

**IN THE SUPREME COURT OF BELIZE, A. D. 2013
(DIVORCE)**

CLAIM NO. 226 OF 2008

(EDITH JEAN ISAAC PETITIONER
(
BETWEEN (AND
(
(MARK BRIAN FORREST RESPONDENT

BEFORE THE HONOURABLE MADAM JUSTICE MICHELLE ARANA

Mr. Fred Lumor, S. C., for the Petitioner

Mr. Oscar Sabido, S. C., for the Respondent

J U D G M E N T

1. The Petitioner, Edith Jean Isaac, lived together for approximately 13 years as wife and husband with the Respondent, Mark Brian Forrest, whom she met in Saudi Arabia and married at the municipality of

Paphos in Cyprus on May 7th, 1993. Ms. Isaac is a Canadian citizen who was working in Saudi Arabia as a nurse when she met Mr. Forrest an American citizen working there as an aircraft mechanic. After getting married in Cyprus, the parties lived together in Saudi Arabia. The Respondent claims that this was a marriage of convenience to assist the Claimant in complying with Saudi Arabian customs and religious laws which prohibited them from living together unless they were married. He had become a permanent resident of Saudi Arabia having lived there for 20 years. He also claims that sometime during his stay in that country he converted from the Christian faith to the Muslim faith and adopted the name as Abdul Hakim Forrest.

2. The Petitioner claims that this was not a marriage of convenience but a marriage based on her love for the Respondent and she believed also based on his love for her. At the time of his marriage to Edith Isaac, Mr. Forrest was also still married to one Joan Bierman whom he wed in Saudi Arabia in December 1982. Around 2000, Ms. Edith Isaac, her husband and Mrs. Judith Lillicotch Forrest (to whom Mark Forrest was and is still legally married since March 1976) all came

together to Belize and put their resources together to purchase a piece of property in Placencia. Mark returned to Saudi Arabia and Edith and Judith remained living together in Placencia to start constructing the house.

3. The relationship between Edith and Mark deteriorated and in 2008 the Petitioner initially filed a petition for divorce from the Respondent in this court based on allegations of cruelty. The petition for divorce was later amended by leave and replaced by this petition for nullity which has been brought by the petitioner who alleges as follows:

“The Respondent, who is a serial bigamist, used deceit and fraudulent representation to obtain the consent of the Petitioner to marry him or to induce the Petitioner to marry him.”

Issue(s)

4. 1) Was Edith Jean Isaac legally married to Mark Brian Forrest in Cyprus on May 7th, 1993?

- 2) Did the Petitioner *know* that the Respondent was still married to Judith Lillicotch and Joan Bierman when she married him in Cyprus in 1993 or was she deceived by the Respondent?
 - 3) If Edith knew Mark was already married and went on to marry him anyway, does this court have jurisdiction to grant her relief thru a decree of nullity in this bigamous marriage or is she now barred from seeking relief having knowingly participated in a bigamous marriage and thereby approbated the bigamy?
5. The evidence before the court from the Petitioner and the Respondent establish that they were married in Cyprus on May 7th, 1993. Under cross-examination the Respondent confirmed in his oral evidence that he is the person in the wedding photos shown getting married to Edith Jean Issac. He was shown the original marriage certificate (Exhibit E.I.1) issued to him in Cyprus and after initial hesitation, he admitted he was the Mark Forrest referred to in the document and he was 51 years old at the time of the marriage. There is also documentary evidence (Exhibit E.I.10) in the form of a Health Claim Transmittal Form dated 30th September, 1994 where Mark

(calling himself by his Muslim name Abdul Hakeem Forrest) names Edith Jean Isaac as his spouse, a Saudi Arabian airlines Group Insurance Plan Enrollment Card dated 24th May, 1995 where he names her as his spouse and beneficiary and a letter written by Mark himself dated May 29th, 2000 written to United Healthcare Insurance Claim claiming medical expenses for his wife Edith Jean Isaac. It is also the evidence of both parties that after the ceremony they lived together as husband and wife in Saudi Arabia until they came to Belize to plan their retirement home. I agree with submissions of Learned Counsel for the Petitioner Mr. Lumor, S. C., that on the evidence there is a presumption of marriage between Edith and Mark which has not been rebutted. I agree with the similarity between this case and that of ***Gereis v. Yagoubi*** [1997] 1 FLR 854 cited by Learned Counsel Mr. Lumor, S. C., in his written submissions where the parties went through a ceremony of marriage which bore the hallmark of a traditional Christian marriage and the parties treated it as a marriage, the Respondent having begun to claim since the marriage the married man's tax allowance.

Based on this evidence the court finds that there was a valid marriage between Edith Jean Isaac and Mark Brian Forrest in Cyprus in 1993.

Issue 2

6. Did Edith Jean Isaac know that Mark Brian Forrest was legally married to Joan Bierman and Judith Lillicotch when she married him in 1993 or was she deceived by him into thinking he was a single man?

