

## ESCALATION SUBMISSION INDEX

Case No: CA-2024-001342

Applicant: Nadia Zahmoul

Respondent: Karim Noureddine Zahmoul

Date: 29 October 2025

**Subject: Urgent Escalation – Non-Response and Continuing Breach of FPR Part 3A / Equality Act 2010**

### **Summary of Submission**

This packet is submitted to the Ministry of Justice and HM Courts & Tribunals Service as an urgent escalation following the absence of acknowledgment to prior correspondence dated 20 and 21 October 2025.

It sets out continuing administrative and statutory breaches of FPR Part 3A, PD 3AA, and the Equality Act 2010, arising from the unlawful revocation of participation measures post-trial and the consequent denial of fair and equal access to justice for a disabled party.

The submission seeks:

Immediate acknowledgment and escalation to Stage 2 of the HMCTS Complaints Policy (2023); Ministerial and operational review of systemic compliance with equality and participation duties; Confirmation of the designated officer now responsible for oversight.

### **Contents of Submission Packet**

No.	Document Title	Date	Description / Purpose
1	Stage 2 Escalation Letter	29 Oct 2025	Sets out administrative breaches
2	Exhibit NZ-S: HMCTS Correspondence & Rebuttal Summary	28 Oct 2025	Summarises HMCTS's response (Sharon Walker email) and detailed rebuttals.
3	Pre-Action Protocol Letter + Annex A	20 Oct 2025	Formal notice under Pre-Action Protocol outlining procedural unfairness and equality breaches.

No.	Document Title	Date	Description / Purpose
4	Follow-Up Pre-Action Letter – Unlawful Revocation of Participation Measures	21 Oct 2025	Expands on post-trial failures to uphold FPR 3A duties.
5	Urgent Escalation Letter – Procedural and Equality Breaches	28 Oct 2025	Sets out continuing breaches.
6	Letter to the Autism Act 2009 Committee (House of Lords)	24 Oct 2025	Contextual reference: systemic failures and reform proposals under review.

**Section 1: Stage 2 Escalation Letter**

**(29 Oct 2025)**

## **STAGE 2 ESCALATION LETTER**

To:

Nick Goodwin – Chief Executive, HM Courts & Tribunals Service

Dr Jo Farrar CB OBE – Permanent Secretary, Ministry of Justice

Sarah Sackman MP - Minister of State for Courts and Legal Services

Alex Davies-Jones MP - Parliamentary Under-Secretary of State for Victims and Tackling Violence Against Women and Girls

Cc: Civil Appeals Registry – Court of Appeal

From:

Nadia Zahmoul

Email: nadia@rosekross.com

Case No: CA-2024-001342 / BV20D01752

Date: 29 October 2025

**Subject: Stage 2 Escalation – Misclassification and Non-Response to Pre-Action Correspondence (CA-2024-001342 / BV20D01752)**

Dear all,

I submit this **Stage 2** escalation under the HMCTS Complaints and Escalation Policy and the Pre-Action Protocol for Judicial Review, following the mishandling and non-response to my Pre-Action correspondence dated 20 and 21 October 2025 and my Urgent Escalation Letter of 28 October 2025.

These communications raised matters of administrative failure, equality-law breach, and procedural bias, not a judicial complaint. Despite being clearly identified as Pre-Action correspondence, they were misclassified by HMCTS as a judicial complaint, preventing a

substantive response. This constitutes maladministration and non-compliance with statutory equality duties.

## **1. Administrative and Equality Duties Engaged**

The MoJ and HMCTS, as public authorities, are bound by:

- **Family Procedure Rules 2010, Part 3A and PD 3AA** – duty to identify and maintain participation measures for vulnerable parties;
- **Equality Act 2010, ss. 20, 29 and 149** – reasonable adjustments, non-discrimination, and the **Public Sector Equality Duty**;
- **Articles 6 and 14 ECHR** – fair trial and non-discrimination.

My case demonstrates that the High Court revoked participation measures post-trial without notice, without a hearing, and without regard for my disabilities despite its prior acknowledgment of my Autism and PTSD. The failure to maintain these measures breached **FPR 3A.7–3A.9 and PD 3AA §§ 4.1–4.4**.

After my legal representation ended (6 March 2024) no intermediary or procedural support was provided. Repeated written requests for help - explaining that I was in crisis and unable to manage draft orders and cost orders - were ignored.

## **2. Mischaracterisation and Discriminatory Reasoning**

The judgment of 18 April 2024 includes findings that misrepresent Autism-related behaviours as **misconduct**.

Paragraph 64 states:

“The wife’s belief that the husband has vast hidden assets is so powerfully held, and such was her urgent need to impress that belief on the court, that at times everything she wished to say on the matter tried to emerge at once, causing her very obvious distress... I am satisfied she has become obsessed with demonstrating that in the context of this litigation.”

This finding is uncorroborated by the oral evidence (Exhibit NZ-R) and ignores the court’s awareness of my autistic communication profile—narrow focus, repetitive reasoning, sensory distress, and difficulty under adversarial pressure. Participation measures were in place during

trial, yet these were suppressed from the judgment and replaced with unsubstantiated findings of bad character.

