



**Courts of Magistrates Gozo
As A Court of Criminal Judicature**

**Magistrate Dr Brigitte Sultana LL.D. LL.M (Cardiff) Adv. Trib. Eccl.
Melit**

**The Police
(Inspector Bernard Charles Spiteri)**

-vs-

Dragan Shojlev

Case number: 359/2019

Sitting of Friday, 29th April 2022

The Court;

Having seen the charges brought against Shojlev Dragan, holder of Ref. Com. number 247288/18 aged 35 years, son of Delche and Kirjuara nee' Angeloyaska, born in Velesl, Macedonia on the 25th May 1984.

And charge him with having on the 29th July 2019, at about 00:30a.m., whilst being inside Room 5, Labre Flats, St. Joseph Labrè Street, Rabat, Gozo and/or in these islands, and during preceeding dates:-

1. Without the intent to kill or put the life in manifest jeopardy, caused slight injuries on the person of your partner Charmaine Connie Axiaq as certified by Dr Joseph Galea M.D. Reg. No. 2682 from Gozo Health

Centre and this in breach of articles 214, 221(3) and 222 of Chapter 9 of the Laws of Malta.

2. And also with having on the same date, time, place and circumstances attempted to use force against the person of your partner Charmaine Connie Axiaq with the intent to insult, annoy or hurt such person and this in breach of article 339(d) of Chapter 9 of the Laws of Malta.
3. And also with having on the same date, time, place and uttered insults or threats to the person of partner Charmaine Connie Axiaq not otherwise provided for in the Criminal Code and this in breach of articles 339(e) of Chapter 9 of the Laws of Malta.
4. And also with having on the same date, time, place and uttered insults or threats to the person of partner Charmaine Connie Axiaq not otherwise provided for in the Criminal Code and this in breach of articles 339(e) of Chapter 9 of the Laws of Malta.
5. And also with having on the same date, time, place and circumstances and also during the previous weeks and months in Room 5, 'Labre Flats', St. Gużeppe Labrè street, Rabat Gozo and/or other parts of Gozo caused your partner Charmaine Connie Axiaq to fear that violence will be used against her or her property and this in breach of article 251(B) of Chapter 9 of the Laws of Malta.

The Court is being kindly requested, where it deems expedient, in order to provide for the safety of Charmaine Connie Axiaq for the keeping of the public peace, in addition to, or in lieu of the punishment applicable to the offence, require the offender to enter into his own recognizance in a sum of money to be fixed by Court.

The Court is also being kindly requested, for the purpose of providing for the safety of the injured party, to issue a Protection Order under Article 412C of the Chapter 9.

Having seen the documents exhibited and all the acts of the proceedings;

Having seen that during the sitting of the 2nd August 2019 Court acceded to the request filed by Prosecution to the effect of adding the words “*and during the preceeding dates*” after the words “*And charge him with having on the 29th July 2019, at about 00:30a.m., whilst being inside Room 5, Labre Flats, St. Joseph Labrè Street, Rabat, Gozo and/or in these islands*”;

Having seen that on the 30th August 2019 Court issued a protection order in terms of Article 412C of Chapter 9 of the Laws of Malta against the accused not to molest in any way Charmaine Axiaq;

Having heard all the evidence brought forward;

Having seen that during the sitting of the 4th of February 2022, the Prosecution and defence for parte civile declared that they are relying on the evidence submitted in the case;

Considers:

The Evidence.

The Court shall be referring to those depositions and the evidence produced which in the opinion of this court are important in order for it to be able to properly analyse the accusations levied at the accused in the light of the evidence produced.

Witness Depositions.

PS 559 Jason Spiteri produced and confirmed on oath a Police Incident Report dated 29th July 2019. He testified that on the 29th July 2019 Charmaine Connie Axiaq called for police assistance near Mc Donalds, in Victoria, Gozo, alledging that she had just been hit by the accused and that he had also burnt her with his cigarette. The victim was taken to the emergency department whereby she was duly examined by Dr Joseph Galea M.D. and certified to be suffering from slight injuries. PS 559 Jason Spiteri confirmed that he was not present when the incident happened.

