



**IN THE MAGISTRATES COURT OF THE FALKLAND ISLANDS**

**MC/CRIM/13/25**

**Trial dates: 27<sup>th</sup> and 28<sup>th</sup> April 2026**

**Judgment: 29<sup>th</sup> April 2026**

**Before**

**HIS HONOUR JUDGE MALCOLM SIMMONS**

**BETWEEN:**

**REX**

**V**

**TEMBE MBAH PASCAL**

MR. STUART WALKER, Senior Crown Counsel, appeared for the Prosecution  
MS. NICOLA CARROLL, instructed by Waverley Law, appeared for the defendant

**Reporting restriction under section 459 of the Criminal Procedure and Evidence Ordinance  
2014**

**JUDGMENT**

1. The defendant stood trial on two counts:

**Count 1**

Tembe Mbah Pascal, between the 6th day of September 2025 and the 6th day of November 2025, assaulted [REDACTED] by beating her, thereby causing her actual bodily harm, an offence under section 71 of the Crimes Ordinance 2014.

## Count Two

Tembe Mbah Pascal, on the 6th day of November 2025, assaulted [REDACTED] by beating her, an offence under section 70 of the Crimes Ordinance 2014.

## Introduction

2. This case involves two complainants: [REDACTED] and her mother [REDACTED]. [REDACTED] was born on [REDACTED] and was 11 years of age at the time of the alleged offending. [REDACTED] was born on [REDACTED].
3. [REDACTED] has a brother, [REDACTED]. He was born on [REDACTED] and is now 16. They are [REDACTED] children from a previous relationship. The defendant and [REDACTED] were 'traditionally' married. The defendant is step-father to [REDACTED] and [REDACTED].
4. [REDACTED] arrived in the Falkland Islands in May 2025. She is employed in the [REDACTED].
5. The defendant and [REDACTED] arrived in the Falkland Islands in September 2025. [REDACTED] returned to [REDACTED] in March 2026.
6. [REDACTED] was not a dependent on [REDACTED] work permit. [REDACTED] had failed an education assessment for an Accompanying Dependent Permit and was issued a six-month visitor permit. At the time of the alleged offending, she was not attending school in the Falkland Islands.
7. The defendant was on an Accompanying Dependent Permit. He was working at Lookout Lodge, Stanley.
8. [REDACTED] gave an ABE interview to police on 5<sup>th</sup> November 2025. [REDACTED] gave an ABE interview to police on 6<sup>th</sup> November 2025.
9. The Defendant was arrested on 6<sup>th</sup> November 2025 and interviewed by police the same day.

## Directions

10. I have previously directed myself on how I should approach the evidence and how to approach my findings on the facts.

11. The burden is on the Prosecution to prove that the Defendant is guilty. The Defendant does not need to prove anything. The Defendant does not need to prove that he is innocent. The Prosecution will only succeed in proving that the Defendant is guilty if I am sure of the Defendant's guilt. If I am not sure, then I must return a 'not guilty' verdict.
12. I do not have to decide every point that has been raised in this case. I am entitled to draw inferences, that is, to come to common sense conclusions based on the evidence which I accept, but I may not speculate about what evidence there might have been or otherwise allow myself to be drawn into speculation. I have not made any findings of fact unless I am sure and, although I might not preface each finding of fact with that point, it should be taken that I am sure on the evidence of any factual finding that I have made. If I have made a factual finding it is on the basis that the Prosecution has the burden of proving its case so I am sure.
13. I have not conducted any reading into this case beyond the evidence sought to be and in fact relied on by the prosecution and defence. I have not considered any material that was not placed before the court or referred to in questioning of witnesses. I have not discussed the case or the evidence with anyone. Accordingly, the reasons for my verdict are entirely based on the evidence, my assessment of it and of the witnesses and the conclusions that I have drawn from all the evidence.
14. Allegations of the type that arose in this case may be highly emotive. I have put aside any emotion and judged this case solely on the evidence.
15. ██████ and ██████ gave evidence in the form of their ABE interviews. That is entirely normal in cases such as this and is a process designed to elicit the best evidence from a witness. This does not reflect at all on the Defendant and did not affect my assessment of the evidence. I assessed this evidence in exactly the same way as I assessed other evidence in this case.
16. ██████ gave evidence through a video link. She gave evidence in this way because she had returned to ██████ in March 2026. Giving evidence in this way is entirely normal and does not reflect at all on the Defendant and did not affect my assessment of the evidence.
17. ██████ gave evidence about what she said ██████ told her had happened on the day in question. This is not independent evidence. It is evidence of what ██████ told ██████ about what she said happened. ██████ was not present and did not see what did or did not happen.
18. The reason why I have heard about what ██████ told ██████, is so that I can consider it in deciding whether or not ██████ has been consistent in what she has alleged and whether or not

