



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR. GABRIELLA VELLA B.A., LL.D.**

Case No. 542/2020

**The Principal Immigration Officer
And
The Commissioner of Police
(Inspector Frankie Sammut)
(Inspector John Spiteri)
(Inspector Dorianne Tabone)**

Vs

Mohamed Said Ahmed

Today, 30th May 2022

The Court,

After considering the charges brought against Mohamed Said Ahmed, a Somalian national, son of Ahmed and Sophia neè Hasan, born in Gaalkacyo on the 1st May 1988 and holder of Maltese Residence Number 80152A:

1. With having on the 13th October 2020 and in the previous months in Malta, committed several acts, even if at different times, which constitute violations of the same provision of the law, and were committed in pursuance of the same design, with the intent to make any gain whatsoever aided, assisted, counselled or procured any other person to enter or to attempt to enter or to leave or attempt to leave or to transit across or to attempt to transit across Malta, in contravention of the laws thereof or, in Malta or outside Malta, conspired to that effect with any other person, in terms of Section 18 and Section 337A of Chapter 9 of the Laws of Malta;
2. And with having on the 11th October 2020 and in the previous months in Malta, committed several acts, even if at different times, which constitute violations of the same provision of the law, and were committed in pursuance of the same design, with the intent to make any gain whatsoever aided, assisted, counselled or procured for seven (7) year old minor Arsema Michael Wubshet Bekele, I.D. No. 177343A, and her mother Fikrte Maru Assefa, I.D. No. 9000112A, to leave or attempt to leave or to transit across or to attempt to transit across Malta, in contravention of the laws thereof or, Malta or outside Malta, conspired to that effect with any other person, in terms of Section 18 and Section 337A of Chapter 9 of the Laws of Malta;
3. And with having on the 13th October 2020 and in the previous months in Malta, committed several acts, even if at different times, which constitute violations of the same provision of the law, and were committed in pursuance of the same design without

lawful authority aided or assisted any person to land or attempt to land in Malta, or to reside in Malta, contrary to the provisions of this Act, or to land or attempt to land, or to reside in, or to leave any other State contrary to the law on entry, residence and exit of that State or conceals or harbours any person whom he knows or had reasonable ground for believing to be in Malta contrary to the provisions of this Act, in terms of Section 18 of Chapter 9 of the Laws of Malta and Section 32(1)(a) of Chapter 217 of the Laws of Malta;

4. And with having on the 13th October 2020 and in the previous months in Malta, committed several acts, even if at different times, which constitute violations of the same provision of the law and were committed in pursuance of the same common design, altered or tampered with or used or had in his possession a Passport which he knew to be forged, altered or tampered with, in terms of Section 18 of Chapter 9 of the Laws of Malta and Section 5 of Chapter 61 of the Laws of Malta;
5. And with having on the 13th October 2020 and in the previous months in Malta, committed several acts, even if at different times, which constitute violations of the same provision of the law, and were committed in pursuance of the same design, committed any other kind of forgery, or have knowingly made use of any other forged document, in the mentioned documents, in terms of Section 18 and Section 189 of Chapter 9 of the Laws of Malta;
6. And with having on the 13th October 2020 and in the previous months in Malta, committed several acts, even if at different times, constitute violations of the same provision of the law, and were committed in pursuance of the same design, without lawful authority used or had in his possession any document required for the purposes of this Act which is forged, in terms of Section 18 of Chapter 9 of the Laws of Malta and Section 32(1)(f) of Chapter 217 of the Laws of Malta;
7. And with having on the 13th October 2020 and in the previous months in Malta, while having in his possession a document issued by a competent authority, that is a Maltese Passport No. 1231841, issued in the name of Maxine Busuttil, had transferred this document to another person or received this document which was transferred to him by another person in terms of Section 3 of Chapter 61 of the Laws of Malta;
8. And with having on the 13th October 2020 and in the previous months in Malta, while having in his possession a document issued by a competent authority, that is an Aliens Maltese Passport No. 9032847, issued in the name of Kedir Menur, had transferred this document to another person or received this document which was transferred to him by another person in terms of Section 3 of Chapter 61 of the Laws of Malta;
9. And with having on the 13th October 2020 and in the previous months in Malta, while having in his possession a document issued by a competent authority, that is a Maltese document of identity no. 2147, issued in the name of Zemecha Zuber Habib, had transferred this document to another person or received this document which was transferred to him by another person in terms of Section 3 of Chapter 61 of the Laws of Malta;
10. And with having on the 13th October 2020 and in the previous months in Malta, while having in his possession a document issued by a competent authority, that is a Maltese document of identity no. 1683, issued in the name of Abera Nega Grima, had transferred this document to another person or received this document which was transferred to him by another person in terms of Section 3 of Chapter 61 of the Laws of Malta;

