

Case No. M00EC203

Courtroom No. 7

The Gee Street Courthouse
29-41 Gee Street
London
EC1V 3RE

Monday, 8th September 2025

Before:
DISTRICT JUDGE HAYES

B E T W E E N:

THE GUINNESS PARTNERSHIP

and

MOHAMMED AAMIN YUSUF

MR STEAD appeared on behalf of the Claimant
THE DEFENDANT appeared In Person

JUDGMENT ONE
(Approved)

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District Judge Richard Hayes:

1. This is judgment in relation to a committal application. The claimant is a housing association, the Guinness Partnership Ltd, and it is represented by Mr Stead of counsel. The defendant is Mr Mohammed Aamin Yusuf, who represents himself in person. Mr Yusuf is the tenant of Guinness at a set of premises at Bullrush Court, namely Flat No 107, that forms part of the Leaside Lock Estate.
2. On the 15th January 2025, District Judge Shakespeare made an injunction in this court under the Anti-Social Behaviour Crime and Policing Act 2014, which provided that:

“Mr Yusuf is forbidden (whether by himself or by encouraging or permitting any other person) from:

- (a) Using or threatening to use violence against any person residing in or lawfully visiting Bullrush Court, 13 Imperial Street, London Borough of Tower Hamlets, London, Greater London E3 3DF or within the locality, including but not limited to, the recreational playground, or any person employed by, or acting on behalf of, The Guinness Partnership, including agents and contractors.
- (b) Engaging in behaviour or using words which causes or is likely to cause harassment, alarm or distress to any person residing in, or lawfully visiting Bullrush Court, 13 Imperial Street, London Borough of Tower Hamlets London, Greater London E3 3DF, or within the locality, including but not limited to, the recreational playground, or any person employed by, or acting on behalf of, The Guinness Partnership, including agents and contractors.

[(c) which I need not read into the judgment, but which relates to not causing damage to property]

3. It is the Claimant’s case that Mr Yusuf has breached that injunction by his actions and/or words on the 10th February 2025 on the balcony of his demised premises and they bring the matter before the Court by contempt application. The matter has been before the Court on a number of occasions, on which the Court has reminded Mr Yusuf of his rights; and I reminded him of those again at the start of today’s hearing. There was no application for any adjournment.
4. I remind myself that the Claimant needs to prove its case beyond reasonable doubt, such that I am sure in relation to all relevant matters. That includes proving service of the injunction and the factual allegations relied upon and knowledge on Mr Yusuf’s part that those actions and/or words

would constitute the acts that are embargoed under the injunction, albeit knowledge that, as a matter of law, may constitute breaches is not necessary.

5. I have heard evidence from Ms Eden Elize, who made an affidavit in the case. She is the concierge at the block and attended by CVP and gave me oral evidence. She was cross-examined by Mr Yusuf. Mr Yusuf gave me his evidence orally, without a witness statement, as is his right. He was cross-examined by Mr Stead. I also had a section 9 witness statement and affidavit from Mr Mason who was employed - I think he has left the service of the Claimant now – at the relevant time as an estate services officer. A Civil Evidence Act notice appears to have been served in relation to the section 9 statement but not the affidavit. His non-attendance goes to matters of weight. The failure to serve a Civil Evidence Act notice in relation to the affidavit goes further to weight.
6. I have additionally a witness statement from Mr Tatter concerning knowledge of Mr Yusuf's mental health. There is no suggestion that Mr Yusuf lacks any form of capacity; I am confident in relation to that, having heard the way he has presented his case and given his evidence. I had a certificate of service in relation to service of the injunction. Mr Tatter gave evidence on oath. I am satisfied beyond reasonable doubt, that the injunction was served on the Defendant on the 15th January 2025 by Mr Tatter. Mr Yusuf raised some doubt as to whether he had been served by Mr Tatter, or, rather, by two other gentlemen. There is, however, no suggestion by Mr Yusuf, as far as I can see, that he had not been served prior to the 10th February 2025. Moreover, I do not think it was formally put to Mr Tatter by Mr Yusuf that he, Mr Tatter, had not served him on the 15th January 2025. In those circumstances, I find beyond reasonable doubt that the injunction was served on 15 January 2025.
7. There are three allegations in the contempt application.
8. First, there is an allegation regarding urinating on another resident's door. I reject that allegation. There is no direct evidence in relation to it and it is not proved. Indeed, on the contrary, Mr Mason's evidence is that when he had investigated it, he did not find any evidence of it.
9. The second allegation is by far the most serious in my judgment. It is that on the 10th February 2025 the Defendant was stood on his balcony and pointed at Ms Eden Elize and said: "you, you..." "you come here I am going to bend you over and fuck you doggy style" and

