



COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE  
Magistrate Dr. Astrid May Grima B.A. LL.D. Adv. Trib. Eccles. Melit.

Today, 1<sup>st</sup> December 2022

**Police**  
**(Inspector Gabriel Micallef)**  
**(Inspector Kevin Pulis)**

**Versus**

**Bakary Fatty**  
**(AX9244309)**

**The Court,**

After having seen the charges brought against **Bakary Fatty** born in Tallinding (Gambia) on the 1<sup>st</sup> of June 1995, with no address in these Islands, holder of Italian Identity Card Number AX9244309,

Being charged with having on the 5th November 2022 between one in the morning and three in the morning (01:00hrs and 03:00hrs) whilst at Police General Headquarters Lock Up Floriana and in these Islands;

1. Reviled, or threatened, or caused bodily harm to PS 1349 Rainer Agius, PC 942 Saviour Chircop, PC 261 Carl Isaac Schembri Gilford and PC 2113 Joanne Cutajar Cassar lawfully charged with a public duty, while in the act of discharging his duty or because of his having discharged such duty, or with intent to intimidate or unduly influence him in the discharge of such duty and this in breach of Article 95 of Chapter 9 of the Laws of Malta.
2. And also assaulted or resisted by violence or active force not amounting to public violence, PS 1349 Rainer Agius, PC 942 Saviour Chircop, PC 261 Carl Isaac Schembri Gilford and PC 2113 Joanne Cutajar Cassar lawfully charged with a public duty when in the execution of the laws or of a lawful order issued

by a competent authority and this in breach of Article 96 of Chapter 9 of the Laws of Malta.

3. And also without intent to kill or to put the life of PS 1349 Rainer Agius, PC 942 Saviour Chricop, and PC 261 Carl Isaac Schembri Gilford in manifest jeopardy caused the mentioned Police officers slight injuries as certified by Dr Stephanie Scerri M.D. from Floriana Health Centre and this in breach of Article 221 of Chapter 9 of the Laws of Malta.
4. And also wilfully committed any spoil, damage or injury to or upon any movable or immovable property, that is, Police uniforms, which damage does not exceed the amount of two hundred and fifty euro, to the detriment of the Commissioner of Police and/or another person or other entities. Art. 325(1)(b)
5. And also disobeyed the lawful order of any authority or of any person entrusted with a public service, or hindered, or obstructed such person in the exercise of his duty, or otherwise unduly interfered with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoyed or allowed to do or frustrating or undoing what has been lawfully done by other persons, or in any other manner whatsoever and this in breach of Article 338(ee) of Chapter 9 of the Laws of Malta.

After having seen all the documents presented in the acts of these proceedings.

After hearing the accused plead guilty to the charges brought against him on the 21<sup>st</sup> of November 2022.

After hearing final submissions by the parties.

## **Considers**

Whereas during the sitting held on the 21<sup>st</sup> of November, in the presence of his Lawyer, the accused plead guilty to the charges brought against him, notwithstanding the fact that the Court warned him in the most solemn manner of the legal consequences of his guilty plea, and after having given him sufficient time within which to reconsider and withdraw his guilty plea.

Having heard the accused reiterate his guilty plea, after the court warned him of the punishment and consequences such an admission entailed.

Having heard the guilty plea of the accused to the charges brought against him, the Court has no alternative but to declare the accused guilty of the said charges.

### **Considers**

The guilty plea of the accused at the initial stages of these proceedings, and his clean Conviction Sheet.

### **Decide**

For the said reasons the Court, after having seen Articles 7, 8, 95, 96(a), 221(1), 325(1)(b) and 338(ee) of Chapter 9 of the Laws of Malta, **finds the accused guilty** all charges brought against him and condemns him to **one (1) year imprisonment**, whereas by application of **Article 28A** of Chapter 9 of the Laws of Malta, **the said term of one (1) year imprisonment is being suspended for a period of three (3) years from today, and also to the payment of a fine(multa) for the sum of four thousand Euro (€ 4,000).**

In terms of **Article 28A(4)** of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language his liability under **Article 28B** of Chapter 9 of the Laws of Malta, if during the operational period of this suspended sentence he commits an offence punishable with imprisonment.

Also in terms of **Article 412C** of Chapter 9 of the Laws of Malta, the Court is issuing a **Protection Order** against the accused for a period of **one (1) year** from today for the protection of **PS 1349 Rainer Agius, PC 942 Saviour Chircop, PC 261 Carl Isaac Schembri Gilford and PC 2113 Joanne Cutajar Cassar**. The Court explained to the accused **Bakary Fatty** in plain language, his liabilities according to the conditions imposed by the Protection Order, which decree is being attached to this judgement, also forming an integral part of the same judgement.

The Court is ordering that a copy of this Judgement together with the Protection Order Decree is notified to the Commissioner of Police.

The Court is also ordering 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 together with a scanned copy of the Judgement within six(6) working days.

**Dr. Astrid May Grima B.A. LL.D. Adv. Trib. Eccles. Melit.**  
Magistrate