11. And with having on the 13th October 2020 and in the previous months in Malta, while having in his possession a document issued by a competent authority, that is an Italian ID card No. AV7390507, issued in the name of Mohamed Ahmed Anwar, had transferred this document to another person or received this document which was transferred to him by another person in terms of Section 3 of Chapter 61 of the Laws of Malta;
12. And with having on the 13th October 2020 and in the previous months in Malta, made use or attempted to make use of Passport, issued to another person, that is the mentioned document, in terms of Section 4 of Chapter 61 of the Laws of Malta;
13. And with having on the 11th October 2020 in these Islands of Malta rendered himself accomplice with Fikrte Maru Assefa, I.D. 9000112A, and wrongfully detained, arrested or confined seven (7) year old minor Arsema Michael Wubshet Bekele, I.D. 177343A, in terms of Sections 42, 87 and 90 of Chapter 9 of the Laws of Malta;
14. And of having on the 11th October 2020 in these Islands of Malta knowingly compelled, incited or assisted or in any way aided or abetted seven (7) year old minor Arsema Michael Wubshet Bekele, I.D. 177343A, and her mother Fikrte Maru Assefa, I.D. 9000112A, to abscond or become or continue to be absent in terms of Section 12(2) of Chapter 285 of the Laws of Malta;
15. And of having on the 13th October 2020 and in the previous months in Malta, had in his possession (otherwise than in the course of transit through Malta or the territorial waters thereof) the whole or any portion of the plant Cannabis in terms of Section 8(d) of Chapter 101 of the Laws of Malta, which drug was found under circumstances denoting that it was not intended for his personal use;
16. And of having on the 13th October 2020 and in the previous months in Malta, knowingly received or purchased any property, in this case passports and or any other kind of Identity documentation, which were stolen, misapplied or obtained by means of any offence whether committed in Malta or abroad, or knowingly took part, in any manner whatsoever, in the sale or disposal of the same passports and or any other kind of Identity documentation;

After considering the requests by the Prosecution for the Court: (i) 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 Section 22A of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, and Section 23A of Chapter 9 of the Laws of Malta; (ii) in pronouncing judgement, to condemn the person convicted to the payment, wholly or in part, to the Registrar, of the costs incurred in connection with the employment of any expert or referee, in terms of Section 533 of Chapter 9 of the Laws of Malta;

After considering the documents submitted by the Prosecution at folios 13 to 26 of the records of the proceedings, amongst which the Order by the Attorney General in terms of Section 22(2) of Chapter 101 of the Laws of Malta, for the accused to be charged before the Criminal Court to answer to charges against him for violation of the provisions of the said Ordinance¹;

¹ Folios 14 and 15 of the records of the proceedings.

After considering the Freezing Order issued against the accused in terms of Section 23A(2) of Chapter 9 of the Laws of Malta, by virtue of a Decree dated 15th October 2020²;

After having heard the accused initially declare that he is not guilty of the charges brought against him;

