



**COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE DR.  
JACQUELINE PADOVANI**

Sitting of the 5 th April, 2010

Number 321/2010

**POLICE  
INSPECTOR MARIO HABER  
VS  
DERMA MOMMEN**

The Court, having seen the charges brought against Derma Mommen, Somali National, born in Mogadishu, Somalia, on the 1<sup>st</sup> January 1980, daughter of Mommen and Halem, known with Police number 09K-018.

Charged with having on the 3<sup>rd</sup> April 2010, in these islands forged, altered or tampered with a Passport and ID card or used or had in her possession a Passport and ID card which she knew to be forged, altered or tampered with, in the name of Naisa Farah Mahad bearing numbers 841850 and AR 1709615 respectively according to Chap.61, Sec.5 of the Laws of Malta;

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Also charged with having on the same date, time and circumstances committed any other kind of forgery, or have knowingly made use of any other forged document, in the mentioned documents according to Chap.9, Sec.189 of the Laws of Malta;

Also charged with having on the same date, time and circumstances forged any document or true copy of a document or any entry made in pursuance of the act according to Chap.217, Sec.32 (1d) of the Laws of Malta.

Having heard the evidence tendered on oath;

Having seen the record of the proceedings;

Having heard the plea of guilt registered by the accused

Having heard the confirmation of the plea of guilt, after that the Court accorded a reasonable time for reconsideration.

Having heard the oral submissions

Deliberates:

On the strength of the registration of a guilty plea by the accused, the Court finds the accused Derma Mommen guilty of the first (1) charge brought against her, the second (2) and third (3) charge being absorbed in the first (1) charge, and after having seen article 5 of Chapter 61 of the Laws of Malta, Article 189 and 28 A of Chapter 9 of the laws of Malta and Article 32 (1d) of Chapter 217 of the Laws of Malta condemns the accused Derma Mommen to one (1) year imprisonment suspended for two (2) years.

The Court explained the consequences of a suspended Sentence to the accused in a manner to ensure that she fully understood the repercussions thereof.

This punishment was awarded after the Court took in to consideration the fact that the accused was a first offender, that she registered a guilty plea in the early stages of the

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proceeding and in view of all the circumstances of the case and in this particular case the Court was informed that the accused was desperately trying to go back to Mogadishu after having received news that her father and two (2) brothers were killed in the recent violence in that country.

**< Final Judgement >**

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