

**Court of Magistrates (Malta)  
As A Court of Criminal Judicature**

**Magistrate Dr. Claire L Stafrace Zammit B.A. LL.D.**

**The Police  
[Inspector Jurgen Vella]  
Inspector Spiridione Zammit]**

**-vs-**

**Georgios Kouros  
Marko Ivezic  
Dragan Dekic  
Branko Nicolic  
Nikola Pejovic  
Dorde Matijevic  
Viktor Leondiev  
-ommissis-  
-ommissis-  
-ommissis-**

**Case Number: 735/12**

**Today, the 25<sup>th</sup> of May, 2017**

**The Court,**

Having seen that the accused Georgios Kouros holder of ID card bearing number 67781A; Marko Ivezic holder of passport bearing the number 1025742; Dragan Dekic holder of passport bearing the number 010445005; Branko Nikolic holder of Serbian ID bearing the number 0207986730021; Nikola Pejovic holder of passport bearing the number 007438808; Dorde Matijevic holder of passport bearing the number 7649773; and Victor Leondiev holder of Bulgarian passport number 381471759.

Were charged with having:

on the 17<sup>th</sup> July 2012 at about nine o'clock in the evening (21:00hrs) whilst at Paola, precisely at the Hibernians football club stadium and its perimeters, assaulted or resisted by violence or active force not amounting to public violence, several members of the police who are lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority;

And also with having on the mentioned date, time, place, and circumstances, reviled, or threatened, or caused a bodily harm to any person lawfully charged with a public duty, while in the act of discharging their duty or because of their having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty;

And also with having disobeyed the lawful orders of any authority or of any person entrusted with a public service, or hindered or obstructed such person in the exercise of his duties, or otherwise unduly interfered with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoined or allowed to do, or frustrating or undoing what has been lawfully done by other persons, or in any other manner whatsoever;

And moreover with having on the same date, time, place and circumstances took an active part in an assembly of ten or more persons for the purpose of committing an offence, although the said assembly may not have been incited by any one in particular, which offence was in actual fact committed;

And also with having on the same date, time, place, and circumstances, incited an assembly of persons, ten or more in number, for the purpose of committing an offence which offence was in actual fact committed;

And also with having on the same date, time, place and circumstances not being officials, persons taking part in the game and not being authorized either by the authority or association under the auspices of which the game is being held or by the crowd management, trespassed beyond the fence or barriers surrounding the pitch and entered the field of play;

And moreover with having on the same date, time, place and circumstances, willfully disturbed the public good order or the public peace;

And moreover with having on the same date, time, place and circumstances, in any public place or place open to the public, were found drunk and incapable of taking care of themselves;

**And also Nikola Pejovic charged by himself:**

With having on the 17<sup>th</sup> July 2012 at about nine o'clock in the evening (21:00Hrs) whilst at Paola precisely in the perimeters of the Hiberians football club stadium caused injuries of slight nature on the person of police constable 451 Aaron Bugeja as certified by Dr.D.Grima M.D of Gzira Health Centre

And finally with having on the same date, time, place and circumstances wilfully committed any spoil, damage or injury to or upon any movable or immovable property namely a police uniform trousers which damage, which amounts to the sum €17.70 was made to the detriment of the Government of Malta.

Seen request by the prosecution that apart from inflicting the penalty established according to law, orders that the above mentioned accused persons be prohibited from attending any sports ground for a period prescribed by this Honorable Court;

Seen all documentary evidence exhibited in these proceedings;

Seen the note of the Advocate General dated the seventh (7) of October two thousand and thirteen (2013) whereby it recommended this Court to find guilty against the accused on the following articles of the law:

1. Articles 68 and 70 of Chapter 9 of the Laws of Malta;
2. Articles 95 and 96 of Chapter 9 of the Laws of Malta;
3. Articles 338(dd)(ee) and (ff) of Chapter 9 of the Laws of Malta;
4. Regulations 5, 7, and 9 of Subsidiary Legislation 10.33 of the Laws of Malta; and
5. Articles 17, 31 and 533 of Chapter 9 of the Laws of Malta.

In relation to Nikola Pejovic:

6. Articles 68 and 70 of Chapter 9 of the Laws of Malta;
7. Articles 95 and 96 of Chapter 9 of the Laws of Malta;
8. Articles 221(1) and 221(1)(c) of Chapter 9 of the Laws of Malta;
9. Articles 325(1)(d) and the third and fourth provisos to Article 325(1) of Chapter 9 of the Laws of Malta;
10. Articles 338(dd)(ee) and (ff) of Chapter 9 of the Laws of Malta;
11. Regulations 5, 7 and 9 of Subsidiary Legislation 10.33 of the Laws of Malta; and
12. Articles 17, 31, 533 of Chapter 9 of the Laws of Malta.

Seen that during these proceedings the accused Marko Ivezic and Dorde Matijevic died.

Seen that the rest of the accused, except Viktor Leondiev have pleaded guilty to the charges brought against them and that they have confirmed such plea after having time to reconsider and after having heard that prosecution withdrew the first charge and the second charge limited only to insults as regards the accused Branco Nikolic, withdrew all the charges against Victor Leondiv and against accused Dragan Dekic, Branko Nikolic and Georgios Kouros, prosecution is limiting the second charge only to insults.

Having considered that even though accused did not plead guilty at the outset of the proceedings, yet they are going to benefit from a punishment in the minimum since such delay was not attributable to them.

Having therefore seen Articles 17, 31, 68, 70, 95, 96, 221(1), 221(1)(c), 325(1)(d), third and fourth provisos of Article 325(1), 338(dd)(ee) and (ff) of Chapter 9 of the Laws of Malta and Regulations 5, 7, and 9(3) of Subsidiary Legislation 10.33 of the Laws of Malta and decided that upon guilty plea finds accused:

**Branco Nikolic** guilty of all the charges brought against him except the first charge since this was withdrawn by prosecution and the second charge limited only to insults and by virtue of Article 22 of Chapter 446 frees him on condition that he does not commit another offence within two years from today;

**Nikola Pejovic** guilty of all the charges brought against him and on the basis of Article 28A of Chapter 9 of the Laws of Malta condemns him to one (1) year imprisonment suspended for two (2) years;

**Giorgios Kouros** guilty of all the charges brought against him except the second (2) charge limited only to insults and on the basis of Article 22 of Chapter 446 of the Laws of Malta frees him with the condition to commit another offence with three (3) years from today;

**Dragan Dekic** guilty of all the charges brought against him except that the second charge only limited to insults and by virtue of Article 22 of Chapter 446 frees him on condition that he does not commit another offence three (3) years from today;

**Branko Nikolic** guilty of all the charges brought against him except the second charge only limited to insults and by virtue of Article 22 of Chapter 446 frees him on condition that he does not commit another offence three (3) years from today;

Declares exhaustion of proceedings of the charges against **Viktor Leondiv** since these were withdrawn by prosecution and against accused **Marko Ivezic and Dorde Matijevic** since these died during the compilation of these proceedings.

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Finally, explained in simple words to the accused, if such order is not complied with.

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**Dr Claire L Stafrace Zammit B.A. LL.D.**  
**Magistrate**