Dr Joseph Galea filed an affidavit which was then confirmed on oath on the 1st August 2013. It transpires that Dr Galea examined Charmaine Connie Axiaq at the Emergency Department, Gozo General Hospital on the 29th July 2019 at 1:10 in the morning. Axiaq was diagnosed to have a scratch on the left-hand side of her jaw, a scratch on the right-hand side of her nose, two red marks on her left breast and a red mark on her right breast. These marks were circular in shape with a diameter of one centimetre. The injuries were certified to be of a slight nature.

Charmaine Connie Axiaq testified that she has been in a relationship with the accused whom she had met on the 20th April 2014. She explained that they co-habited on and-on-and off basis since she travelled a lot during these times. The relationship is a turbulent one because the parties cannot get on well together to the extent that they argue a lot. She referred to an incident that happened on Friday 26th July 2016 whereby whilst she was at Vittoria's bar in Bugibba a man by the name of Chris offered her a drink. She took some photos and sent them to the accused. The accused then found her in the bar and picked a fight with Chris and he started accusing her of being unfaithful and he proceeded to put a cigarette on to her skin thereby burning her. The victim was then taken by Chris for more drinks at another three bars. Meanwhile the accused left and in the evening the victim went back to San Antonio Hotel where she had been staying. The victim decided not to report this specific incident to the police. She explained that the accused does not trust her and is actually paranoid about the fact that she sees other men. She further added that the accused abuses her verbally by saying that she is mentally unstable and unable to look after herself and their twin children.

The victim explained that the incident which she reported to the Police took place on Sunday. The parties had not met since Friday. On the 28th July 2019 the victim was due to return to Australia but due to a mistake as to the date of the return ticket she had to stay in Malta longer. She explained that on learning about the mistaken date on her return ticket she called the accused thinking that this was a sign for them to have time to patch things up. Victim expected the accused to propose marriage on

picking her up from the airport, but things did not turn out as she planned. The parties once again started an argument on their way back to Gozo and victim claims that she was verbally abused during the trip. She stated that later on that evening, as she was washing the clothes, she felt the accused allegedly grabbing her by her hair and smashing her face into the wall. During the incident the accused allegedly also pulled out her earring and scratched her with it. To defend herself she hit the accused twice on his head with her fist. She explained that this incident happened between eleven in the evening and midnight while they were at the apartment where the accused lives. At the time of the incident the parties were still arguing whereby the accused was allegedly blaming the victim for the fact that their children were placed in an orphanage. She added that they were also arguing about the fact that the accused had not married her yet. During the argument the accused allegedly also threatened to burn the victim alive. As they continued arguing the victim started grabbing her things and then managed to escape out in the street to ask for help.

In cross-examination she explained that she had called the accused from the airport because she loved him and hoped this was a sign for them to patch up.

As to the incident which happened on Friday 26th July the victim explained that it all happened whilst she was having a drink in a bar. The accused burnt her with a cigarette inside the bar.

During her **additional testimony** Charmaine Connie Axiaq presented a psychological report drawn up by Hugo Rodriguez, a psychologist practising in New South Wales. The report which is dated 7th September 2006 states that Axiaq is mentally and intellectually fit to fulfil her duties as a mother. She also filed a certificate issued by Dr Russell Finlay from the Adult Mental Health Unit in Canberra, Australia whereby it is stated that Charmaine Connie Axiaq was seen for a one-hour session during which it did not appear that she has a mental illness. However, it was also noted that the assessment was carried out over a one-hour session and that *“further assessment by a psychiatrist is highly recommended.”*

Maria Cauchi, social worker with the Foundation for Social Welfare Services explained that the Foundation was called to intervene following the filing of a domestic violence incident report. She and her colleague Noel Cini conducted a risk assessment and the case scored 22 points. The social workers concluded that a protection order was required as the victim feared for her life. She explained that the report that had been drawn up is based entirely on what the victim recounted to them and on the answers, she gave to the questions asked to her¹. At the moment of drawing up the report the victim stated that she felt depressed and had suicidal thoughts. The social workers could also see the scars on the victim's body.

