

Case No: VS13P00027

**IN THE BRISTOL FAMILY COURT**

Bristol Crown Court

Date: 15/06/2015

**Before:**

**HIS HONOUR JUDGE WILDBLOOD QC sitting as a Judge of High Court.**

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**Between:**

	<b>Roger Williams</b>	<b><u>Applicant</u></b>
	<b>- and -</b>	
	<b>Rebecca Minnock</b>	<b><u>First Respondent</u></b>
	<b>-and-</b>	
	<b>Ethan Freeman Williams (by his guardian)</b>	<b><u>Second Respondent</u></b>

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Hearing date: 15th June 2015  
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## HHJ Wildblood QC:

1. As everyone knows Rebecca Minnock came forward with Ethan on Friday evening and Ethan has been placed with his father.
2. The hearings last week all took place in open court and in the presence of the press. There is a significant public interest in this case and it has been important that I should explain things as openly as possible to ensure that misunderstandings do not arise. I would wish to pay an immense tribute to the press for the way that they have reported this case. Journalists have a difficult but important job to do as the eyes and ears of our society and that job comes with the demands for near instantaneous reporting in the modern electronic world. It has been a privilege and very rewarding for me to witness how swift, balanced and informed that reporting has been. The press organisation has been instrumental in securing the return of Ethan. Thank you.
3. A singularly unattractive feature of this case that was revealed last week by Mr Butt was that he, and according to him other members of the mother's family, sought to manipulate the press to their advantage. Mr Butt said in evidence that, when Rebecca Minnock did not achieve what she wanted to achieve in the family litigation, he and others took the view that Rebecca should go into hiding with Ethan to attract the attention of the press. As Mr Butt himself said, if everyone who is dissatisfied with the outcome of a case behaved in that way it would lead to anarchy. Huge amounts of time, effort and money were spent on the case and it is simply unfair for a party to attempt to use the press in an attempt to deny another person justice. Not only is it absurd for anyone to try to 'play the press' in that way, because that inevitably backfires, but it is also an utterly irresponsible way to behave from the point of view of the welfare of a child. It means that an attempt has been made to use each one of you, members of the press, and the court system as a whole as a part of a publicity stunt that has now been played out in public.
4. Another singularly unattractive feature is that, by engaging in that publicity stunt, those in the mother's family who have behaved in this way have ensured that you and the public hear the mother's side of the story in very full detail. That cannot be allowed to overshadow the following:
  - i) It was the mother's choice to behave as she did since 27<sup>th</sup> May 2015;
  - ii) The litigation in which the father first engaged two years ago has taken place because it was necessary for him to assert *his* right to a relationship with his child, Ethan;
  - iii) There have been three court hearings in which serious allegations made by the mother against the father have been rejected and, following a very high level of enquiry, it has been found that the mother positively invented allegations against the father on two occasions in an attempt to stop him having any contact or relationship with the child.
  - iv) The father has not at any time embarked on anything like the publicity stunt in which the mother's family has engaged.
  - v) It is now necessary for me to decide about how much of the previous court hearings I

should disclose in public. Before I make any decisions at all about that I need to hear the parties. That is a very difficult decision and I intend to look at it carefully.

5. My principal task now, however, is to sort out the future arrangements for Ethan. I do not imagine anyone could fail to recognise just how difficult a task that will be. I have already explained in a written judgment the principles of law that will be applied; the fact that the mother and child are now found does not alter those principles in any way. I meant what I said and will stick to it. I am sure that no one reading this judgment would wish to see their own personal difficulties and family issues paraded in public and so I am sure that there will be understanding when I say that at least some of the arrangements for Ethan will have to be resolved by the court sitting in private. I will also have to ensure that there are no further attempts to manipulate public opinion in the way that Mr Butt suggested he had done.
6. However, it would be unfair on the public and no doubt ineffectual for this level of interest to be awakened in a case only for attempts to be made to place every aspect of the case behind an impenetrable curtain of confidentiality. Subject to any arguments that I might hear from any of the parties or any direction from any higher court, I intend at very least to release shortened versions of any future significant judgments that I may give in these proceedings to the press association. The most senior Family Judge in this country, Sir James Munby who is the President of the Family Division, issued a Practice Guidance on 16<sup>th</sup> January 2014 called 'Transparency in the Family Courts, Publication of Judgments'. By paragraph 16 of that guidance he said: *'Permission to publish a judgment should always be given whenever the judge concludes that publication would be in the public interest and whether or not a request has been made by a party or the media'*. I intend to operate under that paragraph.
7. What happens next? After this hearing I will hold a hearing in private where I will make decisions to govern the immediate future. I may also have to look at what should be done about Rebecca Minnock's behaviour in breaching previous court orders. I anticipate that there needs to be a short period of time in which people can take stock of what has happened and reflect on what they want to achieve.
8. I would ask that there is as little speculation about what might or might not happen in relation to Ethan as possible. It would be thoroughly irresponsible and incorrect to suggest that the mother is now *bound* only to have indirect contact or supervised contact for very short periods of time. 'Indirect contact' is a phrase that means contact which does not involve face to face meetings (thus indirect contact might mean contact by letter, telephone, Skype, etc). The arrangements for Ethan to see each of his parents will be governed by his paramount welfare (section One of Children Act 1989) and no one, myself included, can predict where that welfare might lie until the case has been heard fully and properly. I do make a request please that speculation, such as some of that which has occurred over the weekend, should be as limited as possible. I have already said, but repeat, that I will be doing everything possible to ensure that this little boy has an effective relationship with both of his parents.
9. In relation to hearings that take place in private the position about publishing or reporting what occurs is governed by section 12 of The Administration of Justice Act 1960, Section 97 of The Children Act 1989 and any specific orders that are made in the proceedings concerned.

10. The existing position is that an order of 27<sup>th</sup> May 2015 in these proceedings provided as follows: *‘the reporting restriction order dated 6<sup>th</sup> February 2015 is hereby varied to permit the publication of information identifying the child Ethan Freeman Williams (date of birth 25<sup>th</sup> January 2012) and the parties to these proceedings, including by way of photographs to the extent necessary to assist in the investigation as to the child’s whereabouts and his recovery’*
11. Since Ethan has been recovered that relaxation of the earlier order has now ended. I will consider the earlier order, of 6<sup>th</sup> February 2015 and ensure that the terms of any injunctions are made well known publicly. Therefore please can I ask that the press should inform themselves about what may and may not be published from this point forwards; I ask that in their interests as much as anyone else’s. If any member of the press or anyone else seeks broader publication of information than I have outlined they would need to make an application on notice within these proceedings.
12. As for today the position is this:
- i) Anything said at this hearing in open court may be published;
  - ii) Anything that has already been said in previous open court hearings may be published (which is why, last week, I issued so many written judgments with as much detail as possible so that there is no doubt about what was said);
  - iii) I will offer the press the opportunity to ask me questions now in open court and I will answer them to the extent that I am able. I think that is a much better way of dealing with matters in order that any uncertainties are resolved immediately.
13. Finally I would like to thank the police and the Tipstaff for their invaluable help and I particularly commend DC Davis for the work that he has done.

HHJ Stephen Wildblood QC - 15<sup>th</sup> June 2015.