

ENGLAND AND WALES / JUDGMENT

GA v CB

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Neutral citation: [2025] EWFC 400 (B) IN THE CENTRAL FAMILY COURT CASE NO: ZC24P01257
First Avenue House 42-49 High Holborn London Before HER HONOUR JUDGE ROBERTSON IN
THE MATTER OF GA (applicant father) -v- CB (respondent mother) Isabella Taylor-Ezechie of
counsel appeared on behalf of the Applicant (save that Afzal Zami Syed-Ali of counsel attended on
the third day for handing down of judgment) Katherine Luckhurst of counsel appeared on behalf
of the Respondent (save that Leanne Hewett, Legal Executive, attended on the third day for
handing down of judgment)

JUDGMENT

Date: 10 November 2025 WARNING: This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court. Parties and applications

1. The child at the centre of this case is L, a boy who is now 3. He lives with his mother and has not seen his father for over two years. His mother is CB who has been represented at this hearing by Katherine Luckhurst of Counsel save for handing down of judgment when she was represented by Leanne Hewett, Legal Executive. L's father is GA who has been represented at this hearing by Isabella Taylor-Ezechie of counsel save for handing down of judgment when he was represented by Afzal Zami Syed-Ali of counsel. The live application is the father's application dated 16 July 2024 for a child arrangements order for the child to live with the father. His applications for a prohibited steps order and specific issue order have already been dealt with. Background and progress of this case
2. Both parties are from the same European country, but both have indefinite leave to remain in the UK. The child is a dual citizen of Britain and that European country. The parties met at a market in England in late 2019 and moved in together in 2020, at first with others but from June 2020 on their own. During this period the covid lockdown was imposed. The parties agree that there were at that time a lot of arguments: the mother says the father was abusive to her, whereas the father says the arguments were caused by the mother's drug use and jealousy. In August 2021 the mother found out that she was pregnant and in 2022 L was born. It is the mother's case that the abuse escalated. The father denies any abuse. In 2023 the mother left the home with L and returned to her native European country. It is agreed that

she told the father she was going on a holiday but in reality she did not mean to return. She says she was fleeing the abuse. The father says she was trying to remove L from his life for good.

3. The father initiated abduction proceedings in 2024 and the court in the relevant European jurisdiction ruled that the mother must return L to England and Wales. She returned with him in 2024 but contact with the father did not commence, and the father made his application to this court just over a month later. The mother made allegations of serious abuse against the father, and the Cafcass safeguarding letter did not recommend interim spending time arrangements. On 20 November 2024 the court decided that a fact-finding hearing was necessary and it is that fact-finding hearing which I have now conducted, and with which this judgment deals.
4. Meanwhile, I state for completeness that in 2024, the mother appealed the order of the court in the relevant European jurisdiction to return to England and Wales, and that order was overturned, although a final order has not yet been made in those proceedings as I understand it. In any event, the mother was told that the European order no longer stood and she could return to her home country, but by that time she had decided to stay in the UK. This hearing 5. I have conducted a 3-day fact-finding hearing. Interpreters were provided for both parties throughout, and there were special measures for the mother in the form of separate entrances, exits, waiting rooms and screens in court. I had the benefit of the bundle and heard oral evidence from the mother, the father and FL, their former house-mate.
6. At the start of the hearing the father objected to the inclusion of a statement and video transcriptions which the mother had been directed to file by 3 September 2025 and which she had not in fact filed and served until 28 September 2025. I ruled that they should be included, but gave the father and his legal team time on the first morning to enable full instructions to be taken from the father and a statement in response to be produced from him, so that he did not have to deal with this evidence for the first time in the witness box 7. In addition, the mother applied at the start of the hearing to adduce three audio files together with certified transcripts and translations, and a single photograph of a bruise. Again the father objected, but they were of central relevance to the allegations in dispute, and they had been served on the father two weeks before the start of the hearing. I ruled that the benefits of including the evidence outweighed the inconvenience to the father and allowed them in also.
8. The evidence and submissions took a full two days and I was grateful for the assistance of the interpreters. I was not able to give judgment due to lack of time, and am now handing down this judgment on 10 November 2025. The Law
9. The burden of proof is on the party making the allegations. Findings of fact must be based on evidence, including inferences that can properly be drawn from the evidence, and not on suspicion or speculation (A (A Child) (No. 2) [2011] EWCA Civ 12.)

10. The Court must decide disputed issues of fact by applying the civil standard of proof. Thus a disputed allegation only becomes a proven fact if it is more probable than not that the disputed event occurred. In *Re B* [2008] UKHL 35, Lord Hoffman said at paragraph 13 of the judgment: 'I think that the time has come to say, once and for all, that there is only one civil standard of proof and that is proof that the fact in issue more probably occurred than not'.
11. The Court must find either that a disputed event did occur or that it did not. The Court cannot sit on the fence. Baroness Hale said as follows at paragraph 32 of the *Re B*

judgment:

'In our legal system, if a judge finds it more likely than not that something did take place, then it is treated as having taken place. If he finds it more likely than not that it did not take place, then it is treated as not having taken place. He is not allowed to sit on the fence. He has to find for one side or the other. Sometimes the burden of proof will come to his rescue: the party with the burden of showing that something took place will not have satisfied him that it did. But generally speaking a judge is able to make up his mind where the truth lies without needing to rely upon the burden of proof'.

12. There is a need for a marriage of all evidence before a court reaches a conclusion on a disputed issue of fact, as stated by Dame Elizabeth Butler-Sloss DBE in *Re T (Children)* [2004] 2 FLR 838. She said, '...evidence cannot be evaluated and assessed in separate compartments. A judge in these difficult cases has to have regard to the relevance of each piece of evidence to other evidence and to exercise an overview of the totality of the evidence in order to come to the conclusion whether the case put forward by the local authority has been made out to the appropriate standard of proof.'
13. In principle the approach to fact finding in private family proceedings between parents should be the same as the approach in care proceedings. However, as Baroness Hale cautioned in *Re B* at [29]: '...there are specific risks to which the court must be alive. Allegations of abuse are not being made by a neutral and expert Local Authority which has nothing to gain by making them, but by a parent who is seeking to gain an advantage in the battle against the other parent. This does not mean that they are false but it does increase the risk of misinterpretation, exaggeration or downright fabrication.'
14. In respect of covert recordings, it was observed in *M v F & C (A child by her Children's Guardian)* [2016] EWFC 29 that experience suggested that the covert recording of others normally said more about the recorder than the recorded.
15. The December 2022 Family Justice Council draft guidance on Covert Recordings in Family Law Proceedings Concerning Children provides pertinent guidance as follows: "3.9. Recordings by parents of each other - Parents may perceive a covert recording as the only way to illustrate their experience of behaviour of which they complain. However, in some cases the recording is a form of surveillance which in itself can be an example of distorted and obsessive thinking which can constitute a form of harassment or be controlling or

abusive. The implications of the substantial invasion of privacy involved in repeated covert recording of one parent by another has been held by the court to be “highly relevant to the welfare determination” when assessing and determining arrangements for the child. [...]