Roseanne Vella, social worker in the intake and family support services within Appoġġ, testified that she was involved with the accused in October 2018 when he needed support because he was homeless. At the time the accused had mentioned his relationship with the victim saying that she did not want to meet with him anymore but that he wanted to continue seeing her.

In counter-examination she explained that the accused was always respectful in her regard. She added that although the accused was involved in a couple of arguments when he was at the shelter, these were petty arguments. Then the accused was eventually made to leave the shelter since he was verbally harassing and intimidating one of the staff members. She explained that the reason for being homeless was due to the fact that he did not have money and was also unemployed.

Doreen Vella, leader at Child Protection Services with Appoġġ, stated that there was a time when they were assisting the victim who at the time was pregnant. During this time the victim refused to see the accused but nonetheless the accused kept going to the place where the victim was staying until one day, he was banned from going into those premises. She explained that the accused was also banned from Dar Papa Frangisku owing to his abusive behaviour. During the time when the victim was in

¹ See the report marked as 'Dok. BCS2' a. fol. 6 et seq.

contact with the social workers, she used to tell them that the accused was abusive in her regard and that he could not be trusted with the children who were still babies at the time. The last contact that she had with the parties in this case was in December 2018. She further explained that the accused was never physically aggressive towards her, but he did curse her and social worker Chanelle Micallef in some comments which he had made on Facebook. As proof of the accused's aggressive character, the victim sent videos to the social workers showing his behaviour. The social worker explained that it is hard to tell whether the allegations launched by the victim are true. Firstly, because the victim herself was quite aggressive towards the social workers and other professionals. Secondly, there were incidents when the victim was not telling the truth. Hence, the social workers could not establish with certainty whether the victim's allegations with regards to the accused were truthful.

In cross-examination, Ms Vella testified that from the investigations carried out it emerged that the victim had been receiving treatment in Mount Carmel Hospital. At the time she was claiming that there were chemicals in the reverse-osmosis that were poisoning her, but this was not true. Victim was also alleging that medical staff in hospital were harming her and that the social workers were only interested in taking her children away from her. The victim was also claiming that she had a body camera to record incidents and that she had photos to confirm what she was saying but in reality, she never showed any video or photos. Ms Vella continued to say that contrary to what the victim was alleging, it was not true that other people were constantly harming her. It so happened that the victim was not co-operating, and the children were taken away from her.

At that very same time that the victim was pregnant a treatment order was issued for her to receive treatment not only out of concern for the babies' health but also due to psychological concerns on the part of the victim. Although there wasn't a specific diagnosis, there were serious concerns that the victim was paranoid, impulsive and showing excessive behaviour.

Ms Vella further testified that Child Protection Services were called to intervene on the 10th October 2018 following an incident which occurred at the social services department whereby Charmaine Connie Axiaq was claiming that she no longer wanted her unborn children. At this stage concerns arose about the unborn children. Then a community treatment order was issued. Axiaq left for Greece when the twins were barely one month old. Ms Vella explained that it transpired that Axiaq had been in care at a Greek psychiatric hospital before her arrival in Malta. All along Axiaq kept claiming that she was in danger and that the accused was running after her and being abusive in her regard. She alleged that the accused tried to rape her and tried to push her down the stairs whilst she was pregnant. No evidence was ever submitted by Axiaq to support her allegations. Ms Vella stated that when the social workers asked for evidence of the allegations made, the victim sent them a video, but they could not relate to any abusive behaviour on the part of the accused towards Axiaq who was simply filming what was going on within the household. Ms Vella added that this video was sent at a time when Axiaq was insisting that the accused be kept away from the children.