that the Defendant repeated that a further three or four times. This that is said to constitute a breach of paragraph 1(a) and 1(b) of the injunction.

10. If those facts are proved, it patently comes within paragraph 1(a) because it is the threat to use violence, which would in my judgment include sexual violence against a person employed by, or acting on behalf of, the Guinness Partnership, namely Ms Eden Elize, who I find beyond reasonable doubt is such a person. Paragraph 1 (b) concerns behaviour or words causing or likely to cause harassment, alarm or distress to certain categories of person including any person employed by, or acting on behalf of, The Guinness Partnership, including agents and contractors. As I say, in my judgment Ms Elize is beyond reasonable doubt within that category. I am satisfied that if the factual allegations are made out then the behaviour, at the very least, is such as to likely cause harassment, alarm and/or distress.
11. The third next allegation is that, on the same day, the Defendant was screaming and shouting from his balcony: “do you want a fight?” and displaying aggressive behaviour. That is said to come within, I think, paragraph 1(a) if, inferentially, one can draw the conclusion that there were other people there and, inferentially, that those people are either residents and/or employees or paid contractors or agents. Breach of paragraph 1(b) is also alleged, namely that such would be at the least likely to cause harassment, alarm and/or distress to such people.
12. Within the evidence there is some reference to Mr Yusuf threatening to jump from a balcony - a different balcony, it would appear on the gym, which is nearby this set of premises. There may be scope for argument as to whether that behaviour could cause harassment, alarm or distress but it is unnecessary to deal with this as it does not form one of the grounds for the contempt application.
13. As regards that second allegation, the evidence of Mr Mason is in subtly different terms. In his affidavit, Mr Mason says that after having received a call from his colleague, he went to investigation with Kane Morrissey. Upon inspection, he could not find evidence of urination, and says he was on his way back down when from the Courtyard door they noticed the Defendant was screaming and shouting “do you want a fight?” and generally being aggressive from his balcony.

14. Mr Mason then describes walking into the playground area, the Defendant seeing them and saying to Ms Elize “I’m going to bend you over and rape you” in a very aggressive manner, repeating it a number of times. That is his affidavit. In his section 9 statement to the police, he put matters in somewhat different terms, in the second paragraph saying :

“...I got a call from security that Mohammed was urinating on someone’s front door. I went to investigate with a colleague Kane and found nothing however, on my way back to the office I saw Mohammed quite erratic on his balcony, screaming and shouting that he wants to fight people”.

15. Within his section 9 statement, he refers to being with Ms Elize later and the Defendant saying words to the effect of “he is going to bend her over”. It is right to say that one of the arresting officers gives a slightly different account in relation to the words purported to have been used.

16. As regards Ms Elize, her account in her affidavit is:

“On the 10th February 2025 at 11.00 the security guard from SGS security came into the concierge office and told me that he had received a report that the Defendant had urinated on another resident’s door. I called my colleague, Jake Mason, to let him know. Jake went to investigate immediately. Shortly after Jake left, I received a call from a resident to say the defendant was on his balcony shouting and being aggressive. My colleague, Jake returned whilst I was still on the telephone. He was on the phone to the police due to a report he had received from the Gym Group. Whilst Jake was on the phone to the police they told him to go and check whether the Defendant was still on the balcony. Jake asked me to go with him. When we got outside the Defendant spotted me from his balcony and looked directly at me and started pointing at me, saying, “you, you”. The Defendant then said, “you come here I’m going to bend you over and fuck you doggy style”. The Defendant continued to say this and pointing at me, “I’m going to bend you over and fuck you doggy style”. He repeated this a further 3 or 4 times”.

