



Courts and Tribunals Judiciary

SUNDEEP PANKHANIA

DISTRICT JUDGE (MAGISTRATES' COURTS)

READING MAGISTRATES' COURT

URN: 43SW0010826

REX

v.

ANDRE JOHN PAUL WALKER

RESERVED JUDGEMENT

Introduction

1. The Defendant, Andre John Paul Walker, is charged with a single offence, namely:

*"On 16th September 2025 at Windsor, Berkshire, assaulted Kush NAKER by beating him
Contrary to section 39 of the Criminal Justice Act 1988".*

2. The Prosecution allege that on 16 September 2025 the Defendant was hosting a formal dinner at Windsor Guildhall for the Republicans Overseas UK group to celebrate President Donald Trump's second State Visit. The event was open to the public and tickets had been purchased by a number of protestors from "Fossil Free London" including The complainant and a prosecution witness, Robin Wells. The Prosecution say that as food was being served, the protestors stood and began a peaceful protest by chanting slogans and displaying a small banner. CCTV footage is said to show the Defendant initially appearing confused about the disruption, before leaving the dining hall briefly and then returning at speed towards the protestors.
3. The Prosecution case is that the Defendant forcibly intervened without attempting to speak to the protestors, ask them to desist, request that they leave, or seek assistance

from police officers who were present nearby. It is alleged that he pushed past another person, grabbed the complainant by the arm and pulled him forward with sufficient force to make him fall to the floor. This is when the Prosecution say that the assault starts. He then dragged the complainant across the dining hall and into a side room, during which a chair was knocked over. The Defendant is also alleged to have shouted abusive language at the complainant.

4. Once inside the side room, the Prosecution allege that the assault continued. A witness, Tania Caiafa, states that she saw the Defendant pinning the complainant to the ground with a knee placed close to his neck, while striking him and shouting aggressively. She says that despite her telling him to stop, he continued until she informed him that police had been called.
5. The complainant's account is that, after being dragged into the room, the Defendant knelt over him, applied pressure to his throat with his hand, attempted to punch him several times and tried to knee him in the groin. He alleges that this lasted between one and one-and-a-half minutes before he was released. He reports suffering a bitten tongue, a sore jaw and a sore wrist.
6. The Prosecution rely upon several videos subsequently posted online by the Defendant. They contend that these recordings demonstrate his knowledge that the side room had no CCTV coverage and reveal hostility towards protesters. In the videos the Defendant reportedly describes having "a fight with some protestors", states that he was "incredibly proud" that he dragged the complainant out and repeatedly refers to him as a "terrorist". The Prosecution say these comments undermine the explanation later given in interview that he acted because he believed damage to property was imminent.
7. In summary, the Prosecution case is that the defendant was angered by the disruption of an event he had organised, harboured a personal hostility towards protesters, deliberately removed the complainant to a location without CCTV coverage, and used unlawful and excessive force both in dragging him from the dining hall and in continuing to assault him in the side room. The Prosecution contend that the force used was unnecessary and disproportionate in circumstances where less confrontational options, including seeking police assistance, were readily available.
8. I heard the evidence and submissions in this case on 30 July 2026 when proceedings were adjourned until 13 August 2026 for Judgement.

9. The Defendant was represented by Sir Robert Buckland KC and the Crown by Ms Chung. I am grateful to both parties for the care and competence with which the trial was conducted.