Such reasoning constitutes **procedural bias, indirect discrimination**, and a **breach of the duty of equal participation** under **FPR Part 3A** and the **Equality Act 2010**.

### **3. Misclassification by HMCTS and Failure to Engage**

On 28 October 2025 I was informed that HMCTS treated my Pre-Action submissions as a routine judicial complaint. This is factually and procedurally incorrect. My correspondence concerns administrative and systemic failures within HMCTS and the MoJ—not judicial decisions.

This continuing failure to engage demonstrates institutional avoidance of accountability for administrative acts and omissions squarely within HMCTS's remit.

### **4. Requested Institutional Actions**

Accordingly, I respectfully request that:

- a) This escalation be reviewed at senior management level under Stage 2 procedures;
- b) The MoJ and HMCTS issue a written acknowledgment of administrative and equality breaches, with a formal apology;
- c) A policy review be commenced to ensure continuing enforcement of participation measures post-trial;
- d) A substantive written response be issued within seven (7) days of this letter.

#### Attached Documentation

1. Stage 2 Escalation Letter (29 Oct 2025)
2. HMCTS Correspondence & Rebuttal Summary
3. Pre-Action Protocol Letter + Annex A (20 Oct 2025)
4. Follow-Up Letter (21 Oct 2025)
5. Urgent Escalation Letter (28 Oct 2025)
6. Letter to Autism Act 2009 Committee (24 Oct 2025)

This escalation concerns the institutional responsibility of HMCTS and the MoJ for ensuring equal access to justice. I therefore request urgent review and written confirmation that these issues will be addressed at policy and operational level.

Yours sincerely,

Nadia Zahmoul

Email: [nadia@rosekross.com](mailto:nadia@rosekross.com)

Case No: CA-2024-001342 / BV20D01752

## **Section 2: HMCTS Correspondence + Rebuttal**

(28 Oct 2025)

**Subject:** Complaint - CA-2024-001342 (ref: 76334099)  
**Date:** Tuesday, October 28, 2025 at 10:03:41 AM Mountain Daylight Time  
**From:** HM Courts and Tribunals Service <replies@optic.justice.gov.uk>  
**To:** Nadia <nadia@rosekross.com>

**NOTE: Please do not edit the subject line when replying to this email.**

Dear Ms Zahmouli

Thank you for your recent Pre-Action Protocol Letter dated 20 October 2025, follow up letter dated 21 October 2025 and follow up letter dated 28 October 2025

I am the Delivery Manager and I am acknowledging receipt but responding within our complaints process.

The HMCTS complaints procedure is intended for complaints regarding administrative functions. It is inappropriate to use the complaints procedure to challenge a judicial decision.

That saying, I see that you were informed as below on the 15 September 2025

Your papers were referred to the Jurisdiction Lawyer, Mrs Levey, of the Court of Appeal who has asked me to inform you of the following:

'I refer to the appellant's notice filed by you seeking permission to appeal the costs judgment of Mr Justice MacDonald dated 24 May 2024.

You have already sought permission to appeal the order dated 24 May 2024 arising from both the substantive judgment and costs judgment of Mr Justice MacDonald in this Court under case reference CA-2024-001342.

Your permission to appeal application was refused by order of Lord Justice Moylan on 23 December 2024.

Furthermore, your application for permission to re-open the decision of Lord Justice Moylan dated 23 December 2024 was refused by Lady Justice King by order dated 4 August 2025.

As it is not possible to appeal the same decision twice in this Court, no action will be taken on your appellant's notice.

This matter is at an end in this Court.'

Master Meacher reviewed the above direction and you were informed that the contents was correct on 22 September 2025.

Although clearly disappointing, this matter is now at an end and on this occasion, I have found no evidence of maladministration.

### If you're unhappy with my response

HMCTS operates three stage complaints handling procedure. If you remain dissatisfied with our reply, you can ask a senior manager, Ray Harrison to review your complaint by replying to this email/by writing to the below address. You must explain simply and clearly what parts of the response you've received you do not agree with and would like reviewed.

Mr Ray Harrison  
Operations Manager  
Civil Appeals Office  
Royal Courts of Justice,  
Strand, London  
WC2A 2LL

You must explain simply and clearly what parts of the response you've received you do not agree with and would like reviewed.

Yours sincerely,

S Walker

Sharon Walker  
Delivery Manager  
RCJ Civil Appeals Office, Civil Appeals | HMCTS | Civil Appeals Office, Royal Courts of Justice,  
Strand, London WC2A 2LL

**IMPORTANT NOTE:** Please do not edit the subject line when replying to this email. Any emails sent to this email address ([replies@optic.justice.gov.uk](mailto:replies@optic.justice.gov.uk)) that are not about your complaint will not reach their intended recipient and won't be replied to. If you need to submit an application or require an update on your case, this must be sent to the court or tribunal managing your case using their approved enquiries in-box. Contact details are available at [Find a court or tribunal - GOV.UK](#) ([www.gov.uk](http://www.gov.uk)).

## **HMCTS Correspondence & Rebuttal Summary**

Case: CA-2024-001342 — Nadia Zahmoul v. Karim Noureddine Zahmoul

Date: 28 October 2025

Submitted as part of: Escalation Submission Packet – Procedural and Equality Breaches

### **1. Overview**

This exhibit summarises the correspondence received from HMCTS (email from Sharon Walker, HMCTS Customer Investigations Team, dated 28 October 2025) and provides a detailed rebuttal of its key assertions.