17. Ms Elize said she was shocked and, initially, thought that it was being said to a different person, but that Jake said to her: “He is talking to you”, and she describes being scared.
18. I am well satisfied, given the words alleged to have used, that this would come not only within behaviour that was likely to cause harassment, alarm or distress but actually, would have caused such harassment, alarm or distress. It seems to me that is precisely what Ms Elize was describing as its affect upon her.

19. Mr Yusuf's position is, and his evidence was, that he had been out in the morning to the Citizen's Advice Bureau ("CAB") and was not at the property, therefore, for the relevant period of time. He said that he was at the CAB to seek advice in relation to the interim injunction, as it then.
20. As I understand it, his case is not that this is a case of mistaken identity. He accepts that the balcony in question is his balcony, in terms of where Ms Eden was suggesting she was looking. Rather, his position is that a video that Ms Elize mentioned in her evidence, that is not before the Court, has perhaps informed her evidence and/or that she and Mr Mason, either alone or with others, have effectively concocted this allegation or allegations against him.
21. It was not suggested that there was anybody else that was living with Mr Yusuf or visiting him or had got on to the balcony. Mr Yusuf said that he had never had any interactions with Ms Elize before. Her evidence, however, was that she knew Mr Yusuf, and would recognise Mr Yusuf, and that she had had some previous dealings with him. I think her evidence was she would not have recognised his voice but she said that she knew Mr Yusuf by sight.
22. I remind myself the Claimant has to prove its case beyond reasonable doubt. Mr Yusuf has the full right to simply give his evidence live today. Still, one is entitled to draw some inference from the suggestion that he had been to the CAB on the very day in question is one that has come today for the very first time, along period of time after Mr Yusuf was first brought before this Court in relation to an alleged breach, which I think was on the 11th February. We are, therefore, over half a year after that and there is no evidence from the CAB. It is simply Mr Yusuf's word.
23. I have reached the view that Ms Elize was looking at the balcony, having described where it is, and it appearing to be the correct part of the building in terms of what Mr Yusuf has also said, and that she had been looking at it, I think, for approximately two minutes. It seems to me clear that Ms Eden has seen Mr Yusuf. I accept her evidence that she does know what Mr Yusuf looks like and has had previous dealings with him and that her evidence, in terms of what was said on a repeated basis, has been consistent throughout. It is right that there are some differences between her record of what was said, the arresting officer and Mr Mason. The reference of "Rape" is in Mr Mason's evidence, but that, effectively, is a conclusion that he has reached, it seems to me, from the words that were used.

24. I am satisfied that the words described by Ms Elize were used by the person on the balcony on the day in question.
25. There was some evidence given in relation to the balcony and the structure, as to whether there is a railing or a wall. It seems to me that there may well be a dwarf, a small, wall with a metal railing structure above it. “Slatted” is the way that I think it was described by Mr Yusuf. However, what Mr Yusuf’s evidence was on this, which I accept, is that above one’s chest is visible to those who are below. It seems to me, in those circumstances and on the evidence I have, that the person on the balcony would have been visible and identifiable. I find beyond reasonable doubt that person was identified by Ms Elize and was Mr Yusuf.
26. Therefore, it will be clear, and I have found that Mr Yusuf for those reasons, is in breach of 1(a) and 1(b) of the injunction.
27. As regards the third allegation, the light and shade of the words actually used are somewhat unclear, in terms of the disparity between the section 9 witness statement and the affidavit. Mr Mason is not here. There is no Civil Evidence Act notice in relation to the affidavit. The burden being on the Claimant, I am not satisfied so that I can be sure that the relevant words were used and do not find that allegation made out to the required standard.

End of Judgment.

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