



**IN THE COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE**

MAGISTRATE DR. ABIGAIL CRITIEN
B.A., Trib. Eccl. Melit., LL.M. (Family Law) (Lond), LL.D.

The Police
(Inspector Antonello Magri)

v.

Abel Okoh

Compilation of Evidence Number: 1007/2024 AC

Today the 6th of January, 2025

The Court;

Having seen the charges brought against **Abel Okoh**, 40 years old, holding Nigerian Passport A07043042, born in Nigeria on 1st January 1984, parents unknown, residing at 224, Fair Lane Apartments, Flat 6, Triq it-Turisti, San Pawl il-Baħar, accused for having, between 20th November 2024 and 27th November 2024, within these Islands:

1. Through his behaviour, he caused fear in **Irene Lucy Mathe** (his former partner) that violence would be used against her or her property, or against the person or property of any of her ascendants, descendants, brothers or sisters. This offence was committed against his former partner and/or was committed repeatedly, in breach of Articles **251B**, **251H**, **251HA**, and **202(h)** of the Criminal Code of Malta;
2. He insulted, threatened, or offended **Irene Lucy Mathe** (his former partner) through words or other means, in breach of **Articles 339(1)(e)** and **202(h)** of the Criminal Code of Malta;
3. Through a network or electronic communication device, he threatened to commit a crime, in breach of **Article 49(a)**, **Chapter 399** of the Laws of Malta;
4. Through a network or electronic communication device, he made other improper use of it, in breach of **Article 49(c)**, **Chapter 399** of the Laws of Malta;

Having seen the Prosecution's request for this Court to issue a **Protection Order**, including for the duration of the proceedings, against **Abel Okoh** for the benefit of **Irene Lucy Mathe**, under the terms of **Article 412C** of **Chapter 9** of the Laws of Malta;

Having seen the Prosecution's request for this Court to, in addition to applying the penalty according to the law, apply also the provisions of **Articles 382A, 383, 384 and 385** of **Chapter 9** of the Laws of Malta for the safety of **Irene Lucy Mathe**. This in case of guilt, together with any penalty that the Court deems appropriate;

Having seen the Prosecution's request for the Court, in the case of guilt, besides imposing the penalties established by law, orders the aforementioned person to pay damages determined under **Article 532A** of the Criminal Code;

Having seen that the Prosecuting Officer Inspector Antonello Magri read and confirmed the charges brought against the accused on oath during the sitting dated the 30th of November 2024 before Duty Magistrate Dr. Giannella Camilleri Busuttil¹;

Having seen the minutes dated the 30th of November 2024 and the Court's order for proceedings to be conducted in the English language²;

Having seen the acts of the case and the documents exhibited, namely the following:

1. The Attorney General's consent under Article 370(4) of the Criminal Code³;
2. Conviction Sheet of the Accused as at the 30th of November 2024⁴;
3. Passport of the Accused⁵;
4. Identity Card of the Accused⁶;
5. *Tessera Sanitaria* of the Accused⁷;
6. Audio-Visual Statement of the Accused⁸;
7. NPS Report with reference GHQ/GBDV/3311/2024⁹;

Having seen that the accused registered a guilty plea to the charges brought against him during the sitting dated the 30th of December 2024¹⁰;

¹ Vide a fol 8 of the acts

² Vide a fol 8 of the acts

³ Vide Doc A a fol 11 of the acts

⁴ Vide Doc B a fol 12 of the acts

⁵ Vide Doc C a fol 12A of the acts

⁶ Vide Doc D a fol 12B of the acts

⁷ Vide Doc E a fol 12C of the acts

⁸ Vide Doc F a fol 12D of the acts

⁹ Vide Doc G a fol 13 *et seq* of the acts

¹⁰ Vide a fol 18 *et seq* of the acts

Having seen that the Court warned the accused about the legal consequences of such guilty plea registered by him and after allowing him a period of time to withdraw his guilty plea, and after having explained the effects of such guilty plea and after having given him time to speak again to his legal counsel, the accused once again confirmed his guilty plea;

Having seen that the Court observed and complied with the provisions as set out in Article 392A(1)(2) of Chapter 9 of the Laws of Malta, and in the light of the accused's voluntary and unconditional guilty plea and his confirmation and reiteration of his guilty plea for the second time and after consulting with his lawyer that the Court took cognisance of his guilty plea;

In terms of Article 392A(3) of Chapter 9 of the Laws of Malta This Court declares that it does not consider that there are valid grounds to doubt the accused's guilt despite his guilty plea and consequently deems that the charges brought against him have been satisfactorily proven.

Having seen the acts of the case;

Having seen that the case was adjourned for today for judgement;

Legal Considerations

In relation to the charges brought against **Abel Okoh**, accused for having, between 20th November 2024 and 27th November 2024, within these Islands:

1. Through his behaviour, he caused fear in **Irene Lucy Mathe** (his former partner) that violence would be used against her or her property, or against the person or property of any of her ascendants, descendants, brothers or sisters. This offence was committed against his former partner and/or was committed repeatedly, in breach of Articles **251B**, **251H**, **251HA**, and **202(h)** of the Criminal Code of Malta;