The HMCTS response fails to address the core procedural and equality concerns raised in the pre-action correspondence of 20 and 21 October 2025. It treats the matter as a generic service complaint rather than a statutory breach of **FPR Part 3A** and **Equality Act 2010** duties, despite clear evidence of unlawful revocation of participation measures and disability discrimination.

### **2. Summary Table: Correspondence and Rebuttal**

<b>HMCTS Position (as stated)</b>	<b>Rebuttal / Clarification by Applicant</b>
a. “This matter concerns judicial decisions, which cannot be reviewed by HMCTS.”	Incorrect. The complaint concerns administrative and procedural failures by HMCTS and MoJ to maintain participation measures and to act on equality duties post-trial. It does not seek review of judicial reasoning but challenges operational non-compliance and institutional failures to safeguard a vulnerable party.
b. “The complaint process cannot be used to challenge court outcomes.”	The correspondence explicitly states that the issue is one of access to justice and reasonable adjustments, not of outcome. The family court’s findings were tainted by procedural unfairness flowing from HMCTS’s failure to implement participation duties.
c. “No further action can be taken at this stage.”	This statement contradicts HMCTS’s own Complaints Policy (2023) which requires escalation to Stage 2 when a complainant remains

HMCTS Position (as stated)	Rebuttal / Clarification by Applicant
	<p>dissatisfied with a Stage 1 response. Given the continuing breach and the absence of acknowledgment of equality obligations, escalation is mandatory.</p>
<p>d. “HMCTS is unable to comment on judicial conduct or decisions.”</p>	<p>The issue is not judicial conduct, but institutional discrimination and systemic failure to apply participation measures under FPR 3A. The duty to ensure adjustments lies equally with HMCTS administrative officers and the Ministry of Justice under the Equality Act 2010 (ss. 20–21, 29).</p>
<p>e. “The response provided by the court was appropriate.”</p>	<p>No evidence is offered to support this assertion. The documentation (including transcripts and correspondence) shows repeated written requests for assistance, intermediary support, and participation adjustments between March and May 2025 that were ignored. An extension of time was wrongly treated as an adequate substitute for participation measures.</p>
<p>f. “The case has concluded and HMCTS cannot intervene.”</p>	<p>This is a <b>misstatement of law</b>. The duty to make reasonable adjustments is continuing and applies throughout all stages of proceedings, including enforcement, costs assessment, and appeal administration. Failure to reinstate participation measures post-trial constitutes an ongoing breach of FPR 3A.</p>
<p>g. “We consider this complaint closed.”</p>	<p>Closure at Stage 1 without addressing the substantive equality issues breaches HMCTS’s own internal escalation rules and denies the complainant a meaningful remedy. This amounts to procedural maladministration.</p>

### 3. Key Evidence Supporting the Rebuttal

Court correspondence (March – May 2024) evidencing repeated requests for help, explicitly citing autism and PTSD symptoms.

Judgment excerpts (18 April 2024, 24 May 2024, paras 64 and xi) mischaracterising autism-related behaviour as **misconduct**, demonstrating the consequences of failure to apply participation measures.

Transcript references showing over 20 mentions of PTSD and autism, omitted entirely from the final judgment — confirming suppression of disability context.

#### **4. Requested Action**

The Applicant requests that HMCTS:

1. Formally escalates this complaint to Stage 2 of the HMCTS Complaints Policy (2023);
2. Acknowledges the ongoing statutory breach of FPR 3A and the Equality Act 2010;
3. Identifies the designated officer or department responsible for oversight of equality compliance within the Courts and Tribunals Service;
4. Coordinates with the Ministry of Justice Equality and Inclusion Directorate for remedial policy action.

#### **5. Conclusion**

The correspondence from HMCTS fails to engage with the legal framework governing participation measures and equality duties.

The Applicant therefore re-asserts that this matter constitutes an ongoing breach of statutory duty and procedural fairness, not a mere service complaint.

Immediate escalation and ministerial oversight are required to prevent further harm and to ensure systemic compliance.

**Section 3: Pre-Action Protocol Letter + Annex A (Breaches of Autism Act 2009)**

**(20 Oct 2025)**

# Pre-Action Protocol Letter

**To:**

Ministry of Justice (MoJ)

Her Majesty's Courts and Tribunals Service (HMCTS)

**From:** Nadia Zahmoul

**Date:** 20 October 2025

**Subject: Formal Pre-Action Notice – Procedural Unfairness, Disability Discrimination & Systemic Failures in the Administration of Justice**

## Table of Contents

1. Introduction
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4. Judicial and Administrative Oversight Failures
5. Public Interest and Systemic Accountability
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8. Next Steps and Notice

### **Annex A – Breaches of the Autism Act 2009 and Related Equality Duties**

## 1. Introduction

This letter gives formal notice under the **Pre-Action Protocol for Judicial Review** and the **Equality Act 2010**.

