



Courts and Tribunals Judiciary

CROWN COURT AT SOUTHWARK

14 OCTOBER 2025

REX

v.

FAYAZ KHAN (AKA FAYAZ HOSSEINI)

SENTENCING REMARKS OF MRS JUSTICE STEYN DBE

Mr Khan, you may remain seated until I tell you to stand.

INTRODUCTION

On 10 October 2025, the jury at your trial convicted you of the offence of making a threat to kill contrary to section 16 of the Offences against the Person Act 1861. You have also been convicted by your guilty plea of an offence of Knowingly attempting to arrive in the United Kingdom without a valid entry clearance, contrary to sections 24(D1) and (F1) of the Immigration Act 1971 and section 1(1) of the Criminal Attempts Act 1981. I must now sentence you for those two offences.

I have had the benefit of arguments on sentence from Mr Charles Royle on your behalf, and from Mr Peter Ratliff for the Crown. I take account of everything they have eloquently said. I considered, in agreement with both parties, that it was unnecessary to obtain a pre-sentence report. The statutory surcharge will apply.

THE FACTS

I turn to the facts. I set out my conclusions upon the evidence that has been called in this trial. I must sentence you only upon the basis of the facts of which I am sure. If I am not sure about something I must give you the benefit of the doubt.

You are an Afghan national. Prior to your journey across Europe, through Germany and France to the UK, you had lived in Sweden since 2015.

On arrival in the UK, you told the UK authorities your name is 'Fayaz Khan' and you gave your date of birth as 2 January 1999, which would make you 26 years of age. In Sweden you

are known as 'Fayaz Hosseini' and your date of birth is recorded by the Swedish authorities as 2 January 1994, which would make you 31 years of age. In your police interview you asserted that 'Fayaz Hosseini' is your real name, and that you gave a different name to the UK authorities because you have enemies who you did not want to find you.

I am sure that you gave the UK authorities a false name and a false date of birth. That was not because you were hiding from so-called 'enemies': if that were the case, you would not have live-streamed your journey on social media. It was because you have a criminal record in Sweden, and in that country you were facing an extant prison sentence of 6 months (which was then subject of appeal). You did not wish the UK authorities to be aware of those matters. I cannot be sure of your date of birth, but you are in your early 30s.

You had a very large presence online, in particular on the social media site 'TikTok'. You held multiple accounts under various names, as your accounts would often be closed. You had tens of thousands of followers, and your video uploads had received a combined total of in excess of 2 million 'views'. You primarily went by the name 'Madapasa', but also styled yourself as 'Raessmafia' and 'afggang'. Your videos were in a gangster or pseudo-gangster style. From autumn of 2024, in your videos you documented your movement from Sweden across Europe and your attempts to travel across the Channel to the UK via small boat.

In the autumn of last year Nigel Farage was, as he still is, the Member of Parliament for Clacton-on-Sea, and the leader of a political party, Reform UK. On 12 October 2024, Mr Farage uploaded to YouTube a video entitled '*the journey of an illegal migrant*'. In that video he noted that the focus of debate had been on the numbers of illegal migrants coming to the UK, rather than on who was arriving. Using your own social media posts, Mr Farage highlighted you as an example of someone who did not have any legitimate reason to come to the UK, but who would be in the UK within a short time. One of your videos, from which Mr Farage included an extract in his YouTube video, shows an associate of yours with a firearm.

You soon saw Mr Farage's video. By 10:18 on 13 October 2024, you had saved a TikTok version of Mr Farage's video to your handset, with the words (in Swedish) '*Nigel farage reacts Mdpassa*' added to the video. Later the same day, at 17:40, you saved a screenshot of Mr Farage's YouTube channel, with words in Swedish to the effect that it was genuine written across it. Even bearing in mind your limited English, it was clear to you from seeing Mr Farage's YouTube channel, and his video, that he was a British politician, a Member of Parliament and the leader of a political party. Contrary to your claim when interviewed, you knew Mr Farage's video was genuine.

You saw the widescale dissemination of Mr Farage's video as a hindrance to your attempts to come to the UK.

On 14 October 2024, you created a video which began with a clip from Mr Farage's video and then showed you talking to camera. You spoke predominantly in Swedish, but also to some extent in English. You referred to '*this Englishman who talks about me*', saying the word '*Englishman*' (twice) in English. That was a reference to Mr Farage. You made the noise and gesture of firing a gun. You were abusive and said '*Madapassa to fucking come to England – I'm gonna shoot you*' (the latter part in English).