The trial issue

10. The Defendant voluntarily attended an interview under caution on 19 December 2025 when he was represented.
11. The Defendant admitted involvement in the incident and confirmed that he was the organiser of the event. He stated that he did not verbally ask the complainant to stop his protest. Instead, having identified him as a climate protester, he believed the complainant posed an immediate threat to valuable artwork in the Dining Hall. He described the complainant as a "terrorist" and accepted that he had called him a "fucking cunt", appearing unapologetic about doing so.
12. According to the Defendant, he seized the complainant to prevent anticipated damage to paintings worth millions of pounds. He said that when he grabbed him, the complainant immediately dropped to the floor. The Defendant accepted that he then dragged him through the Dining Hall to the Mayor's Parlour so that he could leave via a nearby fire exit.
13. The Defendant further stated that, once inside the Mayor's Parlour, the complainant was intent on returning to continue his protest. He claimed that he pinned him to the floor because he was refusing to leave and was trying to get back into the Dining Hall.
14. Whilst denying allegations that he strangled, punched or kicked the complainant, the Defendant accepted that he may have used excessive force and that he may have brought his arm down forcefully. He apologised for any excessive force used, although he maintained it was necessary to prevent the complainant from resuming the protest.
15. When shown CCTV footage from the Mayor's Parlour in which he is seen pushing the complainant back on two occasions, the Defendant said that the footage supported his account because it showed him positioning himself between Dr Naker and the door leading back to the Dining Hall, which the complainant was allegedly attempting to reach.
16. When challenged about inconsistencies between his account and the statement of another witness, Caiafa, the Defendant alleged that she had been "covering her back" after failing to arrange appropriate security for the event, which he described as her having "cocked up" the booking arrangements.

17. The trial issue (as set out in the Preparation for Effective trial form) is noted as

"It is not accepted that the complainant was a peaceful protestor. The Defendant is aware that the Complainant has been involved with protest groups which have engaged in unlawful conduct. The Defendant maintains that the Complainant presented a serious risk to persons or property at the event and he used reasonable force to restrain him and remove him from the room"

18. A Defence Statement served in this case states

- i. The Defendant denies that he assaulted Kush Naker by beating him.
- ii. The Defendant had organised a social event to mark the visit of President Trump to the UK.
- iii. The Complainant, together with the Prosecution Robin Wells, and at least one other unknown person, had dishonestly gained access to the event, with the intention of disrupting the event by staging a protest.
- iv. Upon causing the Complainant and Ms Wells causing a disruption, the Defendant feared that they would cause damage to persons and/or property.
- v. As an organiser of the event, he reasonably felt it necessary to intervene, in the absence of any security staff.
- vi. He used reasonable force to tackle the Complainant who was the nearest identifiable protestor to him. The assertion that he tackled the Complainant because of his ethnicity is baseless and is rejected.
- vii. The Defendant used reasonable force to remove the Complainant from the room and used reasonable force to restrain him in order to prevent him from re-entering the room where the event was taking place.
- viii. Whilst being restrained by the Defendant, the Complainant had indicated he would not leave and struggled to get away.
- ix. The Defendant did not strike the Complainant in the face or head or attempt to do so and did not attempt to kick him in the testicles. Any occasion on which he struck the Complainant was to his shoulder, with reasonable force, to stop the Complainant breaking free and returning to the event.
- x. Once the Complainant agreed to leave by an exit which would not pass through the event, he was released by the Defendant and able to leave.
- xi. The Prosecution are put to strict proof on each and every aspect of their case, including continuity of evidence regarding the video footage served in evidence."

The Law

19. There are a number of matters of law which are worth reciting, albeit shortly as they are trite law

- a. Burden of proof – the Prosecution must prove the Defendant’s guilt – he does not have to prove his innocence
- b. Standard of proof - The Prosecution must satisfy me so that I am sure of the Defendant’s guilt. If there is any reasonable doubt I must give the Defendant the benefit of that doubt and acquit him
- c. Good character – The Defendant has no previous convictions or cautions recorded against him and therefore is entitled to both limbs of a good character direction:
 - i. good character supports the Defendant’s credibility and so is something which should be taken into account when deciding whether to believe the Defendant’s evidence (the “credibility limb”); and
 - ii. the Defendant’s good character may mean that he is less likely to have committed the offence with which he is charged (the “propensity limb”)
- d. Self defence - The Defendant has raised the issue of self defence of property. The Prosecution must therefore disprove it to the criminal standard. If a Defendant was, or may have been, acting in lawful self-defence they are not guilty provided the force that they used was reasonable.