After having heard testimony by Inspector Frankie Sammut during the sitting held on the 21st October 2020³ and after considering the documents submitted by him marked as Doc. “FSX” to Doc. “FSX44Q” at folios 41 to 213 of the records of the proceedings and folios 221 to 449 of the records of the proceedings, after having heard testimony by PS910 Shaun Pace⁴, Joseph Saliba⁵, on behalf of Jobsplus, Emelie Abela⁶, on behalf of Melita p.l.c., Gatluak Dar Rio⁷ and Giddo Suleiman⁸ during the sitting held on the 21st October 2020 and after considering the document submitted by Joseph Saliba marked as Doc. “JS” at folio 218 of the records of the proceedings and the documents submitted by Emelie Abela marked as Doc. “EA1” to Doc. “EA3” at folios 451 to 453 of the records of the proceedings, after having heard testimony by Philip Azzopardi, on behalf of Identity Malta, during the sittings held on the 21st October 2020⁹, on the 12th January 2021¹⁰ and on the 27th July 2021¹¹ and after considering the documents submitted him marked as Doc. “PA” and Doc. “PA1” at folios 464 and 465 of the records of the proceedings and the documents submitted and together marked as Doc. “PA” at folios 529 to 566 of the records of the proceedings, after having heard testimony by Maxine Busuttil¹², Jolene Arapa¹³, Said Dawd Fedlu¹⁴, Robel Girmaisa¹⁵, Marie Claire Tabone¹⁶, on behalf of Melita Limited, during the sitting held on the 12th January 2021, and after considering the document submitted by Jolene Arapa marked as Doc. “JA1” at folios 492 to 499 of the records of the proceedings and the document submitted by Marie Claire Tabone marked as Doc. “M1” at folios 515 to 526 of the records of the proceedings, after having heard testimony by PS435 David D’Amato¹⁷, PC1610 Noel Buhagiar¹⁸, WPC95 Tania Azzopardi¹⁹, WPS357 Susanne Vella²⁰ and Helen Tsecgay²¹ during the sitting held on the 1st February 2021 and after considering the document submitted by WPS357 Susanne Vella marked as Doc. “SP” at folios 578 to 604 of the records of the proceedings, after having heard testimony by Abigail Hagos²² and PS99 Glen Attard during the sitting held on the 8th March 2021²³ and after considering the Report by PS99 Glen Attard marked as Doc. “GA” at folios 624 to 783 of the records of the proceedings and the other exhibits consisting of documents and mobile phones submitted by him marked as Doc. “GA1” to Doc. “GA6” at

² Folios 27 and 28 of the records of the proceedings.

³ Folios 36 to 40 of the records of the proceedings and folios 219 and 220 of the records of the proceedings.

⁴ Folios 214 and 215 of the records of the proceedings.

⁵ Folios 216 and 217 of the records of the proceedings.

⁶ Folio 450 of the records of the proceedings.

⁷ Folios 454 to 457 of the records of the proceedings.

⁸ Folios 458 and 459 of the records of the proceedings.

⁹ Folios 460 to 463 of the records of the proceedings.

¹⁰ Folios 527 and 528 of the records of the proceedings.

¹¹ Folio 1001 of the records of the proceedings.

¹² Folios 484 to 487 of the records of the proceedings.

¹³ Folios 488 to 491 of the records of the proceedings.

¹⁴ Folios 500 to 507 of the records of the proceedings.

¹⁵ Folios 508 to 511 of the records of the proceedings.

¹⁶ Folios 512 to 514 of the records of the proceedings.

¹⁷ Folios 569 to 571 of the records of the proceedings.

¹⁸ Folios 572 and 573 of the records of the proceedings.

¹⁹ Folios 574 and 575 of the records of the proceedings.

²⁰ Folios 576 and 577 of the records of the proceedings.

²¹ Folios 605 to 609 of the records of the proceedings.

²² Folios 615 to 617 of the records of the proceedings. Video of the testimony given by Abigail Hagos at folios 618 and 619 of the records of the proceedings.

²³ Folios 620 to 623 of the records of the proceedings.