she has told the truth. And when deciding this I should consider, inter alia, whether there is any consistency or inconsistency in what she said.

19. Inconsistencies in accounts can happen whether a person is telling the truth or not. This is because if someone has experienced a traumatic event such as the kind alleged in this case, their memory may be affected in different ways. It may affect that person's ability to take in and later recall the experience. Some people may go over an event afterwards in their minds many times and their memory may become clearer or can develop over time. But other people may try to avoid thinking about an event at all, and they may then have difficulty in recalling the event accurately. I have considered all the evidence that has been presented in this case, including apparent inconsistencies in order to evaluate the truthfulness of each witness.
20. I also recognise that just because a person gives a consistent account about an event, that does not necessarily mean that account must be true, any more than inconsistent accounts must be untrue.
21. In deciding whether an account given by a witness is true, I have looked at all the evidence, including inconsistencies. If I am sure the account is true, I have relied upon it. If I am not sure, I have disregarded it.
22. I have considered separately each count relating to each complainant.
23. I permitted the prosecution to adduce evidence of alleged domestic abuse that had taken place outside the Falkland Islands. Although that evidence was not relied on as propensity evidence, it explained the nature of the complainants relationships with the defendant and provides context. The only evidence of the alleged domestic abuse outside the Falkland Islands comes from the complainants themselves. Those allegations were denied by the defendant. The fact the complainants make these allegations against the defendant does not make it more or less likely that the defendant committed these offences and provides no support for the prosecution case. It does not make it more likely that he assaulted either complainant as alleged or at all.
24. The fact the Defendant is in the dock is not relevant. I have treated the evidence of all witnesses equally. I shall decide whether any witness, including the Defendant, has been truthful and accurate or not, by having regard to what they say, whether it is consistent with what they have said on other occasions, how they gave evidence and how it compares to other evidence and to common sense.
25. I heard speeches from both sides and I may wish to take account of the arguments in the speeches I have heard. I have to say they have been helpful from both sides, but I am not bound to accept

them. Counsel for each of the parties ask me to look at the case from their respective position. Evidence is what I've heard from the witness box or what was read or the facts that have been agreed.

26. The defendant has no previous convictions or cautions. Good character is not a defence to the charge, but it is relevant in two ways:

- (a) First, the defendant has given evidence. His good character is a positive feature which I should take into account in his favour when considering whether I accept what he told the court.
- (b) Secondly, the fact that a person has not offended in the past may make it less likely that he has acted as the prosecution alleges in this case. What importance I attach to the defendant's good character and the extent to which it assists on the facts of this particular case, are for me to decide. In making that assessment I may take account of everything I have heard about the defendant.

27. I take all of these matters into consideration in my assessment of the evidence.

#### Elements of the Offences

28. Section 71 of the Crimes Ordinance 2014 provides:

*A person who commits an assault occasioning actual bodily harm commits an offence.*

29. Section 70 of the Crimes Ordinance 2014 provides:

*(1) A person who unlawfully assaults or beats any other person commits an offence.*

*(3) In this Part —*

*(a) an assault occurs when a person intentionally or recklessly causes another person to apprehend immediate unlawful violence, whether or not physical contact is made;*

*(b) a battery occurs when a person intentionally or recklessly applies unlawful force to another person.*