16. This case also features allegations of controlling and coercive behaviour. I have specifically also considered *Re H-N and Others (children)* (domestic abuse: finding of fact hearings) [2021] EWCA Civ 448, which confirms those well-established guiding principles I have set out above but amongst other guidance, brings a sharp focus to allegations of coercive or controlling behaviour.
17. 'Coercive and controlling behaviour' is defined in the Family Procedure Rules 2010 PD12J: "coercive behaviour" means an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten the victim; "controlling behaviour" means an act or pattern of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour;"
18. Domestic abuse is defined more broadly: "domestic abuse" includes any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, psychological, physical, sexual, financial, or emotional abuse. Domestic abuse also includes culturally specific forms of abuse including, but not limited to, forced marriage, honour-based violence, dowry-related abuse and transnational marriage abandonment".
19. *Re H-N* , expressly endorses the judgment of Hayden J in the case of *F v M* [2021] EWFC 4. Although Hayden J indicated that the meaning of complaints of 'coercive and controlling behaviour' is unambiguous and requires no definition, he notes the need for recognition of the scope and ambit of the behaviour. 'Coercion' will 'usually involve a pattern of acts encompassing, for example, assault, intimidation, humiliation and threats. 'Controlling behaviour' really involves a range or acts designed to render an individual subordinate and to corrode their sense of personal autonomy. Key to both behaviours is an appreciation of a 'pattern' or 'a series of acts', the impact of which must be assessed cumulatively and rarely in isolation' [paragraph 4]. At paragraph 60, Hayden J goes on to highlight that 'it is crucial to emphasise that key to this particular form of domestic abuse is an appreciation that it requires an evaluation of a pattern of behaviour in which the significance of isolated incidents can only truly be understood in the context of a much wider picture'.
20. However, I remind myself that 'not all directive, assertive, stubborn or selfish behaviour, will be 'abuse' in the context of proceedings concerning the welfare of a child; much will turn on the intention of the perpetrator of the alleged abuse and on the harmful impact of the behaviour' (paragraph 32 *Re H-N*).

21. Although there has been a schedule of allegations in this case, I remind myself that the above case law indicates that my consideration should not be confined to the incidents alleged in the schedule, but that I must have regard to the wider narrative as well.
22. I also have in mind the case of *R v P (Children: Similar Fact Evidence)* [2020] EWCA Civ 1088 in which Lord Justice Peter Jackson considers the law on similar fact evidence and on propensity. In relation to similar fact evidence, he said at paragraph 24: “Firstly, is the evidence relevant, as potentially making the matter requiring proof more or less probably? If so, it will be admissible. Secondly, is it in the interests of justice for the evidence to be admitted? This calls for a balancing of factors of the kind that Lord Bingham identifies at paragraphs 5 and 6 of *O’Brien v Chief Constable of South Wales Police* [2005] UKHL 26”.
23. The relevant factors from *O’Brien* in favour of admitting similar fact evidence are whether justice requires the evidence to be admitted and whether a wrong result may be reached if the evidence is excluded. Other factors in favour (such as protecting the integrity of the criminal trial process, vindication of reputation and righting of public wrongs) do not seem to me to be relevant here. The relevant factors against admitting similar fact evidence in this case is the potential to cause unfair prejudice. The other factors (such as causing the decision-maker to focus on collateral issues and the cost and burden on the resisting party) are not relevant here.
24. On the issue of propensity Lord Justice Peter Jackson in *RvP* says at paragraph 26: “In summary the court must be satisfied on the basis of proven facts that propensity has been proven, in each case to the civil standard. The proven facts must form a sufficient basis to sustain a finding of propensity but each individual item of evidence does not have to be proved.” The allegations Allegation 1: September FV, elbow injury from canoe paddle
25. The first allegation is that the father struck the mother hard on the back of the arm with a canoe paddle, causing bruising. Both parties accept that they went on holiday to X destination in 2020, and that whilst there they went out on a canoe. They agree that they were on the sea and that the sea was deep. They agree that the mother sustained bruising on the back of the elbow during that trip. They disagree as to the mechanism of the injury.
26. The mother says that the father became frustrated with her because she was not keeping time with his oar strokes. She says in her statement that he stood up suddenly and hit her hard across her arm with the paddle. She was in shock and scared of falling into the deep water so she just accepted it. She says the father apologised when they reached shore. When she reached Y destination for the second part of the holiday (her home town) her mother saw the bruises. She did not want her mother to know about the abuse so she told her she had hit it on the boat, but in oral evidence the mother said it would have been impossible to cause the bruises in that way. In oral evidence the mother accepted that the canoe was shaky and wobbly and a sudden movement could have tipped it over, but she said the father just moved his arm and there was only a little change to the motion of the canoe. She was clear that it could not have been an accident because the father spoke as he did it, saying “can you

row properly, you are doing it wrong”.

