

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

MAGISTRATE DR. JOSETTE DEMICOLI LL.D

**The Police
(Inspector Elton Taliana)**

Vs

**Elsih Rohman Balimulia
Omissis**

Today 20th February 2017

The Court,

Having seen the charges brought against Elsih Rohman Balimulia, 27 years old, born in Tangerang, Indonesia on the 13th September, 1988 daughter of and nee unknown residing at 1, Milo, Triq is-Sirk, Swieqi, and holder of Indonesian Passport number A9147260 and the accused omissis:

Being charged with having that:

1. And charged them of several acts committed by them, even if at different times, constitute violations of the same provision of the law, and are committed in pursuance of the same design, with having on the 30th September 2015 and on the previous months from 1, Milo, Sirk Str, Swieqi committed theft of cash, which theft exceeds two thousand and three hundred and twenty-nine euros and thirty-seven cents (€2,329.31), and is aggravated by 'amount', by 'person', by 'place' and by, 'means' to the detriment of Fathi Ali Abujafar and his family:

2. And in addition, I am also charging them with having on the 30th September 2015 and on the previous months, with several acts committed, even if at different times and which constitute violations of the same provisions of the law, and are committed in pursuance of the same design committed an act of money laundering by:
 - a. Converting or transferring of property knowing or suspecting that such property is delivered directly or indirectly from, or the proceeds of, criminal activity or from an act or acts of participation in criminal activity, for the purpose of or purposes of concealing or disguising the origin of the property or of assisting any person involved or concerned in criminal activity;
 - b. Concealing or disguising of the true nature, source, location, disposition, movement rights with respect of, in or over, or ownership of property, knowing or suspecting that such property is derived directly or indirectly from criminal activity or from an act or acts of participation in criminal activity;
 - c. Acquiring, possession or use of, property knowing or suspecting that the same was derived or originated directly or indirectly from criminal activity or from an act or acts of participation in criminal activity;
 - d. Retaining without reasonable excuse of property knowing or suspecting that the same was derived or originated directly

- or indirectly form criminal activity or form an act or acts of participation in criminal activity;
- e. Attempting any of the matters or activities defined in the above foregoing sub-paragraphs (i), (ii), (iii) and (iv) within the meaning of article 41 of the Criminal Code;
 - f. Acting as an accomplice within the meaning of article 42 of the Criminal Code in respect of any of the matters or activities defined in the above foregoing sub-paragraphs (i), (ii), (iii), (iv) and (v);

The Court is humbly request to attach in the hands of third parties in general all moneys and other movable property due or pertaining or belonging to the accused, and further to prohibit the accused from transferring, pledging, hypothecating or otherwise disposing of any movable or immovable property in terms of article 22A of the Dangerous Drugs Ordinance Chapter 101 of the Laws of Malta, of article 5 (1) (a) (b) of the Prevention of Money Laundering Act Chap 373 as well as to issue orders as provided for articles 5 (1) and 5 (2) of the same Act and of article 23A of the Criminal Code Chap 9 of the Laws of Malta.

The Court is also humbly request that in case of guilt, apart from imposing the punishment according to law, to order the forfeiture of all exhibited objects.

The Court is also requested to apply Section 533 (1) of Chapter 9 of the Laws of Malta, as regards to the expenses incurred by the Court appointed experts.

Having heard witnesses.

Having seen the order of the Attorney General issued in terms of section 3(2A)(b)(c) of Chapter 373 of the Laws of Malta and

Having seen the note of the 16th November 2016 wherein the Attorney General indicated the articles of law under which the accused is to be tried and having heard the accused declare that she does not object to her case being tried summarily by this Court.

Having seen the joint application filed by the Attorney General and the accused in terms of Article 392A(5) of Chapter 9 of the Laws of Malta.

Having heard the accused admit to the charges brought against her and having heard the accused confirm her guilty plea after she was given time to reconsider her guilty plea.

Having seen the acts and documents of this case.

Considers:

The accused has admitted to the charges proffered against her and thus these have been sufficiently proven.

With regards to the punishment to be meted out the Court refers to the joint application in terms of Article 392A(5) of the Criminal Code filed by the Attorney General and the accused and the Court is satisfied with the punishment agreed upon.

The court after having seen after having seen articles 18, 20, 31, 261(b)(c)(d)(e), 263, 267, 268, 269, 278(1)(3), 279(b) and 280(2) of Chapter 9 of the Laws of Malta and section 3 of Chapter 373 of the Laws of Malta upon admission finds the accused guilty of all the charges proffered against her and condemns her to a period of eight (8) years imprisonment.

In terms of art 533 of Chapter 9 of the Laws of Malta, the Court orders Elsih Rohman Balmulia to pay the amount of €803.99 together with any other amount that may result representing expenses relating to the appointment of experts.

The court orders also the confiscation of all the accused's assets in favour of the Government of Malta.

Dr Josette Demicoli LL.D
Magistrate