



Courts of Magistrates (Malta)
As a Court of Criminal Judicature
Magistrate Dr. Francesco Depasquale LL.D., LL.M. (IMLI)

The Police
(Inspector Nikolai Sant)

Vs

Sakariye Abdirahman Hassan
Kheyre Heybe Mohamed

Today, the 29th of May 2018

The Court;

Having seen the charges laid against:

Sakariye Abdirahman Hassan of 23 years, son of Abdirahman and Deeqa nee Mohamed, born in Somalia on the 01st of January 1995 without a fixed address, holder of ID Card Number: 113377A.

And

Kheyre Heybe Mohamed of 28 years, son of Haybe and Cibado nee Anyaale, born in Somalia on the 15th May 1990 without a fixed address, holder of ID Card Number: 111598A.

Charged with having in these islands on the 27th May 2018 between 00:00 hrs and 00:05 hrs in St Julians:

1. Without the intent to kill or to put the life in manifest jeopardy, caused grievous bodily harm on the person of Abdimalik Omar Ismail ID Card Number: 110433A in breach of *Article 216 of Chapter 9 of the Laws of Malta*.

2. Accuse them further for having on the same date, time, place and circumstances took part in an accidental affray and caused bodily harm on the person Abdimalik Omar Ismail ID Card Number: 110433A in breach of *Article 237(b)(c)(d) of Chapter 9 of the Laws of Malta*.
3. Accuse them further for having on the same date, time place and circumstances provoked a tumult or an affray for the purpose of committing a homicide or a bodily harm to the detriment of Abdimalik Omar Ismail ID Card Number: 110433A in breach of *Article 238(b) of Chapter 9 of the Laws of Malta*.
4. Accuse them further for having on the same date, time place and circumstances uttered insults or threats not otherwise provided for in this Code, or being provoked, carried their insults beyond the limit warranted by the provocation in breach of *Article 339 (1) (e) of Chapter 9 of the Laws of Malta*.
5. Finally accuse them both for being deemed as a recidivist after being sentenced for an offence by several judgements issued by the Court of Magistrates (Malta), which judgements have become absolute.

The Court has been informed that the accused do not understand Maltese Language, and in this regard, the Court ordered that the procedures will continue in English Language.

There appeared the prosecution officer, Inspector Nikolai Sant who read and confirmed the accusations brought against the accused on oath and exhibited a document with the particulars of the accused, detailed report on the incident, declaration regarding refusal of legal advice of accused, patient's certification form, statement of the accused Sakariye Abdirahman Hussan and statement Kheyre Heybe Mohamed.

Both the accused were questioned in terms of law.

The Court,

Saw that the accused do not object in having been arraigned under arrest.

That both the accused declared that they understood the accusations being made and the consequences therein.

Heard the admission of both the accused to the first four accusations.

Saw that the prosecution withdrew the fifth accusation.

Having asked once again the accused if they were aware of the consequences of the admission and were given ample time to reconsider their guilty plea, they re-confirmed the admission.

The Court examined the documentation exhibited by the prosecution.

Saw the Legislation, namely Article 216, Article 237 (b)(c)(d), Article 238 (b) and Article 339 (1)(e) of Chapter 9 of the Laws of Malta.

Saw that the Prosecution requested the Court to order that the accused do not in any way communciate with Abdimalik Oar Ismail.

The Court was advised that the accused apologized for what happened and declared that they would not repeat this offence once again.

The Court, having seen the above and having heard the Prosecution request that the Court decides the case today;

In view of the admissions, it finds the accused guilty of the first four accusations and condemns them to an imprisonment of two (2) years suspended for four (4) years and in terms of section 412(c) orders that the accused in no way communicate with Abdimalik Omar Ismail and this for a period of three (3) years.

Magistrate Francesco Depasquale

**Rita Sciberras
Deputy Registrar**