Also on 14 October 2024, you created and posted a second video in which you spoke English and made a threat to kill Mr Farage. You demanded that '*Englishman Nigel...don't talk shit*

about me'. You said, *'I come to England because I want marriage with your sister'*, words which were clearly intended as a sexual threat. You demanded that Mr Farage *'Don't talk about me more. Delete the video'*. You said, *'You not know me. I gonna come to England. I gonna pop, pop, pop'* whilst making trigger gestures and headbutting the camera repeatedly. You implied that you were a mafia leader, saying *'I'm mafia's papa'* and made further shooting noises and gestures.

This was a threat to kill Nigel Farage, made with the intent that Nigel Farage would fear that it would be carried out.

Your enduring intent is clear from further materials found on your mobile phone. In videos created on 15 October 2024, you described yourself and your associates as the *'madapasa battalion'*, again making shooting noises and gestures, and saying *'Madapasa Battalion v. UK – I swear the world is not ready for the madapasa battalion'*. On 16 October 2024, you created a screenshot from a GB News report about the death threat you had made to Nigel Farage, and transposed across the top the words *'I mean what I say...'*. On 26 October 2024, you added to a photograph taken from the inside of a tent (in blood dripping style font) the words *'Englishman you see everybody have a gun'*. Those materials were clearly intended for publication.

The threat to kill Nigel Farage which you made on 14 October 2024 quickly reached him, as you had intended. As a Member of Parliament and the leader of a political party, Mr Farage is a public figure and he understands that with the role comes public scrutiny, criticism and, sadly, at times abuse. But your video was not mere abuse: it was a threat to kill with a firearm and it was, as Mr Farage put it, *'pretty chilling'*. Mr Farage rightly understood that you were threatening to shoot him, and he immediately reported the matter to Parliamentary Services. Given the violent and aggressive nature of your threat, your serious intent to come to the UK, and your evident access to firearms, Mr Farage was understandably very concerned for his own safety, and that of his family, not least because as a high profile politician he can be *'easy to find'*.

At around 07:00 on 31 October 2024, you were one of 65 migrants on board a rigid inflatable boat that entered UK waters in the Channel, having travelled from France. Border Force officers intercepted the boat, and you and the other occupants were taken to Dover. You live-streamed a recording of your crossing. You had no valid entry clearance to the UK. In interview, you said no one had mentioned that the method of travelling by boat was illegal. But you also said you had tried unsuccessfully to come to the UK ten times. I am sure that you knew you were trying to arrive in the UK in an unlawful manner. If it were otherwise, a safer and cheaper route to enter the UK would have been available to you, and you would have taken it.

You said that had you not been intercepted you would have claimed asylum, and I understand that you have subsequently lodged a claim for asylum.

THE GUIDELINES

When sentencing an offender the court must follow any sentencing guidelines which are relevant to the offender's case unless the court is satisfied that it would be contrary to the interests of justice to do so.

Here, there is an offence specific guideline for the offence of Making a threat to kill. In addition, I have taken into account the guidance given by the Court of Appeal in *R v Donaldson* [2025] EWCA Crim 892. There is no offence specific guideline for the immigration offence, but I have had regard to the *General guideline: overarching principles* and the guidance given by the Court of Appeal in *R v Ginar* [2023] 1 Cr App R (S) 25. In addition, I have had regard to the guidelines on *Totality* and *Reduction in sentence for a guilty plea*.

MAKING A THREAT TO KILL

I am going to deal with the threat to kill as the main offence and the sentence will reflect all criminality.

The Prosecution submit that your culpability falls within category A – higher culpability. That contention is based on the threat to kill having involved ‘Significant planning’. Two other factors were initially relied on as present, or arguably so, namely, ‘*Threat(s) with significant violence*’ and ‘*Visible weapon*’, but that submission is rightly not maintained. You did not use violence in making the threat to kill, nor was any weapon visible when the threat was made, although I shall consider the visibility of weapons in your other videos further when addressing aggravating factors.

The Defence contend that none of the higher culpability factors are present and that the offence is at most one of medium culpability. The Defence submit that it is arguable that the culpability C factor ‘*limited in scope or duration*’ applies to a sufficient degree to reduce the overall culpability to category C, or at the least to the lower range of category B.

In my judgment, in the context of an offence of making a threat to kill, the facts do demonstrate significant planning. I am wholly unpersuaded that this was an offence ‘*limited in scope or duration*’. This was not a threat spoken in the heat of an argument. At least a day after you became aware of Mr Farage’s video you made a video in which you threatened to shoot him. The first video you made on 14 October 2024 was mainly in Swedish, although you spoke threatening words in English. In that video you included an extract from Mr Farage’s YouTube video. You then, a little over two hours later, made and published a further video in which you chose to speak entirely in English, with the deliberate intention that Mr Farage would see it and understand your threatening words. In that video, you deliberately sought to underline the seriousness of your threat by focusing on the tattoo of an AK47 on your face, by implying that you are a mafia leader, and by aggressively headbutting the camera. The video was not made in one take but involved joining pieces together.