S 76 Criminal Justice and Immigration Act 2008 codifies matters that I must take into account

The questions I need to ask myself are

- i. Did the Defendant believe, or may the Defendant have believed, that it was necessary to use force to defend property from an attack, or imminent attack? (Subjective question) and

- ii. Was the amount of force the Defendant used reasonable in the circumstances, including the dangers as the Defendant believed them to be? (Objective question) (S 76(3))

Section 76 (4) provides that if defendant claims to have held a particular belief as regards the existence of any circumstances—

- (a) the reasonableness or otherwise of that belief is relevant to the question whether D genuinely held it; but
- (b) if it is determined that D did genuinely hold it, D is entitled to rely on it for the purposes of subsection (3), whether or not—
 - (i) it was mistaken, or
 - (ii) (if it was mistaken) the mistake was a reasonable one to have made.

Section 76 (5) of the Act deals with the mistaken belief and intoxication. The parties say that this is not a mistaken belief case.

In deciding whether the Defendant believed, or may the Defendant have believed, that it was necessary to use force to defend property from an attack, or imminent attack the following considerations are to be taken into account (so far as relevant in the circumstances of the case) —

- (a) that a person acting for a legitimate purpose may not be able to weigh to a nicety the exact measure of any necessary action; and
- (b) that evidence of a person's having only done what the person honestly and instinctively thought was necessary for a legitimate purpose constitutes strong evidence that only reasonable action was taken by that person for that purpose. (Section 76 (7))

The Evidence

20. I heard evidence from and took detailed notes of the evidence of a number of witnesses. I do not repeat all that was said and have reproduced the matters which I consider to be relevant to the issues that I have to determine.
21. I heard evidence from Dr Kush Naker who gave evidence about the background and planning to the protest and his experience of protesting. He said that the protest was intended to be a peaceful disagreement with Trump's policies and that he had no intention of escalating matters into violence.
22. He explained that during the dinner, Robin Wells stood and delivered a speech criticising Trump's policies on Gaza and climate change. As Ms Wells was concluding, Dr Naker stood behind him holding a banner reading "Oily Money Kills" and began chanting "Drill baby drill, how many will we kill?"
23. He stated that shortly after beginning the chant someone grabbed the banner that he was holding and that the Defendant then grabbed him by the arm with significant force causing him to fall to the ground. He said nobody spoke to him before force was used, nobody asked him to leave and the Defendant did not identify himself. He said that had he been asked to he would have left. He described being dragged by the Defendant at the upper body and by another man holding his legs. He was dragged from the dining hall through the lobby and into the Mayor's Parlour.
24. Once inside the Mayor's Parlour he was on the floor and the Defendant was kneeling over him. He accepted that he continued chanting. He alleged that the Defendant tried to punch and strangle him, put a hand around his neck and tried to knee him in the groin. He said he defended himself by grabbing the Defendant's wrists and holding the Defendant's knee to stop the attempt to strike him in the groin. He described a repeated cycle of the Defendant using force, relaxing and then resuming his attempts to strike which caused him to variously grab and release the Defendant wrists and knee. He estimated the struggle lasted approximately between one and one and a half minutes. He said that he saw a woman enter whom he believed worked at the venue and that she stated police had been called.
25. He said that the Defendant eventually stood up and moved away, a fellow protester entered the room and began filming and that the defendant repeatedly said "I'm almost fifty, what

are you doing?" He replied the Defendant had tried to punch and hit him and asked "This is how you respond to someone expressing freedom of speech?"

26. He said he tried to leave via the route from which he had entered, still had the banner he had been holding in the dining hall and continued chanting. He alleged the Defendant stopped him and pushed him away from that route several times. The Defendant then directed him to leave via another exit which he did and was reunited with Robin Wells outside.

27. As a result of the assault he said that he had a sore tongue, left jaw, right wrist and blood on his shirt.

28. Dr Naker said that he identified four videos filmed by other protestors:

- KN/001: aftermath in the Mayor's Parlour – a part of this was played and the Complainant is heard to say "I'm knackered, he tried to kick me in the balls and punch me in the face." The Defendant responds "I did not try to kick you in the balls. Please just leave". The Complainant still has the banner and tries to walk out of the Mayor's Parlour but is pushed back by the Defendant and guided towards the fire exit/external staircase. The Defendant repeats "I'm nearly fifty." The Complainant leaves via the stairs and shouts the "Drill baby drill, how many will we kill?" chant and is still holding the banner he had unfurled in the Dining Hall. The stone trousered man is seen again at this stage (see below RXW/03).
- KN/002: of the protest in the Dining Hall
- KN/003: of the protest in the Dining Hall
- RXW/03: of the protest in the Dining Hall – a part of this was played and showed Robin Wells' speech met with people jeering and the hearing of tapping glasses. This then shows the Complainant stand from the table and unfurl his banner. Two males then approach – one in stone coloured trousers and the Defendant who pushes past the stone trousered man and grabs the Complainant before he is dragged out of the Dining Hall with stone trousered man at Dr Naker's legs and the Defendant at his head.