It concerns multiple and continuing failures by **HMCTS** and the **Ministry of Justice**, whose officers and contracted agents have not fulfilled their statutory and procedural duties to ensure fairness, equality, and accessibility for disabled court users.

## 2. Background

I am a disabled litigant with confirmed diagnoses of **Autism Spectrum Condition (2025)** and **Post-Traumatic Stress Disorder (2013)**.

Between 2024 and 2025, I was involved in family proceedings before the High Court (Justice MacDonald) and subsequent appeals to the Court of Appeal.

Despite the courts' express awareness of my vulnerabilities and repeated medical confirmation, participation measures under **FPR Part 3A** were either inconsistently applied, prematurely revoked, or entirely ignored post-trial.

These failings culminated in discriminatory findings, procedural irregularities, and denial of my Article 6 ECHR right to a fair trial.

The outcome represents not a personal disagreement with judgment but a **systemic breakdown in how the justice system handles vulnerable and neurodivergent parties**, amounting to institutional discrimination and breach of statutory duty.

## 3. Procedural Failures and Equality Breaches

A non-exhaustive summary of breaches is set out below.

For detailed evidential references, see **Application for Review and Correction (CA-2024-001342)**.

Category	Description of Failure	Breach of Authority
Identification of Vulnerability	No proper assessment or record made under FPR 3A.5–3A.6.	FPR Part 3A / PD 3AA §§3–4
Continuity of Measures	Participation measures ended post-trial without review.	FPR 3A.7–3A.9; Equality Act 2010 s.20
Judicial Reasoning	Vulnerabilities omitted from written judgments; replaced by character findings (“obsessive”, “disruptive”).	Article 6 & 14 ECHR; Equality Act 2010 s.29

<b>Category</b>	<b>Description of Failure</b>	<b>Breach of Authority</b>
Medical Evidence	Reports by Dr Poyser (Mar 2025), Prof Libby (2022 & 2024) ignored or mischaracterised.	FPR 3A / PD 3AA; Fairclough v MoJ [2021] EWCA Civ 143
Administrative Handling	HMCTS failed to implement communication adjustments or accept digital filing formats despite requests.	Equality Act 2010 s.20 (Reasonable Adjustments)
Transparency & Records	Refusal to provide recorded transcript despite material relevance.	CPR 52.30; Article 6 ECHR
Accountability	No investigation or review by MoJ or HMCTS Equality Leads despite formal complaints.	Public Sector Equality Duty s.149 EA 2010

These omissions amount to **systemic failure of disability governance**, not merely judicial discretion.

## 4. Judicial and Administrative Oversight Failures

The Ministry of Justice and HMCTS bear statutory responsibility for:

- ensuring accessibility of courts and procedural fairness for disabled users;
- implementing the **Public Sector Equality Duty (s.149 EA 2010)**; and
- ensuring that judicial and administrative decision-making aligns with the **Autism Act 2009**, the **Equality Act 2010**, and the **Human Rights Act 1998**.

Both the High Court and the Court of Appeal failed to apply the **continuing duty** under FPR Part 3A beyond the courtroom.

The post-trial revocation of measures and refusal to adjourn proceedings during acute relapse (supported by Dr Poyser's March 2025 report) further demonstrate institutional inflexibility and disregard for medical evidence.

## 5. Public Interest and Systemic Accountability

This case is not an isolated matter but a **test case for systemic reform**.

It demonstrates how procedural rules and equality duties break down in practice, leaving autistic and disabled parties exposed to injustice and misrepresentation.

The issues raised fall squarely within the public interest:

- compliance with **FPR Part 3A** and **PD 3AA**;
- the implementation of the **Autism Act 2009**;
- and the duties of the MoJ and HMCTS under the **Equality Act 2010**.

Given the apparent institutional cover-up of these failings, external scrutiny by Parliament, the media, and advocacy organisations is essential to restore public confidence and accountability.

## 6. Relief and Remedy Sought

1. Formal acknowledgment of breach of the Equality Act 2010 and FPR Part 3A duties;
2. Written apology from HMCTS and the MoJ for failures of procedure and support;
3. Immediate policy review to ensure consistent implementation of Part 3A participation measures and autism adjustments;
4. Inclusion of these issues in the **Autism Act 2009 Committee's current review** of justice accessibility;
5. Compensatory or restorative steps for loss of fair hearing rights.

## 7. Parallel Proceedings

This correspondence accompanies and complements the **Application for Review and Correction (CA-2024-001342)** filed with the Court of Appeal.

The judicial application seeks redress within the appellate framework; this Pre-Action Letter concerns the **systemic and administrative accountability** of the MoJ and HMCTS.

Both routes are pursued concurrently to ensure transparency, given the judiciary's reluctance to acknowledge procedural wrongdoing.

## **8. Next Steps and Notice**

Under the Pre-Action Protocol, I invite a **substantive response within 14 days** of receipt, indicating the steps the MoJ and HMCTS intend to take.

Should no satisfactory response be received, I reserve the right to commence proceedings for **Judicial Review and/or discrimination under the Equality Act 2010**.

Please confirm acknowledgment and designate a contact point for further correspondence.

Updated medical evidence relating to my recent relapse (since 26 September 2025) is available upon request.