Accordingly, I conclude that this is a case of higher culpability.

The Prosecution submit that the harm falls into category 2. Whereas the Defence contend it falls into category 3 as Mr Farage’s evidence of being ‘very thoughtful’, ‘very concerned’ and ‘potentially in fear for my life’ or ‘uneasy’ does not amount to evidence of psychological harm or distress to the victim.

I accept Mr Farage’s evidence that he was ‘very concerned’ and ‘very worried indeed’ for himself and his family. He found your threat to kill him, and description of how you intended to do so, taken together with the ease of finding him (given his role) and the fact you often wear a face covering (making it more difficult to identify you), ‘alarming’. Understandably, at least initially, he understated the impact of your threat. In my judgment, the evidence establishes that some alarm and distress has been caused, and I agree with the Prosecution that the harm caused falls into category 2.

The maximum sentence is 10 years' custody. In accordance with the offence guideline, the starting point for an offence falling within category A2 is 2 years' custody. The category range is 1-4 years' custody.

I turn to the aggravating factors.

First, the guideline sets out the mandatory, statutory aggravating factor that the offence was committed against a person providing a public service, performing a public duty or providing public services to the public. That statutory aggravating factor plainly applies here as you threatened to kill a Member of Parliament, and a leader of a British political party, in response to a political broadcast that he published. Being a Member of Parliament is a vitally important public duty. It is critical to a thriving and vibrant democracy that the general public have access to Members of Parliament, and that politicians are not deterred from standing for or remaining in Parliament by threats. Members of Parliament are particularly vulnerable to threats. Several MPs have been the subject of attacks and threats in recent years, and two MPs have been murdered. When anyone makes a threat to kill a Member of Parliament, it is an exceptionally serious crime and will be treated as such for the purposes of sentencing. That is so whether or not the threat to kill a Member of Parliament, contrary to s.16, is made via social media, or face-to-face. As the Court of Appeal made clear in *R v Donaldson*, threatening to kill a serving Member of Parliament who is carrying out their public duty amounts to a significantly aggravating factor that demands a significant, indeed a deterrent, sentence.

Secondly, between 2019 and 2024 you were convicted in Sweden of 17 offences on 12 occasions. These include multiple drug and dishonesty offences and, most pertinently, the following offences:

- 'Threatening behaviour towards a public servant' (1 month imprisonment);
- an 'Offence against the act relating to the banning of knives and other dangerous objects' (fine);
- 'Threatening behaviour' (3 months' imprisonment);
- 'Causing minor bodily injury' (in effect, no separate penalty);
- 'Vandalism' (2 months' imprisonment); and
- 'Possessing an offensive weapon in a public place' (6 months' imprisonment).

Having regard to the nature of the particular offences I have identified, the fact that they have all been committed during the past six years, and their relevance to the offence of Making a threat to kill, your antecedents are a significant aggravating factor.

Thirdly, it is an aggravating factor – although to a much lesser degree than the other aggravating factors I have identified - that this was a threat to kill *using a weapon*, and that you overtly boasted of and demonstrated your access to firearms through your videos, and through a message aimed at Mr Farage 12 days after you had made your threat to kill in which you wrote '*Englishman you see everybody have a gun*'. Whether or not those materials were published, I am sure you created them with the intention of disseminating them. (I have already taken into account the significant planning and the enduring nature of your intent in placing the offence in category A. I remind myself of the need to avoid double-counting and so that is *not* an aggravating factor.)

Fourthly, as I have said I shall reflect all offending in the sentence I impose for Making a threat to kill, and pass concurrent sentences. Accordingly, I treat the immigration offence as an aggravating factor. In so doing, I carefully take into account the guidance as to totality and

apply an uplift to reflect the immigration offence which is substantially lower than the concurrent sentence which I will impose for that offence.

In my judgment, these aggravating factors are so weighty that they necessitate a very substantial uplift from the starting point to above the category range. Prior to consideration of any deductions, my assessment is that the sentence should be uplifted to 5 years 3 months' imprisonment.

I turn to the mitigating factors. The Defence submit that it is important to take into account that during the time of Operation Safeguard, overcrowding means that the general conditions in prisons are negatively affected, and there are fewer opportunities for rehabilitation. However, your reliance on that factor is dependent, in accordance with *Arie Ali* [2023] EWCA Crim 232, on this being a case on the cusp of custody. As I have explained, that is not the case. Your offending necessitates a substantial sentence of imprisonment.

The Defence submit that there are personal mitigating factors in that you have suffered from depression and epilepsy. Your Counsel informs that you have made attempts on your own life and been admitted to hospital. I note that you have this morning conveyed through Counsel an apology to Mr Farage and to his sister.