27. In his statement the father says that what happened was that the mother started to get panicky about the deep water and ended up hurting herself with the paddle while she was shouting at him and moving in the wrong direction. He then said that while she was panicking he tried to turn around to calm her down and as he did this his paddle accidentally hit her on the arm. He said there was no way he could stand up as that would almost certainly have tipped the canoe over. He said he apologised immediately and checked if she was ok. In oral evidence he confirmed that the oars were free of the boat and could be moved without restriction. They were double- ended paddles. He denied being frustrated. He confirmed that the mother had hit herself with the paddle, and then twice said he “must have” hit her as well. He was asked to explain how the mother could have hit the back of her own elbow with a paddle and he had no answer. He said “It must have fallen off from her hands. I can’t really explain”. He said there was no bruise at the time but that one came “eventually”.
28. It does not seem to be in dispute that the mother sustained bruises to the back of her elbow during that canoeing trip. There does seem to me to be one inconsistency in the mother’s account which is that in her statement she said the father stood up to hit her, but in her oral evidence she implied that he simply reached forward from a sitting position behind her and hit her from there without wobbling the boat much. However the inconsistencies in the father’s account seem to me to be greater. Firstly there is an inconsistency in saying in his statement that he hit her, and in his oral evidence twice saying he “must have” hit her. It seemed to me that in his oral evidence he was trying to distance himself from his actions. Secondly, he seemed to me to be trying to blur matters by raising two possible causes: the mother hitting herself and him hitting her accidentally. It was as if he could not decide which explanation to pin his colours to. And thirdly, he has offered no sensible explanation for how a person could hit themselves on the back of the elbow with a canoe paddle. I cannot see how it could be done, and certainly not with enough force to cause bruising which was noticeable the following week. The father’s explanation is simply improbable. The father, of course, does not have to explain anything, but he has chosen to offer an explanation and it is not a credible one. That raises questions of why he has done that. It may have been out of shame or embarrassment, but other possible explanations such as being under duress or trying to protect someone else do not readily present themselves. On the balance of the evidence I prefer the mother’s account, and I make the finding as sought, namely that in September 2020 whilst on holiday abroad the father became frustrated with the way the mother was paddling the canoe, and hit her hard across the back of the arm with a canoe paddle, causing bruising.
29. In coming to that view I have taken into account the father’s submission that the incident cannot have occurred because the mother told the police in the relevant European state within the proceedings in that country that the first incident of domestic abuse happened in 2021 which was after the date of the canoeing incident. I found that argument unpersuasive,

not least because the sentence before that in the mother's European proceedings testimony is "The incidents I am going to describe occurred at this address". It is clear that what she was saying was that the first incident at that address was on in 2021. That is not relevant to the canoeing incident in X destination in 2020. Allegation 2: Frenzied assault, disciplining the mother for damaging the wall, 2020

30. In her statement the mother says that during an argument she became overwhelmed and out of frustration kicked the dry wall in the living room which damaged it causing a hole. She alleges that the father said he would discipline her for doing that, and then attacked her, repeatedly punching her across her upper arms and kicking her upper thighs. She fell to the floor and he continued to hit and kick her in a frenzy. She lost count of how many blows there were. The mother has exhibited a photograph which she says shows the bruising to her upper arm sustained at that time. There is no dispute that the photograph shows the mother's arm and that it is bruised. The bruising is extensive, starting at the shoulder and going at least half way down to the elbow. There are three or four dark centres and lighter bruising round about. It is the mother's case that that shows separate blows.
31. In cross-examination it was put to the mother that she was sometimes volatile and aggressive and she accepted that readily. It was put to her that it must have required a lot of force to break the wall, and she denied that, saying it was a flimsy wall and she had not hurt herself. None of that seemed to me to be relevant to the question of whether the father had attacked her or not but was perhaps an attempt to deflect attention from the question in issue.
32. In his statement the father says that the argument that night was about their financial circumstances which were made worse by the mother's use of drugs. He said she was under the influence that night and she started kicking and punching the wall. He tried to hold her to stop her and prevent her from getting hurt but, he says, he had no luck. He denied punching and kicking her. He denied causing the bruising in the photograph and noted that the photograph has no date stamp.
33. It seems to me this is simply one party's word against the other, but with the additional evidence of the photograph. Whether that photograph is enough for me to conclude that the bruises were caused by the father depends on the wider canvas, and in particular whether there is a pattern of behaviour on the part of the father showing a propensity for this type of violence against the mother. I will return to that later in the judgment, and to the question of whether or not I make this finding. Allegation 3: New Year's Eve 2021: physical attack, ejection from the home, breaking of telephone
34. The mother alleges that they were celebrating new year at home because of the lockdown. They had had a few drinks and some food, and towards midnight she sent Happy New Year texts to some friends. She says she went into the bathroom holding her phone and the father followed her, asking who she was texting. He became jealous and accused her of cheating on him and called her names. He pushed her hard on her chest and grabbed her upper arm

while shouting in her face. She says that she managed to escape, ran from room to room but he followed and assaulted her further with multiple punches, slaps and kicks. He then grabbed her by the hair and dragged her into the communal stairwell. It was freezing cold and she was wearing only a bodysuit which, as she clarified in oral evidence, is an undergarment not unlike a vest top. She banged on the door for 15-20 minutes before he let her back in. The argument erupted again. She showed him the texts on her phone to show him she was texting many different friends. He took her phone from her hands and threw it from the bedroom towards the front door. It broke. She shouted at him, he pushed her again and she pushed back. She tried to climb over the sofa to get away but he kicked her hard in the stomach which took her breath away. He then started repeatedly hitting and punching her on her arms, legs and body, she says.

35. The mother also told both the relevant European police and the relevant English Police about this incident. In the account given to the European police the details are very similar. She talks about the texting, the jealousy, the first frenzied attack of slapping her and shouting at her. There are however some differences. There is more detail as to the names he called her and she spoke about him pulling her hair inside the house, as well as pulling it to pull her out of the house. She said in this account that it was very cold and she was barefoot, wearing only her underwear and a t-shirt, rather than a bodysuit. She said it was about half an hour before he opened the door to let her in again, not 15-20 minutes. She said he threw her phone, which was a Huawei, against the front door which broke it and made it unusable. In this account she did not mention the kick to the stomach but says that when the father calmed down, she slept on the sofa out of fear.
36. The account to the relevant English Police was given in 2024, after the parties had split up. She told the police that on 31 December 2020 she had been in the bathroom sending text messages to her family. She told them that the father entered the bathroom, grabbed her phone, pulled her towards him by the hair, called her names and slapping her face. He then dragged her by her hair and locked her out of the house. He let her in after half an hour of incessant knocking. He then continued to punch and kick her in the stomach and slapped her face. He threw her Huawei phone on the floor and broke it making it unusable.
37. The father in his statement said he had prepared a nice meal that evening. He said the mother had taken a lot of drugs that evening and was in a grumpy mood. I pause to note that the mother has admitted historic use of cannabis but has not said that she took drugs that evening. In any event, the father said she had taken a lot of drugs that evening and was in a grumpy mood. He said they argued, and he took himself out of the situation by going to play on his PlayStation. He heard the door closing and assumed she had gone for a walk. He put his headphones on and continued playing. He thought she had taken keys with her. As soon as he heard knocking he opened the door. She was very upset and started arguing and pushing him and throwing things at him. He left her on her own and went to bed.

