



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

**MAGISTRATE DR.  
JACQUELINE PADOVANI**

Sitting of the 16 th April, 2010

Number 115/2010

**POLICE  
INSPECTOR MELVYN CAMILLERI  
INSPECTOR CARLOS CORDINA  
VS  
OSMAN HUSSEIN DU' ALE**

The Court, having seen the charges brought against Osman Hussein Du' Ale, 32 years old, son of Hussein and Hawiya born at Mogadishu, Somalia in 1978, residing at Hal Far Hanger Open Centre, Zurrieq and holder of Identification Card number 55802A and Police Immigration Number 09Q-037.

Charged with having in *ommissis*, in the evening on 13<sup>th</sup> February 2010:

Informal Copy of Judgement

1. by lewd acts, corrupted the minors *Omissis A*, aged *ommissis* years and his sister *Omissis B* aged *ommissis* years;
2. and also of having in the same place, time and circumstances, by means other than those mentioned in Article 203(1), excited, helped or facilitated the corruption of the minors *Omissis A*, aged *ommissis* years and his sister *Omissis B* aged *ommissis* years;
3. and also of having in the same place, time and circumstances, committed an offence against decency or morals, by an act committed in a public place or in a place exposed to the public;
4. and also of having in the same place, time and circumstances in a public place or place open to the public, been found drunk and incapable of taking care of himself;

The Court is being humbly requested to order the necessary protection which is deemed fit in terms of Article 412 (C) of the Criminal Code during the course of this case and also in case the accused is found guilty.

In the case were the accused is found guilty, the Court is being humbly requested to provide for the security of *Omissis A* and *Omissis B* and their family in terms of Article 383 et. sequitur of the Criminal Code.

Having heard the evidence tendered on oath;

Having heard the guilty plea registered by the accused to the third and the fourth charge brought against him;

Having heard the confirmation of the same guilty plea as above conditioned after the Court accorded reasonable time for reconsideration;

Having seen the note in the record of the proceedings whereby the prosecuting officer, withdrew the first and the second charge, in view of the guilty plea registered with regard to the third and the fourth charge;

Having heard the oral submissions of the parties;

Deliberates:

On the strength of his own guilty plea, the Court finds the accused **Osman Hussein Du' Ale** guilty of the third (3) and the fourth (4) charge brought against him, declares that with regards to the first (1) and the second (2) charge brought against the accused that the proceedings are terminated and after having seen Article 209 and 338(ff) of Chapter 9 of the Laws of Malta, **condemns the accused to a period of imprisonment for three (3) and condemns him to pay a fine of three hundred euros (€300).**

The Court is awarding this punishment in view of the fact that the circumstances of the case show that the accused exposed himself in public and before two (2) minor children and that these facts therefore do not, in fact, fall within the parameters of the charge of corruption of minors; in view of the fact that the accused registered an early guilty plea and in view of his criminal record.

**< Final Judgement >**

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