In re-examination Ms Vella stated that Axiaq had a difficult past whereby she was abused by men.

Chanelle Micallef, in her capacity as social worker, explained that Child Protection Services became involved on the 10th October 2018. She explained that a report was filed by the Greek Ambassador stating that Charmaine Connie Axiaq had been kept for a week in a psychiatric hospital. On her release she expressed her wish to return to Malta. The social workers tried to track her down, but Axiaq did not want any contact with them. On the 10th October 2018 Child Protection Services received a call from Valletta Police Station stating that Axiaq had been to the citizenship building stating that she wanted to return to Australia. At the time Axiaq was eight months pregnant when she requested a knife to cut her twins.

It is not clear what led to Axiaq's hospitalisation in Greece, but Axiaq always stated that she had an abusive childhood and was even raped in the past.

Following the incident at the citizenship building, Axiaq was taken to Mount Carmel where she was hospitalised until around the end of December or beginning of January. Axiaq was then dismissed on a community treatment order. Ms Micallef stated that it was hard to communicate with Axiaq as she was aggressive, erratic and paranoid.

In as far as the accused is concerned, Ms Micallef stated that Axiaq had filed a report with the Police back in 2016 to report the allegedly aggressive behaviour of the accused². He appeared to have some mental health problem but was never diagnosed. Reports were also filed by Charmaine Corinne Axiaq stating that he was abusive in her regard, that he pushed her down the stairs and that he even threatened to kill her. Axiaq also presented the social workers with a video in which they could see the accused and could hear a lady speaking in Macedonian. The social workers believe that the lady in the video is the accused's mother. On the floor they could see a lot of broken things. With the aid of a colleague who knows the language, the social workers learnt that the woman in the video was saying *"I can't go to work. You are causing me problems there and here, there at work and here"*, *"I can't sleep. I have to stay here to protect her"* and *"You are strong like a bull. I don't know what you can do. You can't behave like that. She is pregnant and even if she is not you can't. You should see a doctor to not behave like this and break things. I can't live this. Look at him."* She added on saying that the accused was never aggressive in her regard, but he did pass threatening comments in her regard on Facebook. The accused was also expelled from Dar Papa Frangisku and from YMCA owing to his aggressive and harassing behaviour.

In cross-examination Ms Micallef stated that there were various incidents where Axiaq was found to be lying and to be inconsistent in recounting events. It was also noticed that Axiaq tends to forget a lot. On being admitted at Mount Carmel Hospital, Axiaq was diagnosed as being

² These reports are marked as 'Dok. RA' a fol. 109 et seq.

delusional, paranoid, having erratic behaviour, being unpredictable and unstable.

Ms Micallef added that whilst the accused was concerned about the state of Charmaine Connie Axiaq and wanted to see her and the children, at the same time his concern was rather obsessive. It also seemed that he could not understand that Axiaq was suffering from mental health issues and needed to be hospitalised to receive treatment.

As regards the video that Axiaq sent the social workers featuring the accused, this video was very short. The social workers did not see any other evidence in support of Axiaq's allegations. At the time that the video was sent Axiaq had returned back to Australia after fleeing the community treatment order. At this time the accused was pressing to recognise his children and to see them, but Axiaq was insisting that he was violent and should not be allowed near the children.

In re-examination Ms Micallef stated that the situation seen in the video sent by Axiaq did not appear to be a normal situation.

Helenio Galea in representation of the Records Office Malta Prisons presented a copy of the medical file pertaining to the accused during the time when he was a prison inmate. The file does not contain information that is relevant or related to the case under examination.

