



**COURT OF MAGISTRATES (GOZO)
AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE DR.
EDWINA GRIMA**

Sitting of the 31st May, 2012

Number. 148/2011

THE POLICE
(Inspector Frank Anthony Tabone)

Vs

Bianca Neurohr born in Germany on the 30 July 1968 and residing at Villa Fiorina, Triq il-Kantra, Xlendi, Gozo identity card number 61017A

And

Christian Ruediger born in Germany on the 09 July 1971 and residing at Villa Fiorina, Triq il-Kantra, Xlendi, Gozo, identity card number 60910A

The Court;

Having seen the charge wherein the accused Bianca Neurohr and Christian Ruediger were charged with having on the 16th February 2011 at around 12:15hrs whilst at Independence Square, Victoria, Gozo:-

1. used force against Carmen Buttigieg with the intent to insult, annoy or hurt such person.

Having seen the documents exhibited;

Having heard the evidence;

Having heard submissions by the parties;

Considers:

That it results from the acts that on the date of this incident, as indicated in the charge, the accused were walking together at Independence Square in Rabat when they were spotted by injured party Carmen Buttigieg. It transpires that injured party had rented out an apartment to the accused some months earlier and that accused had failed to pay the rent due on time. This had triggered off an angry reaction from Buttigieg who had been trying to contact the accused for several months in the hope of obtaining payment. These attempts had failed and therefore when Buttigieg accidentally met accused on the date of the incident she immediately approached them and started insisting that they pay up all the amounts owing. Accused Ruediger however told her to contact their agent Charles Attard and insisted that he would not discuss this issue outside on the pavement. Buttigieg however thought that the accused were trying to avoid her and therefore started to follow them down the road harassing them for payment. The argument seems to have escalated at one point to the extent that Buttigieg even started insulting Ruediger. Buttigieg insists in her testimony that accused Ruediger started pointing his fingers in her face and even started insulting her. However injured party denies this. Neurohr from her part

denies even having spoken to Buttigieg. In fact injured party never mentions that Bianca Neurohr insulted her or annoyed her.

From the testimonies tendered by all the parties involved in this incident it does not result that any one of the accused used force on injured party with the intent to insult her or annoy her. In fact it results from the acts that it was injured party who approached the accused and even started following them around. Therefore it was injured party who started the confrontation with the accused and at no point in time did any one of the accused assault injured party and even though Buttigieg states that at one point Ruediger pointed his fingers at her and insulted her, however this is denied by both the accused.

Consequently in view of the conflicting evidence found in the acts, the Court cannot but acquit the accused from the charge brought against them.

< Final Judgement >

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