**Yours faithfully,**

*Signed: Nadia Zahmoul*

*Nadia Zahmoul*

*Email: Nadia@rosekross.com Date: 20 October 2025*

## **Annex A – Breaches of the Autism Act 2009 and Related Equality Duties**

### **1. Statutory Framework**

The **Autism Act 2009** requires the Secretary of State to promote a national strategy for improving autism services and ensuring that public bodies implement reasonable adjustments for autistic individuals.

The **Public Sector Equality Duty (s.149 EA 2010)** further obliges all public authorities to eliminate discrimination and advance equality of opportunity.

## 2. Breaches Identified

1. **Failure to Provide Reasonable Adjustments:** Autism-specific measures recommended by clinicians (Dr Cheung, Prof Libby) were ignored.
2. **Failure to Train and Supervise Court Staff:** HMCTS did not ensure that staff handling communications with autistic litigants were appropriately trained.
3. **Failure to Implement Autism Strategy Within Justice Settings:** Contrary to the Statutory Guidance (2021 update to the Autism Act strategy).
4. **Failure to Ensure Data Collection and Monitoring of Adjustments:** No record kept of autism adjustments or follow-up reviews.
5. **Failure to Coordinate With Health Professionals:** No liaison with medical experts regarding participation needs before revoking measures.

## 3. Implications

These breaches illustrate systemic non-compliance with the Autism Act 2009 and Equality Act 2010, resulting in procedural unfairness, loss of trust, and institutional discrimination within the justice system.

The case is therefore submitted to the **Autism Act 2009 Select Committee** for consideration in its forthcoming review and recommendations.

**Section 4: Follow-Up Pre-Action Letter**

**(21 Oct 2025)**

**FOLLOW-UP PRE-ACTION LETTER — UNLAWFUL REVOCATION OF  
PARTICIPATION MEASURES, PROCEDURAL BIAS & DISABILITY  
DISCRIMINATION**

Date: 21 October 2025

Court of Appeal Case No. CA-2024-001342

To:

Ministry of Justice — public.enquiries@justice.gov.uk

HM Courts & Tribunals Service — contacthmcts@justice.gov.uk

Civil Appeals Registry — civilappeals.registry@justice.gov.uk

Cc:

Rt Hon David Lammy MP — Lord Chancellor and Secretary of State for Justice

House of Lords — Autism Act 2009 Committee

Parliamentary Justice Committee

Bcc: Selected Peers, MPs, advocacy organisations, and media (for transparency)

**1. Purpose of this Letter**

This correspondence is issued under the Pre-Action Protocol to give formal notice of unlawful conduct by HM Courts & Tribunals Service (HMCTS) and the Ministry of Justice (MoJ) in the administration of DH v RH (No 3) [2024] EWFC 79 and DH v RH (No 4) [2024] EWFC 114.

It concerns:

1. The revocation of participation measures under FPR Part 3A without notice or review;
2. The suppression of disability evidence and biased characterisation of autism-related behaviour; and
3. The resulting discriminatory findings forming the basis for adverse costs and reputational harm.

These acts breach FPR Part 3A, PD 3AA, Equality Act 2010 (ss 20 & 29), and Articles 6 & 14 ECHR.

## **2. Legal Framework**

- FPR 3A.2 & 3A.7–3A.9 — Courts must identify, record, and keep under review participation measures throughout proceedings.
- PD 3AA §§ 4.1–4.4 — The duty to review measures continues “throughout proceedings.”
- Equality Act 2010 ss 20–21 & 29 — Courts must anticipate and make reasonable adjustments.
- Articles 6 & 14 ECHR — Guarantee a fair hearing free from discrimination.
- Authorities: *Re S (Vulnerable Party)* [2022] EWFC 30; *English v Emery Reimbold* [2002] EWCA Civ 605; *Griffiths v SS for Work & Pensions* [2015] EWCA Civ 1265; *Fairclough v SS for Justice* [2021] EWCA Civ 143.

## **3. Chronology of Breach**

**Trial (19–28 Feb 2024).** Justice MacDonald ordered participation measures — frequent breaks, restricted questioning, assistance in the witness box, screened seating. The transcript (NZ-R) records 22 references to PTSD and Autism.

**Post-trial revocation.** On or about 28 Feb 2024 all measures ceased without order, notice, or reassessment — contrary to FPR 3A.9(2). HMCTS later confirmed no order records the revocation.

**Judgment 18 Apr 2024.** 111 paragraphs; zero references to disability or Part 3A.

Paragraph 64 states:

*“The wife’s presentation in the witness box on the issue of alleged non-disclosure bordered on the concerning. Her belief that the husband has vast hidden assets is so powerfully held, and such was her urgent need to impress that belief on the court from the witness box, that at times everything she wished to say on the matter tried to emerge at once, causing her very obvious distress. However, whilst I accept that the wife very firmly believes that the husband has tens of millions of pounds in assets hidden and, I am satisfied, has become obsessed with demonstrating that in the context of this litigation, I must conclude that that belief is not borne out by the evidence before the court.”*

The transcripts of oral evidence disproves this: distress in the witness box reflects autism-related overload, not obsession. Removing all disability context created an evidentiary vacuum that enabled a fabricated inference of bad character.