38. In oral evidence the father denied following the mother into the bathroom and denied being jealous about texts she was sending, saying he was not a jealous person. He was consistent in giving a version of events which corresponded with the version in his statement until he reached the point in the narrative where he said he let the mother back in again. In oral evidence he was asked whether the fight re-started at that point. He said "I think, yea. We had an argument. She was quite high as well". He became very hesitant and said he could not remember. He was then asked when the mother had got high and again he was hesitant and said "I don't know. When she went out maybe?". He was asked what the mother was wearing when she went out and he could not remember. He was asked if she was wearing a slip, a bodysuit and said he couldn't remember. It was put to him that he would have remembered if she had gone out wearing a bodysuit and he said "No. I don't remember".
39. The father was interviewed by the police about the incident and gave a no comment interview. In oral evidence he said he had done that because he was following legal advice.
40. There are inconsistencies in both parties' evidence. The inconsistencies in the mother's evidence are of one particular type, namely that she does not mention every detail in every account. Some details are in one account, some in two, some in all three. But none of the details contradict each other in any significant way. A bodysuit is not the same as a t-shirt but the point is that she was in skimpy clothing and not dressed for the January cold. Being stranded outside for 15-20 minutes is not the same as 20-30 minutes but what is consistent is the detail that the mother did not have her phone with her and could not have known accurately how long she was outside. The point is that it was a significant period, especially for someone not dressed for the cold. The impression I have is of someone who is unrehearsed, not speaking from a script, telling the same story three times. There are lots of details in the story. Inevitably it will not come out in exactly the same way each time. I am, as a result, not troubled by those inconsistencies. It strengthens the mother's evidence that she gave it three times at very different periods and that it was, in terms of the narrative, very consistent indeed.
41. The father's inconsistencies are more troubling. In his statement he places the blame for the evening going wrong on the mother's drug-taking right from the start, saying that he had prepared a nice meal but "unfortunately she had taken a lot of drugs that evening and was in a grumpy mood". That was clearly much earlier in the evening. However in his oral evidence when he was asked when the mother had got high he said "I don't know, when she went out maybe". When asked if she managed to go out, score drugs and get high all in 15 minutes he said that she might have been out for more than 15 minutes. In other words even when challenged he stuck to saying that that was the point in the evening when she got high. That contradicts his earlier narrative in a way which I find troubling. He appeared at that point in his oral evidence to have forgotten his written evidence that she had been high all evening. At that stage in his oral evidence he was very hesitant and had the air of someone who was making something up and playing for time. Similarly, when he was asked whether he could remember whether she had gone out in a bodysuit he stuck to his line that he could not

remember. He did not at that point appear to be trying to assist the court by thinking back: instead he was doubling down on what had been an unconvincing first answer, sticking to saying he could not remember even when asked about the bodysuit. In my view if someone has gone out for a quarter or half an hour in the cold on New Year's Eve at midnight wearing just a bodysuit, that would be a memorable and troubling event. It would be behaviour that would give cause for serious alarm. I did not believe the father when he told me, twice, that he could not remember whether she had done that.

42. On balance, I found the mother's version of that evening more compelling and consistent, and I prefer her evidence and accept her narrative. I therefore find that at around midnight on New Year's eve on 31 December 2020/1 January 2021, the father assaulted the mother by pushing her chest, grabbing her arms, slapping her face and kicking her thighs. He then pulled her by her hair and threw her out of the property where she was left standing in the cold in the communal stairway for a period between 15-30 minutes wearing just a vest-like undergarment or t-shirt, banging on the door to be let back in. When he did let her back in he assaulted her again, including kicking her so hard in the stomach that it took her breath away. During the assault he took her phone from her and threw it so hard against the door or floor that it broke and became unusable. Allegation 4: strangulation
43. In her statement the mother says that in 2021 she saw the father talking to a woman in the market where he works, and it seemed to her that the interaction looked flirtatious. When he got home she questioned him about it. She may have questioned him about it in a challenging or inappropriate way, because in her oral evidence she freely admitted "Sometimes I can be toxic because I'm paranoid about him going with another woman. I'm jealous. It's a reaction". In any event, the father was furious. She says that in an attempt to shut her up he grabbed her forcibly by the throat and pushed her down onto the bed, holding her there for about 5-10 seconds whilst pushing his face really close to hers and shouting at her. She says she cannot recall what he was saying, as she was too frightened. She could not breathe or shout out because the pressure on her throat was too much. She thought he was going to suffocate her till she passed out. He eventually let go and left the house and she cried until she fell asleep. In the following days she suffered pain, with a swollen throat and soreness when swallowing. In oral evidence she confirmed she had not sought medical attention for it.
44. The father denies the allegation. He says the mother has always been jealous, and in oral evidence the mother accepted that. He says that he was working in a restaurant in market and it was part of his job to serve food to the customers, which would include female customers. He said that when he got home that day the mother started shouting at him and unfairly accused him of cheating on her. He was very tired after a long day of work, so he left the house and went to his sister's house which was very close.
45. At around this time the mother paid multiple visits to hospital. She had pneumonia in 2021 and went to hospital several times for breathing and heart problems. That was confirmed by the mother in oral evidence, and is corroborated by her evidence to the relevant European

police in which she is recorded as saying that from March till June 2021 she was in and out of the hospital on almost a weekly basis because she was constantly agitated, anxious and afraid of the father. She said “I had the insane fear that at any moment while we were at home, he might attack me, this thought made me panic so much that I couldn’t sleep”. It was put to the mother that if she was attending hospital so frequently, hospital staff would have noticed her injuries, presumably including the swollen throat. The mother’s response was that they did see her injuries and several professionals asked her if everything was OK and whether she needed help. She told them she was fine. On behalf of the father it is said that if those injuries had been noticed by medical professionals it would have been recorded on the hospital records. Unfortunately I do not have the hospital records before me so that argument does not seem to me to take matters any further forward.

