

Kopja Informali ta' Sentenza



**QORTI TAL-MAGISTRATI (MALTA)  
BHALA QORTI TA' GUDIKATURA KRIMINALI**

**MAGISTRAT DR.  
MARSEANN FARRUGIA**

Seduta ta' l-14 ta' Novembru, 2012

Numru 1185/2012

**The Police  
[Inspector Jeanne Farrugia]**

**Vs**

**Ahmed Abdillahi Said**

Today the 14<sup>th</sup> November, 2012

The Court,

Having seen the charges brought against Ahmed Abdillahi Said, 27 years, Somali national, born in Somalia on the 1<sup>st</sup> January, 1985, son of Ahmed Abdillahi and Sara nee` Cama, residing at Hal Far Open Centre, holder of Identity Card Number 56814A and Police Number 09D-058.

And charged with having in November 2011 and the preceding months as a person landing or embarking in or from Malta, failed to be in possession of a passport and failed to provide the principal immigration officer the prescribed information and such other information that the principal immigration officer may deem proper to require (Chap 217, Section 28 of the Laws of Malta).

After having heard the evidence and seen the all the records of the case.

After having seen the consent of the Attorney General in virtue of Section 370(4) of the Criminal Code, for this case to be heard by summary proceedings, and after having heard that the accused had no objection for the case to be so heard.

After having heard the accused plead guilty to the charge at an early stage of the proceedings, which admission was confirmed by the same accused even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him of the legal consequences of that admission, in particular that it carries a maximum punishment of a fine of €11,646.87c or imprisonment for a term of not more than two (2) years, or to both such fine and imprisonment, and allowed him sufficient time to reconsider his reply and consult with his legal counsel;

After having heard the oral submissions on the punishment;

Considered that:

From the evidence brought forward and from the guilty plea filed by the accused himself, the Court concludes that the accused is guilty of the charges laid against him.

As regards the punishment, the Court took into consideration the fact that the accused

Having seen that the accused admitted to the charges brought against him at an early stage of the proceedings, which admission has been confirmed by the accused even after the Court in terms of article 453(1) of Chapter 9 of the Laws of Malta advised him of the legal consequences of such plea and gave him enough time to consider such plea and possibly retract it.

Having heard oral submission with regards to punishment.

Having seen the minute entered jointly by the prosecuting officer and the defence that they agree that due to the circumstances of the case and the fact that the accused has a clean conduct sheet, no effective prison term should be handed down.

Considered that:

From the evidence brought forward and from the guilty plea filed by the accused himself, the Court concludes that the accused is guilty of the charge laid against him.

As regards the punishment, the Court took into consideration the fact that the accused admitted to the charges at a very early stage of the proceedings, the fact that he co-operated with the police and that in the couple of years that he has been in Malta (according to his statement from 2009 till 2011) he has kept a clean criminal record.

However, the Court is unable to agree with the recommendation of the prosecution and the defence that no effective prison term should be imposed in this case. Although the Court sympathises with the difficulties that the accused is facing, this can be of no excuse for his breaching the immigration law and border security. In the considered opinion of this Court, such offences are so serious that they merit an effective prison sentence.

The Court, after seeing Sections 28 and 32(1)(g) of Chapter 217 of the Laws of Malta, finds the accused guilty as charged, and condemns him to two (2) months effective imprisonment.

**< Sentenza Finali >**

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