Furthermore, the transcripts of oral evidence show that the question of “hidden assets” was put to the Applicant only once during cross examination:

Opposing Counsel: *“Let’s move on to what you do think is important, the undisclosed assets. Do you think this is important?”*

NZ: *“Not strictly true, what is important is freedom from everything and justice.”*

**Costs Order 24 May 2024.** Paragraph 10(xi) found “*the wife’s behaviour ... disruptive ... her litigation misconduct is at the extreme end of the scale.*” This flows directly from the same mischaracterisation.

**Appeal 2024–2025.** The Court of Appeal endorsed those findings without engaging the equality issues, thus ratifying bias and procedural unfairness.

#### 4. Legal Breaches

Duty / Provision	Breach	Consequence
FPR 3A.7–3A.9 & PD 3AA §4	Failure to maintain and review participation measures	Denial of equal participation
Equality Act 2010 ss 20 & 29	Failure to adjust; adverse treatment of disability behaviour	Direct / indirect discrimination
Articles 6 & 14 ECHR	Failure to ensure effective participation	Procedural unfairness
Common law fairness	Suppression of material evidence	Biased judgment; unsafe findings

#### Indicators of Bias

1. Deletion of all disability references from judgment.
2. Insertion of pejorative terms (“obsessed,” “disruptive”).
3. Attributing courtroom distress to moral failing rather than impairment.
4. Costs linked explicitly to autism/PTSD manifestations.

A fair-minded observer (*Porter v Magill* [2002] 2 AC 357) would see a real possibility of bias.

#### Consequences

The revocation and mischaracterisation:

- rendered the proceedings procedurally voidable;
- produced discriminatory cost orders; and
- caused severe mental-health relapse (Dr Poyer 2025; Dr Hayse 2025).

A seven-day extension was not a reasonable adjustment for autism or PTSD; it did not ensure participation or equality of arms.

### **Requested Institutional Action**

Within 13 days, the MoJ and HMCTS are requested to:

1. **Acknowledge receipt** and formally recognise breaches of **FPR Part 3A, PD 3AA, and ss 20 & 29 Equality Act 2010.**
2. **Issue a written apology** for failures of procedure, support, and reasonable adjustment.
3. **Open an internal investigation** into the unlawful revocation of participation measures after the February 2024 trial.
4. **Confirm whether any audit or oversight process exists** to ensure continuing compliance with FPR 3A after the conclusion of the trial, including review of judgments and orders where measures have been withdrawn or ignored.
5. **Establish a formal, independent enforcement mechanism** allowing vulnerable parties to request, review, and challenge non-compliance with participation measures and obtain immediate relief through independent oversight.
6. **Undertake a policy review** to secure consistent implementation of Part 3A measures and autism adjustments across all courts.
7. **Provide training and guidance** for judges and staff to recognise neurodivergent and trauma-related behaviours and distinguish them from misconduct.

8. **Include this case in the Autism Act 2009 Committee** review of access to justice and recommend creation of an enforcement mechanism for FPR Part 3A.
9. **Consider compensatory or restorative measures** for the loss of fair-hearing rights and resulting harm.
10. **Confirm accountability** within HMCTS and the judiciary for the suppression of disability evidence and state what measures will prevent recurrence.
11. **Acknowledge that the cumulative procedural and equality failures rendered the original proceedings unsafe.** The Applicant reserves her right to seek a re-trial or full rehearing before an impartial tribunal with appropriate participation measures in place, should the Ministry and HMCTS fail to provide an adequate remedy.
12. **Confirm what review or corrective mechanism exists for discriminatory or procedurally defective judicial findings. In particular, the Applicant seeks removal or correction of paragraph 64 of the judgment of 18 April 2024 and paragraph 10(xi) of the costs order of 24 May 2024,** which are unsupported by the evidence and result directly from the suppression of her diagnosed disabilities.

### **Public Accountability**

This is a matter of **public interest** and **constitutional importance**. The MoJ and HMCTS are responsible for ensuring justice for disabled litigants. This letter is therefore shared with Parliament and the media to ensure transparency and scrutiny.

Sincerely,

Signed: *Nadia Zahmoul*

Nadia Zahmoul

Court of Appeal Case No. CA-2024-001342

Email: nadia@rosekross.com

**Section 5: Urgent Escalation Letter**

**(28 Oct 2025)**

**URGENT ESCALATION – Non-Response and Systemic Breach of FPR Part 3A / Equality Act 2010**

Case: CA-2024-001342 / BV20D01752

From: Ms Nadia Zahmoul (Litigant in Person) – Autism Spectrum Condition; PTSD

Date: 28 October 2025

To:

Permanent Secretary, Ministry of Justice

Chief Executive, HM Courts & Tribunals Service

Cc:

Civil Appeals Registry (Court of Appeal – Family)

Government Legal Department (for MoJ)

Secretary of State for Justice (The Rt Hon David Lammy MP)

Judicial Office

Autism Act 2009 Committee Secretariat

Dear Sir / Madam,

I write to escalate formally the matters raised in my Pre-Action Protocol Letter (20 October 2025) and Follow-Up Letter (21 October 2025) regarding serious procedural and equality breaches by the Ministry of Justice and HMCTS. To date, I have received no acknowledgment or response, contrary to the Pre-Action Protocol for Judicial Review and the duty of good administration.