## The Evidence

██████████

30. ██████████ gave an ABE interview to police on 5<sup>th</sup> November 2025. She is now 12 years of age. She gave evidence before this court on 28<sup>th</sup> April 2026 by video link from ██████████.
31. Describing her relationship with the defendant before arriving in the Falkland Islands, ██████████ said in her ABE interview “At first, he was super nice and calm...he was being so nice and all at first, and when he moved to our house I got angry because sometimes, back then, I got angry, I just slammed the door and go into my room.”
32. Describing the defendant, she said “...he used to be nice. He still is but if you do a little thing that is wrong, he shouts at you or screams at you”. She said he could become angry if she did not wash the dishes or if she was caught in a lie.
33. She said the defendant would “beat me with two fingers on my arms and legs.” She said it was only the defendant who would use physical punishment.
34. She said in evidence that she would lie to her mother and the defendant to avoid getting into trouble.
35. Describing the relationship between her mother and the defendant, ██████████ said in evidence that she did not think they argued a lot. She thought they had argued 2 or 3 times while in the Falkland Islands. However, that appeared to contradict what she told police. In her ABE interview she said they were “always fighting”. She said “sometimes my mother says something mean about him in front of me and he asks me, I just lie because I don’t want to get in a fight I’ve lied a lot of times to them about each other.”
36. ██████████ said the defendant had hit her once since her arrival in the Falkland Islands.
37. In her ABE interview she said the defendant had hit her “...around last month or earlier this month or September, between those 3 months or 2 months we’ve been here, I don’t remember the exact date, but it’s probably last month.” She was unsure.
38. In evidence she said she would watch YouTube after school. She said the defendant would tell her she spent too much time on YouTube. She said she would listen to music as she did her schoolwork.

39. She said the defendant became angry regarding her apparent lack of progress homeschooling. She said that she was behind in school.
40. Referring to the incident in question, [REDACTED] told police “He hit my head once, he caught my head and then pulled me back to sit down on my chair... and it was really painful” She described the defendant hitting her with his knuckle. What she demonstrated to police during her ABE interview was a fist with the knuckle of the middle finger extended, making contact with the top of her head. In evidence she described the defendant striking her on the top of the head with a knuckle and protruding finger.
41. She said that on the day of this incident she had told her mother what had happened. She said she had waited until the defendant left the house and told her mother not to tell the defendant what she had said. She said she told her mother the defendant had hit her on her head. She said she had not told her mother the defendant ‘slapped’ her.
42. Following this incident she said she was left feeling “really scared”. She was alone in the house with the defendant.
43. She recalled an argument between her mother and the defendant over her sleeping in the same bed as her mother. She said she had told her mother to stop shouting at the defendant.
44. Referring to the argument between the defendant and her mother on 6<sup>th</sup> November 2025, [REDACTED] said in evidence she was in the kitchen when the argument started. She described the mother following the defendant around the house. She said she had asked “what was happening” and told her mother to “leave it” as the defendant left through the back door. She said that later she had gone to the defendant’s place of work to encourage him to ‘make peace’ with her mother, saying she did not like it when they argued. She said the defendant had bought them food vouchers, that he wanted to apologise but the mother didn’t want to talk to him.
45. In her ABE interview [REDACTED] said that she had told her mother that she didn’t feel comfortable being with the defendant. She said her mother had responded that she should “...continue acting and it will be over very soon.” She understood that to mean that the defendant would not be in their lives anymore. She said that she wanted her life to go back to how it had been, with just her mother and brother.
- [REDACTED]
46. [REDACTED] and the defendant have known each other since they were children, having grown up in the same neighbourhood in [REDACTED]. They were re-introduced through a friend and met in

██████ in August 2023. They began living together in about December 2023. The defendant moved to South Africa in about February 2024.

47. Prior to her leaving ██████████, their relationship was strained. Communication appeared poor.

48. ████████ described the defendant as someone who was neither kind nor thoughtful towards the children.

49. Having accepted a job with the ████████████████████, it was her intention the children would live in ██████████. However, it appears neither wished to leave ██████████.

50. ████████ left ██████████ in May 2025, leaving ██████████ and ██████████ in ██████████ with the defendant and a 'helper'. She said he was the best option at the time.

51. ████████ made arrangements for the defendant and ██████████ to travel to the Falkland Islands. They had discussed employment options for the defendant.