In my judgment, taking these matters together, they can only justify a reduction of 3 months, given the nature of the offence, your age and antecedents. I shall reduce the sentence in respect of Making a threat to kill to 5 years' imprisonment.

It is common ground, and I agree, that I cannot conclude you are dangerous within the meaning of the Sentencing Code.

UNLAWFUL ENTRY INTO THE UK

The maximum sentence for an offence of knowingly arriving in the United Kingdom without a valid entry clearance is four years' imprisonment. This was an attempt because you were intercepted by Border Force officers.

In *R v Ginar*, the court observed that the predominant purpose of sentencing in cases of this nature is the protection of the public. There is legitimate public concern about breaches or attempted breaches of border control, and this type of offence, which is prevalent, will usually result in significant profit to organised criminals engaged in people smuggling.

Applying *R v Ginar*, it is appropriate to take 12 months' imprisonment as the starting point. That starting point takes into account a key feature of culpability inherent in the offence which, as I have said applies here, namely that you knew you were trying to arrive in the UK in an unlawful manner. It also takes into account that the harm inherent in this type of offence is not simply the undermining of border control but also, and importantly, the risk of death or serious injury to the offender himself and to others involved in the attempted arrival, the risk and cost to those who intercept or rescue them, and the potential for disruption of legitimate travel in a busy shipping lane.

In *R v Ginar*, the court observed that culpability will be reduced if the offender genuinely intends to apply for asylum on grounds which are arguable. The Prosecution contend this factor is inapplicable. You did not travel to the UK from a conflict zone, but from Sweden where you had been living for nine years. The Prosecution state that you travelled to the UK from Sweden because of a desire to avoid criminal justice in that jurisdiction, and that was why you gave a

false name and date of birth on arrival in the UK. Specifically, the Prosecution state that you had an extant prison sentence which was subject to appeal.

The Defence state that you are unaware of any outstanding charges. The Swedish government has withdrawn an extradition matter concerning an alleged knife offence. You claimed asylum in Sweden which was, in due course, rejected. You claim that you had exhausted all appeal rights in Sweden and had been served with notice requiring you to leave Sweden within 25 days. You state that you have made an asylum claim here, based on your fears of return to Afghanistan. You claim your father was an associate of the former president of Afghanistan, President Karzai, and that you worked for your father. You claim that as a result of your history in Afghanistan, this trial and your social media profile, you would be at risk from the Taliban in Afghanistan.

You have adduced no evidence in support of any aspect of this submission. You left a safe European country, Sweden, where you had lived for nine years, and travelled through other safe European countries (Germany and France), before coming to the UK. On your own case, your asylum claim has been fully adjudicated in Sweden and rejected. You have not stated what the grounds for rejection were. I am not persuaded, on the evidence before me, that you have an arguable asylum claim such as to reduce your culpability.

There are no additional culpability or harm features. I turn to aggravation and mitigation.

I have already referred to your Swedish convictions in the context of the threat to kill offence. Your criminal record is an aggravating factor in respect of this offence, too, although I note that you have no prior convictions for any immigration offences.

The Prosecution submit that there is a further aggravating feature, namely that you deliberately highlighted your journey to the UK in a way which would encourage others. As the Prosecution acknowledge, that submission involves a departure from the Prosecution's previous acceptance of your basis of plea in which you denied that you were '*glorifying illegal attempts to arrive in the UK*' and stated that you were '*documenting the process to show [your] followers how difficult and dangerous the process is*'. It is, ultimately, a matter for the court whether any basis of plea is acceptable, but I do not consider that the evidence adduced in the trial of the threat to kill offence has a significant impact on the acceptability of this basis of plea. I accept your Counsel's submissions that the Prosecution should not now be allowed to resile from the accepted basis of plea.

The Defence submit there is no justification for departure from the starting point of 12 month's imprisonment. Taking into account the aggravating factor of your criminal record and the personal mitigation to which I have already referred, I agree.

In accordance with the guideline, I give you full credit for your guilty plea, and so reduce that sentence to 8 months' imprisonment.

As I have said, I have taken into account the Totality guideline by imposing concurrent sentences and in determining the extent to which this offence aggravates the lead offence.

THE SENTENCE OF THE COURT

Mr Khan, please stand.

Fayaz Khan, for making a threat to kill Nigel Farage MP, I sentence you to a term of 5 years' imprisonment. For the offence of attempting to arrive in the United Kingdom without a valid entry clearance, I impose a sentence of 8 months' imprisonment. The sentences will run concurrently so that the total sentence is 5 years' imprisonment. You will serve up to half that sentence in prison less the time that you have served on remand before you are released. If you breach your licence or any conditions of your licence you can be returned to custody to serve the remainder of your sentence.

Mr Khan, you will go now to begin your sentence.

Before leaving this case:

I want to thank Counsel, and all those supporting them in Court, the CPS and the police, for their diligence.