



**THE COURT OF MAGISTRATES (MALTA)**  
As a Court of Criminal Judicature

**MAGISTRATE**  
**DR. CAROLINE FARRUGIA FRENDO**  
*B.A. (Legal and Humanistic Studies), LL.D.,*  
*M.Juris (International Law), Dip. Trib. Eccl. Melit.*

Case Number: 382/2020

**The Police**  
**Inspector Leeroy Balzan Engerer**  
**vs**  
**Abdifatah Ahmed Mohamed**

**Today 18<sup>th</sup> December 2020**

The Court:

Having seen the charges brought against Abdifatah Ahmed Mohamed, and holder of Maltese Residence Permit with number 115347A.

Charged him with having on the 7<sup>th</sup> August 2020 between ten in the night (22:00hrs) and eleven thirty (23:30hrs) in the evening in the Maltese Islands:

1. Committed a non-consensual act of sexual nature on the person of Mathilde Boillet born on the 24<sup>th</sup> February 2002, holder of French Passport with number 16APO6535;
2. In a public place or place open to the public, being drunk and incapable of taking care of himself;

3. Without the intent to kill or to put the life of Mathilde Boillet in manifest jeopardy, caused harm to the body or health of same Mathilde Boillet, in which harm is of slight nature.

The Court was requested to issue a Protection Order against the accused in order to provide the security to Mathilde Boillet or for keeping public peace or for protecting the injured person or other individuals from harassment or other conduct which will cause a fear of violence in accordance to Article 412C of Chapter 9 of the Laws of Malta.

Having seen the Prosecuting Officer read out and confirming on oath the charges brought against the accused during the sitting of the 9<sup>th</sup> August 2020.

Having seen all the documents exhibited in this case which are; declaration of the refusal of legal assistance marked as AAM1, statement of Abdifatah Ahmed Mohamed marked as AAM2, NPS-PCR Personal detail sheet of Ahmed Mohamed Abdifatah marked as AAM3, conviction sheet marked as AAM4, NPS-PCR Personal details sheet of Ahmed Mohamed Abdifatah marked as AAM5, medical certificate marked as LRB1 and birth certificate marked as LRB2.

Having heard the witnesses of the Prosecution: Mathilde Boillet and PC 1497 Julian Calleja

Mathilde Boillet states that when they were near Burger King in Paceville, the accused arrived and touched her and her friend's buttocks and run away while turning and doing obscene gestures. She states that she followed him and hit him, and he grabbed her and hit her on her knee. She continues that then there came a group of people and the accused ran away. She states that she informed two men who when to the Police and then after half an hour he came back, the Police arrived and arrested him. When asked she states that they were a group of ten girls and that when he touched her, he was alone while when he came back, he was with a friend.

The Court heard the accused register a guilty plea;

The Court has given the accused sufficient time to reconsider such guilty plea, has ordered the accused to consult with his lawyer of such guilty plea, and has explained the punishment that may be given in relation to the charges brought against his. The accused confirmed his guilty plea.

After hearing oral submissions regarding punishment.

**Considers:**

With respect to the punishment to be inflicted, the Court heard both Prosecution and Defence during the sitting dated 18<sup>th</sup> of December 2020 agree that in the circumstances of this case, an order in terms of Article 446 would be more suitable. The Court, is in agreement and this is due to the fact that the accused has registered an early guilty plea in these proceedings and therefore it did not have to waste more time in gathering more evidence, and due to the fact that the accused has a clean conviction sheet.

**Decide:**

The Court, after having seen Articles 207, 214, 215, 221 and 338(ff) of Chapter 9 of the Laws of Malta, finds the accused **Abdifatah Ahmed Mohamed**, guilty of the charges brought against him upon his own guilty plea, and places the accused under a Probation order in terms of Article 7 of Chapter 446 for a period of three (3) years from today and imposes a restraining order in terms of Article 382A where the person protected is that of Mathilde Boillet, with the conditions in the same Order herewith attached and which forms an integral part of this judgement.

The Court, in terms of Article 7 of Chapter 446 and Article 382A of Chapter 9 of the Laws of Malta, has warned the offender about the legal consequences if he commits another crime within the prescribed operative period of the Restraining Order and/or if he fails to abide by one of the orders stipulated in the Restraining Order, and the offender confirmed his will that he will abide by this Restraining Order.

In terms of Article 392A(2) of the Criminal Code the Court orders that this judgment together with the record of the proceedings be transmitted to the Attorney General in terms of Law.

**Dr. Caroline Farrugia Frendo LL.D.**  
**Magistrate**

**Nadia Ciappara**  
**Deputy Registrar**