



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

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

Sitting of the 5th April, 2013

Number. 329/2013

**The Police
(Inspector Nezren Grixti)**

vs

**ALI HASSAN ABUGADE
FERHAN MOHAMED YUSUF
AHMED MUSU HASAN
SUDI HADRA
ABDALLA SADDAK
ABDIKADIR SALAH ABDULLAHI**

The Court,

Having seen that the accused **ALI HASSAN ABUGADE** of twenty three years, with nationality of Somalia, son of Ali Hassan & Makkaala, born on 1st October 1990 in

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Somalia, resident at Hal Far tent village and holder of Police number 12I 005;

FERHAN MOHAMED YUSUF of twenty four years, with nationality of Somalia, son of Mohamed Yusuf & Pitar Mahmud Barre, born on 10th February 1989 in Somalia, resident at Marsa Open Centre and holder of Police number 12N 020;

AHMED MUSU HASAN of nineteen years, with nationality of Somalia, son of Hasan & Hauwa, born in 1994 in Somalia, resident at Marsa Open Centre and holder of Police number 12Q 54;

SUDI HADRA of thirty-one years, with nationality of Somalia, born in 1992, daughter of Sudi & Iwaadu, resident at Hal Far Open Centre and holder of Police number 12S 027;

ABDALLA SADDAK of twenty-five years, with nationality of Somalia, born in 1988 in Somalia, son of Saddak & Madra, resident at Hal Far Tent village and holder of Police number 12U 45;

ABDIKADIR SALAH ABDULLAHI of twenty-one years, with nationality of Somalia, born on 1st January 1992 in Somalia, son of Salah Abdullahi & Medina Mumin, resident at Hal Far Open Centre and holder of Police number 12H-124, were arraigned before her and accused:

ALL SIX:

With having on the 5th April 2013 at MIA at 09.00hrs, as persons who embarked or disembarked from Malta, made use or caused to be made a false return, false statement or false representation and/or furnished the Principal Immigration Officer with false information.

AHMED MUSU HASAN, SUDI HADRA & ABDALLA SADDAK:

With having with the same circumstances while in Malta, forged altered or tempered with a passport/s or used or had in their possession passports which they all knew to be forged, altered or tempered with.

AHMED MUSU HASAN, SUDI HADRA & ABDALLA SADDAK:

With having with the same circumstances while in Malta, knowingly forged or made use of such documents being the above mentioned passports.

ALI HASSAN ABUGADE, FERHAN MOHAMED YUSUF & ABDILKADIR SALAH ABDULLAHI:

With the same circumstances while in Malta, made use or attempted to make use of these Travelling Documents issued to other persons.

The Court was additionally requested to apply Section 533 of Chapter 9 in regards the expenses of court appointed experts during such case.

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular six conviction sheets, six immigration branch documents and the consent of the Attorney General for this case to be dealt with summarily.

Having heard the accused declare that they understand the English Language well and that they understood the charges brought forward against them by the prosecution.

Having heard the accused declare that they are indigent, nominated the legal aid lawyer on duty to assist all six accused.

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

The Court explained to the accused, in the presence of their Legal Aid lawyer Dr Yana Micallef Stafrace, 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 took note of the full co-operation of the accused with the Prosecution from the early stages of the investigation before deciding on which punishment is to be awarded

Hence the Court, having seen the relevant sections at law, in particular Section 189 of Chapter 9, Sections 4 and 5 of Chapter 61, and Section 32(1c) of Chapter 217 of the Laws of Malta, decides to find the accused ALI HASSAN ABUGADE, FARHAN MOHAMED YUSUF, AHMED MUSU HASAN, SUDI HADRA, ABDALLA SADDAK and ABDIKADIR SALAH ABDULLAHI guilty of the charges brought forward against them by the prosecution and condemns them to one (1) year imprisonment suspended for three (3) years, in terms of Section 28A of Chapter 9 of the Laws of Malta.

The Court explained the judgement to the accused and what happens should they commit another crime of a voluntary nature during the operative period of the judgement.

The Court however abstains from taking cognisance of the Prosecution's request to condemn the accused to pay expenses as contemplated in Section 533 of Chapter 9 of the Laws of Malta since it does not appear to the Court that such expenses were incurred.

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< Final Judgement >

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