46. Again the father was questioned by police about this incident and again he gave a no comment interview. In oral evidence he said this was because of legal advice. It was put to him that it would have been very easy for him to get a statement from his sister, or to ask the police to check with her, and his alibi would have been established. I am not sure that is right because in theory he could have strangled the mother and then gone to his sister’s. But the no comment interview is unhelpful, given the father now relies on his own narrative of events.
47. Unlike the father, the mother has given the same narrative several times. As with allegation 3, she told the relevant European and the relevant English Police what had happened. She told the European police that the incident happened at the start of a particular month in 2021. She told the English police the same. The accounts given to the police are shorter than the account in her statement, and both mention that the episode worsened her asthmatic bronchitis. The three accounts are all consistent.
48. This is another allegation where it is the mother’s word against the father’s with little else to go on except internal consistency. The mother’s narrative is consistent over time, and the father has not helped himself with his no comment interview. Having said that, I do not feel able to come to a final view on this allegation without considering the wider evidence as a whole. I will therefore return to this allegation at the end. Allegation 5: physical assault, knee injury caused by throwing phone, late winter 2022
49. In her statement, the mother says that one night in late winter 2022 the father had been playing a video game which had caused him to shout so loudly he had woken L. She had taken L into the parties’ double bed to settle him. When the father came into the room at about 4am he shouted at the mother about why she had taken L into their bed. His shouting woke L who began to cry. The mother got out of bed to lift L and the father pushed the mother around the room to stop her getting at L. He then picked L up himself and also picked up the mother’s phone. She says that he was screaming at her to get out of the room with L in his arms all the while. L was crying and distressed. The father then threw the phone at the mother which missed her but bounced off the wall and ricocheted into the back of her knee, causing an injury. The mother has submitted a photograph of this injury which

shows a bleeding wound perhaps about the size of a 10 pence piece right in the crook of the knee at the back. The phone was broken. The mother left the room and the father slammed the door behind her. He and L slept in the bed and the mother had no choice but to sleep on the couch.

50. In oral evidence the mother confirmed this version without any inconsistencies.
51. In his statement the father says the incident took place on 22 December 2022. He says he was tired and stressed because the mother had not been contributing to the rent. He said the house was a tip, and he tidied it up. He has provided photos of the mess in the house. He then went to play on his PlayStation while the mother sat in the kitchen with L, drinking her beer. He asked her why L was still up so late and an argument ensued. He decided to take her phone away so she could not contact a dealer to buy drugs. The argument escalated. He gave her her phone back by throwing it at her and it accidentally hit her leg. He denies that it bounced off the wall, and denies that there was an injury to the mother's leg from this incident and certainly no bleeding.
52. In oral evidence the father confirmed that he had thrown the phone without any force. He was asked how he could remember the precise date, given that by his account it was an unremarkable night. He said "maybe it was a mistake", but then he said "I just remember". When asked whether he could pin the date to anything he said "Maybe I had a cold or something". He talked in his oral evidence about the mother using drugs and alcohol. He said the mother was drunk. He was asked why he left the baby in the care of a drunk mother and he said he didn't know when she got drunk. He was asked why he had left the child in the care of such a prolific drug user and he said "she was the mother". He accepted he was worried about L being in the care of a frequent drug user but said he did not lend it so much weight as to raise concerns with anyone else.
53. Again, there are a number of elements of the father's evidence which are troubling. In his statement, he does not explain how he could have been talking to the mother in the kitchen while playing on his PlayStation at the same time. In his oral evidence his explanations for remembering the date of the incident are not credible. And his answers about leaving his child with a drunk drug-user seemed to me to reveal a double-standard. On the one hand he sought to argue that the problems were caused by the mother's drug and alcohol use. On the other hand he left L with her all day every day, and admitted that the concerns carried insufficient weight to cause him to take any action. In my view, L was his precious 10-month old baby. If the mother had been exhibiting the behaviours he alleges, to the extent that he alleges, he would not have left L with her. He has not adequately explained that discrepancy.
54. The balance of the evidence at this stage of the analysis lies in my view with the mother. But the other piece of evidence I must consider is the evidence of the photo. On the one hand, it is a photo of an injury to a part of the body which is usually in a protected and safe position and not often injured. It is not an injury that a person would usually sustain by falling or banging into something. It is quite hard to think of mechanisms for a bleeding, almost

circular injury in that place. I have not heard expert evidence, but it seems to me to be within judicial notice to say that the mother's explanation seems to me to be a possible explanation. It is not fanciful.

55. The date on the photograph is, however, 24 April 2024. The incident occurred in the winter of 2022. The mother explains this by saying that as time went by she began to take photographs and make recordings of the abuse which she would then send to her mother or her friends, and ask them to keep them and then delete them from her phone. She did this for two reasons. The first was because the father kept breaking her phone and she was concerned the evidence would be destroyed if it was only on her phone. The second was because she was afraid of what would happen if the father found the photos and recordings on her phone. In oral evidence she did initially accept that the dates at the top of her photographic exhibits were the dates the photos had been taken but she agreed to that general proposition without being taken to this particular photo or indeed a number of others. I give no weight to her agreeing to the general proposition. It was not a fair question without taking her to the other exhibits. When taken to this one she said she was unsure what the date referred to: perhaps the date she sent the photo to her mother or perhaps to her solicitor.
56. On behalf of the father it is argued that this photograph is effectively undated, and that I can place no reliance on it. I do not accept that submission for the following reasons
 - a. There are other examples of the mother's evidence coming from other people's phones. There is a video taken by her mother on her (the maternal grandmother's phone). There are the audio recordings and the photo which came into evidence late because the mother had only just obtained them from her friend having visited her home town recently.
 - b. I have already made a number of findings of significant physical and emotional abuse of the mother by the father and that he had broken her phone twice. Those findings corroborate the mother's evidence about why she would send the evidence away to friends and family.
 - c. As a result, I accept the mother's evidence that she would send these photos, videos and audio recordings to friends and family for safekeeping.
 - d. It therefore seems to me unsurprising that some of them may carry the dates on which they were sent rather than the dates on which they were taken or recorded.
 - e. The father alleges that the mother added the dates later in order to deceive. The father has no evidence to support that allegation and neither is there any course of conduct on the part of the mother to suggest that she is habitually dishonest or indeed dishonest at all. I dismiss this allegation from the father.
57. In balancing the evidence, I make the following observations. There is clear evidence of injury in the form of the photo. The injury matches the mother's narrative and it is hard to explain in any other way. The date on the photo does not trouble me for the reasons I have set out above. The father's narrative is not coherent or persuasive. I am satisfied that the balance of the evidence in this case supports the finding being made as sought by the

mother. I therefore find that in late winter 2022 one night the father woke L by shouting loudly while playing his PlayStation, causing the mother to take L into the parties' bed to settle him. The father then entered the parties' bedroom where the mother and L were asleep at around 4am. He screamed and shouted at the mother for taking L into the bed and L woke and became distressed. He prevented the mother from picking L up by pushing her around the room, and picked up L himself. He continued to shout with L in his arms, causing L to be crying and distressed. He threw the mother's mobile phone at her with such force that it ricocheted off the wall or floor and struck the back of her knee, causing a bleeding injury to the back of the knee of around the size of a 10 pence piece. The phone was broken as a result. The mother was not permitted to comfort L and had to sleep on her own on the sofa, leaving L with the father. Allegation 6: assault during an evening with friends in 2023