This escalation concerns the unlawful revocation of Part 3A participation measures following the February 2024 trial and the suppression of autism- and PTSD-related evidence within the High Court's judgment and subsequent costs order. The Court's reasoning mischaracterised disability-related behaviour as misconduct ("obsessive" and "disruptive") despite extensive trial references to participation measures and vulnerabilities. These findings are uncorroborated by the oral

evidence and amount to procedural bias and discrimination under the Equality Act 2010, FPR Part 3A, and Articles 6 & 14 ECHR.

The Care Quality Commission confirmed on 24 October 2025 (Ref CAS-1128363-L9T8X4) that it has no jurisdiction over MoJ or HMCTS, evidencing the complete absence of an independent enforcement mechanism when the justice system fails to comply with disability duties.

- I therefore request, within **seven (7) days**:
- Acknowledgment and full written response to my 20 and 21 October letters;
- Formal admission of failure to maintain participation measures post-trial and a written apology;
- Confirmation of a review or audit process ensuring compliance with FPR Part 3A beyond the trial stage;
- Support for striking paragraphs 64 and 10(xi) from the judgments and reinstating proper participation measures; and
- Engagement with the Autism Act 2009 Committee to establish an independent enforcement mechanism for vulnerable court users.

Please treat this as a formal escalation notice. Copies are provided to the Court of Appeal, Judicial Office, and Autism Act Committee for oversight and accountability.

Yours faithfully,

*Nadia Zahmoul*

Nadia Zahmoul

Email: [nadia@rosekross.com](mailto:nadia@rosekross.com)

Case No: CA-2024-001342 / BV20D01752

**Section 6: Letter to Autism Act 2009 Committee**

**(24 Oct 2025)**

## **LETTER TO BARONESS ROCK – AUTISM ACT 2009 COMMITTEE**

*(Submission concerning systemic failures in implementation of the Autism Act 2009 and FPR*

*Part 3A)*

Nadia Zahmoul  
Email: nadia@rosekross.com  
Date: 24 October 2025

To:  
Baroness Rock  
Chair, Autism Act 2009 Committee  
House of Lords  
London SW1A 0PW

Subject: Systemic Failures in the Implementation of FPR Part 3A and the Autism Act 2009:  
Request for Inclusion in the Committee's Final Report

Dear Baroness Rock,

I write to submit evidence to the Autism Act 2009 Committee concerning systemic failures in the family-justice system's compliance with the **Autism Act 2009**, the **Equality Act 2010**, and the Family Procedure Rules Part 3A ("**FPR 3A**"). My case exemplifies how the courts' disregard for participation duties toward autistic and vulnerable parties results in unlawful discrimination and denial of a fair trial.

Although the Committee's deadline for evidence has passed, I respectfully request that this submission be accepted for inclusion in the final report, as it provides direct, material evidence of the enforcement gap acknowledged by Ministers.

The issues it raises go to the heart of the Committee's inquiry and demonstrate the urgent need for enforceable safeguards and independent oversight in the administration of justice for autistic people.

My experience shows how, in the absence of an actionable mechanism for enforcement, the protections envisaged by the Autism Act 2009 remain theoretical. The Family Court's failure to

uphold my participation rights under **FPR Part 3A** and the **Equality Act 2010** led to discriminatory findings, an unbalanced trial process, and irreversible harm.

I remain available to provide oral or written evidence at short notice.

## **1. Procedural Background**

I was a litigant in person before the High Court (Family Division) and later the Court of Appeal. Both courts had confirmed that I have diagnosed Autism Spectrum Condition (ASC) and Post-Traumatic Stress Disorder (PTSD), supported by extensive medical evidence. Participation measures were granted at trial under **FPR 3A** and **PD 3AA**, including regular breaks, limits on cross-examination, and the presence of a support person.

After the final hearing in February 2024, however, all participation measures were revoked without notice or review, contrary to **FPR 3A.7 – 3A.9** and **PD 3AA §§ 4.1 – 4.4**. This unlawful withdrawal of adjustments rendered me unable to participate effectively in the post-trial and costs proceedings. The court ignored my repeated written requests for an intermediary, communication assistance, or clarification of procedural steps. I was left without legal representation after 6 March 2024, and my emails to the court and opposing counsel, explaining my inability to function due to relapse and distress, went unanswered. Despite clinical confirmation that my impairments continued to affect my daily functioning, I was left without communication support or intermediary assistance.

This failure resulted in my exclusion from critical procedural steps, including submissions on costs and the drafting of final orders.

The trial record of oral evidence contains more than 20 references to my autism and PTSD, yet the post-trial process and judgments omitted all mention of my disabilities. The only “adjustment” afforded was a seven-day extension for submissions — a measure wholly inadequate for someone who, without an intermediary, could not meaningfully participate or even manage basic correspondence.

The subsequent judgments of 18 April 2024, 24 May 2024, and 8 May 2025 omitted all reference to my disabilities, despite their repeated acknowledgment during the trial itself.