Makedonka Williams, who is the accused's sister, testified that she has known the victim for the past five years. She explained that the parties met at their place of work and from there they started a romantic relationship. At the time the victim was travelling a lot around the globe. Williams explained that at the time when Axiaq was admitted at Mount Carmel Hospital she was called to stand in as guardian for Axiaq and to help her take up some courses and structure her life in preparation for motherhood. However, things did not turn out as planned as Axiaq left Malta leaving a note to Williams asking her to care for the babies. The children were taken to the orphanage immediately after birth as Axiaq

was deemed to be dangerous in their regard. The babies were then flown to Australia when they were around one and a half years old.

Williams explained that as a family they used to treat Axiaq well, but Axiaq had mental problems that made her manipulative, and her emotional intellect is very low making her incapable of taking care of her twin children. She explained that on the occasion that Axiaq was admitted at Mount Carmel Hospital in 2018 Axiaq had threatened to hurt the babies, so it was deemed better to have her recovered and treated. After giving birth Axiaq left for Australia as here in Malta she needed a guardian to take care of her, but her parents could not come over.

Williams explained that the accused was very much in love with Axiaq, but the relationship was a difficult one, *“explosive”* because Axiaq was *“out of control with provocation, manipulation, like a little child who want to play”*. Williams testified that Axiaq was causing scandals by showing herself publicly with other men, she was also showing off her wealthy status. The relationship between the accused and Axiaq was scarred by mutual provocations.

Dr Michael Refalo stated that on the 29th July 2019 the accused was referred to the Gozo General Hospital by Dr Anselm Psaila from the Health Centre. The accused was complaining of pain on both sides of the neck and a sensation of blood or tasting blood when he swallows. Various tests were carried out, but no pathology or fractures were diagnosed and there was no evidence of traumas in the face.

The accused, **Dragan Shojlev**, took the witness stand. He testified that he met Charmaine Connie Axiaq on the 21st May 2014 at a restaurant and from there they embarked onto a romantic relationship. In June 2018 the accused was working on setting up the stage for Tomorrow Land Festival. At the time Axiaq was in Australia but returned back on the 29th June 2019. The accused testified that Axiaq was psychologically unwell owing to a double personality that she was diagnosed with. Axiaq also needs medication for her condition. The accused explained that despite Axiaq’s psychological difficulties, he loves her none the less and wishes to start a

family with her. Yet, Axiaq registered their twin boys as having an unknown father, she has also obtained a protection order making it difficult for the accused to relate with her. He related the incident when Axiaq was admitted at Mount Carmel Hospital. Axiaq was very jealous in his regard alleging that he was seeing other women. Just before the argument on the 26th July 2019, the parties had been arguing because Axiaq did not want the accused to work as a barman during Tomorrow Land Festival. He explained that he wanted her to go with him to the festival, but she kept threatening to get a ticket back to Australia if he accepts to work as barman. Axiaq also alleged that the accused is a terrorist.

On the 26th July 2019 Axiaq had asked the accused to pick her up from Bugibba but she kept toying with the idea of giving him her exact location until she finally stated that she was sitting at Bistro Teka restaurant in Bugibba. The accused went there to meet her but upon getting to the restaurant he found Axiaq at a table with an English man by the name of Chris. The accused says he started asking about what Axiaq was doing with another man when she was waiting for him to meet her. Chris kept offering Axiaq drinks but bearing in mind that Axiaq was on medication, the accused did not want her to drink more. In the meantime, Chris invited Axiaq to dance, and they got up. The accused says that at this point Chris started massaging Axiaq's breasts with his hands and it was then that Axiaq got the cigarette burn from Chris' cigarette. Axiaq and Chris left to go to another bar and the accused followed them. Once at the other bar the accused and Chris started fighting and they were sent out by the owner of the bar. The accused left and went back to work whilst Axiaq stayed on with Chris. Whilst the accused was at work Axiaq started calling him and provokingly saying she had been intimate with Chris. The accused says he kept telling Axiaq that he was ready to forgive her and asked her to join him at the festival, but Axiaq kept threatening that should he go to the festival she would fly back to Australia. The accused went to work and Axiaq stayed in Bugibba, however when he broke off from work the accused picked Axiaq from Bugibba and they went to Gozo together. Once in Gozo Axiaq went to the beach by herself. In the evening the accused was on a conversation with his mother when he told her that