I have reviewed the evidence of the parties in this case, that of the two witnesses for the Claimant, Edith Jean Isaac and her daughter Mrs. Rokan and also that of the two witnesses for the Respondent, Mark Brian Forrest and his first wife Judith Lillicotch Forrest, and I am convinced on a balance of probabilities that Edith Jean Isaac knew that Mark was already married to other women when she married him. The first difficulty I have with Ms. Isaac's credibility is based on her trying to put forward a false marriage certificate Exhibit E1 5(which she *knew to be false*) in her previous petition for divorce before this court and then blame it on her husband. I do not understand how it is that she could have sought to tender a certificate in support of her petition for divorce in this court stating she was married to Mark Forrest in Horry County, South Carolina, U.S.A. when by her own admission she had never in her life been to South Carolina. The dates on the marriage certificate are also clearly wrong, since she

was married to Mark in May 1993 and not in September 1992 as stated in the false marriage certificate. I do not believe her explanation that Mark told her he was going to get the marriage in Cyprus registered in South Carolina for medical insurance purposes. She claims she just did what Mark told her to do. I find that she is not a witness of the truth. Even a cursory glance (which she testified she did) at the false certificate should have alerted her to the fact that it was a fraudulent document. Yet she proceeded to get certified copies and tender it in her divorce petition. In her affidavit filed in support of her application to convert the proceedings from divorce to nullity, she stated that she did this because she never believed Mark would contest the divorce petition. I find this to be egregious disregard and disrespect for the court and it certainly does not commend her as a witness on whose evidence this court can rely. Her evidence throughout this trial has been riddled with inconsistencies and evasions and she seems to be a witness who is a stranger to the truth.

7. I also find that the evidence establishes Edith Isaac knew that Mark Forrest was already married when she married him in 1993. As Learned Counsel Mr. Sabido, S. C., submits, her own divorce petition makes it clear that during her time with Mark in Saudi Arabia she kept getting telephone calls at their matrimonial home from both women Judith and Joan. This evidence from Edith of frequent telephone calls is confirmed by testimony of Mrs. Judith Lillicotch admitting that she (Judith) made calls to Mark at least once or twice a week when Mark was living in Saudi Arabia and that she would often talk with Edith on those occasions and identify herself to her on the phone by saying, "This is Judith, Mark's wife". I believe the evidence of Mrs. Lillicotch and Mark Forrest that the three of them, Mark, Judith and Edith lived together when Mark took Edith to visit Judith in Germany in 1992. Judith testified in support of her husband that she was fully aware of his marriage to Joan and Edith but that she believed those were not real marriages and simply arrangements to comply with Saudi Arabian law. Judith accepted these arrangements and even proceeded to befriend Edith and invite her to spend time with her in Germany and in the USA. It is my view that Judith, having decided to remain in USA to continue in her career and raise her children, while

Mark worked and lived in Saudi Arabia, accepted her husband's other marriages as marriages of convenience. However Judith considered herself as Mark's first and only "real" wife. I also believe the evidence from Judith (never refuted by Edith) that she came to Belize in 2000 and stayed with Edith and Mark in Placencia and that the three of them lived together and made retirement plans for their future together. I also questioned Judith and I believe her testimony that she is sure that Edith knew of her status as Mark's wife:

WITNESS: *"My Lady, I am absolutely positive that Edith Jean Isaac was aware because we talk many many times and we travel together. We stay together in the same hotel room; we stay together in Mark and my home that the Government provided.*

COURT: *When you say 'we,' you mean, you, Edith and your husband?*

WITNESS: *Mark, uh' hum."*

I do not believe that Mark Forrest deceived Edith Isaac into marrying her. I find that Edith knew he was already married to Judith Lillicotch but because she was in love with him she married him anyway. She

then proceeded to share her life with Mark, and later with Mark and his first wife Judith, and all three lived together happily until the falling out between Mark and Edith which led to the petition for divorce followed by this petition for nullity.

Issue 3

8. If Edith knew that Mark was already married and still went on to marry him, does this court in Belize have the jurisdiction to grant her relief thru a decree of nullity in this bigamous/polygamous marriage or is Edith now barred from seeking relief having knowingly participated in a bigamous marriage and thereby approbated the bigamy?

I have found as a fact, based on the evidence, that Edith knew Mark was already married when she married him in 1993 in Cyprus. I will now look at the Laws of Belize to determine if the court has the jurisdiction to grant Edith a decree of nullity in these circumstances. Under the Criminal Code, Chapter 101 of the Laws of Belize 2000, Section 321, a person commits bigamy who, knowing that a marriage subsists between him and any person, goes through a ceremony of marriage with another person.

I have no evidence before me that Mark Brian Forrest has divorced any of these women; I have no evidence before me of any decrees of divorce or nullity with any of these three women; therefore, legally, he is presently still married to Judith Lillicotch, Joan Bierman and Edith Isaac. Now, this may have been permissible under the laws of Saudi Arabia but it is certainly not allowed under the Laws of Belize.

9. I have found that the marriage between Mark and Edith was a valid marriage. I do not believe this was marriage of convenience, designed merely to assist Edith to comply with strict Saudi Arabian laws as Mark and Judith proclaim, and I find that under the Laws of Belize, Mark Forrest is indeed a bigamist. I find Mark's behavior in marrying all three women to be extremely reprehensible and exploitative of all the women involved. I found his demeanour during his testimony in court to be disdainful and arrogant, and his attempt to shout answers to Judith from the gallery while she was testifying is demonstrative of his manipulative behavior. The marriage between Edith and Mark was a valid marriage, and in celebration of that marriage, Mark admitted under cross-examination that he sent an anniversary card to Edith in Placencia celebrating 10 years of their

marriage, long after Edith had left Saudi Arabia. But I also find that Edith knew Mark was a bigamist when she married him, and by her acceptance of this situation and her active participation in this behavior, she condoned the bigamy. I agree with Learned Counsel Mr. Sabido's written submissions that it therefore follows that this approbation by Edith of Mark's bigamy is a bar to her obtaining relief from this court. She knew he was already married to two other women and she still married him. The application for a decree of nullity is therefore refused.

10. Each party to bear own costs.

Dated this 26th day of July, 2013

Michelle Arana
Supreme Court Judge