58. In her statement the mother says that after a night out with three friends, the four of them went back to the parties' home to eat kebabs at about 10.30pm. (It is unclear from her narrative whether L was the 4th person in this group.) When they got to her house, the father was in the guest bedroom playing on his PlayStation. The friends went into the living area and the mother went to put L to sleep. When the mother came back to the living area the father was there and the friends had gone. The father had asked them to leave. The parties then argued and during the argument the father grabbed the mother's phone and threw it on the floor and stamped on it till it broke. He then attacked her in a frenzied attack. When it stopped the mother ran out to her friends who were still in the communal area. One of her friends who was there was FL, their former flat-mate. The mother showed FL the broken phone. FL told her to call the police but the mother was too scared. The mother returned to the flat because L was there, asleep. The mother put on meditation music and took up the cross-legged lotus position on the floor to calm herself. Suddenly the father burst in ran at speed towards her and stomped down on her right inner thigh with a lot of force. The mother says the pain took her breath away and she felt sick and dizzy. The father then pushed her around on the floor, slapping her. He then returned to the bedroom. The mother says she suffered significant bruising which lasted till December.
59. The mother has exhibited photos of these bruises. The first is of a bruise to her left shin, bigger this time than a 10 pence piece. The second is of a very large bruise to a thigh. It is of varying colours but the overall impression is of dark purple, bordering on black. The third photo is of a bruise to the shin and it is unclear to me whether it is the same bruise as is shown in the first photograph. The fourth is the same as the first photograph. And the fifth looks as if it is the same bruise as is shown in the second photograph but perhaps a little later as it is slightly smaller and less dark. It is on the top half of the right thigh and goes all the way across from the left hand of the thigh to the right hand, and is several inches from top to bottom. The sixth photo shows the same bruise again from a different angle. The seventh, eighth and ninth show bruises to the upper arms.

60. In oral evidence the mother was challenged about the photos on the basis that she had told the social worker in September 2024 that she did not have evidence of the bruises. The mother said she had meant she did not have any evidence left in her body because the bruises were gone. She had not said she did not have any photos.
61. The court had the benefit of a statement and oral evidence from FL, the friend to whom the mother had showed the phone during the incident. It is common ground that FL had been the parties' flat-mate although the precise number of months for which she was their flat-mate was disputed. In her statement she said she had witnessed the father being controlling and verbally abusive towards the mother. She said she had witnessed him being physically aggressive, pushing her more than once or grabbing her with force. Once, in 2021 when she lived with them, she heard the parties arguing and screaming in their bedroom, becoming louder and louder. She went into the corridor and stopped in front of the parties' bedroom. The door was open. She saw that the father had grabbed the mother's arms and was kicking her out of the room. Just before shutting the door he kicked her and she basically flew off into the corridor. She was crying and in shock.
62. FL dealt specifically with the incident in 2023 in her statement. She said that after their evening out, when they arrived at the house the father was on his PlayStation and did not come out. When he came out after about half an hour he was really angry and started shouting at the mother that she should not have invited them in, and he asked them all to leave. She and her friends went downstairs outside the flat but did not leave because they could still hear the screaming and they wanted to make sure the mother was okay. She came downstairs saying the father had hit her and broken her phone. FL asked her if she wanted to call the police but the mother was scared and traumatised so she went up the stairs to go into the room with the baby.
63. In oral evidence FL confirmed her version of events. She confirmed that the mother sometimes sent her pictures from her phone and showed her pictures on her phone but said "most of the time I didn't need pictures because I saw them quite often and I saw these things with my own eyes". I asked her what she had seen with her own eyes and she told me she had seen bruises on the mother's body and face multiple times. She had seen how the bruises were caused because she had seen the father grabbing the mother's arm very hard. I asked her why she had not called the police and she replied that she had asked herself that many times. In the end she came to understand that the mother was frightened that if the police came, they might not do anything. They would then leave her alone with the father, and that scared her.
64. In his statement the father says that when he came home from work late that night the mother and her two friends were already in the kitchen taking drugs. He asked them to end the party and to leave. He went to sleep in the bedroom, but could hear noises so came back to the kitchen and found them all still there taking drugs. He politely asked them again to leave because he had work the next day, and he went back to bed. In oral evidence he confirmed that the friends had left when he asked them the first time but that the mother

had gone downstairs and got them back up again. The drug they were taking was cocaine. When he was shown the picture of the big bruise to the thigh he agreed it was a disturbing picture. It was put to him that it was not the sort of injury that would be caused by an accidental bump and he said "I don't know. Maybe yes. Some people mark more easily than others". He said he did not know how the bruise occurred. He said he never saw the bruise and did not know about it.

65. The father again gave a no comment interview to the police about this incident. Again he said that was on legal advice.
66. I note that there are some inconsistencies between the mother's account and FL's account. The mother says that when she got back from putting L to sleep the friends had already gone whereas FL says the father was really angry and asked them to leave "when the mother came out". FL also said it all happened very fast. The key point is that whether the mother was in the room or not, everyone agrees that the friends left the house but did not leave the vicinity.
67. I am troubled that the father's version of events does not explain why the friends failed to leave the vicinity. If he had simply asked them politely to leave because he had work the next day, why did they stay? All parties agree that the mother saw them again after they left the house albeit that the father says it was in the house and the mother and FL say it was outside the house. But it is clear they did wait in the area and the father's narrative fails to explain that.
68. I have no hesitation in saying that I prefer the mother's version of events for the following reasons:
 - a. The written and oral evidence of FL was clear and internally consistent. She was a straightforward witness who appeared to me to be doing her best to assist the court. I accept her evidence, and in particular her eye-witness evidence of seeing aggressive behaviour and bruises over a number of months. She was a flat-mate and was in a good position to see what was going on.
 - b. The narrative of FL and the mother does explain why the friends waited after leaving the house. They were worried about the mother. That is strong evidence in my view that the father was being aggressive or abusive – that was why they were worried.
 - c. The father's evidence does not explain that crucial fact.
 - d. The photographs of the bruises are compelling. The photograph which I have said looks like an earlier photo shows a big round bruise but the lighter photo which looks to be further along in the healing process appears the right size and shape to match the description which the mother gives of a foot stomping on her leg. It is almost foot-shaped and it is certainly foot-sized. e. It is inconceivable that the father would not have seen or noticed such extensive bruising while living with the mother. I do not believe the father about that. He is not being truthful about this incident.