folios 784 to 787 of the records of the proceedings, after having heard testimony by Inspector John Spiteri during the sittings held on the 15th March 2021²⁴ and on the 2nd September 2021²⁵ and after considering documents submitted by him marked as Doc. “JS1” to Doc. “JS18” at folios 794 to 853 of the records of the proceedings, after having heard testimony by PC2060 Grace Bianco²⁶ and PS717 Stephen Grima²⁷ during the sitting held on the 25th March 2021 and after considering the document submitted by PS717 Stephen Grima marked as Doc. “SG” at folio 857 of the records of the proceedings, after hearing testimony given by Stephen Cachia²⁸, on behalf of Transport Malta, and Inspector Dorianne Tabone²⁹ during the sitting held on the 18th May 2021 and after considering the document submitted by Stephen Cachia marked as Doc. “SCX” at folios 888 to 892 of the records of the proceedings, after having heard testimony by Mark Falzon, on behalf of Bank of Valletta p.l.c.³⁰, by Dr. Kenneth Camilleri³¹, on behalf of the Asset Recovery Bureau, and by Patrick Bugeja, on behalf of Identity Malta³², during the sitting held on the 28th May 2021, and after considering the document submitted by Mark Falzon marked as Doc. “MF”³³ at folio 908 of the records of the proceedings and the document submitted by Dr. Kenneth Camilleri marked as Doc. “ARB” at folios 911 to 938 of the records of the proceedings, after having heard testimony by Court-appointed Expert John Charles Ellul during the sitting held on the 20th July 2021³⁴ and after considering his Report at folios 956 to 994 of the records of the proceedings, after having heard testimony by Stefania Scicluna, Deputy Registrar, during the sitting held on the 27th July 2021³⁵ and after considering the document submitted by her at folios 1003 to 1020 of the records of the proceedings, after having heard testimony by Remenda Grech, Director of the Directorate of Alternative Care, during the sitting held on the 2nd September 2021³⁶ and after considering the document submitted by her marked as Doc. “RG” a fol. 1033 to 1057 of the records of the proceedings, after having heard testimony by Anthony Degiovanni during the sitting held on the 16th September 2021³⁷ and testimony by Anthea Cutajar³⁸ and Rebecca Nicole Deguara³⁹ during the sitting held on the 1st October 2021, after having heard testimony by Ipsa Idris Opsa during the sittings held on the 12th October 2021⁴⁰ and on the 29th November 2011⁴¹ and after considering documents submitted by him marked as Doc. “ID1” and Doc. “ID2” at folios 1141 to 1143 of the records of the proceedings and Dok. “IDX1” and Doc. “IDX2” at folios 1174 to 1179 of the records of the proceedings, after having heard testimony by Jonathan Abdilla⁴², on behalf of Air Malta, and Michael Wubshet⁴³ during the sitting held on the 26th October 2022 and after considering the documents submitted by Jonathan Abdilla all together marked as Doc. “JA” at folios 1150 to 1152 of the records of the proceedings, after having heard testimony by Court-appointed Expert Keith Cutajar during the sitting held on the 26th May 2022 and after considering his Report marked Doc. “KC”;

²⁴ Folios 789 to 793 of the records of the proceedings.

²⁵ Folio 1058 of the records of the proceedings.

²⁶ Folios 855 and 856 of the records of the proceedings.

²⁷ Folios 858 to 860 of the records of the proceedings.

²⁸ Folio 887A of the records of the proceedings.

²⁹ Folios 893 to 896 of the records of the proceedings.

³⁰ Folios 906 and 907 of the records of the proceedings.

³¹ Folios 909 and 910 of the records of the proceedings.

³² Folios 939 and 940 of the records of the proceedings.

³³ CD.

³⁴ Folios 953 to 955 of the records of the proceedings.

³⁵ Folio 1002 of the records of the proceedings.

³⁶ Folios 1027 to 1032 of the records of the proceedings.

³⁷ Folios 1118 and 1119 of the records of the proceedings.

³⁸ Folios 1131 to 1133 of the records of the proceedings.

³⁹ Folios 1134 and 1135 of the records of the proceedings.

⁴⁰ Folios 1137 to 1142 of the records of the proceedings.

⁴¹ Folios 1169 to 1173 of the records of the proceedings.

⁴² Folios 1148 and 1147 of the records of the proceedings.

⁴³ Folios 1157 to 1160 of the records of the proceedings.

After considering the minutes of the sitting held on the 25th April 2022⁴⁴;

After considering the Order by the Attorney General in terms of Section 22(2) of Chapter 101 of the Laws of Malta dated 4th May 2022, by virtue of which he sent the accused to be processed before the Court of Magistrates (Malta) as a Court of Criminal Judicature on the charges brought forward against him for breaches of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, and therefore sent the accused to be tried by the Court of Magistrates (Malta) as a Court of Criminal Judicature since he can be found guilty of any and all of the crimes prescribed in terms of:

- Sections 14, 17, 18, 23, 31, 42(d), 42(e) and 533 of Chapter 9 of the Laws of Malta;
- Sections 189 and 337A of Chapter 9 of the Laws of Malta;
- Sections 3, 4, 5 of Chapter 61 of the Laws of Malta;
- Sections 32(1)(a) and 32(1)(f) of Chapter 217 of the Laws of Malta;
- Sections 8(a), 22(1)(a), 22(2)(b)(ii) of Chapter 101 of the Laws of Malta;