52. ████████ had been informed prior to her departure for the Falkland Islands, that ██████████ had failed the educational assessment and would not be allowed to remain in the Falkland Islands on an Accompanying Dependent Permit. When ██████████ and the defendant arrived in ██████████ 2025, it was expected that they would both return to ██████████ in March 2026.

53. Following the defendant's arrival in the Falkland Islands in September 2025, ██████████ perceived an improvement in the relationship. However, the thaw in the relationship did not last long and they soon began to argue. There were arguments in front of ██████████.

54. Arguments were sometimes about money. ██████████ said she expected the defendant to contribute to household bills.

55. Referring to the allegations made by ██████████, ██████████ said ██████████ had told her two days later. She said that she had questioned ██████████ about what she said had happened. She said ██████████ said she was behind with a geography assignment and that the defendant had "beat me up."

56. ████████ was asked in cross-examination to explain what ██████████ had meant when she had referred to the defendant 'beating' her. In response she said ██████████ had said the defendant "hit me on my head." She said that, at that time, ██████████ had not elaborated further. She said she thought her recollection of what she had been told was about 70% accurate.

57. In her ABE interview on 6<sup>th</sup> November 2025, ██████████ said ██████████ had told her the previous day the defendant had "slapped" her and then pulled her back to sit down in the chair.

58. In evidence, [REDACTED] said [REDACTED] had told her the defendant had hit her head. She had not previously said [REDACTED] had reported the defendant 'hitting' her head. She did not mention that to police.
59. It was put to [REDACTED] in cross-examination that the incident in question had occurred on 22<sup>nd</sup> September 2025, that the defendant had picked her up from work at lunchtime and that, in the presence of [REDACTED], the defendant had told her what had happened, that he had argued with [REDACTED] about her watching YouTube when she should have been studying and that he had pushed her on the side of her head using two fingers. [REDACTED] denied that she had asked [REDACTED] if what the defendant had said was correct or that [REDACTED] had confirmed that it was.
60. On 31<sup>st</sup> October 2025, [REDACTED] had sought the support of the Emotional Wellbeing Service ('EWS') following an incident that, she said, had occurred the previous week. It appears [REDACTED] and the defendant had argued about her sleeping with [REDACTED]. She said the defendant had been verbally abusive, calling her "stupid" and "foolish".
61. [REDACTED] said that, having made her initial report to the EWS, someone from the Service had contacted her, apparently concerned about their safety. She said she told them they were safe. That conversation took place after [REDACTED] had reported the defendant having assaulted her.
62. On 31<sup>st</sup> October 2025, the defendant had received his first pay from Lookout Lodge. He said he had given £300 to [REDACTED]. She was clearly unhappy with his contribution to the housekeeping bills, referring to it in her ABE interview.
63. When she was interviewed by police, [REDACTED] said "Initially, when I accepted the job...two things were in my mind. One is I'm going to finish this relationship with this guy, start afresh. Two was maybe when I'm away from him, he will realise my importance in his life and he will change..."
64. However, it was clear from the evidence that, for some time, the defendant and [REDACTED] had discussed the idea of leaving [REDACTED].
65. Between 31<sup>st</sup> October and 6<sup>th</sup> November 2025, the relationship between [REDACTED] and the defendant was very poor. The defendant had blocked her on WhatsApp.
66. [REDACTED] told police "Two days ago, [REDACTED] made me aware of the fact that he scammed him of some money in [REDACTED]. On a loan, he scammed that money off [REDACTED] in May." She said that she had confronted the defendant the previous day.