29. He also addressed the footage later exhibited as Robin Wells' footage, saying it showed the Defendant approaching him, the banner being grabbed, his being pulled off balance and his removal while still chanting.

30. In cross examination he accepted the purpose of the protest was to disrupt the dinner, to attract attention and that he wanted the attendees to hear his view and that he wished to influence opinions regarding climate change.
31. He accepted the protestors deliberately dressed in suits with the intention to blend in, that the protest was planned beforehand and that tickets had been bought specifically to facilitate an inside protest. He accepted that there was an element of "subterfuge/trickery".
32. He described himself as an experienced climate activist but denied that he was professional protester. He accepted participation in approximately two dozen protests and had accepted receiving protest-related training.
33. He accepted that he continued chanting after being removed from the dining hall and after entering the Mayor's Parlour. He denied deliberately making himself a dead weight or making removal more difficult.
34. He denied suggestions that the Defendant's motive in dragging him out of the dining hall and restraining him in the Mayor's Parlour was to stop him re-entering the dining hall and to protect the valuable artwork room in the Dining Hall.
35. He explained that he reported the matter to the Police approximately four days after the incident as he needed time to reflect and had first sought preservation by the Guildhall of CCTV and witness evidence (as well as retrieving his glasses).
36. He maintained throughout that the Defendant punched, attempted to punch, kick and strangle him, that the force used was unnecessary and that he would have left had he simply been asked.
37. In re-Examination he confirmed he is approximately 6'3" tall and 100kg and that during the struggle in the Mayor's Palace he used all of his strength defensively. He confirmed he never intended violence and that he had no opportunity to leave before being physically removed.
38. In response to a question I asked he said that he had not been searched on his entry to the Guildhall and that in fact tickets for any of his group had not been checked.

39. I then heard evidence from Robin Wells. She confirmed that she attended with Dr Naker as members of Fossil Free London, that tickets had been purchased and that during dinner she clinked a glass before standing and delivering her speech. She explained that the other guests initially appeared supportive of her speech but that as her criticism of President Trump became clear the approval diminished.
40. She said that Dr Naker stood behind her with a banner and began chanting after she stopped speaking. She observed two men drag Dr Naker away without any words being spoken first. She described Dr Naker being carried by his arms and legs and being dragged across the floor. She was concerned that Dr Naker could be injured whilst she was removed with what she described as "reasonable" force. She described the Defendant as being frustrated, agitated and angry.
41. She was shown the RXW/03 footage and identified her self and Dr Naker being dragged out of the Dining Hall.
42. She explained that she was reunited Dr Naker outside the Guildhall and that he said that he had been assaulted.
43. After the incident Ms Wells explained that she identified two tweets by the Defendant
- RXW/01 – which is tweet by the Defendant with a link to You tube video called "My speech after the trump dinner last night, I did this after I threw out the terrorist"
 - RXW/02 – which is tweet in the which Defendant says "I dragged your guy out of the Windsor dinner I really think he ought to come on my show and make his point properly. Can you contact me about this?"
44. She also explained that the Defendant called the offices of Fossil Free London in which he repeated his invitation to his show and to which she replied "I think assaulting us is not a great means of invitation to your show". She explained that he became irate and raised his voice which caused her to terminate the call.
45. In cross examination Ms Wells confirmed that the protest was planned, that four people attended the dinner, that other protestors were positioned outside the Guildhall and that this was consistent with the groups campaigning methods. The protest was deliberately unexpected and it's purpose was to make a point loudly and to be heard.

