



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

**MAGISTRATE DR.
MIRIAM HAYMAN**

Sitting of the 12 th November, 2010

Number. 204/2010

**THE POLICE
INSPECTOR GEOFFREY AZZOPARDI**

VS

**ERIC ALILE aged 38 years, son of Benson Alile
Abdulahi and Lucy, born in Nigeria on the 02.08.1972,
residing at Calle Alcaniz, No 31, Piso 3, Pueta 5,
Valencia, Spain, passport no A1855576;**

The Court;

Seen charges proffered against the above-mentioned **ERIC ALILE** who was charged of having on the 25th February, 2010 and in the preceding weeks in Malta:

1. With the intent to make any gain whatsoever aided, assisted, counselled or procured any other person to

enter or to attempt to enter or to leave or attempt to leave or to transit across or to attempt to transit across, Malta in contravention of the Laws thereof or in Malta or outside Malta, conspired to that effect with any other person;

2. Also of having aided or assisted any person to land or attempt to land in Malta, or to reside in Malta, contrary to the provisions of the Immigration Act, or any person to land or attempt to land, or to reside in, or to leave any other State country to the Law on entry, residence and exit of that State;

3. Also of having without lawful authority used or had in his possession any document required for the purposes of the Immigration Act which is forged;

4. And also of having forged, altered or tampered with any passport or used or had in his possession any passport which he knew to be forged, altered or tampered with.

Seen that on the examination accused answered that he was not guilty as charged (folio 9);

Seen the Articles sent by the Attorney General with which accused is being proffered being:

- Section 337A of the Criminal Code (Chapter 9 of the Laws of Malta);
- Section 32(1)(a) and 32(1)(f) of the Immigration Act (Chapter 217 of the Laws of Malta);
- Section 5 of the Passport Ordinance (Chapter 61 of the Laws of Malta);
- Section 17, 23, and 30 of the Criminal Code (Chapter 9 of the Laws of Malta).

Seen that on the Articles being read, accused gave his consent for summary proceedings.

Seen the records of the case.

Considers:

That a certain Eric Aigbe gave evidence that his friend Jeffrey had offered to him a travelling document valid for all Europe. Thus a certain Eric phoned him from Spain and thus told witness he was to send him the said document. This was Eric Alile. He in fact mailed photos to Mr Alile to be placed on such documents. Alile confirmed that he had received the photos by e-mail. Witness had send pictures of himself and his fiancée. A few weeks later he received the documents through Malta Post. Alile came to Malta and witness continued that he was arrested. On his release they met and Alile informed him that he was going to contact a friend in Spain so as to send tickets through email. Alile also took witness's documents, his fiancée's document and his own and sent through email information therefrom to Spain. This in the presence of the witness. After minutes they received their tickets. The plan was that they go to Italy. Alile also took witness and his fiancée to the Airport, where he was directing both of them as to what to do here, that at the Airport he was informed that he could not travel with that document. He was in fact surrounded by the police. Asked how he had got the documents, he pointed to Eric Alile. He thus confirmed these documents exhibited as Dok GA1, GA2, and GA3, GA, GA5, bearing his photo and that of his fiancée.

Asked how he was going to pay for documents (cards) and tickets, he answered that Alile had told him that once in Italy, someone had to receive them at the Airport with whom they were to stay and when he would afford €250 he was to pay Alile. The agreement was that he was to find work in Italy.

Ese Llouba being witness Eric Aigbe's fiancée said that Eric had told her about a guy who lives in Spain who was to send them passport. This arrived through post. This guy actually came to Malta and together they went to the Airport, however they did not have any passports. The police were called and these documents were seized.

This was the document Eric Alile had brought for them. She identified the document GA5 as the document that Eric Alile sent her through post. This was the same document she presented at the check-in.

Thus PS 1145 Dunstan Sammut testified that at the Airport he was alerted by the Globe check-in officer about two passengers who had presented dubious documents. These persons identified the supplier of their documents pointing to the accused.

Gianfranco Abela working in the Third Country Nationals Unit within the Ministry of Justice and Home Affairs, testified that the Nigerian witness, Aigbe Eric and Llouba Ese had no passport issued to them since they had no refugee status. They were therefore impeded from travelling.

WPS 32 Joyce Bonello testified that a Mr Eric, a Nigerian, entered Malta illegally by boat and was detained at the Centre till his release on the 31.07.2009. He was issued with a certificate from the Central Immigration Office, the document was not valid for travel. He was never issued with a passport. Same was applicable to Ese Llouba, vide Dok JB and JB1 folio 91 – 92.

Seen also statement released by the accused a folio 37 – 39.

Seen that the accused registered an admission plea and re-affirmed the same given sufficient time to consider the same.

Heard also submissions with regards to the adequate punishment to be awarded. Both parties to the case affirmed that accused should not suffer a hefty effective imprisonment. Dr Sciberras eloquently explained to the Court the reasons (financial) behind accused's modus operandi, instigated by a sick child.

Seen Articles 32 of Chapter 217 of the Laws of Malta, and Articles 189, 189A of Chapter 9 of the Laws of Malta, and

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Article 17 of the last mentioned Chapter 9 of the Laws of Malta, condemns him to a term of imprisonment of one year;

Seen also Section 533 of Chapter 9 of the Laws of Malta, and condemns the accused to pay the sum of €567.28, and having seen Section 14 of Chapter 9 of the Laws of Malta allows accused to pay amount within a week.

< Final Judgement >

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