



Court of Magistrates (Gozo)
As a Court of Criminal Judicature

Magistrate Simone Grech

The Republic of Malta

Vs

Mubarik Abdiaziz Ali

Today the 11th November 2023

The Court,

Having seen the charges brought against **MUBARIK ABDIAZIZ ALI** of Somali Nationality of twenty-four (24) years son of Abdiaziz and Nasro nee' Hussen born in Mogadishu, Somalia, on the seventh (7th) of May of the year nineteen ninety-nine (1999), residing at 'Seaview Court', Flat 1, Triq il-Punici, Xlendi, Munxar, Gozo and holder of Police Number 20BB-037 and REFCOM 31413, whereby he was charged that on the 09th of November 2023 at around nine o'clock at night (21:00hrs), at Xatt ix-Xlendi, corner with Triq San Xmun, Xlendi, (Gozo) and/or other places in these Islands:

1. Uttered insults or threats to **Erlind Brahimaj** not otherwise provided for in the Criminal Code, Chapter 9 of the Laws of Malta, or being provoked, carried his insult beyond the limit warranted by the provocation, and this in breach of Article 339(1)(e) of the Criminal Code, Chapter 9 of the Laws of Malta;

2. Without intent to kill or to put the life of **Erlind Brahimaj**, in manifest jeopardy, caused harm to the body or health of **Erlind Brahimaj**, that is, grievous bodily harm as certified by Dr. Nicholas Vella (Med Reg Nru. 4297), and this in breach of Articles 214, 215, and 216 of the Criminal Code, Chapter 9 of the Laws of Malta;
3. Wilfully disturbed the public good order or the public peace, and this in breach of Article 338(dd) of the Criminal Code, Chapter 9 of the Laws of Malta;

The Court is humbly asked to provide for the safety of the injured party, that is, **Erlind Brahimaj** or to maintain public good order or to provide for the safety of the aforementioned **Erlind Brahimaj** and his family from any harassment or any other behaviour that might cause fear of violence, by issuing a Temporary Protection Order under Article 412C of the Criminal Code, Chapter 9 of the Laws of Malta, and in the case where the person charged is found guilty, the Court is also humbly asked to provide for the safety of **Erlind Brahimaj** and his family under Articles 382A, 383, 384 and 385 of the Criminal Code, Chapter 9 of the Laws of Malta;

The Court is also humbly asked, in the case where the person charged is found guilty, apart from meting out punishment according to law, to apply the provisions of Article 533 of the Criminal Code, Chapter 9 of the Laws of Malta;

After having heard the accused plead guilty to the charges, which guilty plea was reconfirmed by the accused upon being given time to reconsider and after that the punishment for the relative charge was duly explained to the accused;

After having seen all documents which were presented;

Considers

That the second charges brought against the accused is of a serious nature. On the other hand, the early guilty plea will militate in favour of the accused. The Court took also note of the clean conviction sheet.

Decides

Therefore, the Court having seen articles 339(1)(e), 338(dd), 214, 215 and 216(1)(b) of Chapter 9 of the Laws of Malta finds and declares the accused guilty as charged and condemns him to two (2) years imprisonment, however, since the Court is of the opinion that there are sufficient reasons which warrant that the said term of imprisonment be suspended, in terms of Section 28A of Chapter 9 of the Laws of Malta, the said term of two (2) years imprisonment shall not take effect unless during a period of four (4) years from the date of this order, the offender commits another offence punishable with imprisonment and thereafter, the competent court so orders under Article 28B of Chapter 9 of the Laws of Malta, that the original sentence shall take effect. In terms, of Section 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period of this suspended sentence he commits an offence punishable with imprisonment.

Moreover, in terms of article 382A of Chapter 9 of the Laws of Malta issues a Restraining Order against the accused in favour of Erlind Brahimaj for a period

of two (2) years. The Court has explained to the accused the consequences if he commits another crime within the operative period of this judgment.

The Court orders that a scanned copy of this judgment, together with a scanned copy of the record of the proceedings be transmitted to the Attorney General by electronic means.

(ft) Magistrate Simone Grech

(ft) Daniel Sacco
Deputy Registrar

True Copy

For the Registrar