46. She accepted that she did not see the whole incident involving Dr Naker and what she saw consisted mostly of observing him being dragged out of the Dining Hall.
47. As regards the call to the offices of Fossil Free London she accepted that the call was brief, that the Defendant was "insistent" and "shouty" and that she terminated the call as she did not wish to continue the conversation
48. I then heard evidence from Tania Caiafa who confirmed that she worked at the Windsor Guildhall and was responsible for managing weddings and events. A great deal was made of the absence of security arrangements to which I will return to later.
49. She first heard a disturbance in the Dining Hall and saw Dr Naker being dragged across the floor which she described as being violent. She saw Dr Naker being pulled by his arm while his legs were raised and being taken to the Mayor's Parlour.
50. She entered the Mayor's Parlour through a different door to which she had seen Dr Naker dragged through. As she entered she saw Dr Naker on the floor with the Defendant on top of him – she described the Defendant with his knee on Dr Naker and one arm pinning him down and his other hand in a fist moving towards Mr Naker's face. She heard the Defendant shout "I fucking hate you, why are you fucking doing this to me now?". She became concerned when she saw the Defendant's arm getting closer to Dr Naker's neck. She said that Dr Naker could not get up as the Defendant was pinning him down and estimated the struggle lasted roughly five minutes. She repeatedly told the Defendant to let Dr Naker go but he was not listening: he appeared violent and was not stopping. She confirmed that the Mayor's Parlour was not covered by CCTV.
51. In cross examination Ms Caiafa agreed that the Mayor's Parlour had an emergency exit leading to an external staircase. She clarified that she saw the Defendant over Dr Naker's shoulder area and not directly on his neck. She did not recall seeing any of the punches land and only recalled seeing a fist being raised near Dr Naker's face. She explained that she called the police as she was responsible for safety at the venue, the incident frightened her and she was in shock and panicked. She confirmed that the Guildhall contained valuable artwork and the arrangements for security at events. She denied saying to Dr Naker "Are you willing to leave via this exit or shall I call the police?" and maintained that all her comments were directed at the Defendant, urging him to release Dr Naker

52. A statement from PC Whitlock was read confirming the interview summary (as above) and a number of section 10 admissions were read dealing with

- a. Continuity of the exhibits in this case
- b. The genesis of the complaint to the Police
- c. An email sent by Dr Naker on 18th September 2025 to the Guildhall, making enquiries including but not limited to potential witnesses, any CCTV, and the whereabouts of his glasses.

53. A number of You Tube videos posted buy the Defendant were played (as recorded by PC Whitlock

- IGW/01 is footage filmed during the event at the Guildhall in which the Defendant states he had to "have a fight with some protestors ". He again refers to "The fight" as he gives a walk through explanation of what happened. He makes reference to the paintings but does not say anything about their value or a belief he had at the time that the victim was about to cause damage to them. He describes how he "grabbed the bloke and he sat on his bum". During the footage the Defendant states "obviously there were no cameras at one point" while looking at the camera, grinning while giving a double handed "thumbs up" gesture. He describes what he calls the "vet of one " and describes the complainant as a "terrorist", and confirms he called him a "See You Next Tuesday".
- IGW/02 The Defendant complains that the "terrorists" asked the police for help. He asks for donations to the "Patriot Fund" as "There will be legal problems coming from this" He again describes the Complainant to be a terrorist and explains why, and that they consider their view to be more important than anyone else's. He goes on to say that he is "incredibly proud that I dragged him out" and that he was angry with the Complainant in the Mayor's Parlour as "he kept saying it over and over again" (referring to the "Drill baby drill, how many will we kill?" chant) and that his actions will encourage others to act in the same way