67. When she was interviewed by police on the morning of 6<sup>th</sup> November 2025 she was asked by the police officer if the defendant had assaulted her since she arrived in the Falkland Islands. Her response was: “He did this morning, he kicked me this morning.” In cross-examination she denied that she had instigated or provoked the defendant. However, in her ABE interview she stated: “Yes, I might have instigated, or I might have pushed him...”
68. A friend had telephoned [REDACTED] about weed discovered in the house in [REDACTED]. [REDACTED] and the defendant had argued. The defendant had subsequently telephoned the friend. During his phone call with the friend, [REDACTED] had shouted over him, telling her friend not to answer the defendant's questions.
69. [REDACTED] denied that during that argument the defendant had returned to his room or that she had followed. It was her evidence they had argued in the passageway, between the toilet and [REDACTED] bedroom. She was adamant they were in the passageway when the defendant had kicked her.
70. However, in her ABE interview, [REDACTED] said “He went to his room, I followed.” It appears they continued to argue. [REDACTED] said “That’s when he turned and he kicked me ... Then he left...” In her ABE interview [REDACTED] described the defendant resuming his conversation with the friend before eventually leaving the house.
71. Referring to the kick, she said the defendant had not kicked her hard. She said he told her: “I know you want to call the police.” She said there was no bruising. She said the defendant had raised his hand as if to hit her but that he had not, stating “I’m not going to hit you.” She said he had “held himself back”.
72. During that argument [REDACTED] told the defendant that she did not respect him or that she did not regard him as a person.
73. [REDACTED] accepted that, following that argument, the defendant had wished to talk and that he had purchased vouchers as a form of peace offering. She said she did not wish to talk to him because she did not think it was coming ‘from his heart’.
74. On 10<sup>th</sup> November 2025 the Defendant received email correspondence from lawyers in Johannesburg, who were instructed on behalf of [REDACTED]. In that correspondence they stated: “...you are not to contact our client and/or any of her children - namely [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] - directly or indirectly via third parties regarding this matter or anything else. Any unwanted communication would be regarded as a harassment and would be reported as such in terms of the Protection From Harassment Act 17 of 2011.

75. It was agreed that on 15<sup>th</sup> December 2025 [REDACTED] had sent an email to DC Kajut of the Royal Falkland Islands Police wherein she stated: “1. *We would like to visit Pascal when can that be arranged?* and 2. *Can you please advise on why his passport was collected?*”
76. In evidence, [REDACTED] said that [REDACTED] had wanted to visit the defendant to ask questions of him to understand why he had been abusive towards them.

*The Defendant*

77. The defendant denied the allegations.
78. He described his relationship with [REDACTED] being difficult. He said it had become more strained since his arrival in the Falkland Island. The defendant admitted there had been tension and arguments within the relationship. It appears that, throughout the relationship, they had argued about finances. They would also argue about disciplining the children. He said there had been poor communication between them in the two weeks prior to his arrest.
79. It was his evidence that, despite there being other options for the children in [REDACTED] [REDACTED] [REDACTED] had agreed the children would live with him.
80. He said that he had initially intended only remaining in the Falkland Islands for a short time but that [REDACTED] was concerned they would have to repay a relocation allowance she had received from [REDACTED] [REDACTED] [REDACTED] [REDACTED]
81. The defendant described a positive relationship with [REDACTED] involving regular communication, assisting with homework and playing. He said he would take her places and that they would explore Stanley and environs together. That was something that [REDACTED] accepted in her evidence.
82. He said that he had discovered [REDACTED] had been spending too much time on YouTube – on videos that were unrelated to her studies – and spending insufficient time on her school work.
83. He recalled an incident that, he said, had taken place on 22<sup>nd</sup> September 2025. He said he had checked [REDACTED] work and challenged her about what she had been doing. He said [REDACTED] had lied. His reaction was, he said, to use the tips of the forefinger and middle finger of his right hand to “tap” on the right side of her head. He said it was not forceful. He denied that he had used his knuckle. He said that she had later apologised to him and promised that she would change and try to do her best. He said that, afterwards, his relationship with her remained the same.