After having considered the declaration by all the parties concerned during the sitting held on the 30th May 2022 that the section of the Law mentioned in paragraph (e) of the Order by the Attorney General dated 4th May 2022 should read Section 8(d) of Chapter 101 of the Laws of Malta and not Section 8(a) of Chapter 101 of the Laws of Malta;

After hearing the accused declare that he has no objection to his case being dealt with summarily and after the Sections of the Law indicated by the Attorney General in the Order dated 4th May 2022 and as corrected during the sitting held on the 30th May 2022, were duly read out;

After considering the Application filed jointly by the Attorney General and the accused in terms of Section 392A(5) of Chapter 9 of the Laws of Malta, on the 4th May 2022;

After having heard the accused plead guilty of the offences indicated by the Attorney General in the Order dated 4th May 2022 and as corrected during the sitting held on the 30th May 2022, which guilty plea was confirmed and reiterated by him after the Court, in terms of Section 392A(1)(7) of Chapter 9 of the Laws of Malta, clearly explained to him the consequences of his request as put forth in the Joint Application filed on the 4th May 2022 and also warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

After considering Section 392A(5)(6)(7) of Chapter 9 of the Laws of Malta;

Considers:

The accused is being charged: (i) with having on the 13th October 2020 and in the previous months in Malta, committed several acts, even if at different times, which constitute violations of the same provision of the law, and were committed in pursuance of the same design, with the intent to make any gain whatsoever aided, assisted, counselled or procured any other person to enter or to attempt to enter or to leave or attempt to leave or to transit across or to attempt to transit across Malta, in contravention of the laws thereof or, in Malta or outside Malta, conspired to that effect with any other person, in terms of Section 18 and Section 337A of Chapter 9 of the Laws of Malta; (ii) and with having on the 11th October

⁴⁴ Folio 1192 and 1193 of the records of the proceedings.

2020 and in the previous months in Malta, committed several acts, even if at different times, which constitute violations of the same provision of the law, and were committed in pursuance of the same design, with the intent to make any gain whatsoever aided, assisted, counselled or procured for seven (7) year old minor Arsema Michael Wubshet Bekele, I.D. No. 177343A, and her mother Fikrte Maru Assefa, I.D. No. 9000112A, to leave or attempt to leave or to transit across or to attempt to transit across Malta, in contravention of the laws thereof or, Malta or outside Malta, conspired to that effect with any other person, in terms of Section 18 and Section 337A of Chapter 9 of the Laws of Malta; (iii) and with having on the 13th October 2020 and in the previous months in Malta, committed several acts, even if at different times, which constitute violations of the same provision of the law, and were committed in pursuance of the same design without lawful authority aided or assisted any person to land or attempt to land in Malta, or to reside in Malta, contrary to the provisions of this Act, or to land or attempt to land, or to reside in, or to leave any other State contrary to the law on entry, residence and exit of that State or conceals or harbours any person whom he knows or had reasonable ground for believing to be in Malta contrary to the provisions of this Act, in terms of Section 18 of Chapter 9 of the Laws of Malta and Section 32(1)(a) of Chapter 217 of the Laws of Malta; (iv) and with having on the 13th October 2020 and in the previous months in Malta, committed several acts, even if at different times, which constitute violations of the same provision of the law and were committed in pursuance of the same common design, altered or tampered with or used or had in his possession a Passport which he knew to be forged, altered or tampered with, in terms of Section 18 of Chapter 9 of the Laws of Malta and Section 5 of Chapter 61 of the Laws of Malta; (v) and with having on the 13th October 2020 and in the previous months in Malta, committed several acts, even if at different times, which constitute violations of the same provision of the law, and were committed in pursuance of the same design, committed any other kind of forgery, or have knowingly made use of any other forged document, in the mentioned documents, in terms of Section 18 and Section 189 of Chapter 9 of the Laws of Malta; (vi) and with having on the 13th October 2020 and in the previous months in Malta, committed several acts, even if at different times, constitute violations of the same provision of the law, and were committed in pursuance of the same design, without lawful authority used or had in his possession any document required for the purposes of this Act which is forged, in terms of Section 18 of Chapter 9 of the Laws of Malta and Section 32(1)(f) of Chapter 217 of the Laws of Malta; (vii) and with having on the 13th October 2020 and in the previous months in Malta, while having in his possession a document issued by a competent authority, that is a Maltese Passport No. 1231841, issued in the name of Maxine Busuttill, had transferred this document to another person or received this document which was transferred to him by another person in terms of Section 3 of Chapter 61 of the Laws of Malta; (viii) and with having on the 13th October 2020 and in the previous months in Malta, while having in his possession a document issued by a competent authority, that is an Aliens Maltese Passport No. 9032847, issued in the name of Kedir Menur, had transferred this document to another person or received this document which was transferred to him by another person in terms of Section 3 of Chapter 61 of the Laws of Malta; (ix) and with having on the 13th October 2020 and in the previous months in Malta, while having in his possession a document issued by a competent authority, that is a Maltese document of identity no. 2147, issued in the name of Zemecha Zuber Habib, had transferred this document to another person or received this document which was transferred to him by another person in terms of Section 3 of Chapter 61 of the Laws of Malta; (x) and with having on the 13th October 2020 and in the previous months in Malta, while having in his possession a document issued by a competent authority, that is a Maltese document of identity no. 1683, issued in the name of Abera Nega Grima, had transferred this document to another person or received this document which was transferred to him by another person in terms of Section 3 of Chapter 61 of the Laws of Malta; (xi) and with having on the 13th October 2020 and in the previous months in Malta, while having in his possession a document issued by a competent authority, that is an Italian

