



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

**MAGISTRATE DR.
CONSUELO-PILAR SCERRI HERRERA**

Sitting of the 6 th August, 2010

Number. 809/2010

**The Police
Inspector Edel Mary Camilleri
V**

**KUMAI IDRIS and
ABDURAHMAN MOHAMED YAROW**

Sitting held today, 6th August, 2010.

The Court

Having seen that the accused **KUMAI IDRIS**, twenty eight (28) years old, born in Togo, on the 1st January, 1982, son of Kuna and Washrabi, holder of police number 08VVV-023, residing at Hal-Far Open Centre, Hal Far, Malta; and **ABDURAHMAN MOHAMED YAROW** twenty one (21) years old, born in Somalia, son of unknown parents, holder of Italian passport bearing number 046352, were arraigned before her accused:

With regards to Kumai Idris alone with having on the 31st January 2010 and the months after, while in Malta, landed or embarked from Malta without being in possession of a passport and have not furnished to the Principal Immigration Officer the prescribed information and such other information as the Principal Immigration Officer may deem proper to require; and

With regards to Abdurahman Mohamed Yarow alone with having on the 5th of August 2010 and the previous months, charge him with having been in possession of a passport issued to another person and also received a passport transferred to him by any other person.

And also, for having under the same circumstances, committed any other kind of forgery, or knowingly made use of any other forged document.

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution copies of Personal Details Form pertaining to Kumai Idris marked as Doc. CSH, a report issued by the Malta International Airport regarding the accused Kumai Idris marked as Doc. CSH1, CSH2 Statement from Germany, and CSH3 a copy of Laissez Passer issued in Germany.

With regards to the accused Abdurahman Mohamed Yarow, the Prosecuting Officer exhibited an Italian Passport, Italian Identity card and Italian Driving Licence – all animo ritirandi, as well as an incident report issued by the Malta International Airport marked as Doc. CSH4, an Italian Forensic Counterfeit Report CSH5. She also exhibited two (2) Titolo Di Viaggio Per Stranieri, one bearing register number (on the first page) 5726 and the other one bearing number 0723, and a Permesso di Soggiorno per Stranieri – these three documents animo ritirandi, and photocopies of the said documents.

Having heard the accused declare that they understood the charges brought forward against them by the prosecution.

Having also heard the accused plead guilty to the charges brought forward against them.

The Court explained to the accused the consequences of their plea of guilt and after having given the accused sufficient time to reconsider their plea of guilt and saw that the same accused insisted on registering in the acts of these proceedings their plea of guilt, had no alternative but to register such plea.

In the light of the above plea of guilt, which guilty plea was made voluntarily, expressly and unconditionally, the Court is satisfied that the accused are to be found guilty of the charges brought forward against them.

The Court considered the following in lieu of punishment:-

With regards the accused **KUMAI IDRIS**, the Prosecution explained that he had left Malta via International Airport of Malta and boarded a flight to Holland and eventually landed in Germany where he spent a number of months in jail waiting for his documentation to be regularised before he could be sent back to Malta. It further explained that he was seeking asylum status and had an appeal application still pending. It further explained that in these circumstances it was not insisting for a prison sentence and that it had no objection in him being kept at the Open centre. It further stated that the accused collaborated fully with her. In view of all this the Court is of the opinion that a suspended prison judgement would be the ideal punishment.

With regards the accused **ABDURAHMAN MOHAMED YAROW** it resulted that he is living in Rome following a Medical Course at the University and came to Malta as a courier bringing over two travelling documents pertaining to third parties. It appeared that the accused did this so that he would earn some money to help him meet his expense in Rome to carry on studying. The prosecution declared that this accused collaborated too with her and was not insisting on a prison sentence.

Consequently after seeing the relevant Sections at Law in particular Section 189 of Chapter 9, Section 3 of Chapter 61 and Section 28 of Chapter 217 of the the Laws of Malta **decides to find the accused KUMAI IDRIS and ABDURAHMAN MOHAMED YAROW guilty of the charges brought against them by the prosecution and condemns the accused KUMAI IDRIS for a period of one year imprisonment suspended for two years, whilst condemning the accused ABDURAHMAN MOHAMED YAROW for a period of six (6) months imprisonment suspended for two years and this in terms of Section 29A of chapter 9 of the Laws of Malta.**

Finally the Court orders that a copy of this judgement together with the acts of these proceedings be sent to the Attorney General within three (3) days in terms of Section 401(3) of the Criminal Code.

< Final Judgement >

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