84. It was his evidence he had told ██████ about what had happened. ██████ referred in her ABE interview to a discussion with ██████ about YouTube and internet use. She said “That was the day he beat her up.”
85. The defendant told police that his primary form of discipline was verbal engagement, restricting internet access, including YouTube and controlling her leisure time, for example not allowing her to play football if homework had not been done.
86. The defendant admitted that he and ██████ had argued on the morning of her police interview following a conversation ██████ had had with a friend in ██████ ██████ who, it appears, had gone to the house to clean and found ‘weed’. The defendant had gone to his room to call the friend. He said that ██████ overhearing his conversation, had attempted to enter his room and that there had been what he described as a “tussle” in the doorway between himself and ██████ He said that she had managed to “forcefully” enter his room. He denied that he had kicked out towards her legs. He said that when he left his bedroom, there had been physical contact between them. When he was asked what part of her body he had had contact with, he said “mostly the top of the body”, demonstrating that his shoulder had made contact with her body. He said the phone was in his right hand. He described ██████ following him around the house while he spoke on the telephone. He denied that he had kicked her or that he had raised his fist as if to hit her.
87. He said that ██████ had subsequently visited him at work and that she had wanted to mediate between him and ██████ He said he had bought gift vouchers for ██████ That was clearly an attempt at appeasement. He said ██████ was not prepared to talk.

#### Assessment of the Evidence

88. I will deal with each count in turn.

#### Count 1

89. ██████ was an 11 year old girl at the time of the alleged offending. She was 12 when she gave evidence before this court.
90. ██████ had failed an education assessment for admission to the secondary school in Stanley and was being home schooled. She was struggling with her studies and falling behind. The nature of the family dynamic and tensions between ██████ and the defendant were clearly not conducive to a cohesive, happy home environment in which ██████ would thrive.

91. The defendant became frustrated with [REDACTED] internet use. The defendant said he had discovered [REDACTED] had been watching videos on YouTube when she should have been studying. [REDACTED] said she only watched videos on YouTube after school. He said that he had challenged her and that she had lied.
92. [REDACTED] said the defendant had hit her once on the head. She could not recall precisely when it had happened.
93. That an incident had occurred was not in dispute. The defendants recollection was that the incident had occurred on 22<sup>nd</sup> September 2025.
94. When she was interviewed by police [REDACTED] said the defendant had “caught” her head and that he had pulled her back to her chair. She said the defendant had hit her with his knuckle. What she demonstrated during her ABE interview was a fist with the knuckle of the middle finger extended striking the top of her head. She said it was “really painful” and had left her feeling “really scared”.
95. In his police interview the defendant said he had pushed [REDACTED] head. He described it as a “touch”. In evidence he said he had used the tips of the forefinger and middle finger of his right hand to “tap” on the right side of her head. He denied punching her. He denied he had used his knuckle.
96. [REDACTED] told police that, previously, the defendant would use two fingers to, in her words, “beat” her. However, what she described this time was very different.
97. There were inconsistencies in [REDACTED] evidence about when [REDACTED] had made her first report to her and what she had told her.
98. In her police interview, [REDACTED] said that two days after the alleged incident [REDACTED] had told her the defendant had “beat [her]...up”. She said [REDACTED] had subsequently told her the defendant had “slapped” her.
99. In evidence, [REDACTED] said that [REDACTED] had told her: “daddy beat me up today”. That evidence suggests [REDACTED] had told her the same day what had happened and not two days later. That would be consistent with [REDACTED] evidence that she had told her mother what had happened the same day.
100. In evidence, [REDACTED] said [REDACTED] had told her the defendant had “hit her on the head”. That is not what [REDACTED] told police. In her ABE interview, [REDACTED] said [REDACTED] had told her the defendant had ‘beat her up’. She said [REDACTED] had later reported the defendant had “slapped” her.

A 'slap' would be inconsistent with what [REDACTED] says happened. These were important inconsistencies that I have considered in my assessment of the evidence.

101. [REDACTED] was very clear in her evidence about what she said happened. In both her ABE interview and her evidence before this Court she gave the same account. She described what she said had happened and demonstrated a closed fist with knuckle of the middle finger extended. She said the defendant had struck her to the top of her head. Her evidence was clear and unambiguous and appeared unembellished.

102. Ultimately, the Court has to assess all of the evidence, including apparent inconsistencies. I recognise that, given her age and maturity, [REDACTED] use of terminology may be imprecise. I recognise that when lawyers are picking apart terminology used by young witnesses, it is incumbent upon the Court to exercise caution to avoid unfairness. I also recognise that children are sometimes susceptible to influence, encouragement or contamination by the statements of others – particularly of someone close to them. I have taken that into account in my assessment of the evidence.