- f. The mother was entirely open that she had used cannabis in the past but there is evidence in the Cafcass safeguarding letter dated 5 September 2024 passing on information from the X London Borough that the mother stopped drinking and smoking while pregnant which was proven with negative toxicology tests throughout the pregnancy. The mother's oral evidence was that she stopped taking drugs when she had pneumonia because she could not smoke then: her lungs could not manage it. There is no evidence that the mother started taking drugs again after that. Given her openness about her previous drug use, it seems to me likely that if she had resumed drug-taking she would have admitted it. There has never been any evidence that she took cocaine other than the father's allegation of the same.
69. I therefore make the following finding: in 2023 the father threw the mother's phone on the floor and stamped on it until it broke. He then subjected her to an assault where he pushed, punched, slapped and kicked her. The mother left the home for a short period but when she came back and sat in the lotus position to calm down, he stamped on her right thigh with extreme force. This caused very extensive blue-black bruising right across the whole width of the thigh and several inches from top to bottom. The father then subjected her to a further assault whilst she was on the floor of the kitchen. L was sleeping in a nearby room.
- Allegation 7: Coercive Control
70. The mother alleges that the relationship was one of coercive control not only on the basis of the findings I have made above but also on the basis that the father publicly humiliated her, excessively complained when she attended social events, excessively questioned her, promoted a narrative of male privilege asserting that her role was tied to the home and caring for him, manipulating her and making demeaning comments about her appearance. It is not necessary for me to make findings on all of these issues, but I will consider a number of them.
71. I find that the father publicly humiliated the mother . I make that finding on the basis of the evidence of FL who witnessed it. I have already said that I accept her evidence.
72. I find that the father did isolate the mother and prevent her from seeing her friends. I find that on the basis of the mother's evidence and the evidence of FL who confirmed in oral evidence that when the mother was in a relationship with the father it was hard to meet up with her because she didn't go out that often, she wasn't in a happy place and she was not comfortable seeing people. This finding is also borne out by the events of that evening in 2023, when the mother brought people home and the father made them leave and then assaulted the mother. That is a very graphic example of how he isolated her and prevented her from seeing her friends.
73. I find that the father did undermine the mother by making demeaning comments and abusing her for not keeping the home tidy. I base that finding on the video and audio tapes which I have viewed and listened to, and which have certified transcriptions and translations. In reaching this conclusion I have in mind the caveats as to covert recordings. I am aware that these may be cherry-picked and the mother may well have acted badly

sometimes as well – indeed the mother admitted as much readily on oral evidence. I do not, however, in this case, consider that the recordings tell me more about the mother than about the father. In thinking about the motivation for making the covert recordings I come to the view that the mother was at a loss to know what to do. She was being assaulted and frightened and needed a record of that. I have reached those conclusions independently of the evidence contained within the recordings themselves and based on the findings I have made above. The recordings show the father calling the mother a “shitty woman” over and over again, telling her she doesn’t do a damn thing, and saying she hasn’t even washed one piece of laundry in three months. The mother was the full-time carer of the baby at the time.

74. I find that the father told the mother to turn off the internet when she was at home with L because she did not pay for it. This was despite the mother saying the internet was for L’s benefit. The father told her she would pay for “the kid’s stuff”. This is on the basis of the audio transcriptions. The father does not dispute that they are genuine, and he is clearly recorded as saying “if you want the internet, you pay for it. Got it? You pay”, and then calling the mother a freeloader. In another recording, after calling her a shitty woman, he says “cut it, cut everything off, cut everything off, cut everything off”. It is not clear what he is talking about but the mother responds “the baby is watching, I’m not”. The mother says she was talking about internet television programmes and that does make sense in the context. The father responds by saying “Cut everything off. You’ll pay for the kid’s stuff, you will!”.
75. I find that since the parties separated in 2023 the father has never made any maintenance payments for L or contributed financially towards L in any other way. This is financially abusive. I base this finding on the father’s own oral evidence, where he admits making no payments of this nature within that period.
76. I am asked to make a finding as to whether the father manipulated the mother in relation to an incident which happened when the mother returned to England to retrieve her belongings from storage. The parties agree that the mother left the relationship to go to her home town in 2023. In 2024 she returned without L to collect her belongings. The father had put them in storage. When the father saw her at the storage facility without L there was an incident and police were called. The police asked the parties to come back another day to prevent a breach of the peace. The father knew that the mother would be staying in England in order to come back on the date specified by the police. So far, that is all agreed between the parties.
77. It is further agreed that the father went the next day to the mother’s home town in Europe and tried to see L. He says he was entitled to do that, that he only wanted to see him and that the mother had been inviting him to see L so she should not be alarmed at his actions. The mother says that he went deliberately knowing she would not be there and with the intention of demanding that her parents (with whom she had left L) hand L over to him. He arrived at the grandparents’ home and they did not let him in. The mother says that she received a call from her mother to say that the father had turned up and was shouting out in the road, demanding that she hand L over to him. Her mother did not open the door. She

says the father then went to the police to report the mother for abandoning L and to report her parents for kidnapping him. The mother abandoned her belongings in England and went back to her home town the same day, deciding it was safer for her to be with L.