2. He insulted, threatened, or offended **Irene Lucy Mathe** (his former partner) through words or other means, in breach of **Articles 339(1)(e)** and **202(h)** of the Criminal Code of Malta;
3. Through a network or electronic communication device, he threatened to commit a crime, in breach of **Article 49(a), Chapter 399** of the Laws of Malta;
4. Through a network or electronic communication device, he made other improper use of it, in breach of **Article 49(c), Chapter 399** of the Laws of Malta;

The accused registered a not guilty plea upon his arraignment, but subsequently registered a guilty plea during the sitting of the 30th of December 2024;

In view of the accused's guilty plea to the charges brought against him, the Court deems that the same said charges have been proven satisfactorily;

Regarding punishment, the Court is taking into consideration the following:

1. The guilty plea at a relatively early stage of the proceedings and that the Court did not have to waste time in gathering further evidence on the merits of the case. Reference is made to local and foreign jurisprudence including but not limited to **Ir-Repubblika ta' Malta vs. Nicholas Azzopardi**¹¹ u **Il-Pulizija vs. Emmanuel Testa**¹² where the Courts argued in favour of leniency in punishment when the accused registers a guilty plea at an early stage of the proceedings and consequently saves time and expenses to the administration of justice;
2. The guilty plea was entered into without any form of reservation or condition;
3. The accused's clean Conviction Sheet;

¹¹ Criminal Court, decided on the 24th of February 1997

¹² Court of Criminal Appeal, decided on the 7th of July 2002

4. The serious nature of the charges levied against the accused which were such that they fall under the definition of “domestic violence” and “family and domestic unit” as defined in Article 2 of Chapter 581 of the Laws of Malta¹³ due to them being committed against his former partner, with particular reference being made to first charge relating to fear of violence with course of conduct committed repeatedly over a period of time;

As explained above, the Court notes that the charges levied against the accused were such that they may be placed within the definitions in Article 2 of Chapter 581 of the Laws of Malta, specifically those of “domestic violence” and “family and domestic unit”, with particular reference being made to Article 2(d) of the same Chapter, which relates to these offences being committed against “persons who are or have been in a sentimental, and, or intimate relationship” as was the accused’s former partner, the injured party **Irine Lucy Mathe**. Consequently, the charges in question should be considered with the appropriate degree of severity;

However, the Court must also balance this with the guilty plea of the accused at an early stage of these proceedings before the Court started gathering evidence regarding the merits of the case, and it is for this reason and this reason only, along with a clean Conviction Sheet, that the Court is considering a less severe punishment for the charges brought against the accused;

Decide

Therefore the Court, after having seen Article 17(d), Article 31(1)(b), Article 202(h)(vi), Article 202(j), Article 251B(1), Article 251H(a), Article 251H(b), Article 251HA, Article 399(1)(e) of Chapter 9 of the Laws of Malta, Article 49(a) and Article 49(c) of Chapter 399 of the Laws of Malta, and Article 2 and Article 2(d) of Chapter 581 of the Laws of Malta, on the basis of his free and unconditional guilty plea, finds the accused **Abel Okoh guilty of all charges brought against him and condemns him to a term of 18 months**

¹³ Gender-Based Violence and Domestic Violence Act

imprisonment which, by application of Article 28A(1) of Chapter 9 of the Laws of Malta, is being suspended for a period of 3 years from the date of this judgement;

The Court, after having seen Article 28A(4) of Chapter 9 of the Laws of Malta, explained in clear and simple terms the liability of the accused under Article 28B of the same Chapter should he, during the operational period of this suspended sentence, commit an offence punishable by imprisonment;

The Court, after having seen Article 49(a) and Article 49(c) of Chapter 339 of the Laws of Malta, on the basis his free and unconditional guilty plea, **condemns the accused to the payment of a fine (*multa*) in the amount of €250;**

The Court, after having seen Article 382A(1) and Article 382A(2) of Chapter 9 of the Laws of Malta, accedes to the Prosecution's request in order to issue a Restraining Order against the accused **Abel Okoh** in favour of the injured party **Irine Lucy Mathe** for a period of 3 years from the date of this judgement. The Court, after having seen Article 382A(3) of Chapter 9 of the Laws of Malta, explained in clear and simple terms the consequences of failing to adhere to the conditions mentioned in the relative decree, and his liability under the same Article should he fail to do so without reasonable cause. The Court orders that this Restraining Order shall form an integral part of this judgement;

In addition, the Court is placing the accused under a **Treatment Order** in terms of Article 412D(1) of Chapter 9 of the Laws of Malta for a period of two (2) years in order for him to address his issues with obsession and accept the fact that his relationship with the injured party has come to an end as well as address any other issue that the professionals may diagnose or deem important to address during the operational period of this Order, and this under those terms and conditions set out in the decree attached with this judgement, which decree shall form an integral part of this judgement;

The Court orders that a copy of this judgement, together with the Treatment Order be sent to the Director Probation Services and Parole so that he assigns a probation officer

to be responsible for the supervision of the probationer and who shall report back to the Competent Court as to the accused's progress every three (3) months.

The Court, after having seen Article 532A of Chapter 9 of the Laws of Malta, is not in a position to take cognisance of the Prosecution's request in order to apply the provisions of this Article due to the absence of any evidence relating to the quantification of damages suffered by the injured in the acts of these proceedings;

The Court, after having seen Article 392A(2) of Chapter 9 of the Laws of Malta, orders that a scanned copy of these proceedings, judgement and relative decrees be communicated to the Office of the Attorney General according to Law;

MAGISTRATE DR. ABIGAIL CRITIEN
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