ID card No. AV7390507, issued in the name of Mohamed Ahmed Anwar, had transferred this document to another person or received this document which was transferred to him by another person in terms of Section 3 of Chapter 61 of the Laws of Malta; (xii) and with having on the 13th October 2020 and in the previous months in Malta, made use or attempted to make use of Passport, issued to another person, that is the mentioned document, in terms of Section 4 of Chapter 61 of the Laws of Malta; (xiii) and with having on the 11th October 2020 in these Islands of Malta rendered himself accomplice with Fikrte Maru Assefa, I.D. 9000112A, and wrongfully detained, arrested or confined seven (7) year old minor Arsema Michael Wubshet Bekele, I.D. 177343A, in terms of Sections 42, 87 and 90 of Chapter 9 of the Laws of Malta; (xiv) and of having on the 11th October 2020 in these Islands of Malta knowingly compelled, incited or assisted or in any way aided or abetted seven (7) year old minor Arsema Michael Wubshet Bekele, I.D. 177343A, and her mother Fikrte Maru Assefa, I.D. 9000112A, to abscond or become or continue to be absent in terms of Section 12(2) of Chapter 285 of the Laws of Malta; (xv) and of having on the 13th October 2020 and in the previous months in Malta, had in his possession, otherwise than in the course of transit through Malta or the territorial waters thereof, the whole or any portion of the plant Cannabis in terms of Section 8(d) of Chapter 101 of the Laws of Malta, which drug was found under circumstances denoting that it was not intended for his personal use; (xvi) and of having on the 13th October 2020 and in the previous months in Malta, knowingly received or purchased any property, in this case passports and or any other kind of Identity documentation, which were stolen, misapplied or obtained by means of any offence whether committed in Malta or abroad, or knowingly took part, in any manner whatsoever, in the sale or disposal of the same passports and or any other kind of Identity documentation.

The accused originally declared that he is not guilty of the charges as brought against.

By virtue of an Order in terms of Section 22(2) of Chapter 101 of the Laws of Malta dated 4th May 2022, the Attorney General sent the accused to be processed before the Court of Magistrates (Malta) as a Court of Criminal Judicature on the charges brought forward against him for breaches of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, and therefore sent the said accused to be tried by the Court of Magistrates (Malta) as a Court of Criminal Judicature since he can be found guilty of any and all of the crimes prescribed in terms of:

- Sections 14, 17, 18, 23, 31, 42(d), 42(e) and 533 of Chapter 9 of the Laws of Malta;
- Sections 189 and 337A of Chapter 9 of the Laws of Malta;
- Sections 3, 4, 5 of Chapter 61 of the Laws of Malta;
- Sections 32(1)(a) and 32(1)(f) of Chapter 217 of the Laws of Malta;
- Sections 8(a), 22(1)(a), 22(2)(b)(ii) of Chapter 101 of the Laws of Malta.

