



**IN THE COURT OF MAGISTRATES
AS A COURT OF CRIMINAL JUDICATURE**

MAGISTRATE DR. ANN MARIE THAKE
LL.B., Adv. LL.M., LL.D.

Today, the 17th of October 2024

The Republic of Malta
vs
Jérôme Jaouad Yousfi
Jasmin Gerardina Jalila Louati

Case no. 671/2024 AMT

The Court,

Having seen the charges against **Jérôme Jaouad Yousfi**, son of Khaled and Ingrid nee Dahan, born in Alkmaar, the Netherlands and holder of the Dutch passport numbered NUC2K3C46, and **Jasmin Gerardina Jalila Louati**, daughter of Mourad and Huberta nee` Houwer, born in The Hague, the Netherlands, and holder of the Dutch passport numbered NV7J3D404:

Who are being charged:

1. **Jérôme Jaouad Yousfi** alone with having, on the third (3rd) of August of the year two thousand and twenty-four (2024), sometime between quarter to eight in the evening (1945hrs) and quarter past nine in the evening (2115hrs), on Triq ix-Xatt ta' Xbiex and/or in other places on these Islands, without intent to kill or put the life of Mohamed Faraj Muftah Funah in manifest jeopardy, caused that same Mohamed Faraj Muftah Funah harm to the body or health which harm is of a slight nature as certified by Medical Doctor Thitiphan Kungphailbool (Med. Reg. no. 6656), in violation of articles 214, 215 and 221 of the Criminal Code, Chapter 9 of the Laws of Malta;
2. And furthermore **Jérôme Jaouad Yousfi** alone with having, at the same time and place and under the same circumstances, by any means other than those referred to in the proceeding articles of Sub-Title IV of Title IX of Part I of Book First of the Criminal Code, Chapter 9 of the Laws of Malta, wilfully committed any spoil, damage or injury to or upon the vehicle appertaining to the manufacturer Citroen with vehicle plates bearing the identification number BLY154, belonging to Mohamed Faraj Muftah Funah and/or to any person, which

damages do not exceed two thousand and five hundred euro (€2,500) but exceed two hundred and fifty euro (€250), in violation of article 325(1)(b) of that same Code;

3. And furthermore **Jasmin Gerardina Jalila Louati** alone with having, at the same time and place and under the same circumstances, committed theft of a mobile phone appertaining to the brand Apple to the detriment of Mohamed Faraj Muftah Funah and/or of another person/s and/or of another entity/entities, which theft is aggravated by “amount” due to the value of the item stolen exceeding two hundred and thirty-two euro and ninety-four cents (€232.94) but not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), and furthermore by “the nature of the thing stolen” due to the theft having been committed on a vehicle in a public place or in a place accessible to the public, or on any part or accessory of, or anything inside, such vehicle, in violation of article 261(c)(g), 627, 271(g), 279(a), 280(1) of the Criminal Code, Chapter 9 of the Laws of Malta;
4. And furthermore, **Jérôme Jaouad Yousfi** and **Jasmin Gerardina Jalila Louati** together with having, at the same time and place and under the same circumstances, caused Mohamed Faraj Muftah Funah to fear that violence will be used against him or his property or against the person or property of any of his ascendants, descendants, brothers or sisters or any person mentioned in article 222(1) of the Criminal Code, Chapter 9 of the Laws of Malta in violation of article 251(3) of that same Code;
5. And furthermore **Jérôme Jaouad Yousfi** and **Jasmin Gerardina Jalila Louati** together with having, at the same time and place and under the same circumstances, in any manner not otherwise provided for in the Criminal Code, Chapter 9 of the Laws of Malta, wilfully disturbed the public good order or the public peace, in violation of article 338(dd) of that same Code;
6. And furthermore **Jérôme Jaouad Yousfi** and **Jasmin Gerardina Jalila Louati** together with having, at the same time and place and under the same circumstances, attempted to use force against Mohamed Faraj Funah and/or any other person, in violation of article 339(1)(d) of the Criminal Code, Chapter 9 of the Laws of Malta;
7. And furthermore, **Jérôme Jaouad Yousfi** and **Jasmin Gerardina Jalila Louati** together with having, at the same time and place and under the same circumstances, uttered insults or threats not otherwise provided for in the Criminal Code, Chapter 9 of the Laws of Malta, or being provoked, carried their insults beyond the limited warranted by the provocation, in violation of article 339(e) of that same Code;
8. And furthermore, **Jérôme Jaouad Yousfi** alone with having, at the same time and place and under the same circumstances, pushed Mohamed Faraj Muftah Funah and/or any other person in the street with the object of hurting or insulting such person, in violation of article 339(l) of the Criminal Code, Chapter 9 of the Laws of Malta.

