



**Court of Magistrates (Malta)
As a Court of Criminal Judicature**

Magistrate Dr Leonard Caruana LL.D (Melit.) M.A. (Fin. Serv.)

Today, the 20th June, 2022

The Police
(Inspector Lara Butters)

Vs

Emmanuel Ibhaze
(Nigerian Passport number A11510789)

The Court,

Having seen the charges brought against:

Emmanuel Ibhaze, 29 years old, Nigerian Nationality, son of Ibhaze and Filomena, born on the 16th April, 1993 in Ekpoma Nigeria, presently without address, holder of Nigerian Passport Number A11510789 and charged him with having on the 19th June, 2022 or days prior this date in these islands:

1. Used or had in his possession a Passport, which he knew to be forged, altered or tampered with;

2. Also charge him with having on same date, time and circumstances had knowingly make use of any other forged document;
3. Also charge him with having on same date, time and circumstances without lawful authority uses or has in his possession any document required for the purposes of this Act which is forged;

Having seen that during today's Emmanuel Ibhaze registered a guilty plea and admitted to all the charges brought against him and, having seen that the Court warned him in the most solemn manner about the legal consequences of his admission, and afforded him a period of time to reconsider their guilty plea.

Having seen that after being given enough time, the accused confirmed his guilty plea;

Having seen all the documents submitted by the Prosecuting officer under oath;

Having heard the oral submissions made by the prosecution and defence counsel in regard to the punishment that ought to be awarded to the accused.

Considered: -

That the accused was granted a permission to reside in Italy by the Italian authorities. The accused arrived in Malta in 2019 and during this time his residence permit had expired. Since then, he travelled to Italy numerous times. He lost his original identity card and wanted to return back to Italy. He purchased this document from Naples.

The accused managed to procure a false document and was his intention to travel to Italy with said document. In fact he purchased a flight ticket to Naples and went to the airport to board such flight. He was apprehended by the authorities at the Gate within the Malta International Airport and was handed over to the executive police for further investigations.

In regard to the punishment, the Court is taking account of his early guilty plea and his co-operation with the investigative authorities. On the other hand, the Court cannot take these offences lightly, especially since they pose a risk to the immigration policies of Malta and also its international obligations within the Schengen Area. Moreover, it transpired from the submissions that although the accused could have validly travelled on the strength of other documents in his possession, he chose to resort to the use of counterfeit documents.

As regards punishment, however, the Court notes that the accused is very sorry for what happened and that this is the first time he committed a breach of the law in Malta. He admitted immediately in Court and confirmed his admission and apology in open Court.

Decide:

Therefore, on the basis of the above, the Court after having seen Article 5 of Cap. 61 of the Laws of Malta, Article 189 of Cap. 9 of the Laws of Malta and Article 32(1)(f) of the Laws of Malta, and after hearing the voluntary and unconditional admission of the accused, finds Emmanuel Ibhaze **guilty** of all charges brought against him and condemns him to a period of six (6) months' imprisonment

**Dr. Leonard Caruana LL.D., M.A. (Fin. Serv).
Magistrate**

Sharonne Borg
Deputy Registrar.