



## Court of Magistrates (Malta) as a Court of Criminal Judicature

### THE PRINCIPAL IMMIGRATION OFFICER (INSPECTOR FRANKIE SAMMUT) VS SHEHU ENDRI

(FALSIFICATION OF PASSPORT – CH. 61, ART. 5 – FORGERY AND USE OF FORGED DOCUMENTS – CH. 9, ART. 189 – FORGERY OF DOCUMENT IN PURSUANCE OF THE IMMIGRATION ACT – CH. 217, ART. 32(1)(F))

MAGISTRATE: DR. VICTOR G. AXIAK

**28 August 2020**

THE COURT,

having considered the charges brought against Shehi Endri, an Albanian national, son of Seit and Pupulena, born in Tepelene, Albania, on 05/03/1993 and residing in Athens, Greece, holder of Passport Number BI 5747334 (“the Defendant”),

having heard the oral observations made on behalf of

- the Prosecution, by Inspector Frankie Sammut,
- the Defendant, by Advocate Dr. Joseph Brincat,

gives the following

#### **Judgement**

1. The Police arraigned the Defendant under arrest on 28 August 2020 and charged him with having on 27 August 2020 and in the previous days in Malta:
  - a. altered or tampered with, or used or had in his possession a passport, which he knew to be forged, altered or tampered with (Ch 61, Sec 5 of the Laws of Malta)

- b. committed any other kind of forgery, or knowingly made use of any other forged document, in the mentioned documents (Ch 9, Sec 189 of the Laws of Malta)
  - c. without lawful authority used or had in his possession any document required for the purposes of the Immigration Act which is forged; or (Ch 217, Sec 32 (1)(f) of the Laws of Malta).
2. A sitting was held on 28 August 2020 (“the sitting”).
  3. During the sitting the Defendant admitted the charges brought against him and reiterated such admission after the Court gave him an opportunity to retract it.
  4. The case concerns the use of a Greek Passport and a Greek Identity Card both of which were found to be counterfeit by the Malta Police Forensic Science Laboratory.

**Applicable articles of the law**

***The Passports Ordinance (Chapter 61 of the Laws of Malta)***

5. Article 5 of the Passports Ordinance reads as follows:

‘5.Any person who forges, alters or tampers with any passport or uses or has in his possession any passport which he knows to be forged, altered or tampered with, shall, on conviction, be liable to imprisonment for a term from six months to two years’

***The Criminal Code (Chapter 9 of the Laws of Malta)***

6. Article 189 of the Criminal Code reads as follows:

‘189. Whosoever shall commit any other kind of forgery, or shall knowingly make use of any other forged document, not provided for in the preceding articles of this Title, shall be liable to imprisonment for a term not exceeding six months, and if he is a public officer or servant acting with abuse of his office or employment, he shall be punishable with imprisonment for a term from seven months to one year’

***The Immigration Act (Chapter 217 of the Laws of Malta)***

7. Article 32(1)(f) of the Immigration Act provides as follows:

‘32. (1) Any person who ... (f) without lawful authority uses or has in his possession any document required for the purposes of this Act which is forged ... shall be guilty of an offence and shall be liable, on conviction by the Court of Magistrates, to a fine

(multa) not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) or to imprisonment for a term not exceeding two years or to both such fine and imprisonment, unless a greater punishment is established for such offence by another law'

**Considerations of the Court regarding the applicable penalty**

8. With regard to the penalty to be meted out the Court is taking into consideration the nature of the offence of which the Defendant is being found guilty and the fact that the Defendant registered an early admission.

**Decision**

9. **On these grounds, the Court finds the Defendant guilty of the charges brought against him under Article 5 of Chapter 61 of the Laws of Malta, Article 189 of Chapter 9 of the Laws of Malta and Article 32(1)(f) of Chapter 217 of the Laws of Malta and condemns him to six (6) months imprisonment from which there should be deducted the period spent under preventive arrest.**

V.G. Axiak  
Magistrate

M. Azzopardi  
Dep. Registrar