.

She now has freedom to leave her family home, she has a driver and she is able to have a life outside of her home. She lives at home primarily with her father. Her two elder sisters also live in the home. Amina is well.

Amina's long term aim is to return to her education. She completed her GCSEs but did not complete her A levels. Amina is now committed and determined to resume her education and would very much wish to attend university and be educated to a degree level. Her objective is that this will be in the UK. She has made a plan for that to come about. It is her belief that once she has been able to work in Saudi she will accumulate savings and her father will support her in further education outside Saudi Arabia, including in England. Her father and her family are aware that it is her wish to return to England to resume her education and that she cannot resume her education in Saudi Arabia. She is firm in her instructions that her father supports her in this endeavour and accepts that she should complete her further education outside Saudi Arabia if that is what she wishes.

Amina's instructions are firmly that she wishes for these proceedings to conclude. She instructs me that a continuation of these proceedings would now hamper what she considers to be a good relationship with her father and that it would undermine the trust that they have built. This is a mutual trust that she has in her father and the trust that he has placed in her.

As to leaving Saudi Arabia Amina instructs that she fully understands that she requires her father's consent to leave Saudi Arabia as he is, in law, her guardian. He has given her his assurance that he will not prevent her leaving Saudi Arabia when she is ready to do so. She instructs that she is not ready at this stage so to do. Her primary

objective at this point in time is to obtain employment and she has taken active steps for that with the support of her father.

Amina instructs that her father can now see that she is committed to studying and obtaining employment. Her telephone has been returned to her and is not monitored in any way. Her email account is not monitored or restricted. She is free to use those as and when she wishes.

Amina says her relationship with her father is generally good and that she loves him. Her objective now is to show to her father that his trust in her is not misplaced and that she is committed to obtaining employment.

Through her employment she has made connections and friendships outside of her home. This has boosted her confidence and eased her sense of isolation. She remains in communication with her friends from that internship and her father is fully aware of this. She is allowed to socialise outside of the home. Her father has not prevented her from going out for work-related events during her internship. She is very excited about her prospect of gaining employment. She intends to progress as far as she can in her employment and then she wants to return to her education so that she can be educated to degree level.

Amina instructs that it is important for her to show her father that she is able to keep to her plans and to get into a position whereby she is able to independently support herself. Her father wants her to be in a position of independence so that she cannot be abused by any person and so that she is respected within society.

Amina instructs that she is happy in her life in Saudi Arabia. By choice she would not have come to Saudi Arabia but she has now accepted it. Amina instructs that she has made a life for herself in Saudi Arabia and intends to make the most of it. She has a privileged life in Saudi Arabia insofar as she is able to work and she has her own driver and she has the support of her father in that endeavour. Amina states that the lull in the proceedings has allowed her and her father the time to place their relationship on a good footing and for each to show the other their feelings of respect.

Amina states that her father has given her his assurance that she will be free to travel in the future. Amina gave an example of discussions with her father that they would take a holiday together at some point. Amina described how she and her father together actively looked at travel packages. She believes that her father is genuine in his assurance that when they are able to afford to that they will do so.

Amina instructs that she does not wish for the orders of this court to continue. She wishes for the proceedings to be discharged.

Amina seeks for the proceedings to be concluded. She would prefer them to be concluded by way of a withdrawal of the proceedings. She does not withdraw the allegations made but she does now wish to conclude the proceedings. She wishes to thank the court and the judge. Amina instructs that without the proceedings her life would be very different and not where it is now. Amina is very clear that she would not have what she has now in terms of freedom and a life if it were not for these proceedings. This is based not only on what the court has achieved for her in terms of orders and her ability to meet outside agencies for assistance but because of the understanding that she has achieved with her father and the reconciliation that they have made in their relationship. Amina is aware of how to seek outside assistance if ever she needs it. Amina also wishes me to express her gratitude to the British Embassy and consular staff in Saudi Arabia. She is grateful for their continued support of her. She feels that to continue to pursue these proceedings would now be counterproductive. She has come to this decision freely. She explained that she wishes the court to understand that she makes this decision with full legal advice and in the full knowledge that she is not able to leave Saudi Arabia without her father's consent. She does so on the basis that she trusts her father to continue to comply with the assurances and meet the assurances which he has given to this court and most importantly which he has given to her. The conclusion of these proceedings will seal their relationship moving forward. She wishes to repeat and request that there be no detailed press coverage of what she said because she does not wish to further embarrass her family by disclosure of matters in the press."

8 That statement, as it seems to me, is very eloquent and humane and requires no further elaboration or comment by me. In the light of that statement, I am very pleased now to make a formal order which in its essentials provides as follows. First, it does record by agreement on the face of the order that the father has given to Amina the following assurances:

- (a) She is not to be prevented from working and studying or from pursuing her career and education;
- (b) She will have free access to her telephone and her laptop;
- (c) She will be free to enter into a marriage if and when she wishes;
- (d) He will not prevent her from leaving Saudi Arabia when she is ready to do so (though she is not yet ready to do so);

(e) She is treated no differently from her sisters, and in the future she will be treated no differently.

The order then records, as is apparent from the statement, that Amina herself seeks permission to withdraw these proceedings. The formal part of the order will give permission to Amina to withdraw these proceedings and will discharge all orders previously made within both the present proceedings and the proceedings for a forced marriage order which were themselves dismissed by the order which I made on 3 August 2016. The precise wording of the order will make crystal clear that the order itself of 3 August 2016, which dismissed those proceedings, remains effective.

- 9 Finally, there will be no order as to costs, save for a detailed assessment of the publicly funded costs of the applicant.
- 10 I am personally very pleased indeed that this sad and previously contentious case has resolved itself in this way. I am very pleased indeed that the essential message from the statement of Miss Hutchinson is that there has been a great improvement in relationships between Amina and her father, and that they now love and respect each other and have worked out clear understandings as the basis upon which to move forward. It does not seem to me that these proceedings have been in any sense futile, despite their ultimate withdrawal; and, indeed, in a passage that I have quoted within the statement Amina herself has stated that “she would not have what she has now in terms of freedom and a life if it were not for these proceedings.” I part from this case with my very sincere and genuine best wishes to Amina and her father and her family for their future relationships and their future lives generally.
- 11 I wish, finally, very especially, to thank Miss Anne-Marie Hutchinson for the immense amount of work and commitment that she, supported by other members of her firm, put into this case and in particular, of course, to thank her for undertaking the journey to Jeddah for the purpose of seeing Amina and obtaining the instructions which has enabled this case to be resolved in this way. I have also received the utmost assistance at every stage of these proceedings from the three counsel who have been involved, Mr Henry Setright, Queen’s Counsel, and Mr Michael Gration on behalf of Amina, and Mr Marcus Scott-Manderson, Queen’s Counsel, on behalf of the father. I am immensely grateful to all three of them.
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