The Court was also requested, in the event of a finding of guilt against the accused and in addition to the punishment in accordance with the law, to:

- i. order the accused to pay the costs incurred in connection with the employment in these proceedings of any expert or referee in terms of articles 532B and 533 of the Criminal Code, Chapter 9 of the Laws of Malta;
- ii. provide for the security of Mohamed Faraj Muftah Funah, by applying articles 382A, 383, 384 and 385 of the Criminal Code, Chapter 9 of the Laws of Malta; and
- iii. oblige the accused under the provisions of articles 15A, 23 and 23H of the Criminal Code, Chapter 9 of the Laws of Malta.

Having seen all the acts and documents of the case;

Having heard, during the sitting held on the 16th of October 2024, the accused admit to all the charges brought against them even after the consequences of the guilty plea were explained to them and after the accused were given reasonable time to reconsider.

Considers;

Having heard the defendants plead guilty to all charges proffered against them, while duly assisted by their respective lawyers, the Court considers that all charges have been sufficiently proven and the accused are guilty of the same.

The Court has taken into consideration the submissions made by the parties on punishment, and in particular their joint declaration that the defendants have compensated the injured party for all the damages sustained by him, including from loss of wages due to the incident that gave rise to these proceedings. The Court is also taking into consideration, as also pointed out by both parties, the early guilty registered by defendants. The defendants have expressed remorse and have shown their willingness and ability to take responsibility for their actions and make amends for their wrongdoing, not only by the registration of an early guilty plea and the expression of remorse, but also, and more importantly, by fully compensating the victim voluntarily before any order was made by the Court.

In light of all this, the Court agrees that the imposition of an effective jail term is not suitable in the circumstances. The Court agrees with the defence, that a suspended sentence is sufficient to reflect the seriousness of the charges while at the same time acknowledging that the accused have recognised that their actions were wrong and fully compensated the victim for the damages suffered by him. In addition, the Court will be issuing a restraining order in favour of the victim to ensure his protection.

Decide

For these reasons, the Court:

- i. after having seen articles 214, 215, 221, 325(1)(b), 261(c), 251(3), 338(dd), 339(1)(d), 339(1)(e) and 339(1)(l) of Chapter 9

of the Laws of Malta, the Court finds the accused **Jérôme Jaouad Yousfi** guilty of all charges proffered against him and condemns them to a term of imprisonment of one and a half years which by application of article 28A of Chapter 9 of the Laws of Malta is being suspended for two years;

- ii. after having seen articles 261(g), 267, 271(g), 279(a), 280(1), 251(3), 338(dd), 339(1)(d), and 339(1)(e) finds the accused **Jasmin Gerardina Jalila Louati** guilty of all the charges proffered against her and condemns her to a term of imprisonment of one and a half years which by application of article 28A of Chapter 9 of the Laws of Malta is being suspended for two years.

The Court explained to the defendants in ordinary language their liability under article 28B if during the operational period of the judgment they commit an offence punishable with imprisonment.

In terms of Article 382A of Chapter 9 of the Laws of Malta, the Court is issuing a Restraining Order against the defendants for a period of two (2) years from today for the protection of **Mohamed Faraj Muftah Funah**. The Court explained to the defendants, in plain language, their liabilities according to the conditions imposed by the Restraining Order, which decree is being attached to this judgement, forming an integral part of the same judgement.

The Court orders that, in accordance with article 392A(2) of Chapter 9 of the Laws of Malta, the Attorney General is given access to a scanned copy of the acts of the proceedings and to a scanned copy of the judgment within six (6) working days.

Ann Marie Thake
Magistrate

Ylenia Spiteri
Deputy Registrar