



Neutral Citation Number: [2019] EWHC 3202 (Fam)

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Date: 22/11/2019

Before :

MR JUSTICE KEEHAN

Re ORPHANS FROM SYRIA

Mr H Tomlinson QC and Ms L Briggs (instructed by **Goodman Ray and Birnberg Pierce**)
for the **Applicant**
Mr J Bunting for the **Media Agencies**
Mr B Gallop for the **Local Authority**
Mr R Cameron (instructed by **Harris Temperley**) for the **Children**

Hearing dates: 22nd November 2019

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....
MR JUSTICE KEEHAN

This judgment was delivered in public. 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.

The Hon. Mr Justice Keehan :

1. This matter concerns British citizens who were in Syria who are orphans.
2. I made a reporting restriction order when the matter first came before me on 21st October 2019. I have today in broadly the same terms continued that reporting restrictions order because I am satisfied that the article 8 rights of the children who have been returned to this country significantly outweigh the article 10 rights of the press and the broadcast media.
3. It will be plain that, being orphans and being in a warzone, they will have suffered emotionally and psychologically, the extent of which needs to be assessed and determined.
4. Until I am aware of how vulnerable they are I adopt a cautious approach to their welfare and best interests. And it is for that reason that I am satisfied that the balance falls decisively in favour of their article 8 rights.
5. For the benefit of the public, I can say the following about the circumstances of the family
6. Around 2015 a family arrived in Syria.
7. It is understood that the children were orphaned there.
8. The children's relatives in the UK came to be aware that the children were in Syria and they immediately instructed solicitors to write to the Foreign and Commonwealth Office and charities operating in Syria to raise the case of the children.
9. On 21st October on the Application of one of the children's relatives I made the children wards of court, made an order for their return to the jurisdiction and respectfully requested the assistance of the Foreign and Commonwealth Office to secure their return. I gave permission to disclose the order to the local authority in whose area the children were to reside and ordered the matter to be restored on the children's return to the country. I also then made a reporting restrictions order.
10. The following day I was notified that a journalist using the details set out in the schedule to the reporting restrictions order had attended the homes of several family members.
11. Accordingly on 24th October I made a revised reporting restrictions order setting out that using of schedules in the reporting restrictions order was a contempt of court.
12. On 29th October I ordered that the children on their return should be placed in the care and control of their family.
13. On 15th November I joined the relevant local authority as a party to the wardship proceedings.
14. I am immensely grateful to the Foreign and Commonwealth Office in London (a) for their assistance in organising the repatriation of the children and (b) for their cooperation with the court. It is apparent that this was a complex and difficult operation in a fragile environment. It involved the Foreign and Commonwealth Office in London

and across its overseas network. Any other operations will be similarly complex and difficult.

15. These children were handed into the care of Foreign and Commonwealth Office Officials yesterday. They boarded a plane to return to the UK yesterday and arrived this morning in London where they were met by members of their family.
16. They had breakfast together with their relatives and they appeared to be in good spirits. They were then driven to the family home where they are to live. They slept peacefully in the car on the journey from the airport. They immediately recognised the family members and family home on their arrival. They have settled into the home and appear to be as happy as they possibly could be in the difficult circumstances of their return.
17. That is all I propose to say by way of a public judgment.