54. There was reference in the admissions to exhibit IGW/03 but this was not played

55. I heard evidence from Andre John Paul Walker who described himself as commentator and broadcaster associated with Talk Radio and Talk TV who is politically active, right-leaning, and interested in debate, having been involved in debating since university. He has no previous convictions or cautions
56. He helped organise a Republicans Overseas event at Windsor Guildhall on 16 September 2025 - the event was a commercial and professional engagement for him, with approximately 80 tickets sold. Mr Swenson dealt with the booking arrangements, although he had some contact with the Guildhall. There was some discussions about security arrangements and he accepted there had been "crossed wires" concerning security and took some responsibility for not considering the need for professional security staff.
57. Before the protest, he attended a drinks reception and consumed two glasses of champagne. He became aware of protesters after hearing chanting from the event space. He associated such protests with previous incidents where activists had damaged valuable works of art by throwing paint or otherwise attacking them. He was concerned that the Guildhall's paintings, which he believed to be worth millions of pounds, were at risk. Seeing what he considered to be an ongoing protest, he decided to intervene rather than wait for others to act.
58. He approached Dr Naker, took hold of his wrist, and attempted to remove him from the room. He alleged that Dr Naker dropped to the floor and became a "dead weight", making it difficult to move him. Another individual briefly assisted in moving Dr Naker. He took Dr Naker towards the Mayor's Parlour and emergency exit because he believed it was the most effective way to remove him from the event and prevent him re-entering the dining room – the alternative was down the main stone stairs leading to the main entrance.
59. Once in the Mayor's Parlour, the Defendant said he was unable to carry Dr Naker further because he was exhausted. He stated that Dr Naker continued to chant and attempted to move back towards the lobby and dining room to continue the protest. To prevent this, the he says he placed one knee on or against Dr Naker's shoulder area and used his hands on the shoulders to keep him on the floor. He denied attempting to punch Dr Naker, placing a hand near Dr Naker's neck or moving his knee towards Dr Naker's groin.

He said his sole motivation was preventing continuation of the protest and protecting artwork.

60. He described the situation as chaotic, confusing, and exhausting. He accepted that he swore at Dr Naker and used offensive language, including calling him a "fucking cunt". He acknowledged his frustration but denied acting out of anger, asserting that his actions were driven by concern for the paintings and the ongoing protest. He accepted saying words to the effect that "these lefties are bad people", explaining that he objected to people who sought to disrupt democratic discourse.
61. As regards CCTV he knew that the Mayor's Parlour was not covered by CCTV but denied taking Dr Naker there so he could assault him. He accepted making comments about the lack of CCTV and understood he was being filmed and might be publicly embarrassed on social media. Following the incident, he recorded a video response because he wanted to respond publicly and "get something out first". He stated that he makes large numbers of unscripted videos and spoke spontaneously in that recording.
62. He explained that the lady in the Mayor's Parlour asked the Dr Naker whether they would leave voluntarily or whether police should be called. The Police attended and no allegation of assault was raised at that stage. He assisted police with enquiries and asked attendees to provide any footage they held. He described himself as physically exhausted after the incident.
63. In cross examination The Defendant accepted he approached Dr Naker first as shown in RXW/03, that he used significant force to pull him and that he gave him no warning or verbal request to leave before grabbing him.
64. The event's success had financial importance to him. He felt publicly humiliated by the publicity generated by the protest. He accepted that he used abusive language towards Dr Naker. However, he maintained he genuinely feared the paintings were at risk, that the protest was ongoing when he restrained Dr Naker and that he acted to prevent him returning to the event space. He said that there was insufficient time to discuss the protesters' intentions before intervening. He restrained Dr Naker only to stop him continuing the protest and not because of political disagreement or personal animosity, believing that he would return to the protest if not restrained.

65. I heard character evidence from Khurram Jahangir, Lukasz Woloszyn and Mark Frances Stamp. These statements were not in standard section 9 format but no objection was taken on that basis.

Findings

66. There are a number of matters which were pursued at trial which I deem to be immaterial to the issues that I have to decide which include

- a. The politics of the parties
- b. Who was responsible for security at the Guildhall that evening
- c. The method by which the protestors chose to protest that night
- d. The preparation for the protest
- e. Whether there was any racial element to the assault