By virtue of a Joint Application filed by the Attorney General and the accused on the 4th May 2022, this Court was informed that the Attorney General and the accused reached an agreement in terms of Section 392A(5) of Chapter 9 of the Laws of Malta, and consequently requested that, in the prospective and agreed eventuality that the accused pleads guilty to the final charges brought against him, the punishment that is to be imposed by the Court on the accused be that of three (3) years imprisonment with immediate effect and a fine (*multa*) of two thousand three hundred Euros (€2,300), together with any other sanctions, expenses and consequences that are mandatorily prescribed by Law upon conviction in terms of Chapter 9 of the Laws of Malta.

After the accused declared that he has no objection to his case being dealt with summarily and the Sections of the Law indicated by the Attorney General in his Order dated 4th May

2022 and as corrected during the sitting held on the 30th May 2022 were read out, he pleaded guilty to the offences indicated by the Attorney General in the said Order as corrected.

After considering the Sections of the Law indicated by the Attorney General in the Order dated 4th May 2022 and as corrected during the sitting held on the 30th May 2022 and the records of the proceedings, the Court is satisfied that the sanction requested by the Attorney General and the accused is such that is lawful for It to impose the said sanction on the accused following his guilty plea to the offences indicated by the Attorney General in the above-mentioned Order. The Court further feels that It should not order that the case continues in terms of Section 392A(3) of Chapter 9 of the Laws of Malta and it also finds no reason for the dismissal of the request so put forth by the Attorney General and the accused.

In terms of Section 392A(7) of Chapter 9 of the Laws of Malta, the Court clearly explained to the accused the consequences of his request and also the consequences of his admission.

Therefore in view of the guilty plea by the accused to the offences indicated by the Attorney General in the Order dated 4th May 2022 as corrected during the sitting held on the 30th May 2022, the Court finds the said accused guilty of the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and fifteenth charge brought against him. The Court is abstaining from considering the thirteenth, fourteenth and sixteenth charge brought against the accused since the Sections of the Law relative to the said charges have not been indicated by the Attorney General in the Order dated 4th May 2022.

For the purposes of punishment the Court considered the request put forth by the Attorney General and the accused in their Joint Application in terms of Section 392A(5) of Chapter 9 of the Laws of Malta, dated 4th May 2022.

Now therefore, whilst it is abstaining from considering the the thirteenth, fourteenth and sixteenth charge brought against the accused, after considering Sections 17(b)(h), 18, 31, 42(d)(e), 189 and 337A of Chapter 9 of the Laws of Malta, Sections 3, 4 and 5 of Chapter 61 of the Laws of Malta, Section 32(1)(a)(f) of Chapter 217 of the Laws of Malta and Sections 8(d), 22(1)(a) and 22(2)(b)(ii) of Chapter 101 of the Laws of Malta, the Court finds the accused, upon his own admission, guilty of the the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and fifteenth charge brought against him and in terms of the request put forth by the Attorney General and the accused in their Joint Application in terms of Section 392A(5) of Chapter 9 of the Laws of Malta, dated 4th May 2022, condemns the accused to three (3) years effective imprisonment and to a fine (*multa*) of two thousand three hundred euros (€2,300).

The fine (*multa*) of two thousand three hundred euros (€2,300) being imposed on the accused is to be paid by him once he fully undergoes the term of three (3) years imprisonment being here imposed on him.

In terms of Section 23 of Chapter 9 of the Laws of Malta the Court orders the forfeiture of the following documents exhibited during the course of these proceedings: Doc. "FSX11" to Doc. "FSX16", Dok. "FSX25" to Doc. "FSX28", Doc. "FSX32", Doc. "GA1" to Doc. "GA3", Doc. "GA5", Doc. "GA6" and Doc. "JS18".

In terms of Section 22(2)(b)(ii) of Chapter 101 of the Laws of Malta, the Court orders that exhibit marked Dok. "FSA" be forfeited in favour of the Government of Malta and it further orders the destruction of the same said exhibit.

In terms of Section 533 of Chapter 9 of the Laws of Malta, the Court condemns the accused to pay to the Registrar of the Criminal Courts and Tribunals the sum of €1,623.22 representing expenses incurred in connection with the appointment of Keith Cutajar as a Technical Expert in these proceedings.

In terms of Section 370(6) and Section 392A(2) of Chapter 9 of the Laws of Malta, the Court orders that within six (6) working days, the Attorney General shall be given access to a scanned copy of the records, together with access to a scanned copy of the judgment.

MAGISTRATE

DEPUTY REGISTRAR