

In the West London Magistrates Court

URN: 01DD0360014

BETWEEN:

Regina

-v-

Jasna BADZAK

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Defence Statement

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Introduction

1. The Crown allege that comments posted by the Defendant on Twitter between the 5th May 2014 and 4<sup>th</sup> September 2014 have caused Gerard Batten harassment contrary to section 2 (1) and 2 (2) of the Protection from Harassment Act 1997.
  
2. The Defendant accepts:
  - i. Being responsible for the 'Tweets' complained of in the relevant charge period summarised in the case summary dated 11/11/2014;
  - ii. That she was convicted of fraud at Southwark Crown Court in October 2013 in respect of an allegation made by the Complainant in this case, Gerard Batten.

3. The Defendant does NOT accept that comments or opinions expressed in the relevant Tweets:

- i. Are capable of sustaining criminal liability as was intended by the legislation;
- ii. Were knowingly untrue;
- iii. Were intended by her to cause the Complainant harassment;
- iv. Can be shown reasonably by the Complainant to have caused him to suffer alarm and distress especially given his political position and views;
- v. That they are properly described as a course of conduct;
- vi. That they represent conduct that could be properly described as unacceptable and oppressive;
- vii. Fall outside of her Article 10 rights under the ECHR;
- viii. Are views not held by many mainstream commentators;
- ix. Fall outside the statutory defences set out in section (3) of the Act; and,
- x. That the statute properly creates any evidential burden on her to prove a defence.

4. The Defendant's positive case is that:

- i. She has reasonable grounds for believing that the Complainant holds views that can be viewed as racist and as such is entitled to challenge him publicly on them. The Complainant is not as private member of the public but a politician who uses all forms of media social and otherwise to espouse his views. As that is the case he cannot complain legitimately when those that disagree with his publicly expressed political views place that disagreement into the public arena;
- ii. UKIP and specifically the complainant has not been honest in terms of their/his publicly funded finances and reporting them to the police cannot, in all of the circumstances, be said to be harassment as defined by statute;
- iii. The fact that the Complainant has as yet not been found guilty of such malpractice does not prove him to be 'innocent' and therefore beyond any criticism in public;
- iv. The Complainant is currently the subject of police investigation;
- v. Police involvement in this and the other related cases would cause any reasonable observer to question their impartiality such that her opinion of a conspiracy (as

opposed to incompetence) against her, whether correct or not, can be shown to be honestly and legitimately held;

- vi. The complaint of fraud proven against her was a retaliatory strike by the Complainant to allegations of racism and fraud made against him by her. Then Defendant maintains her innocence in respect of that matter and continues to rely upon the undisputed expert evidence given at trial.

5. The Defendant seeks the following s.10 admissions or in the alternative disclosure of material reasonably considered to be capable of proving the same:

- i. In March 2011, the Defendant made complaints to the police about UKIP (including the Complainant's) misuse of EU expenses. Included in that complaint was an allegation made by the Defendant that the 'Charter of Muslim Understanding and Dismantling Multiculturalism' constituted incitement to racial hatred. In March 2011 reported Batten for inciting racial and religious hatred contrary to s 5 of the Public Order Act) In May 2011 reported Batten for £1/2 million fraud committed in conjunction with his brother Harold Batten and UKIP London Regional Organiser Lawrence Webb, and Paul Wiffen for creating and distributing child pornography images.
- ii. In May 2011 the Defendant reported another UKIP member for possession of child pornography.
- iii. In July 2011 the Defendant provided a witness statement to the Police alleging that Nigel Farage's press officer Annabelle Fuller knowingly made false accusations of sexual assault against Tory MP Andrew Bridgen.
- iv. From late 2011 to November 2012 the complainant reported to the police threats and harassment from unidentified people at her home address which she believed to be from members of far right groups linked to the Complainant.
- v. In February 2012 the Defendant sought an injunction against the Complainant in respect of the matters set out in (iv) above.
- vi. MPS Detective James Galvin attended court and gave evidence that there were no live investigations into the Complainant. The MPS later accepted that Mr Galvin had no authority to represent the MPS at the hearing or to attend court.