103. I watched [REDACTED] carefully as she gave her evidence. She was articulate and able to describe clearly what she said had happened. She recalled the incident being in the context of geography homework. She recalled the sound the defendant had made at the time. Her evidence appeared unrehearsed. In all material respects, she has been consistent about what she said happened. I found her to be a credible and reliable witness.

104. [REDACTED] was struggling with her schoolwork and falling behind at school. The time she was spending on YouTube was likely to the detriment of her studies. I am sure the defendant was frustrated with her. I am sure that frustration caused him to lash out at her. The defendant's explanation and characterisation of what he said happened was, on my assessment, an attempt to minimise what had, in fact, taken place. I am sure that [REDACTED] was telling the truth about what had happened.

105. What [REDACTED] described was not so trivial or trifling as to be effectively without significance. It went beyond reasonable punishment.

106. Having carefully considered all of the evidence, I am sure the defendant intentionally hit [REDACTED] to the top of her head, with a closed fist and the knuckle of his middle finger extended, causing her pain and leaving her feeling scared.

107. Therefore, the prosecution has made me sure that between the 6th day of September 2025 and the 6th day of November 2025, the defendant assaulted [REDACTED] [REDACTED] [REDACTED] by beating her,

thereby causing her actual bodily harm, an offence under section 71 of the Crimes Ordinance 2014 and I find the defendant **GUILTY** on count 1.

Count 2

108. ██████ and the defendant were in a highly-volatile relationship. Even before arriving in the Falkland Islands, ██████ had considered ending her relationship with the defendant.
109. ██████ told police the defendant and ██████ were “always fighting”. Her role became that of peacemaker and mediator. She said she was tired of pretending that everything was alright.
110. To her credit, ██████ admitted that she had sent abusive messages to the defendant. He had blocked her on WhatsApp.
111. I am in no doubt that ██████ was seeking an exit strategy. I am equally sure that her contacting the Emotional Wellbeing Service on 31<sup>st</sup> October 2025 was a component of that strategy. ██████ had told ██████ that the defendant would soon no longer be a part of their lives.
112. Police spoke with ██████ on 5<sup>th</sup> November 2025 following a multi-agency referral regarding concerns about ██████. She agreed to give a statement to police the following day. At that point, there was no suggestion or allegation the defendant had physically assaulted ██████ on the Falkland Islands.
113. However, the following morning she told police the defendant had kicked her that very morning and that he had raised his fist as if to hit her but that he had not.
114. I am sure that on the morning that ██████ had arranged to be interviewed by police, she and the defendant had argued. She admitted to police that she might have “instigated” that argument. I am sure she did. She was clearly seeking a confrontation. As the defendant spoke on the phone, she had followed him around the house, shouting over him to her friend who was on the other end.
115. ██████ told police the defendant had kicked her once in the leg. She said the kick had caused her pain but that there was no bruising. She said the defendant had raised his hand as if to hit her but that he had not, stating “I’m not going to hit you.” She said the defendant had “held himself back”.
116. However, ██████ evidence was contradictory about where in the house, she said they were, when the defendant had kicked her. In evidence, she was adamant the defendant had not gone into

his bedroom and that she had not followed him. She was equally adamant they were in the passageway when he kicked her. However, that contradicted what she told police. In her ABE interview, she said the defendant had gone into his bedroom, that she had followed, that he had kicked her and that he had then left. It was the defendant's evidence that he had gone into his bedroom, that he and [REDACTED] had struggled in the doorway and that she had forced her way in. The defendant admitted there had been contact between their torsos as he left his room but denied that he had kicked her.

117. The very significant contradictions in [REDACTED] evidence about the sequence of events and where she was when, she says, the defendant kicked her, introduce real doubt.
118. Having carefully considered all of the evidence, while I accept that on the morning of 6<sup>th</sup> November 2025, [REDACTED] and the defendant had argued, I am not sure the defendant had kicked [REDACTED] as alleged or at all. I am not sure the defendant raised his fist as if to hit her.
119. Therefore, the prosecution has not made me sure that on the 6th day of November 2025, the defendant assaulted [REDACTED] [REDACTED] [REDACTED] by beating her as alleged or at all and I find the defendant **NOT GUILTY** on count 2.