

# Judge rejects NHS bid to stop Muslim representing sick girl

David Brown

The parents of a seriously ill girl have won the right to appoint a Muslim relative as her representative in court against the wishes of doctors.

Tafida Raqeeb, five, from Newham in east London, is in a coma suffering from a rare brain condition after an injury in February. Doctors at the Royal London Hospital in Whitechapel say there is no chance of recovery and believe it would be in her best interests to remove her ventilator and allow her to die, the High Court was told.

Her mother, Shelina Begum, 39, a solicitor, and father, Mohammed Raqeeb, 45, a construction consultant, want to take Tafida to Italy where doctors are prepared to treat her.

Tafida's mother has obtained a fatwa, or religious ruling, from the Islamic Council of Europe which says it is "impermissible for the parents, or anyone else, to give consent for the removal of the life-supporting machine from their child". The ruling continues: "This is seen as a great sin that has a multitude of grave consequences for them."

Katie Gollop, QC, representing the hospital, told the court that all members of Tafida's family believed as a "matter of religious faith" that continued treatment was right for the child and what she would want. She said the hospital believed that, particularly in light of the fatwa, no member of the

family was suitable to act as her "litigation friend". A litigation friend makes decisions about a court case for a child or adult who lacks the mental capacity to manage their own affairs.

"It is not possible for the family to be open-minded about the fact that a best-interests decision made by [a High Court judge] is or may be in Tafida's best interests," Ms Gollop said.

David Lock, QC, representing Tafida's parents, said the application to remove the relative, who cannot be identified, as her litigation friend was "extraordinary and a misconceived".

"A fatwa in this case has no chilling effect," he said. "It is an Islamic ruling sought by the parents concerning their obligation in relation to them giving consent to the removal of life-sustaining treatment for Tafida.

"Removing the litigation friend on the sole ground she holds to the tenets of a major religion cannot be anticipated to act in a way that reflects the child's best interests and is not only highly offensive but would also be unlawful."

Mr Justice MacDonald, who will hear the case next week, rejected the hospital's application. He said that he wanted the "temperature" of exchanges kept down during hearings.

Ms Begum said after the ruling: "It has been deeply distressing for me to be hauled away from my daughter's bedside for a whole day because of an application which was simply unnecessary."

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