- vii. When the Defendant made a complaint about the behaviour of two officers that attended her home in November 2011 the MPS and later the IPCC denied that DC Galvin and the other officer DS Reardon were serving police officers. This denial was included in letters written to the Prime Minister and the Mayor of London in response to their enquiries.
  - viii. HHJ Gledhill QC whilst a practicing barrister represented fundamentalist Christian organisations.
6. The above admissions are sought for the purpose of limiting the necessity for evidence to be called to prove them in accordance with the wish expressed by the Court. They are all relevant to the Defendant's state of knowledge and therefore her state of mind at the time of the Tweets complained of. None of the above are intended to cause controversy and the Court will no doubt wish to consider Press Restrictions on the names of some of those mentioned.

Dated: 10/3/2015

**STRICTLY PRIVATE & CONFIDENTIAL**

Martin Edwards  
Lawyer  
Criminal Justice Area: Central, West & North West London  
4<sup>th</sup> Floor Rose Court  
2 Southward Bridge Road  
London SE1 9HS  
Email: [martin.edwards@cps.gsi.gov.uk](mailto:martin.edwards@cps.gsi.gov.uk)

Atkins Thomson Solicitors  
3 Fleet Street  
London EC4Y 1AU  
t. 020 7836 9300  
f. 020 7836 9400  
[www.atkinsthomson.com](http://www.atkinsthomson.com)

Our Ref: GA/0013900002  
Your Ref:

25 March 2015

Dear Sir

**Regina v Jasna Badzak**  
**URN: 01DD0360014**

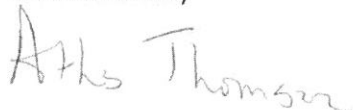
We write further to your email of yesterday which stated that you intended to seek to move the trial date on this matter.

Firstly, we simply cannot see how you cannot comply with disclosure in the time given. We agreed to the adjournment last time on the basis that you would be ready and you have given no real reasons why the CPS now have insufficient time to prepare for trial.

We have a witness booked to arrive from the US, an ill client, and are extremely keen to progress this matter urgently for trial on 1st April.

We will be opposing your application on Friday.

Yours faithfully



**Atkins Thomson**

Partners:  
Graham Atkins  
Mark Thomson  
Robert Dellow

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Solicitors Regulation Authority  
(441436)

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24 JUN 2015

Atkins Thomson  
Solicitors  
3 Fleet Street  
London EC4Y 1AU

23rd June 2015

01DD0360014/ME

URN: 01DD0360014

Dear Sirs,

**R v Jasna BADZAK, City of London Magistrates Court 15th September, 2015**

Disclosure of Prosecution Material under Section 7 Criminal Procedure and Investigations Act 1996

I have considered your defence statement dated provided under section 5/section 6 Criminal Procedure and Investigations Act (CPIA). Under section 7 CPIA I am required to disclose to you any prosecution material which has not been previously disclosed and which might reasonably be expected to assist your defence, as described in your statement.

On the basis of the defence statement that you have provided, I have not identified any further prosecution material which may be of assistance to you in preparing your defence.

In addition I have considered at some length the proposed S10 admissions sought by the defence which are attached to the defence statement. The Officer in the case has responded directly to Defence Counsel previously with the results of his investigations into the various admissions sought. The prosecution are not able to agree any of the proposed admissions sought.

If you consider that there is other prosecution material which might assist your defence and which has not already been disclosed, please let me know and I will reconsider my decision in the light of any further information that you provide. Alternatively, you may apply to the court under section 8 CPIA. The court will assess your application in the light of your defence statement

If you have a query in connection with this letter, please contact me.

Yours faithfully

London Magistrates Unit  
4th Floor  
Rose Court  
2 Southwark Bridge  
London SE1 9HS  
DX 154263 Southwark 12

Tel: 0203 357 7000  
London.magistrates@cps.gsi.gov.uk



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M. EDWARDS  
Lawyer

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CPIA 5 (01.03)