Axiaq had been with Chris. Axiaq insisted with him not to tell. Axiaq went to the laundry room to wash her clothes and at that point she told the accused that she was going to pack her things and leave. Axiaq tried to open the washing machine, but it would not open. She started getting nervous thinking that the accused had somehow blocked the machine. Axiaq started hitting the accused. The accused went to put Axiaq's suitcase by the door of the apartment and then when he went back near Axiaq she started punching him causing him to lose three teeth. The argument went on and the accused insisted with her to leave.

In cross-examination the accused categorially denied hitting Axiaq on the night of the 29th July 2019. He stated that the injuries sustained by Axiaq came from Chris and not from him.

Considers.

This court points out at the outset that after a thorough examination of the depositions given by the witnesses produced by the Prosecution, it is clear that the version of events as described by Charmaine Connie Axiaq stand in stark contrast with the version given by the accused when he took the witness stand. It must be duly noted that Axiaq and the accused were alone in their apartment when they had the argument that led to the charges being issued against the accused. Hence, there are no witnesses that could corroborate one version or the other.

It is an accepted principle that the onus is on the prosecution to present before the court the best evidence so as to convince the court that the offences the accused is being charged with, have actually taken place.

The famous jurist Manzini³ had this to say in relation to such an onus: *“Il così detto onero della prova, cioè il carico di fornire, spetta a chi accusa – onus probandi incumbit qui osseruit”*.

It must also be emphasized that for an accused to be found guilty of an offence, it is the duty of the prosecution to present that evidence which

³ Diritto Penale, Vol III, Cap. IV, Ediz.1890

proves that the law has been breached and this beyond any reasonable doubt. The latter phrase has been interpreted to mean that the elements of the offence the accused has been charged with, have to be proven beyond doubt as dictated by reason. This however does not mean that any smidgeon of a doubt would be enough to have the accused acquitted of all the charges. So much so that in the judgement delivered by the Court of Criminal Appeal on the 5th December 1997 in the names **Il-Pulizija vs. Peter Ebejer**, it was decided that the degree of proof that the Prosecution has to satisfy is that degree that leaves no reasonable doubt in mind and hence the prosecution is not required to provide proof of such a degree that leaves no shadow of a doubt. Hence this Court's decision has to be based on an evaluation of the facts and circumstances presented to it. This evaluation process involves the application of common sense and a moral conviction that the offence has actually taken place. Such a process was aptly described by Lord Denning in **Miller vs. Minister of Pension**⁴ -

“Proof beyond a reasonable doubt does not mean proof beyond the shadow of a doubt. The law would fail to protect the community if it admitted fanciful possibilities to deflect the course of justice. If the evidence is so strong against a man as to leave only a remote possibility in his favour, which can be dismissed with the sentence ‘of course it is possible but not in the least probable’ the case is proved beyond reasonable doubt, but nothing shall of that will suffice”.

It was also decided that⁵:

“It is true that conflicting evidence per se does not necessarily mean that whoever has to judge may not come to a conclusion of guilt. Whoever has to judge may, after consideration of all circumstances of the case, dismiss one version and accept as true the opposing one”.

From an analysis of the above it is clear that when the court is faced with conflicting versions of the same incident, then it has to apply its common sense, sift through the evidence and decide which version to accept and which to reject. It is very pertinent to note that conflicting versions do not

⁴ 1974, 2 All ER 372

⁵ **Il-Pulizija vs Charles Ducker**, Court of Criminal Appeal, decided 19th May 1997

necessarily lead to a declaration of innocence by the court but rather that the court has to carefully evaluate all the evidence and apply the criteria as set by Article 637 of Chapter 9, Laws of Malta.