67. There are a number of matters of which I am not satisfied so that I am sure which include

- a. Whether Dr Naker fell or was pulled down to the ground in the Dining Hall
- b. Whether the Defendant knew that there was no CCTV covering the Mayor's Parlour before he dragged Dr Naker into it
- c. Whether the Defendant dragged Dr Naker into the Mayor's Parlour as he was aware that there was no CCTV covering that area
- d. Whether the Defendant took the Defendant into the Mayor's Parlour with the intention of assaulting him
- e. Whether the Defendant intentionally attempted to hit Dr Naker to his groin with his knee

f. Whether the Defendant attempted to strangle Dr Naker

68. It is common ground between the parties that on 16 September 2025 the Defendant intentionally used force against Dr Naker by

a. Dragging him from the Dining Hall to the Mayor's Parlour

b. Placing his knee on his shoulder

c. Pushing him at least once he had got up off the floor in the Mayor's Parlour

69. I am satisfied so that I am sure that the Defendant attempted to punch Dr Naker whilst he was on the floor in the Mayor's Parlour. I hasten to add that I am not satisfied so that I am sure whether any of those attempted punches connected with Dr Naker and therefore they cannot in law amount to an assault by beating.

70. As regards the agreed force used I then have to decide whether, subjectively, the Defendant believed, or may the Defendant have believed, that it was necessary to use reasonable force to defend property from an attack/damage, or imminent attack/damage.

71. Section 76 (4) a) Criminal Justice and Immigration Act 2008 provides that the reasonableness or otherwise of that belief is relevant to the question whether the Defendant genuinely held it

72. There is no evidence whatsoever of any of the protestors including Dr Naker or Ms Wells having brought anything with them to the venue.

73. When Dr Naker stood up from his table to join Ms Wells he did not have a bag with him and nothing in his hand save for the banner which he unfurled as Ms Wells finished her speech.

74. When he unfurled the banner he was stood directly in front of and with his back to the painting of the Prince Regent which the Defendant opined was worth millions of pounds.

75. At no point before he is approached by the Defendant does Dr Naker turn to that or any of the many pieces of art in the Dining Hall.

76. There is no evidence that any of the protestors including Dr Naker and Ms Wells threatened to cause damage to any art work.
77. Ms Wells has been approached by presumably an organiser of the event and was being escorted out of the Dining Hall. Again she did not have any thing in her hands nor did she motion to any pieces of artwork. It is right to say that she continued to shout about her cause but that is a very different thing to attempting or threatening to damage any artwork.
78. There were also pieces of art in the Mayor's Parlour and there is no evidence in the footage of the aftermath of the incident that occurred in that room (or at all) that Dr Naker made towards them or threatened to damage them at any point.
79. Given the foregoing, in my judgement, the Defendant did not reasonably hold the belief that any artwork was at risk of damage or of the need to defend the property.
80. The reasonableness of the belief is only one relevant consideration of whether the belief was genuinely held
81. In addition
- a. The Youtube video in exhibit IGW/01 is instructive about what was in the Defendant's mind shortly after the incident: he describes having had a "fight with some protestors ". He makes reference to the paintings but he does not say anything about their value or a belief he had at the time that Dr Naker was about to cause damage to them. He goes on to say "obviously there were no cameras at one point" while looking at the camera, grinning while giving a double handed "thumbs up" gesture. He also calls Dr Naker and the other protestors "terrorists".
 - b. In the Youtube in exhibit IGW/02 he repeats his description of the protestors as "terrorists" and asks for donations to the "Patriot Fund" as "There will be legal problems coming from this". That might well be described as prophetic. Lastly he expresses incredible pride in dragging Dr Naker out of the Dining hall and his anger with him as "he kept saying it over and over again" (referring to the "Drill baby drill, how many will we kill?" chant).

- c. I find that the call to Fossil Fuel London in the days that followed and the invitations to attend his show by the Defendant were cynical ploys by him to try and diffuse the legal problems that he foresaw.
- d. The idea of risk of damage to artwork only seems to have crystalised when the Defendant attended the Police Station for a voluntary interview some three months later.

82. I therefore do not find the belief that any artwork at the Guildhall was at risk of attack or damage was genuinely held.

83. Following that determination I do not need to consider whether he belief was mistakenly held (and whether the Defendant was entitled to rely on that mistaken belief for the purposes of Section 76 (4) b) Criminal Justice and Immigration Act 2008 or whether the force used was objectively reasonable.

84. As regards the latter it is worth noting the contents of the Defendant's interview where he stated "that he may have used excessive force" and his apologies for the same.

85. In the circumstances I find the Defendant guilty of the charge of assault by beating.

DJ(MC) Pankhania

10 August 2026