78. The father says he went to the mother's home town because he was worried L was left there with no parents. When the grandparents did not open the door he said he had "no choice but to go to police and report this". I am of the view that this is transparently a mischaracterisation of events. The father knew L was safe and was with his grandparents. That much is obvious because he went to the grandparents' home to try to see him. He had no cause for concern and his reason for going there on the very day he knew the mother would not be there does not hold water. And when the grandparents would not let him in, he certainly did have a choice as to whether to report them to the police. It is obvious nonsense that they had "kidnapped" L. The mother had left L with them and in their care. They were looking after him till the mother got back. The father was quite simply angry and frustrated and vented his anger by going to the police and making unfounded allegations.
79. It is my view that the father's trip was a calculated attempt to take advantage of the mother's absence to remove L from his grandparents' care. There is nothing child- centred about the father's approach. L was just 2 years old at the time, and had not seen his father for six months. He would have been bewildered to be suddenly removed from his familiar surroundings. I find that when the mother was known to be awaiting an appointment in England on a date in 2024, the father took advantage of the situation to try to get what he wanted, namely to go to the grandparents' home to demand that they give him L, so as to remove L from his mother's care. He did this without thought as to the effect on the mother, the grandparents and crucially, L. This was manipulative, controlling and not child- centred. He also made unfounded allegations about the grandparents and the mother to the local police.
80. Taking the findings that I have made all together I find that the father did perpetrate a pattern of assaults, threats, humiliation and manipulation that was used to harm, punish and frighten the mother and those acts constitute coercive behaviour. I also find that the father isolated the mother from her friends, regularly broke her phone so as to deprive her of the means to call for help, deprived her of financial assistance, thereby regulating her daily behaviour and caused her to have to return to her home town immediately by his attempts to remove L from her parents' care. Those actions constitute controlling behaviour. As a result I find that the father was guilty of coercive controlling behaviour towards to the mother. Allegation 8: Biting L
81. The mother alleges that whilst caring for L, the father became frustrated with changing his nappy and ripped the nappy off with his teeth, catching L's skin, causing it to break and bleed. He then failed to address the wound. In her statement the mother said that when L was about 6 months old the father had been caring for L when she was at work. When she got home the father told her he had struggled to change L's nappy and had to rip the nappy with his teeth and that he had caught L's skin on the side of his abdomen causing it to bleed,

but that L was OK. L was asleep so the mother did not check it straight away, but when he woke and she changed his nappy she was shocked at the injury. She said it was still bleeding and had not been cleaned or dressed. She was concerned that it may have been a deliberate injury on the part of the father, saying that he had bitten her before in frustration and giving some details of that. However in oral evidence she tempered that somewhat to say that she hoped it was accidental but she didn't know if it was frustration. She knew he didn't like changing the nappy. She said the wound broke the skin and it bled a little for some days, especially when he was being washed. It had left a scar. She exhibited a picture of the wound. It is a poor quality image and it is impossible to be sure what it shows but it does appear to show a patch of skin with a puncture wound. She also submitted in evidence a picture of the scar which I accept is a small mark on the waistline at the side, where a nappy-tape might be expected to be. The mother asked in oral evidence "Why use your teeth for a nappy? Why are you doing that?"

82. The father said that their routine was when changing a nappy to take L to the sink to wash his bum in the sink. He said he was holding him with one hand and trying to take the nappy off with the other hand and used his mouth to help that other hand. The father demonstrated in oral evidence how he was holding the baby with one hand and juggling to try to get the nappy off with the other hand and with his teeth to help. He said he never intended to cause an injury and it was an accident. He denied that the wound was bleeding, calling it a "little scratch". He said he cleaned and disinfected it and yet he maintained there was no blood, and said it was just a pinch. He could not remember whether he had broken the skin.
83. It is common ground that the father used his teeth to help remove the nappy and in so doing injured L. What is in dispute is the size of the wound, and whether it was intentional, motivated by frustration, or accidental. I find that the father's evidence does not wholly stack up. It is not clear why he was cleaning and disinfecting the wound if there was no bleeding. It was not credible that he did not remember whether he had broken the skin. I therefore find that the father is minimizing the size of the wound. I am not able to make a finding that the father did this intentionally and out of frustration. Given the father's responses to frustration when the mother frustrated him, it is a real possibility that he might have used his teeth more aggressively than he should have. But the mother is right when she says that she was not there and she did not see what happened. I therefore find that when L was about 6 months' old the father used his teeth to assist in removing L's nappy and in so doing he bit L causing an injury which bled. This was at the very least ill-advised and careless, and showed poor parenting skills. I can not go further than that. Return to Allegations 2 and 4
84. I return then to allegations 2 and 4. Allegation 2 is the allegation that the father perpetrated a frenzied attack on the mother to discipline her for kicking the wall. I have in mind the law on similar fact evidence and propensity. In this case the question is not whether I should admit additional evidence, but whether I can rely on the similar fact evidence arising from

the findings I have already made. It seems to me that the findings I have already made are relevant. There is no unfair prejudice in relying on them because the father has had an opportunity to respond to those matters and has been heard orally. There has been no additional burden since each of the allegations had to be tried in any event. It is my view that wrong verdict may be reached if I do not rely on them. I therefore consider it is in the interests of justice that I take into account the similar facts which I have already found, and in my view they clearly amount to a propensity on the part of the father.

85. The narrative of Allegation 2, when the mother kicked the wall, very closely mirrors the narratives of other incidents which I have found did occur. The pattern appears to be that there is a trigger event which causes the father to lose control and he then attacks the mother, often (but not always) to her arms and legs by hitting and/or kicking. That was the pattern for the canoe incident when the mother could not row in the correct rhythm, the New Year incident when the mother texted a male friend, the incident with the injury to the back of the knee triggered by finding L in the parents' bed, the incident with the friends when he was triggered by the mother bringing friends home without consultation. There is enough similar fact evidence in relation to all these incidents to enable me to say that the father has a propensity to lose control and hit and kick the mother when he is triggered by something that annoys or frustrates him. Given that propensity, I consider it more likely than not that allegation 2 is true. I find that in November 2020 the mother damaged a wall by kicking it, and that the father then "disciplined" the mother by slapping her across the upper arms and kicking her in the upper thigh. The mother fell to the floor and the father continued to kick and slap her. That it was a frenzied attack is clear from the extensive bruising to the mother's upper arms, as shown on the photographs which I accept, on the balance of probabilities, came from this incident.
86. Allegation 4 is the allegation of strangulation. This is an incident of a slightly different character. The father's usual modus operandi is to kick and hit rather than to strangle. However the hallmarks are still there. There was a triggering event which was the mother's accusation that the father was flirting with another woman. There was a sudden loss of control. There was a frenzied attack. Whilst I do accept that strangulation is different from hitting and kicking, there is considerable overlap with behaviour which the father has a propensity to. In addition, there is the fact of the mother having given the narrative consistently three times, and the father's decision to give a no comment interview when he could perhaps have set the record straight at a much earlier stage. Taking all those factors into account I find on balance that in February or March 2021 the father grabbed the mother forcibly by the throat and pushed her down on the bed by her throat and held her there for 5-10 seconds, causing her to fear that he would strangle her till she lost consciousness.
87. That concludes the fact-finding judgment in this case. 31

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