Indeed, the court may even decide to accept the version given by just one witness and this in line with what is provided by Article 638(2) of the Criminal Code. This Article makes it very clear that the deposition of just one witness, if deemed credible by whomever is judging is enough to constitute the required degree of proof. Consequently, the credibility of the witnesses brought before the court is of utmost importance.

For the court to assess credibility note must be had not just of the account of the incident but to the behaviour of the witness, his police conduct, his character and the consistency with which the events are recounted⁶. Credibility is not just one isolated factor but a multi-faceted concept which the court has to attentively observe when witnesses are giving evidence as its absence or otherwise has an impact on the court's final decision.

Hence this Court has to first decide which of the versions presented to it in the course of the proceedings regarding the incident of the 29th August 2019 and the days before, is credible. In other words, is the version given by Charmaine Connie Axiaq a credible version?

Charmaine Connie Axiaq has blamed the accused for the injuries she sustained namely a cigarette mark on each of her breasts and two scratches on her face as certified by Dr Joseph Galea from Gozo General Hospital. The accused has also presented photos of the injuries sustained. The problem lies not with whether Axiaq sustained the injuries but rather with who caused the injuries.

Both Axiaq and the accused agree that they had an argument two days prior to the filing of the report. Axiaq claims that it was the accused who was being jealous in her regard and during the argument threw at her the cigarettes that left a burn on her breast. On the other hand, the accused

⁶ Article 637, Criminal Code

says that the burns came from a cigarette that was being held by a certain Chris who was dancing with Axiaq. Axiaq and the accused both agree that the argument started because Axiaq was in the company of Chris. It emerges that 'Chris' is in actual fact a certain Chris Coe. From the acts of the proceedings, namely from a certificate dated 7th August 2019 and issued by Dr Fabian Bonello from the Psychiatric Unit at Mount Carmel Hospital, Coe was declared unfit to testify in these proceedings. Hence, the only person who could possibly shed some light on the incident which occurred on the 26th July 2019 did not testify.

The Court is faced with diametrically opposed versions of how Axiaq ended up with cigarette burns on her breasts. As a matter of fact, the acts do not contain solid proof, in a degree that is beyond reasonable doubt, that it was the accused himself who inflicted those wounds on Axiaq.

The social workers who testified in this case all agree that Axiaq suffers from paranoia thinking that people want to hurt her. This is also evidenced from the manner in which Axiaq testified during these proceedings. Various are the occasions where Axiaq was invited to calm down. She kept repeating that she is a victim, that she was abused and harmed but the acts contain no such proof and the social workers confirmed that there were various instances when Axiaq was caught not saying the truth or rather not being consistent in her version of facts. The social workers also stated that they pressed Axiaq to give proof of her allegations that the accused was being violent in her regard, but Axiaq never provided such proof. On one occasion she had sent them a video, but the social workers said there was no violence being addressed towards Axiaq herself in the video sent. The Court notes that this video was not presented in the acts of the case.

This being said, the social workers also testified that the accused was sent away from the homes where he was staying owing to him having arguments with other residents and harassing a member of the staff. They also explained how the accused took it out publicly against them by cursing them on Facebook.

After taking stock of all the acts of the proceedings, all documentation presented in evidence, the testimony tendered by the witnesses and that given by the parties directly involved in the argument that led to charges being issued against the accused, this Court deems that the Prosecution has not managed to prove the accusations in the degree requested by law.

Decide

From what has been heard by the Court and in the light of the above considerations, it is the opinion of this Court that the charges brought against the accused do not result.

Hence, the Court declares the accused Dragan Shojlev not guilty of all the charges brought against him and consequently acquits him of the said charges.

(sgn.) Dr Brigitte Sultana
Magistrate

(sgn.) John Vella
D/Registrar

True Copy

For the Registrar