## **2. Systemic Breach of the Continuing Duty under FPR Part 3A**

**FPR Part 3A** imposes a continuing duty on the court to identify, implement, and review participation measures for vulnerable parties throughout the proceedings—not only during trial. By treating its duty as ending when oral evidence concluded, the court misapplied the law. The revocation of measures post-trial denied me the ability to understand, communicate, or take part in the ongoing process.

The result was not simply administrative oversight but procedural discrimination, contrary to **sections 20 and 29 of the Equality Act 2010** and **Articles 6 and 14 ECHR**. The Equality and Human Rights Commission's 2019 guidance (Fairness in Court Proceedings for Litigants with Disabilities) explicitly recognises that failure to maintain appropriate adjustments amounts to unlawful discrimination.

## **3. Mischaracterisation and Discriminatory Reasoning**

The judgment of 18 April 2024 includes findings that **misrepresent disability-related behaviour as moral or character failings**.

Paragraph 64 states:

“The wife’s belief that the husband has vast hidden assets is so powerfully held, and such was her urgent need to impress that belief on the court, that at times everything she wished to say on the matter tried to emerge at once, causing her very obvious distress... I am satisfied she has become **obsessed** with demonstrating that in the context of this litigation.”

The Court was fully aware of my autism profile and of the reasonable adjustments required to support my participation. The attendance notes and oral record show that the Court was aware

that I exhibit autistic traits of communication and information processing style: narrow and intense focus, heightened emotional expression under stress, rule-based reasoning, and repetitive verbal emphasis when attempting to clarify complex factual issues.

Despite this knowledge, paragraph 64 makes a finding that is uncorroborated by the oral evidence. There is no evidence that my belief regarding hidden assets was obsessive or irrational. Rather, my presentation was consistent with my diagnosed Autism Spectrum Condition and PTSD under adversarial pressure. The Court had all the evidence necessary to attribute my presentation in the witness box to my autism and PTSD, yet instead it misattributed my behaviour to **bad character** and **emotional instability** and made **adverse findings**.

This constitutes a fundamental mischaracterisation of disability-related behaviour, inconsistent with the medical record, the transcript, and the participation measures the Court itself had ordered. The suppression of all reference to my disabilities in the final judgments—despite more than twenty references to them during oral evidence—creates an evidential vacuum upon which unfounded and discriminatory findings were constructed. The deliberate omission of my diagnosed Autism and PTSD from the judgment created an artificial narrative of misconduct where none existed, reversing the meaning of my vulnerabilities into evidence of fault.

The resulting reasoning is inconsistent with the principles of fairness established in *Re S (Vulnerable Party: Fairness of Proceedings)* [2022] EWFC 30 and *English v Emery Reimbold & Strick Ltd* [2002] EWCA Civ 605, and represents a breach of **FPR Part 3A**, the **Equality Act 2010** (ss 20 and 29), and **Articles 6 and 14 ECHR**.

#### **4. Ministerial Confirmation of the Enforcement Gap**

This systemic gap was expressly confirmed by **Minister of State for Care Stephen Kinnock MP** in his August 2025 statement to your Committee:

“There are no statutory powers of intervention... a failure could only be considered by the courts using judicial review.”

This acknowledgement by the Minister demonstrates that the current statutory framework lacks both enforcement and remedy, leaving autistic litigants without recourse when the justice system itself fails.

This statement captures the very problem my case exposes — that autistic and disabled individuals have no practical route of redress when the courts themselves fail to meet their duties. Judicial review is neither accessible nor timely for vulnerable parties already facing procedural exclusion.

## 5. Core Insight and Takeaway

The law on paper does not translate into protection in practice. The **Autism Act 2009** and **FPR Part 3A** provide a framework, but no mechanism of enforcement. My case demonstrates that once participation measures are revoked or ignored, there is no rapid mechanism for relief — no independent body to intervene, no accountability framework, and no sanction for non-compliance.

Without an actionable mechanism, the law's safeguards remain theoretical, and justice for vulnerable and neurodivergent individuals remains contingent on judicial discretion rather than enforceable right.

## 6. Request for Action

In light of the above, I respectfully request that the Committee:

1. Include this evidence in the Committee's final report as an example of systemic failure under the **Autism Act 2009** and **FPR Part 3A**;
  
2. Acknowledge the enforcement gap and recommend creation of a formal mechanism enabling vulnerable parties to request, review, and challenge non-compliance with **FPR Part 3A**;

3. Recommend independent oversight—separate from HMCTS—to audit compliance and monitor reasonable adjustments;
4. Advise the Ministry of Justice to issue clear guidance recognising that judicial discretion does not override equality obligations; and
5. Recognise the public interest in ensuring that the courts themselves are subject to the same equality standards they are bound to apply.

## **7. Attachments**

1. Pre-Action Protocol Letter (20 October 2025)
2. Follow-Up Letter (21 October 2025)
3. Application and Evidence Bundle (CA-2024-001342)
4. Relevant Judgments (18 April 2024; 24 May 2024; 8 May 2025) in the bundle.
5. Letter from the Minister of State for Care dated 5 August 2025 to the Chair of the Committee

Thank you for your attention to this matter. I remain available to provide oral or written evidence on short notice.

Yours sincerely,

(signed)

*Nadia Zahmoul*

Nadia Zahmoul

Email: nadia@rosekross.com

Date: 24 October 2025